



# Forced Marriage Policy

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# Forced Marriage Policy

## Introduction

Forced marriage is where both spouses do not consent to the marriage but are coerced into it. Duress can include physical, psychological, financial, sexual and emotional pressure. In the case of some vulnerable adults who lack capacity to consent, coercion is not required for a marriage to be forced. In our rapidly changing multi-cultural society such issues are brought ever closer to our school, so we need to be mindful of the potential for forced marriage amongst any pupils at Fairfield School.

## Forced Marriage Protection Orders

Forced Marriage Protection Orders can be sought under section 4A of the Family Law Act 1996 (The 1996 Act). The 1996 Act makes provision for protecting both children and adults at risk of being forced into marriage and offers protection for those who have already been forced into marriage. The terms of orders issued under the Act can be tailored to meet the specific needs of individuals. Under section 120 of the 2014 Act, the maximum penalty for breach of a forced marriage protection order is five years imprisonment.

## Potential Warning Signs or Indicators

- Absence and persistent absence
- Request for extended leave of absence and failure to return from visits to country of origin
- Fear about forthcoming school holidays
- Surveillance by siblings or cousins at school
- Decline in behaviour, engagement, performance or punctuality
- Being withdrawn from school by those with parental responsibility
- Sudden announcement of engagement to a stranger
- Prevention to from going on to further education

## Honour Based Violence

The term 'honour crime' or 'honour based violence' or 'izzat' embrace a variety of crimes of violence (mainly, but not exclusively, against women) including assault, imprisonment and murder, where the person is being punished by their family or community. They may be punished for actually or allegedly, undermining what the family or community believes to be the correct code of behaviour. In transgressing this code of behaviour, the person shows that they have not been properly controlled by their family and this is to the 'shame' or 'dishonour' of the family.

It can be distinguished from other forms of abuse, as it is often committed with some degree of approval and/or

collusion from the family and/or community members. Victims may have multiple perpetrators, not only in the UK, honour based violence can be a trigger for forced marriage. Forced marriage is a crime; it is a form of violence against women and men, domestic abuse, a serious abuse of human rights. Where a minor is involved it is child abuse. While it is important to have an understanding of the motives that drive

parents to force their children to marry, these motives should not be accepted as justification for denying them the right to choose a marriage partner and enter freely into marriage.

Individuals facing forced marriage may become anxious, depressed and emotionally withdrawn with low self-esteem. It should not be assumed that it is forced marriage simply on the basis that someone presents with one or more of these warning signs. These warning signs may indicate other types of abuse that will also require a multi-agency response.

There have been occasions when women have presented with less common warning signs, such as cut or shaved hair as a form of punishment for disobeying or perhaps "dishonouring" her family. In some cases, a girl may report that she has been taken to a private practice to be examined to see if she is a virgin. There have been reports of women presenting in the NHS with symptoms associated with poisoning. In certain communities, it is considered important that women undergo female genital mutilation (FGM) before being able to marry. Usually this will be performed during childhood, but there have been reports of young girls or young women undergoing FGM just before a forced marriage. FGM has been a specific offence in the UK since 1985 and extra-territorial offences were created in 2003 to deter people from taking girls overseas for the purposes of FGM (refer to FGM Policy)

A person's capacity to consent can change. 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 with learning disabilities are given no choice and/or do not have the capacity to give informed consent.

If we have reason to suspect that a young person is at risk of forced marriage, we will act in accordance with Kirklees guidelines. Report to Designated Safeguarding Lead; however, there may be occasions when immediate emergency action is necessary to protect a child or young person from being forced to marry or abducted e.g. police protection or emergency protection orders. In this case, a strategy discussion should take place as soon as possible, after the immediate protection to plan next steps.

**The DSL will have appropriate training in order to:**

- Recognise the importance and relevance of immediate protection
- Recognise the risk to other siblings in the household who might also be threatened with, or already in, a forced marriage
- Understand that under no circumstances is it sufficient to protect a child or young person by removing the alleged perpetrator from the household (as in the significant majority of cases the extended family and wider community are also involved)
- Recognise that placing the child or young person with a family member or member of the same community may place them at risk of significant harm from other family members or individuals acting on the family's behalf