



## Forced Marriage and Learning Disabilities: Multi-Agency Practice Guidelines



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**FORCED MARRIAGE AND LEARNING DISABILITIES:  
MULTI-AGENCY PRACTICE GUIDELINES**

## **ACKNOWLEDGEMENTS**

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# Chapter 1

## PURPOSE OF THE GUIDELINES

### 1.1 AIMS

The UK Government and the Welsh Assembly regard forced marriage as an abuse of human rights, a form of domestic violence, and a form of violence against women. Where it affects people with disabilities it is an abuse of vulnerable adults, and where it affects children and young people it is child abuse. Forced marriage of any person, regardless of gender, age, disability, ethnic origin or sexual orientation, is unacceptable.

These practice guidelines have been developed to assist professionals encountering cases of forced marriage of people with learning disabilities. It draws on research undertaken by the Ann Craft Trust in partnership with the Judith Trust and statistics collected from reports to the Forced Marriage Unit. The research was funded by the Forced Marriage Unit in recognition of the particular needs of people with learning disabilities who may be, or have been, forced into marriage (see appendix 1 for key findings of the research). The guidelines start from the premise that all people with a learning disability who have capacity to consent, and who are of a legal age, can marry should they decide that they wish to do so; indeed they should be supported in this if it is their wish.

This document has been developed to accompany *Multi-agency Practice Guidelines: Handling Cases of Forced Marriage (MAPG; 2009)* and should be read in conjunction with that document. There are many references in this document to sections of MAPG (2009) and practitioners are strongly encouraged to consult them. Separate guidelines for individual agencies will not be provided here. This document seeks to supplement existing multi-agency guidelines rather than replace or reproduce them.

Safeguarding children with disabilities and vulnerable adults from forced marriage should form part of

existing child and adult protection structures, policies and procedures, including those that relate specifically to children and adults with a learning disability.

*MAPG (2009)* focuses mainly on women's needs: 86% of cases referred to the Forced Marriage Unit involve women; the consequences for women are different from those for men. However, findings from research suggest that forced marriage involving people with learning disabilities may be occurring at a similar rate for men and women, although the abusive consequences are likely to disproportionately affect women. These guidelines therefore address both males and females with learning disabilities forced into marriage.

The topics covered in this document include:

- Issues surrounding capacity to consent and use of the Mental Capacity Act 2005.
- Reasons why people with a learning disability are forced into marriage.
- Consequences for the person with a learning disability and (actual or potential) spouse.
- Good practice in handling cases.
- Ongoing support required if the person cannot live with their family.

### 1.2 AUDIENCE

These practice guidelines should be used by all frontline practitioners and volunteers within agencies that work with children and adults with learning disabilities.

The information and advice in these guidelines are relevant to statutory agencies as well as non-governmental organisations and voluntary organisations working directly with people with learning disabilities already in, or threatened by, forced marriage. It may also be of use to families, carers and others supporting people with learning disabilities.



### 1.3 STATUS OF THIS DOCUMENT

These multi-agency practice guidelines, issued by the Forced Marriage Unit, are intended to provide advice and support to frontline practitioners working with children and adults with learning disabilities.

All cases of forced marriage should be tackled using existing structures, policies and procedures designed to safeguard children and vulnerable adults. However, existing structures may not always meet the needs of children and adults with learning disabilities; it may be that existing policies and procedures require adaptation to ensure the safeguarding needs to tackle this issue are met. Strategic bodies should ensure that their member agencies work effectively to be sure that existing policies and procedures include ways of meeting the specific needs of children and adults with learning disabilities. This includes local authorities, local councils, community safety partnerships, local strategic partnerships, local safeguarding children boards, children's trusts, multi-agency risk assessment conferences, learning disability partnership boards, local criminal justice boards, local family justice councils and multi-agency adult safeguarding boards.

### 1.4 DEFINITIONS

"It is very important to explore the ways in which disability is defined, as well as who defines it, for attitudes and behaviour towards disabled people, professional practice and running of institutions...are based, at least in part, on those definitions."<sup>1</sup>

These definitions play a powerful role in the way people with disabilities are perceived in wider society and consequently on the way services are provided.

#### Learning disability

The term "learning disability" is used throughout this document, and is defined as:

**Impaired intelligence** A significantly reduced ability to understand complex information or learn new skills and,

**Impaired social functioning** A reduced ability to cope independently and,

**Long lasting** A condition which started before adulthood (18 years of age) and has a lasting effect

Source: Department of Health (2001) *Valuing People*, White Paper

A learning disability is a permanent impairment, not to be confused with mental illness, which can vary or be temporary, although people with learning disabilities can also experience mental illness.<sup>2</sup>

#### Disablism

This concept involves an undermining of the citizenship rights of people with disabilities. It involves a lack of consideration of how society marginalises and disempowers disabled people.

Many people with learning disabilities experience disablism every day, in their personal lives and in the way services are provided. Examples of this include:

- The view that the difficulties disabled people face are a direct consequence of their impairment and that disability is a personal tragedy that welfare services, medical intervention and rehabilitation help the person overcome.
- Children being particularly vulnerable to being socialised into accepting disability as a personal tragedy by their parents, whose views are shaped by professionals and wider society.

<sup>1</sup> French, S. (1994), *On Equal Terms: working with disabled people*.

<sup>2</sup> Care Services Improvement Partnership (2007) *Positive Practice, Positive Outcomes: a handbook for professionals in the criminal justice system working with offenders with learning disabilities*.

## Chapter 2

# UNDERSTANDING THE ISSUES AROUND FORCED MARRIAGE OF PEOPLE WITH LEARNING DISABILITIES

### 2.1 THE DIFFERENCE BETWEEN FORCED AND ARRANGED MARRIAGE

There is a clear distinction between a forced marriage and an arranged marriage. In arranged marriages, the family of both spouses takes a leading role in arranging the marriage but the decision to accept the arrangement or not remains with the prospective spouses. In forced marriage, one or both spouses do not, or through lack of capacity cannot, consent to the marriage. The definition of forced marriage stipulates that duress, including physical, psychological, sexual, financial and emotional pressure, is a factor (the issue of duress relating to people with learning disabilities forced into marriage is addressed in section 2.11 of this document).

The giving of consent by both parties is essential to all marriages but only the individuals will know if they gave their consent freely. In some marriages involving a person with learning disabilities, the spouse without a disability may not know they are marrying a person with a learning disability. It can therefore be questionable whether they have given informed consent themselves.

“It struck us also that the potential groom had no idea of what he’d signed up to as well because the engagement had actually taken place over the phone, so this promise to marry had already taken place. The groom remained in Somalia and had no idea of the particular challenges his potential wife had” (Police Officer).

### 2.2 SPECIFIC ISSUES FACING PEOPLE WITH LEARNING DISABILITIES

Research and evidence from practice tells us that children and adults with learning disabilities are subjected to more abuse and less likely to be protected by safeguarding systems than their peers who do not have learning disabilities.<sup>3</sup> It might also be wrongly assumed that the impact of abuse is somehow physically or emotionally less painful because the victim has a learning disability.

European and international human rights law and the Human Rights Act 1998 apply equally to people with and without disabilities. All too often people with learning disabilities are seen, or treated, by others in ways that contravene their rights, for example in not being given choices or having their views listened to. The impact of this can be that people with learning disabilities do not have the opportunity to develop fulfilling relationships, do not participate fully in decisions affecting their lives and have their participation in many activities limited.

Children and adults with learning disabilities are subjected to more abuse than their peers who don’t have a disability for a range of reasons including:

- Increased likelihood of social isolation.
- Dependency on parents or family members and carers for practical assistance in daily living including intimate and personal care.
- Impaired capacity to resist or avoid abuse or understand that a situation is abusive.
- Speech, language and communication needs.
- Lack of access to a trusted person if wanting to disclose.
- For children and adults living in residential care, an

<sup>3</sup> Sullivan, P. and Knutson, J. (2000) “Maltreatment and disabilities: a population-based epidemiological study”, *Child Abuse & Neglect*, 24 (10), 1257–73.

additional dependency on staff for daily care and possibly no access to an independent person who can advocate on their behalf.

- Being more easily coerced or eager to please.
- Human rights not being recognised or respected.

Children and adults with learning disabilities are less likely to be safeguarded from harm than people without learning disabilities. Considering the age range of victims, the transition period between child and adult services for young people with learning disabilities is a time of particular vulnerability. Professionals are sometimes unable to recognise that abuse is taking place for a range of reasons including:

- Over identifying with parent or carer – this can lead to reluctance to accept abuse is taking place or it being seen as being attributable to the stress of caring for a person with disabilities.
- Lack of knowledge about the impact of the learning disability on the child or adult.
- Lack of knowledge of the child's or adult's usual behaviour.
- Confusing behaviours that might indicate a person is being abused with those associated with disability (e.g. behaviour that challenges).
- Accepting what are perceived to be "cultural norms".
- Lack of clear guidance in safeguarding policies and procedures.
- Not recognising forced marriage for what it is.
- Physical injuries, e.g. bruising,<sup>4</sup> explained by the person's disability rather than by abuse.
- Reliance on parents to speak for their child or explain behaviour or symptoms.
- Difficulty for professionals in remaining confident in their own expertise when challenged by a parent or carer.

<sup>4</sup> Adapted from Department for Children, Schools and Families (2009) *Safeguarding Disabled Children Practice Guidance*.

- The belief that a child or adult with a learning disability cannot communicate their wishes and feelings, or it is thought too difficult to obtain their views.<sup>5</sup>

#### ALI

Ali is a young man with a range of complex medical and social needs; he requires 24 hour support to meet his needs. Ali is 19 and due to leave the special school he has been attending very soon. His parents tell his social worker that they do not want him to go to the local day centre as they are worried he will be left on his own. They tell her that Ali has been promised to a young woman from their country of origin and that they are all going over for a wedding ceremony after which she would return to live with them and help care for him. The social worker told them they must not do this but did not explore their motivations or alternative options. Ali's parents became angry with the social worker saying she knew nothing about their culture and could not tell them what to do. The social worker felt anxious as she did not want to offend the family, and so she left. She discussed the situation with her manager at her next supervision session two weeks later. It was decided she and her manager would return to the family home together; however, on doing so they were informed by neighbours that Ali and his parents had "gone away".

A person's capacity to consent can change. For example, with the right support and knowledge, a person with a learning disability may move from a position of lacking capacity to consent to marriage, to having capacity. However, some children and adults

<sup>5</sup> Adapted from Edwards, H and Richardson, K (2003). *"It doesn't happen to disabled children": child protection and disabled children*, Chapter 2.

with learning disabilities are given no choice and/or do not have the capacity to give informed consent to marriage and all it entails. This may include engaging in a sexual relationship, having children and deciding where to live.

In order to understand the unique features of forced marriage of children and adults with learning disabilities it is necessary to be aware of the role that concepts of disability play in their everyday lives.

**Some basic facts:**

- It is estimated that 1.2 million people in England have a mild or moderate learning disability.
- Learning disability is often qualified by the terms mild, moderate, severe, profound.
- 4 in 1,000 people are severely affected, of whom 1 in 4 are children under 16.
- 54% of people with learning disabilities are male and 46% are female.
- For up to a third of those affected, no specific cause can be identified.
- Genetic causes are thought to be responsible for 60% of learning disabilities.
- Environmental causes (infection, substance abuse, diet, premature birth, birth damage, infection etc.) are thought to be responsible for 40% of learning disabilities.
- Assessment of learning disabilities no longer relies solely on IQ testing.

“In some cases people with learning disabilities may appear to be more able than they are. They may communicate in such a way that masks their disability. Their learning disability may therefore not be taken into consideration and the correct services might not be put into place.”<sup>6</sup>

<sup>6</sup> Care Services Improvement Partnership (2007) *Positive Practice, Positive Outcomes: a handbook for professionals in the criminal justice system working with offenders with learning disabilities.*

The box below may be useful in helping practitioners distinguish whether or not a person might have a learning disability (this is merely a tool to help practitioners’ thinking, it is not a means of diagnosis).<sup>7</sup>

Possible indicators of learning disability in an individual		
ACTIVITIES	REMEMBER	LIFE EXPERIENCE
<p><b>Can they:</b></p> <ul style="list-style-type: none"> <li>• Read</li> <li>• Write</li> <li>• Manage money</li> <li>• Look after their personal care</li> <li>• Tell the time</li> <li>• Cook</li> <li>• Communicate with other people without difficulty?</li> </ul>	<p><b>Can they remember:</b></p> <ul style="list-style-type: none"> <li>• Significant things about themselves (e.g. birthday)</li> <li>• Significant things about their environment (e.g. where they live)</li> <li>• When to do things (get up, what time dinner is)</li> <li>• What you have said?</li> </ul>	<p><b>Have/do they:</b></p> <ul style="list-style-type: none"> <li>• Attended a special school</li> <li>• Attended a day centre</li> <li>• Live(d) in a hospital or a learning disability service</li> <li>• Have people who support them (e.g. care manager, advocate etc.)</li> <li>• Manage in social situations</li> </ul>

**2.3 CAPACITY TO CONSENT AND THE MENTAL CAPACITY ACT 2005**

The Mental Capacity Act 2005 applies to all people aged 16 and over. It aims both to empower people to make decisions for themselves whenever possible and to protect those who lack capacity to do this. The Act starts from the basis that, unless proved otherwise, all adults have the capacity to make decisions. Individuals may lack capacity if they are unable to:

- Understand information given to them.
- Retain that information for long enough to be able to make the decision.
- Weigh up the information available to make the decision.
- Communicate their decision to others.

<sup>7</sup> Royal College of Nursing (2007) *Mental Health Nursing of Adults with Learning Disabilities.*

Where someone is found to lack capacity to make a particular decision, others may be permitted to make decisions on behalf of that person, so long as any such decision is made in the best interests of the person who lacks capacity. For example, family and professionals might decide that it is in a person's best interest to live in a certain place, even though the person themselves lacks the capacity to consent to such a decision. However, there are certain decisions which cannot be made on behalf of another person and this includes the decision to marry. There is therefore no legal basis on which someone can agree to marriage, civil partnerships or sexual relations on behalf of someone who lacks the capacity to make these decisions independently. However, families sometimes do believe they have the "right" to make decisions regarding marriage on behalf of their relative.

The test of capacity to consent to marriage is complex and further information is provided in section 3.4 of this document.

### **Capacity to consent to marriage**

If a person does not consent or lacks capacity to consent to a marriage, that marriage must be viewed as a forced marriage whatever the reason for the marriage taking place. Capacity to consent can be assessed and tested but is time and decision-specific.

### **The Mental Capacity Act 2005**

The Mental Capacity Act 2005 aims to empower people to make decisions about their own lives where possible and protects those who lack capacity. It provides a statutory framework both for people who lack capacity to make decisions for themselves and for those who have capacity and want to make preparations for a time when they may lack capacity in the future. It sets out who can take decisions, in which situations

and how they should go about this. (You are advised to refer to the Mental Capacity Act Code of Practice<sup>8</sup> for more detailed guidance; this section provides an outline only.)

#### **The five statutory principles which underpin the legislation are:**

- 1 A person must be assumed to have capacity unless it is established that they lack capacity.
- 2 A person is not to be treated as unable to make a decision unless all practicable steps to help them to do so have been taken without success.
- 3 A person is not to be treated as unable to make a decision merely because they make an unwise decision.
- 4 An act carried out or decision made under this Act for or on behalf of a person who lacks capacity must be done, or made, in their best interests.
- 5 Before the act is carried out, or the decision is made, regard must be paid to whether the purpose for which it is needed can be as effectively achieved in a way that is less restrictive of the person's rights and freedom of action.

"In English law, the Court and/or any individual (including a parent) is unable to give consent to a marriage on behalf of an adult who lacks the capacity to give his/her own consent" (barrister, family law).

#### **What does "lacks capacity" mean?**

The Mental Capacity Act Code of Practice uses the term "a person who lacks capacity" to mean a person

<sup>8</sup> Department for Constitutional Affairs (2007) Mental Capacity Act 2005, Code of Practice, TSO.

who lacks capacity to make a particular decision or take a particular action for themselves at the time the decision or action needs to be taken. This reflects the fact that a person who lacks capacity to make a decision for themselves at a certain time may be able to make that decision at a later date. This may be because their capacity fluctuates or changes as a result of their illness or condition. It also reflects the fact that, while some people may always lack capacity to make some types of decisions, for example because they have a condition or severe learning disability that has affected them from birth, others may learn new skills that enable them to gain capacity and make decisions for themselves.

### **Best interest decisions**

One of the key principles of the Act is that any act carried out for, or any decision made on behalf of, a person who lacks capacity must be carried out, or made, in that person's best interests. Where a person is assessed as not having capacity to make a decision the Act allows for another person (e.g. family member, a professional, a court-appointed deputy etc.) to make a decision in their best interests.

The Act sets out some common principles that must always be considered when trying to work out someone's best interests. These include:

- Working out what is in someone's best interest cannot be based simply on someone's age, appearance, condition or behaviour.
- All relevant circumstances should be considered when working out someone's best interest.
- Every effort should be made to encourage and enable the person who lacks capacity to take part in making the decision.
- The person's past and present wishes and feelings, beliefs and values should be taken into account.

- The views of other people who are close to the person who lacks capacity should be considered, as well as those of an attorney or deputy appointed by the Court of Protection (note that this is very unlikely to be an appropriate course of action in cases of forced marriage, which will often involve significant family or community pressure).

## **2.4 FREQUENCY OF FORCED MARRIAGE**

There is no "typical" picture of a person forced into marriage. The majority of cases of forced marriage reported to date in the UK involve South Asian families; this is partly a reflection of the fact that there is a large, established, South Asian population in the UK. However, it is clear that forced marriage is not solely a South Asian issue and there have been cases involving East Asian, Middle Eastern, European, Gypsy and Traveller and African communities. Some forced marriages take place in the UK with no overseas element, while others involve a partner coming from overseas or a British national being sent abroad. In 2009 nearly 1,700 incidents of suspected forced marriage were reported to the Forced Marriage Unit.

Research also indicates that the forced marriage of children and adults with learning disabilities is likely to be vastly underreported and can differ from the way in which forced marriage presents generally. It is therefore difficult to obtain any figures for the number of people with learning disabilities who are forced to marry.

## **2.5 MOTIVES PROMPTING FORCED MARRIAGE**

While it is important to have an understanding of the motives that drive parents to force their children with learning disabilities to marry, these motives should never be accepted as justification for their actions. Many families are not aware that organising marriages for their relative with learning disabilities could

potentially be forcing them into marriage. Parents who force their children to marry often justify their action as protecting their children, building stronger family ties and preserving traditions. They often do not see anything wrong in their actions and indeed when this involves a person with a learning disability they often believe it is the right, or only, option and therefore may be open about their intentions. For further information on general motives and aggravating factors, please see sections 2.3 and 2.4 of *MAPG* (2009).

In addition to the motives for forcing people to marry generally, there are other factors which may make someone with a learning disability more vulnerable. For example a lack of suitable day centres and day time activities may isolate a potential victim.

Some key motives for forcing people with learning disabilities to marry include:

- Obtaining a carer for the person with a learning disability.
- Obtaining physical assistance for ageing parents.
- Obtaining financial security for the person with a learning disability.
- Believing the marriage will somehow “cure” the disability.
- A belief that marriage is a “rite of passage” for all young people.
- Mistrust of the “system”, mistrust of external (e.g. social care/health) carers.
- A fear that younger siblings may be seen as undesirable if older sons or daughters are not already married.
- The marriage being seen as the only option or the right option (or both) – no alternative.

Anecdotal evidence also suggests that young women with learning disabilities can be forced to marry young

men who have in some way “disgraced” family honour and are now regarded as “unsuitable” to enter any other marriage. Forced marriage with a woman with a learning disability may be seen by the family as their only option, highlighting the low worth placed by some on people who have a learning disability.

#### **No excuses**

There is no justification for forcing someone to marry or not taking safeguarding action to prevent a forced marriage. Professionals may be concerned about seeming culturally insensitive. Such concerns are never an excuse for failing to provide the assistance that victims of forced marriage require.

## **2.6 THE VICTIM**

Isolation is one of the biggest problems facing all those trapped in, or under threat of, a forced marriage. The person may not feel there is anyone they can trust and have no one to speak to about their situation – some may not be able to speak English or may have additional communication needs. These feelings of isolation are very similar to those experienced by survivors of other forms of domestic and child abuse. People with learning disabilities are even more likely than people without disabilities to be isolated and dependent on family members to meet their everyday care needs. They may not have a trusted person to speak to and may not have the words or other means of communication to describe what is happening. Only rarely will someone disclose fear of forced marriage.

## **2.7 CONSEQUENCES OF FORCED MARRIAGE**

For people with learning disabilities the consequences of forced marriage can be the same as those for people without a learning disability, for example, repeated rape, domestic violence from their partner or extended family members, or being forced to undertake all household chores for the family. Although forced

marriage occurs across genders at a similar rate for people with learning disabilities, the consequences of forced marriage can be different for men and women. The consequences mentioned above are likely to disproportionately affect women. For further details see section 2.6 of *MAPG* (2009).

For people with learning disabilities, and the spouses they are forced to marry, there can be additional consequences, for example:

- Abandonment – the spouse without a disability may not want to provide their care and support, and could reject the person with learning disabilities.
- The spouse without a disability may not realise they are committing a criminal offence by having a sexual relationship with a person who does not have the capacity to consent to sex.  
This is not an excuse.
- The spouse without a disability may be subject to violence from their in-law's family should they seek to leave the marriage.
- The spouse with a learning disability will face more difficulties should they wish to leave the marriage.
- The spouse without a disability may seek exploitative access to the finances of the person with learning disabilities.

#### **DAVID**

David is a 35 year-old man with a learning disability. The marriage came to the attention of social care services after it had taken place. David lives with his elderly mother, who told his social worker that she wanted him to marry a woman who was coming to visit them from abroad. David said that he did not want to get married but his elderly mother told him no one else would look after him when she died. He was extremely anxious about being married as he worried about what being a husband entailed. Social workers did not want to be seen to interfere, so David's wife came to the UK to marry him but did not know he had a learning disability; she left him after two weeks of marriage. This has had a profound impact on David's self esteem as he feels it was his fault that the marriage was a failure. He has since become very withdrawn and will no longer attend the day care centre where he had a lot of friends. Social services are not aware of long-term plans for his care because David does not want to engage with them.

For all victims of forced marriage, leaving their marriage, family and community may be their only option, other than staying in the marriage, but many will require support to do this. People with learning disabilities may require greater levels of support for longer periods of time. Leaving the family and community is always a difficult decision to take for anyone forced into marriage; for many people with learning disabilities it can be even more so, as they may have no experience of life outside the family and no financial, physical, social or emotional support. For those requiring high levels of support, leaving home becomes almost impossible. In addition, leaving their family (or reporting them to the police or simply



approaching statutory agencies for help if they are able to) may be seen as bringing shame on their honour and on the honour of their family in the eyes of the community. This may lead to social ostracism, harassment and other forms of honour-based violence from the family and community. This is simply not a price many people are prepared to pay.

Research indicates that men with learning disabilities are at significantly higher risk of forced marriage than men who don't have learning disabilities. This will have implications for the practice of frontline professionals and service provision; men with learning disabilities may be more vulnerable as their risk of being involved in a forced marriage is less likely to be recognised.

Those who do leave a forced marriage often live in fear of their own families who will go to considerable lengths to find them and ensure their return. Issues relating to confidentiality are clearly outlined in section 3.7 of *MAPG* (2009). Agencies need to consider how records, especially for high-risk cases, are stored, particularly where they may be easily accessible by a wide audience.

## 2.8 POTENTIAL WARNING SIGNS OR INDICATORS

Potential warning signs of people with learning disabilities include:

- Person talking about marriage, jewellery or wedding clothes.
- Family member raising concerns that a relative may be, or has been forced into marriage, or informing a professional that their relative is to be married.
- Family member asking frontline professional to sign a passport application form or visa immigration form.
- Being taken away from the school or day centre, or out of the country, without explanation.

- Change in emotional or behavioural presentation, e.g. becoming anxious, depressed, frightened and emotionally withdrawn or exhibiting joy or excitement.
- For more information on general warning signs, please see section 2.7 of *MAPG* (2009) and the chart at 2.9 of *MAPG* (2009).

## 2.9 THE "ONE CHANCE" RULE

All practitioners working with people who may be forced into marriage need to be aware of the "one chance" rule. That is, they may only have one chance to speak to a potential victim and thus they may only have one chance to save a life. This means that all practitioners working within statutory agencies need to be aware of their responsibilities and obligations when they come across forced marriage cases. If the victim is allowed to leave without support being offered, that one chance might be lost.

## 2.10 THE DANGER OF FAMILY COUNSELLING, MEDIATION, ARBITRATION AND RECONCILIATION

The risks and benefits of pursuing family counselling, mediation, arbitration and reconciliation must be considered. Please refer to section 3.10 of *MAPG* for detailed information on the issue.

There may be occasions when it is necessary for victims with learning disabilities to involve the family in discussions about short-term safeguarding and long-term care. This may be because of the level of care the family gives the victim, the fact that the family has freely provided the information, the victim themselves tells their family about agency involvement or because of the motivation behind forcing a marriage (see section 2.5 of this document). **However, action to involve the victim's family in this way should only be taken by professionals with specialised knowledge, in exceptional cases and not routinely,**

as the victim could be put at increased risk of harm, which could result in a serious threat to their life.

#### **GRACE**

Grace is a 15 year-old girl with Asperger's syndrome and a moderate learning disability. She attends a special school, has short breaks at a residential unit and support from a social work assistant from the local authority's Disabled Children's Team. The social work assistant has only visited Grace at home when her parents have been present. He believes they are a loving, caring family who support Grace very well. He receives a phone call from Grace's class teacher late on a Friday afternoon; the teacher tells him Grace has been excited in school today as her parents are taking her away on holiday and she will be having a great party with all her family. Grace has also said she will be getting married like her sisters. The teacher is concerned but has allowed Grace to go home as she did not know what else to do. The social work assistant thinks it would be unlikely that Grace is the one to be married; he knows she often makes up stories about having a boyfriend and believes she must be attending the wedding of a sister. He contacts Grace's mother by telephone to ask what the situation is and is told Grace has been making it up. Satisfied that she is not at any risk, he takes no further action. Grace does not ever arrive back at school; all attempts to find her and her family fail.

If Grace's teacher had referred her case to a trained specialist and had not contacted the family directly to discuss the situation, then she may have prevented the family from taking Grace out of the country.

#### **2.11 DURESS**

Duress, be it physical or emotional, is a common feature of forced marriage cases, including those involving people with learning disabilities.

This is important because sometimes a person with learning disabilities may be led to believe or say that the marriage is what they want, but they may not fully understand the implications of that decision. This could be for a variety of reasons including the person wanting to please their family, to do what their siblings have done, to trust their family and because they lack understanding of the implications. Furthermore, in some cases, there is evidence that the potential or actual spouse may be subject to duress themselves.

There are also examples of people with a learning disability being "coached" by family members in what to say before capacity assessments take place.

#### **IN ALL CASES:**

- ✓ Consider the issue with regard to the partner as well as the person with a learning disability.
- ✓ Ask questions that allow the person to consider their own needs and choices and not just those of their family.
- ✓ Explore with them what they understand about getting married.
- ✓ Discuss with them their reasons for agreeing to the marriage.

#### **DO NOT:**

- ✗ Assume that they understand the implications of what they are doing.
- ✗ Assume consent just because they are agreeing to this course of action, or seem pleased about it.

**Remember:**

Where an individual lacks capacity, then the need to consider the presence of duress does not arise because they are not able to consent to the marriage.

**2.12 LEGAL POSITION**

Although there is no specific criminal offence in England and Wales of “forcing someone to marry”, criminal offences may nevertheless be committed. Compelling, inciting or facilitating a person with impaired capacity to engage in sexual activity without consent is an offence under the Sexual Offences Act 2003. Men and women with learning disabilities who are forced into marriage are likely to be raped or sexually assaulted and women may be subjected to continual rape until they become pregnant. Some people with learning disabilities may not understand they are being raped. Also the spouse without the learning disability may not realise they are committing a criminal offence if their partner cannot give consent to a sexual relationship, although this is not an excuse. Do not assume that because a person does not understand that they are being raped, or is compliant with their spouse, it means they are not being abused. Sex without consent is rape.

If the person lacks the capacity to consent to the marriage (see section 3.4 of this document), one course of action is for the local authority to make an application to the Court of Protection for declarations and orders (the Court of Protection can operate alongside the Forced Marriage (Civil Protection) Act 2007). The Mental Capacity Act 2005 provides for a new Court of Protection to make decisions about the property, affairs, healthcare and personal welfare of adults who lack capacity. The court also has the power to make declarations about whether someone has the capacity to make a particular decision. The court can also grant injunction(s) to restrain family members

from arranging a marriage for a person or prevent that person being taken overseas for the purpose of a marriage. A person who lacks litigation capacity, including those with a learning disability, can act with the assistance of a ‘litigation friend’ or ‘next friend’.

For further information on the legal remedies to support victims of forced marriage generally, including information on Forced Marriage Protection Orders, please refer to section 3.15 of *MAPG* (2009).

# Chapter 3

## GOOD PRACTICE GUIDELINES

### 3.1 INFORMATION REQUIRED AND ACTION TO BE TAKEN IN ALL CASES

Reports of possible forced marriage may come from a concerned friend, relative, partner, agency, teacher or carer, or they may come from the victim themselves. Cases of forced marriage can involve complex and sensitive issues that should be handled by a child protection or adult protection specialist with expertise in forced marriage. Ideally, the information should be gathered by a police or social care trained specialist. However, there may be some occasions, for example when a person is going overseas imminently, where other professionals may need to gather as much information as possible from the victim and/or their representative. In these cases, the information should be passed on to police, social care services and the Forced Marriage Unit as soon as possible. All practitioners working with victims of forced marriage and honour-based violence need to be aware of the “one chance” rule (see section 2.9 of this document).

The statutory guidelines on forced marriage<sup>9</sup> state that agencies should have a lead person with overall responsibility for safeguarding children, protecting vulnerable adults or victims of domestic abuse, and the same person should lead on forced marriage. Although frontline staff should contact this specialist as soon as possible, there may be occasions when they will need to gather some information from the person or their supporter to establish the facts and assist the referral. Where the forced marriage involves a person with a learning disability that person may need additional support and guidance to remain safe. In taking the necessary action set out here you should consider whether the person with a learning disability needs someone present to assist them in representing their views.

<sup>9</sup> HM Government (2010) *The Right to Choose: multi-agency statutory guidance for dealing with forced marriage*, [www.fco.gov.uk/resources/en/pdf/3849543/forced-marriage-right-to-choose](http://www.fco.gov.uk/resources/en/pdf/3849543/forced-marriage-right-to-choose).

### ACTION TO BE TAKEN IN ALL CASES

#### IN ALL CASES:

- ✓ Reassure the victim about confidentiality: practitioners will not inform their family; see section 3.7 of *MAPG* (2009).
- ✓ Consider whether a communication specialist is needed, for example if a person is deaf, visually impaired or has a communication impairment.
- ✓ See the person on their own, or with their representative if required, immediately in a secure and private place where the conversation cannot be overheard; see section 3.4 of *MAPG* (2009).
- ✓ Explain and discuss all the options to the person (and their representative if required); see section 3.5 of *MAPG* (2009).
- ✓ Recognise and respect the individual’s wishes.
- ✓ If the person’s capacity to consent is in doubt, have their capacity to consent to marriage assessed; see section 3.4 of this document.
- ✓ Assess the level of immediate risk.
- ✓ Contact a trained specialist who has responsibility for forced marriage of people with learning disabilities as soon as possible.
- ✓ Seek advice from the local authority legal department if necessary.
- ✓ If the young person is under 18 years of age, refer them to the designated person with responsibility for safeguarding children with disabilities and activate local safeguarding procedures.
- ✓ If the person is 18 years old or over refer them to the person with responsibility for safeguarding vulnerable adults.
- ✓ Consider the need for immediate protection and placement away from the family.
- ✓ Consider discussing the case with the Forced Marriage Unit.
- ✓ Check police and social care records for past referrals of family members including siblings, for

example forced marriage of siblings, domestic abuse or missing persons within the family. (For other warning signs see section 2.8 of this document.)

#### **ADDITIONAL STEPS:**

- ✓ Where possible, the victim should have some choice of the ethnicity and gender of the specialist who deals with their case. They also have the right to seek legal advice and representation.
- ✓ If necessary, record any injuries and arrange a medical examination; see section 3.8 of MAPG (2009).
- ✓ Give the victim and their representative personal safety advice; see section 3.11 of MAPG (2009).
- ✓ Advise them not to travel overseas and discuss the difficulties they may face, including issues around dual nationality; see sections 2.10 and 2.11 of MAPG (2009).
- ✓ Identify any potential criminal offences and refer to the police if appropriate; see section 2.12 of MAPG (2009).
- ✓ Give the victim advice on what service or support they should expect and from whom.

#### **DO NOT:**

- ✗ Send them away.
- ✗ Approach members of their family or the community.
- ✗ Breach confidentiality (except as set out in section 3.7 of MAPG (2009)).
- ✗ Attempt to be a mediator; see section 3.10 of MAPG (2009).
- ✗ Make assumptions about mental capacity.
- ✗ Use relatives, friends, community leaders and neighbours as interpreters or translators; see section 3.3 of MAPG (2009).
- ✗ Make assumptions about communication requirements.

#### **INFORMATION REQUIRED FOR ALL CASES:**

The case may be reported by a third party or the person under threat. Whoever reports the case, you should:

- ✓ Obtain full details to pass on to the trained specialist, including:
  - Information about the person making the report, their contact details, and their relationship with the individual under threat
  - Details of the person under threat including:
    - date of report
    - name, nationality and age
    - date and place of birth
    - passport details
    - school details
    - full details of the allegation
    - GP details
    - social care history
    - name and address of parents or those with parental responsibility
    - National Insurance number.
- ✓ If travelling abroad, obtain address and contact details of where the person is going.
- ✓ Establish a code word to ensure you are speaking to the right person.
- ✓ Establish a way of contacting them discreetly in the future that will not put them at risk of harm.
- ✓ Obtain any other background information, including schools attended and so on.
- ✓ Obtain a list from the person and/or the person making the report of all (if any) those friends and family who can be trusted and their contact details.
- ✓ Record details about any threats, abuse or other hostile action against the person, whether reported by the victim or a third party.
- ✓ Obtain a recent photograph and any other identifying documents. Document any other distinguishing features such as birthmarks and

tattoos.

- ✓ Ensure that they have the contact details for the trained specialist in safeguarding and forced marriage.
- ✓ Establish the nature and level of risk to the safety of the person (e.g. is she pregnant?).
- ✓ Establish if there are any other family members at risk of forced marriage or if there is a family history of forced marriage and abuse.
- ✓ Maintain a full record of the decisions made and the reason for those decisions.
- ✓ Store all information in accordance with safeguarding children and adult protection policies and procedures.
- ✓ Keep information from case files and database files strictly confidential, with access restricted to named members of staff to prevent information being misused.

**Remember:**

When referring a case of forced marriage of people with learning disabilities to other agencies, ensure they are capable of handling the case appropriately, including, for example, having the expertise to work with people with learning disabilities and the ability to assess capacity and communication needs. If in doubt, ask the Forced Marriage Unit for advice.

### 3.2 GOOD PRACTICE IN RECORDING

All practitioners should follow the recording policy of their own agencies or organisations and those of local Safeguarding Children Boards and Adult Safeguarding Boards. Information should always be recorded in such a way as not to place either practitioners or victims and their supporters at any further risk of harm. It may be necessary to ensure that there are processes in place to restrict access and prevent perpetrators gaining information, and to include this in training. Particular attention should be paid to the ways in

which electronic records are kept. Research on the abuse of children with disabilities<sup>10</sup> has found that basic information relating to the child was often missing from files thus making it difficult for local authorities to protect them adequately from harm. It may be helpful for agencies to routinely record information such as impairment, impact of impairment, communication requirements, marital status of services users and whether they have children (living with them or not). Clearer and more consistent recording of this information makes it easier for agencies to plan for services and adequately meet the needs of service users holistically.

### 3.3 WHAT TO DO IF THE PERSON INFORMING IS ALSO THE PERSON ORGANISING THE FORCED MARRIAGE

In cases involving people with a learning disability the forced marriage may come to light when a parent or family member informs a professional that they are organising a marriage for their child or relative. This may particularly be the case where families do not consider what they are doing to be wrong or that the marriage of the person without capacity to consent to marriage will be a forced marriage. These situations may be extremely complex and discussions with any family member will require careful consideration so as not to put the potential victim at increased risk of harm; see section 3.3 of *MAPG* (2009).

**IN ALL CASES:**

- ✓ Contact the police if the victim is at risk of harm.
- ✓ Discuss the case with a child or adult protection specialist with expertise in forced marriage.
- ✓ Establish whether the person with the learning disability has capacity to consent to marriage, wants to be married and is of a legal age to marry.

<sup>10</sup> P. Cooke and P. J. Standen (2002) *Abuse and Disabled Children: hidden needs*.

- ✓ If the victim does not have capacity, does not want to be married or is not of a legal age explain to the family why the marriage should not happen and why, **if this will not put the victim at greater risk**; see sections 3.3 and 3.10 of *MAPG* (2009).
- ✓ Explore the alternative range of options; see section 3.5 of *MAPG* (2009).
- ✓ Explain to the family any legal implications of continuing to organise a marriage, **if this will not put the victim at greater risk**; see sections 3.3 and 3.10 of *MAPG* (2009).
- ✓ Explain to the family any safeguarding concerns, **if this will not put the victim at greater risk**; see sections 3.3 and 3.10 of *MAPG* (2009).
- ✓ If necessary implement child or adult safeguarding procedures.

**DO NOT:**

- ✗ Ignore the issue.
- ✗ Assume the family will stop organising a marriage because of discussions with them.
- ✗ Fail to obtain the victim's views.
- ✗ Lose contact with the family or victim.

**3.4 USE OF MENTAL CAPACITY ACT 2005 TO DETERMINE CAPACITY**

The Mental Capacity Act 2005 begins with the presumption of capacity, meaning that everyone over the age of 16 is presumed to have full capacity to make decisions unless it can be established that they lack capacity. Note that, for 16 and 17 year-olds, this is qualified by a requirement for the consent of others in certain situations. Professionals are advised to obtain expert legal advice for more information on a case by case basis. Parental responsibility subsists until a child reaches their majority (age 18). Although a person cannot make a decision about marriage on another's behalf, the principles of the Act can be used to determine whether or not a person with a

learning disability who is to be or has been forced into marriage has the capacity to give informed consent.

**GEETA**

Geeta is a woman in her 30s with a severe learning disability; she lives in the family home with her parents and younger sister. Her father visited their GP and told her that he and the rest of the family were taking Geeta to Bangladesh to be married. Recognising that Geeta may not have the capacity to consent to marriage, the GP informed the community nurse and social worker.

Geeta's father also visited the day centre she attended and asked a member of staff to sign Geeta's passport application form. The member of staff asked Geeta's father if they were planning a holiday; he told her they were going to Bangladesh, and Geeta would be staying there indefinitely. Recognising this as a potential warning sign the day centre manager reported this to the social worker who invoked safeguarding adult procedures, which eventually led to an application to the Court of Protection. Geeta was found to lack capacity to consent to marriage and the court made an order which, among other things, prevented her from travelling overseas. The marriage was prevented.

The motivation to get Geeta married was to provide her with long-term care; the family was open about their intentions as they did not view what they were doing was wrong.

The Mental Capacity Act Code of Practice outlines a test of capacity.

### Assessing ability to make a decision

To assess a person's ability to make a decision ask:

- Does the person have a general understanding of what decision they need to make and why they need to make it?
- Does the person have a general understanding of the likely consequences of making, or not making, this decision?
- Is the person able to understand, retain, use and weigh up the information relevant to this decision?
- Can the person communicate their decision (by talking, using sign language or any other means)?
- Would the services of a professional (such as a speech and language therapist) be helpful?

### Assessing capacity to make more complex or serious decisions

To assess a person's capacity to make more complex or serious decisions ask:

- Is there a need for a more thorough assessment (perhaps by involving a doctor or other professional expert)?

These are possible questions to ask when assessing capacity to consent to marriage (this list is not exhaustive and should be used as a guide only):

- What is a husband/wife?
- What is a marriage?
- What is different about being married or unmarried?
- Can you name your body parts including intimate parts of the body?
- Do you know what different body parts are used for?
- Which are sexual or non-sexual parts?

## 3.5 ONGOING SUPPORT

If a person does not wish to or cannot remain with their family their ongoing support needs must be met. Many people without learning disabilities who flee forced marriage may initially require support but may not require long-term ongoing support, for example, in relation to housing, shopping, managing finances, getting dressed, personal care, accessing social and leisure activities, accessing health care, maintaining relationships and accessing education or work. However, many people with learning disabilities require ongoing support for one, some or all of these areas. A full assessment of needs should be undertaken and identified needs should be met.

### SAM

Sam is a 17 year-old young woman with a learning disability attending a local college of further education. She told her college lecturer that her mum and dad had said they were taking her abroad to be married and she did not want this to happen. The lecturer contacted the police, who in turn involved adult social care, and Sam was taken to a place of safety. The lecturer knew about the "one chance" rule and understood that Sam required safeguarding from harm; he also knew it could be dangerous for Sam if he involved her family.

"It would have been quite possible that had she spoken to someone else they would have phoned to check this out with her parents and we'd never have seen her again. Fortunately she spoke to the right person, someone who took notice and believed her story, because often with people with learning disabilities we don't believe them and we go back to their families for more information" (Sam's social worker).



### **3.6 WHAT TO DO IF THE PERSON IS ALREADY MARRIED, WITH OR WITHOUT CHILDREN**

In some cases, Professionals may come across cases where people with learning disabilities are living in a forced marriage. These marriages sometimes come to light many years after they have taken place and children may have been born into the family. These situations can be highly complex with issues relating to capacity, consent and quality of relationship being central. Each case should be dealt with individually and sensitively, looking at the needs of the person with the learning disability, their spouse and any children in the household. Risk of harm should be considered in relation to all household members including children.

#### **IN ALL CASES:**

- ✓ Conduct a thorough assessment of the situation, involving workers for both children and adults.
- ✓ Obtain the views of the person with a learning disability, their spouse and children.
- ✓ Assess risk, including whether children are at risk of harm.
- ✓ Ensure the spouse without a disability is aware of any legal implications surrounding their actions (e.g. in relation to sexual activity if the person with a learning disability does not have capacity to consent to sexual relations).
- ✓ Consider whether using legal measures to end the marriage is in the best interest of the person with a learning disability.
- ✓ Explore the full range of support and alternative options.
- ✓ If there is, or has been, a spouse visa application, contact the Forced Marriage Unit.

#### **DO NOT:**

- ✗ Make assumptions about capacity or communication issues.
- ✗ Assume that the situation is OK as it has been in place for any given period of time.
- ✗ Assume that there is always risk of harm to the victim or children.
- ✗ Assume that it is or is not in the best interests of the victim to end the marriage.

## Appendix 1

# KEY FINDINGS OF ANN CRAFT TRUST AND JUDITH TRUST RESEARCH

The aims of the research were to gain an understanding of the motivations for the forced marriage of people with learning disabilities, to gather information on cases and to highlight best practice in addressing such cases. A range of professionals including police, social workers, psychologists, teachers, housing workers and lawyers were interviewed or completed an online survey. **Though the results of this study are not fully representative of all cases, they do give an insight into some of the issues that have been raised for people with learning disabilities by the frontline professionals who have been working with them.**

### Key findings of the research:

A total of 298 professionals took part in the research either by responding to an online questionnaire or by being interviewed face to face; 91 cases of forced marriage were reported through the research, with more coming to light as professionals contacted the researchers after the data collection had ended.

- The majority of cases reported in the research were of people between the age of 18 and 25, although the youngest known victim was 14 years old.
- In the case studies identified through this research, proportions of males and females with learning disabilities being forced into marriage were similar.
- The case studies also suggest that males with learning disabilities may be at higher risk of forced marriage than males without learning disabilities. This finding is supported by reports to the Forced Marriage Unit's helpline.
- The vast majority of cases identified through this research were reported by a third party (rather than the victim themselves); again, this finding is supported by reports to the Forced Marriage Unit's helpline.

- Most victims in the research case studies were living with immediate or extended family and family members were most likely to be instigators of the marriage.
- The Mental Capacity Act is being used in some cases to assess capacity.
- The majority of marriages in the cases identified by this research take place outside the UK, often in Pakistan, Bangladesh and India; however, about one fifth take place in the UK. Many motives for this abuse lead people to force others into marriage overseas. For information on difficulties when a forced marriage takes place overseas, please refer to section 2.10 of *MAPG* (2009).
- Additional forms of domestic abuse are a feature in some cases.
- Many victims are in receipt of social or health care services; however, a minority had no access to a person outside the home who might recognise warning signs and alert agencies.
- Many families would not view the marriage as a forced marriage or see what they are doing as wrong.

### NAVIN

Navin, a young Pakistani man with a learning disability, was to be married to a family friend. Social workers involved his family in the process of assessing capacity of their son and they agreed he did not have capacity to consent to marry. However, the family stated that it was not necessary in their culture for him to have capacity. They reported that what was important was that he should have a wife to care for him.

The research also highlights a number of key factors which may differentiate forced marriages of people with learning disabilities from those without. For example:

---

#### **PERSON WITHOUT A LEARNING DISABILITY**

Duress always a factor.

---

Victim often reports themselves that they may be or have been forced into marriage.

---

More females than males reported to be forced into marriage. Most support services for forced marriage focused on meeting needs of females.

---

Capacity to give or withhold informed consent to marriage.

---

May be able to obtain support themselves if leave family or community (to find work, apply for benefits, housing, medical needs and so on), though they are often supported in accessing accommodation and other support services, particularly in the short term.

---

#### **PERSON WITH A LEARNING DISABILITY**

Duress not necessarily a factor or may manifest itself differently. Person may even appear happy about forthcoming marriage.

---

May report themselves or may need support to report. May be reliant on others to recognise what is happening and report or take action. By far the majority of cases come to the attention of statutory agencies through a third party.

---

In the case studies identified through this research, proportions of males and females with learning disabilities being forced into marriage are similar. Services need to address needs of males and females.

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May lack capacity to give consent to marriage. May not understand they are being forced into marriage. May be more easily coerced into marriage.

---

Often need ongoing support from a range of professionals in order that daily living needs are met (may include personal care, helping to eat, shopping, finances, social and leisure activities, work and so on). May need specific and specialist support if placed in a refuge. Males may find it difficult to obtain place of safety given limited availability of refuges to meet needs of males with or without a learning disability.

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## Appendix 2

# NATIONAL SUPPORT AGENCIES

### **The Ann Craft Trust**

0115 951 5400

[www.anncrafttrust.org](http://www.anncrafttrust.org)

The Ann Craft Trust offers advice to professionals, parents, carers and family members on issues relating to the protection of vulnerable children and adults. You can contact the trust about general issues but staff are also happy to give advice about specific cases. If they are unable to answer your question, they will try to find you the most appropriate person to talk to about your concerns.

### **Beverley Lewis House**

020 7473 2813

[www.east-living.co.uk/blh](http://www.east-living.co.uk/blh)

Beverley Lewis House is a safe house for women with learning and other disabilities who have past experience of, are at risk of, or are fleeing, abuse. Beverley Lewis House national is a 24 hour emergency service, and women can stay there for up to 3 years. Staff provide support and training to deal with the effects of abuse and trauma and increase life skills and opportunities.

### **Respond**

0808 808 0700 (helpline)

E-mail: [admin@respond.org.uk](mailto:admin@respond.org.uk)

[www.respond.org.uk](http://www.respond.org.uk)

[www.forcedtomarry.com](http://www.forcedtomarry.com)

Respond provides a range of services to both victims and perpetrators of sexual abuse who have learning disabilities and those who have been affected by other trauma. Staff also offer support and training to families, carers and professionals. Respond campaigns against disability hate crime and forced marriage, and recently published an easy read booklet with information on where to get help for people with learning disabilities at risk of, or living in, a forced marriage.

### **Voice UK**

0845 122 8695

[www.voiceuk.org.uk](http://www.voiceuk.org.uk)

Voice UK is a national charity supporting people with learning disabilities and other vulnerable people who have experienced crime or abuse. Staff provide support and advice to their families, carers and practitioners.

## Appendix 3

# KEY POLICY, GUIDANCE AND LEGISLATION

### Key policy, guidance and legislation for vulnerable adults includes:

- Crown Prosecution Service (2006) *Achieving Best Evidence in Criminal Proceedings*
- Care Act 1990
- Carer's (Recognition and Services) Act 1995
- Disability Discrimination Act 1995
- Domestic Violence Crime and Victims Act 2004
- Equality Act 2010
- Welsh Assembly Government (2000) *In Safe Hands: implementing adult protection procedures in Wales*
- Mental Capacity Act 2005
- Mental Health Act 2007
- Department of Health (2000) *No Secrets: guidance on developing and implementing multi-agency policies and procedures to protect vulnerable adults from abuse* (under review 2010)
- Association of Directors of Adult Social Services (2005) *Safeguarding Adults: a national framework of standards for good practice and outcomes in adult protection work*
- Sexual Offences Act 2003
- The National Health Service and Community Care Act 1990

### Key policy, guidance and legislation for children includes:

- Crown Prosecution Service (2006) *Achieving Best Evidence in Criminal Proceedings*
- Children Act 1989 and Children Act 2004
- Homelessness Act 2002
- Welsh Assembly Government (2006) *Safeguarding Children: working together under the Children Act 2004*
- Department for Children Schools and Families (2009) *Safeguarding Disabled Children: practice guidance*
- Sexual Offences Act 1956 and Sexual Offences Act 2003
- Department for Children Schools and Families (2008) *The Children Act 1989 Guidance and Regulations, vol 1, Court Orders*
- HM Government (2006) *What to do if you are Worried a Child is Being Abused*
- HM Government (2010) *Working Together to Safeguard Children* (includes statutory guidance on forced marriage and safeguarding disabled children)

Guidance for local authorities and third parties on forced marriage has been published by the Ministry of Justice at [www.justice.gov.uk/guidance/forced-marriage.htm](http://www.justice.gov.uk/guidance/forced-marriage.htm). Action can be taken on behalf of adults and children under the Forced Marriage (Civil Protection) Act 2007, which amended the Family Law Act 1996, and the Protection from Harassment Act 1997. These orders include:

- Forced Marriage Protection Order; section 3.15.7 of *MAPG* (2009).
- Injunction against Harassment Order; section 3.15.10 of *MAPG* (2009).
- Non-molestation Order; section 3.15.8 of *MAPG* (2009).
- Occupation Order; section 3.15.9 of *MAPG* (2009).





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