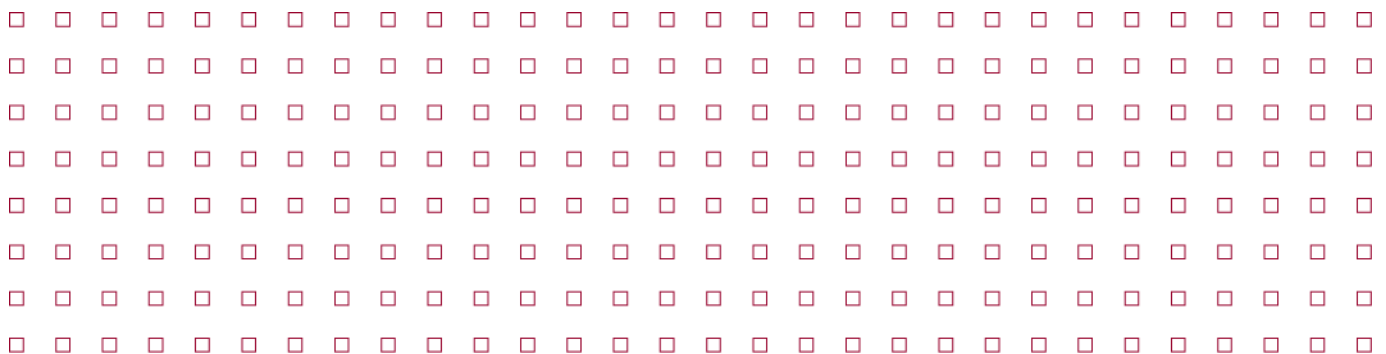




Findings of the Forced Marriage IDVA Support Pilot (September 2009 – February 2010)

June 2010





Findings of the Forced Marriage IDVA Support Pilot

This information is also available on the Ministry of Justice website: www.justice.gov.uk

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Victim Support, Romford

Karman Nirvana, Newcastle

Next Link, Bristol

List of abbreviations

BAME	Black Asian and Minority Ethnic
CAADA	Coordinated Action Against Domestic Abuse
FMPO	Forced Marriage Protection Order
FMU	Forced Marriage Unit
IDVA	Independent Domestic Violence Adviser
LSC	Legal Services Commission
MARAC	Multi-agency Risk Assessment Conference
OPT	One Performance Truth
RTP	Relevant Third Party

Executive summary

1. Between 01 September 2009 and 28 February 2010, eleven voluntary support services took part in a forced marriage support pilot. The Ministry of Justice contributed towards the salary of a dedicated forced marriage Independent Domestic Violence Advocate (IDVA) based in 11 of the 15 areas where a family court has been designated to deal with Forced Marriage Protection Orders (FMPOs).

Aims of the Pilot

2. The aim of the FMPO-IDVA pilot was to facilitate a review of the role IDVAs play in working with victims/applicants before, during and after an application for a FMPO and to assess whether or not IDVAs should be designated as a Relevant Third Party (RTP), or if it is sufficient for them to apply with leave of the court having previously worked with the victim in the run up to a case.
3. The IDVA services received £20,000 towards the salary costs of a dedicated FMPO-IDVA from within existing staff. The dedicated FMPO-IDVA had to be working in an existing service - not as a lone service provider - with established line-management and support systems in place, including clinical support for the IDVA. Areas could not recruit specifically for the pilot since continued funding beyond the pilot was not guaranteed. Services could, however, use the grant to cover temporary outreach workers in order to release an IDVA for FMPO support work and/or for training. We asked services to consider this carefully in terms of sustainability after the pilot and impact on service provision. A job description was provided (see Annex B).
4. The individual IDVA had to have at least one year's field experience of supporting BAME clients with honour-based violence issues and preferably forced marriage and have a sound understanding of the dynamics of this area of abuse.
5. It was preferable that the individual IDVA allocated to this had been trained to the Coordinated Action Against Domestic Abuse (CAADA) standard – CAADA Advocacy Training (CAT). While this course does not specifically include forced marriage it covers honour based violence and there are specific written materials about forced marriage in the learners' manual. We considered therefore, that this training provided an indication of the appropriate level of competence to be able to deal with this kind of specialist support and multi-agency working.
6. The designated FMPO-IDVA services were asked to collate data on a monthly basis, on the clients supported, number of referrals, applications made/supported and orders acquired (see case summary form at Annex C).
7. Since we were dealing with existing services we made a number of assumptions about their operation. For example, we assumed that an established IDVA service would:
 - already have referral routes, information sharing and risk assessment protocols in place; and
 - establish further effective inter-agency links, for example, with the police, local authority, health and schools and the local Multi-agency Risk Assessment Conference (MARAC) and with the Forced Marriage Unit (FMU) and to work closely with them.

8. We recommended that services refer to the CAADA¹ Library of Resources (Risk Indicator Check List) and the National SDVC Resource Manual² for best practice solutions and to the Multi-Agency Practice Guidelines.³
9. We expected the support worker to be involved with the person to be protected either directly: assisting them with an application made in person; making a third party application with leave of the court, or, in a supporting role along side legal representation, where the person to be protected has instructed a solicitor to make the application, or even where another third party such as a friend or family member has initiated proceedings. The FMPO-IDVA could be in an ideal situation liaising between the solicitor, any relevant statutory agency (including the Forced Marriage Unit) and the person to be protected, to ensure all parties have all the relevant information. In either case, the FMPO-IDVA would provide a supporting role, ensuring the protected person's safety and monitoring risk throughout as well as signposting to other services as required.
10. The FMPO-IDVA could also initiate steps directly with the court or via their client's solicitor to establish whether or not there is a need for any special facilities if their client is going to attend court hearings.
11. Confidentiality was vital and services had to be mindful not to take any action that could expose their client to harm. As highlighted in the Multi-Agency Guidance, services could not inform the victim's family or community that they had sought help.

Findings and Conclusions

12. During the pilot period, 158 case summaries were submitted, with 151 clients engaging with the services beyond simple provision of information. Only 5 FMPOs were recorded however, although two services were involved in the application process.
13. The value of the IDVA role is firmly established and feedback from the services shows that victims rely heavily on this kind of support alongside the statutory response, be it through the courts or not.
14. Based on the limited findings of this Pilot exercise, however, there seems no value in expanding Relevant Third Party status to the voluntary sector. Resources remain an issue for the third sector. There are also legislative practicalities to consider in the designation of individual services or how it could be applied to make a blanket designation.
15. Should further funding become available, the Ministry of Justice will consider extending the Pilot for a longer period of time and one that would include a significant holiday period such as summer or Christmas.
16. In the meantime it will continue with its commitment to raise awareness of the provisions of the Act among the statutory sector and civil society generally.

¹ www.caada.org.uk/

² www.crimereduction.homeoffice.gov.uk/domesticviolence/domesticviolence59.htm

³ www.fco.gov.uk/resources/en/pdf/3849543/forced-marriage-guidelines09.pdf

Introduction

17. Forced marriage is not the same as an arranged marriage. In an arranged marriage, both spouses can choose whether or not to accept the arrangement. In forced marriage, one or both spouses do not (or, in the case of some adults with disabilities, cannot) consent to the marriage and duress is involved. Duress can include physical, psychological, sexual, financial and emotional pressure. Sexual intercourse without consent is rape, regardless of whether this occurs within a marriage or not. A woman who is forced into marriage is likely to be raped and may be raped repeatedly until she becomes pregnant.
18. Forced marriage is recognised in the UK as a form of violence against women, domestic/child abuse and a serious abuse of human rights. Some victims have been as young as 9 years old, on which basis we must consider forced marriage as a child protection issue. At the other end of the scale, where there are capacity issues, victims have been older, for example 35 and over.
19. Hundreds of people in the UK, male and female, but particularly girls and young women, are forced into marriage each year. The Forced Marriage Unit (FMU) dealt with over 1600 reports of possible forced marriage in 2009, 375 of which became cases. Some victims are taken overseas to marry while others may be married in the UK.
20. The Bill was enacted as the Forced Marriage (Civil Protection) Act 2007⁴ and implemented on 25 November 2008. The Act enables family courts to make a Forced Marriage Protection Order (FMPO) to prevent forced marriages from occurring. Where a forced marriage has taken place, courts can make orders to protect the victim and help remove them from that situation. The order may contain prohibitions, restrictions or requirements or such other terms as the court thinks appropriate to stop or change the behaviour or conduct of those who would force or have forced the victim into marriage.
21. Examples of the types of orders the court may make are:
 - to prevent a forced marriage from occurring;
 - to hand over all passports (where there is dual nationality) and birth certificates and not to apply for a new passport;
 - to stop intimidation and violence;
 - to reveal the whereabouts of a person;
 - to stop someone from being taken abroad; and
 - to facilitate or enable a person to return to the UK within a given time period.

⁴ www.opsi.gov.uk/acts/acts2007/pdf/ukpga_20070020_en.pdf 15

22. Orders may also be made against other people, not named as respondents in the application, recognising the complexity of the issues and the involvement of the wider community and the numbers of people who might be involved.
23. The court may add a power of arrest where violence is threatened or used and the court considers that there will be inadequate protection without it
24. Breach of an order made under the Act is not a criminal offence, but a constable may arrest a person who they have reasonable cause to suspect is in breach of the order. Breach is dealt with as contempt of court and the courts will have the full range of sanctions available to them, including imprisonment for up to two years. However, if specific criminal offences are committed in the course of breaching the order, then an individual may be subject to separate criminal proceedings.
25. As victims of forced marriage are often unable to protect themselves, the Act also creates the role of the RTP who can make an application on behalf of a victim of forced marriage. There is no requirement for a RTP to obtain the permission of the court before making an application.
26. In November 2008, a public consultation⁵ asked what need there was for RTPs, what type of people or organisations should act and what safeguards are needed. Generally respondents favoured local authorities to act as RTP, enhancing existing work to protect adults and children. Local authorities were designated as the RTP on 01 November 2009. Guidance was also published at this time.
27. Local authorities are currently the only RTP. Anyone else, an individual family or friend or agency, such as the police or voluntary support service, can still make a third party application, but they are required to seek leave to do so first. These applications and the application for the order itself are generally heard consecutively on the same day.
28. Fifteen county courts and the High Court have been designated to deal with applications for FMPOs. The courts chosen to handle these cases were selected to be as accessible as possible to local communities and according to the demographic characteristics of their catchment area as being most likely to receive applications for a Forced Marriage Protection Order, based on information from the Forced Marriage Unit. A list of courts designated to deal with FMPOs is at Annex A.

⁵ Forced Marriage (Civil Protection) Act 2007 – Relevant Third Party Consultation Paper, published 12 December 2007; www.justice.gov.uk/consultations/cp3107.htm

Background to the Pilot

29. The response to the public consultation⁶ on who should be the RTP, highlighted the role the voluntary sector plays in supporting applicants through court proceedings such as the Independent Domestic Violence Advisers (IDVAs) linked to the Specialist Domestic Violence Court (SDVC) systems. It recognised their expertise in dealing with issues such as forced marriage and effective multi-agency partnership working.
30. IDVAs are trained specialists providing independent advocacy and support to high-risk victims. The consultation response suggested there should be a pilot to determine whether IDVAs should also be authorised to act as a RTP.
31. In conceptualising the pilot, consideration was given to the financial barriers that might prevent IDVAs from making applications on behalf of victims. IDVAs are not eligible for legal aid in their own right although we knew that some services were already seeking leave of the courts to apply on behalf of victims. However, this placed an additional resource burden on them, especially in terms of court costs. In some third party application cases, the court has added the person to be protected as a party, in order for that individual to apply for legal aid. We took into account, however, that this was not always possible when the person to be protected is in hiding or abroad.

⁶ Response to consultation, published 13 November 2008:
www.justice.gov.uk/consultations/docs/forced-marriage-third-party-response.pdf

Statistical Analysis

32. The pilot sites were asked to submit monthly returns on their engagement with victims of forced marriage using a case summary monitoring form (see Annex C – case summary form) The form asked for key information such as details of victims and respondents, the victim's country of origin and whether or not their clients sought FMPOs and if not, what their reasons were.
33. In total 158 case summaries were submitted. 47% were noted as engaged with the service, that is, they accepted support and/or referral onward from the service.
34. Disappointingly, very few FMPO applications were made by the IDVA services as a third party applicant. Where there was a court based remedy, applications were made for FMPOs and other kinds of injunctions using solicitors, with the IDVA providing emotional support to victims during and after the process.
35. Site 10 reported that it dealt with three female clients who sought and gained an FMPO and, in one case another court order, using a solicitor. While Site 6 assisted with two interim FMPOs. In these cases the IDVA service provided guidance and support through the application and court processes and important aftercare when the FMPO was obtained. Similarly, in the case of Site 11, three adult victims of forced marriage gained non-molestation and residency orders with the use of a solicitor. As was the case at other pilot sites, the central role of these IDVAs was to provide support to the victims, helping them address feelings of disempowerment and estrangement and steering them through the court process.

Referrals

36. As was highlighted in the Policy Paper⁷ 'One Year on: the initial impact of the Forced Marriage (Civil Protection) Act 2007 in its first year of operation', the police continue to play a significant frontline role in assisting victims of forced marriage.
37. The majority of referrals came from the police (24%), making them the single largest organisation making referrals; twice as many referrals than those reported by health services and four times as many referrals as those from children and adult local authority services combined. A significant proportion of the health referrals came from GPs (6 out of 16).
38. However, the findings also highlighted that police engagement varied between regions. Site 2 indicated that only 1 of its 12 referrals came from the police but that it was continuing to work on strengthening its engagement with them. Two sites had no police referrals at all. By contrast, almost all of the referrals to the Site 4 were from the police. As well as engaging with local solicitors and the local safeguarding board, this service reported that it was working on developing its links with the police by looking at the possibility of establishing a forced marriage helpline for victims of forced marriage.

⁷ Policy Paper 'One Year On: the initial impact of the Forced Marriage (Civil Protection) Act 2007 in its first year of operation'
www.justice.gov.uk/publications/docs/one-year-on-forced-marriage-act.pdf

39. Some of the services appeared to have more structured referral mechanisms in place to deal with cases of forced marriage. For example, Site 10 indicated that it had protocols in place with other domestic violence services and that it was developing an IDVA referral protocol for forced marriage cases with the police. It had also undertaken work to raise the profile of its services with its partner agencies such as BAME and voluntary and community organisations and as a result it was dealing with more direct referrals of forced marriage cases. As its report⁸ highlighted:

“...[The] service’s approach to the delivery of the FMPO pilot has been to build on already established referral pathways with local partners and motivate survivors to take advantage of legal options available to protect themselves...Whilst cultural issues are respected and recognised as part of the risk assessment and safety planning process, priority is given to supporting the victim to make decisions that improve their safety, and to ensure they have fair and equal access to the civil and criminal justice systems – targeted referrals are made for emotional support, counselling etc once the risk to the victim is reduced”.

40. The data on referrals also indicated that no referrals were made by faith leaders. This hints at efforts that must be made at opening up meaningful dialogue with religious leaders, especially those in minority communities regarding issues of forced marriage. Against a post 9/11 background in which Islamic communities may feel they are under siege, the engagement with local religious leaders and minority communities must be pursued earnestly.

41. A report from an individual service underlined accusations levelled against social services that 16 to 17 year older victims were being refused their services and turned away because of lack of resources. In one case, the local authority reportedly refused to accommodate a minor who had been made homeless as a result of the violence that her family meted out to her.

42. The 8 cases noted under ‘Other’ include 2 referrals from MARACs and interestingly one case where someone’s line manager was concerned about a member of staff.

43. There were 127 referrals to IDVA services in total (excluding self referrals).

Table Q.1 – referrals

Client referred from	
Self referral	31
Forced Marriage Unit	5
Police	38
School / College / other training establishment (combined)	10
Health	16
Housing	7
Adult Services – local authority	2
Children / Young People services – local authority	6
Specialist Service: BAME, LGBT, SARC other community {includes refuges}	32
Other voluntary	2
Faith leader	0
Met while at court	1
Other {includes individuals, solicitors, MARACs}	8

⁸ Site-10 FMPO-IDVA pilot report

Level of engagement

44. There was a high level of engagement with clients using the IDVA services either accepting support or at least information. Only 15 of the 158 cases noted that the client declined any support at all. 58 per cent of clients chose to accept support from the IDVA service while there were 30 cases where clients accepted ‘information only’. Here we have included information disseminated by telephone; external advice; liaison with other agencies and initial appointments. There were 5 cases where victims were in hiding from the perpetrator(s) and contact with clients by the IDVA was limited as a result of the victim’s circumstances, or ceased because of safety concerns.
45. In 72 cases, alongside their own support, or where they had provided information only, the IDVAs referred their clients to one or more other agencies such as refuges, the FMU, social services, the police and MARACs (21) for additional assistance or to address their more immediate concerns.

Table Q.2 – engagement

Level of engagement	
Accepted support	92
Accepted information only	30
Accepted support in hiding	5
Accepted forwarding referral only	4
Declined any support at all <i>{includes where client no longer contactable}</i>	27

Age and gender

46. The majority of clients using the FMPO-IDVA services during the pilot period were female (95 per cent). By way of comparison, statistics from the FMU on gender for the period September 2009 to February 2010 indicate that 86 per cent of the 815 possible cases of forced marriage for this period involved females. Findings for gender in the FMPO-IDVA pilot showed that there was no age group comprising a disproportionate number of males.
47. Not untypically 21 one per cent of service users were minors (17 and under) – 16 and 17 year olds made up the fourth largest category. Reports from the FMU for the pilot period indicate that 22 per cent of possible forced marriage cases reported to the Unit involved minors. Just over half of all victims using the IDVA services during the pilot period were between 18 and 25 years old. Of the 13 cases involving clients over 35, 7 of them were between the ages of 41 and 46.

Table Q7 & 7a – age and gender

9 and under	1
10 – 15	8
16, 17	23
18 – 20	41
21 - 25	40
26 – 30	25
31 – 35	6
Over 35	13
*Female clients	150
Male clients	7

* one case included 3 females; age or gender was recorded as unknown 3 times each

Nationality and country of family origin

- 48. In terms of family origin, 74 per cent of victims of forced marriage were of Pakistani origin while 8 per cent and 10 per cent were of Bangladeshi and Indian origin respectively. This more or less reflects the proportion of FMU case distribution between the top three countries. FMU figures indicate that out of 815 reports, 51 per cent of cases involved victims from Pakistan, 11 per cent from Bangladesh and 9 per cent from India with smaller percentages for other countries including Yemen, Turkey and Somalia. Other countries of origin noted in the pilot cases included Somalia, East Europe, Iraq, Iran, Kenya, and Palestine.
- 49. British Nationals accounted for 60 per cent of the client base. Of the 62 cases where clients were noted as non-British Nationals, 22 of those were noted as having Indefinite Leave to Remain.
- 50. The international element of forced marriage was also borne out in the number of cases that involved victims having already been taken abroad to be married - 38 cases in total. This figure excludes for cases in 'other' that noted England as the 'country taken to'.

Table Q.8-10 – nationality & country of family origin

UK National	94
Non UK National	62
Family origin: Pakistan	117
Family origin: Bangladesh	12
Family origin: India	15
Family origin: other	10
Family origin: unknown	4
Client taken to: Pakistan	31
Client taken to: Bangladesh	3
Client taken to: India	3
Client taken to: other (Yemen and England)	5

Court engagement

- 51. One of the key issues highlighted by the services was the intense fear that victims had about applying for FMPOs despite enduring relentless abuse (both physical and psychological). In many of the more detailed reports, physical, sexual and emotional violence were daily occurrences in the family home. Many cases involve a variety of perpetrators involved in forcing victims to marry or to remain in the marriage. These ranged from new spouses to members of the victim’s family such as parents and siblings (both older and younger) to the extended family and the family of their intended or existing partner. While the domestic environment of victims was one thwarted with daily violence many victims indicated concerns about being made homeless if they left the family home. Victims perceived any preventative action as a stark choice between having the ‘security’ of a home and family and having no home as a result of seeking a legal remedy.
- 52. Victims were fearful of being seen to criminalise their families even though the legislation deliberately provides for a civil remedy rather than criminal, as a move to pre-empt victims from being deterred from taking action.

53. Victims did not want to be the ‘instigators’ of legal action as they were frightened that their actions would be discovered by their families. In some of these cases, victims appeared to minimise the abuse they were experiencing, informing the IDVA they felt safe to return, or to continue residing in the family home. Alongside the choice victims felt they had to make between taking court action and maintaining a family relationship, victims perceived there was a choice to be made of either declining support from the service and returning to the family home or accepting support and leaving.
54. In other cases, the IDVA documented that their clients were exploring their options and had not yet decided to apply for a FMPO or another type of injunction at that particular time. As well as dealing with abuse, victims were dealing with many other immediate concerns such as housing issues, their immigration status, accessing benefits and finding refuge placements.
55. According to One Performance Truth (OPT), the data collating system used by HMCS to record information about court orders, there were 66 applications and 60 orders made nationally under the Forced Marriage (Civil Protection) Act from September 2009 to February 2010.
56. For the purposes of this report we have only used the case summaries to reflect what the services said they were involved in, regardless of what might be on OPT.
57. Only three FMPOs and two interim (ex parte) FMPOs were recorded during the six month pilot as involving any of the IDVA services. 5 other FMPOs were noted as being in place or acquired beyond the support of the service. In addition 3 non-molestation orders were in place.
58. The circumstances of the FMPO cases were typical of many forced marriage cases where there are multiple respondents and where family members were violent and threatened the victim and those connected to them, however remotely⁹.

Legal representation and legal aid and IDVA support in court

59. Applications for legal aid funding need to be made by individuals, as set out in the Access to Justice Act 1999 and the Funding Code. Therefore, it was not possible for the services involved in the pilot to receive legal aid in their own right. Legal aid is available for individual applicants in these cases, using the same criteria as in domestic abuse cases and including the waiver of the capital and income limits usually applied for clients seeking FMPOs. In cases where an application for an order has been made by an individual other than the victim (for example, a family member or friend), or an organisation, the courts can join the victim as a party to the proceedings thereby enabling them to make an application for legal aid.
60. Eligibility for legal aid does not depend on residency or nationality. Therefore, those who have no recourse to public funds may nevertheless apply for legal aid; these applications are assessed using the same criteria as in all domestic violence cases.

⁹ In one case reported, the tenants of the victim were threatened despite having no association with the perpetrator.

61. Three FMPOs and two interim FMPOs were made by clients using solicitors (including local authority solicitors) with the IDVA providing support to those who made the applications. In 14 cases, it was noted that the client had a solicitor (see above for the range of issues) and 8 cases noted they were legally aided. There were three reports of legal aid being refused or solicitors advising clients that they were not eligible to apply due to the weaknesses of the cases.
62. Four cases noted that there were or had been criminal proceedings at the time the client was involved with the service. A handful of cases noted their clients were looking into matrimonial proceedings including divorce, annulment, financial arrangements and change of name proceedings. Six cases noted an immigration element where they were assisting their client with their own Leave to Remain / asylum status or assisting to object to their spouses' settlement application.

Key respondents initiating forced marriage

63. The Multi-Agency Practice Guidelines¹⁰ highlight that parents who forced their children to marry often justify their behaviour as protecting their children, building stronger families and preserving cultural or religious traditions. They often do not see anything wrong in their actions. It also notes that parents come under 'significant' pressure from their extended families to get their children married and that in some instances an agreement may have been made about marriage when the child is an infant. As the Guidelines note, isolation is one of the biggest problems facing those trapped in, or under threat of, forced marriage:

"They may not feel that there is anyone they can trust to keep this secret from their family and they have no one to speak to about their situation – some may not even be able to speak English."

64. While one or both parents may typically be the key protagonist in forced marriage cases, the pressure to marry can come from members of the immediate or extended family of any generation or gender and involve multiple perpetrators. The importance of steering clear of stereotypes and assumptions based on gender and age was evident in the data on perpetrators.
65. At least 134 case summaries recorded perpetrators from members of the victim's immediate family, i.e., parents and siblings. There were 57 cases of forced marriage involving pressure to marry or to remain married from members of their extended family, friends and the community. The range of perpetrators in this category was diverse, from siblings (both younger and older), spouses (24 incidents), family in-law, grandparents, aunts and uncles to those within the victim's community and even a former girlfriend of the victim's father.

¹⁰ Multi-agency Practice Guidelines
www.fco.gov.uk/en/travel-and-living-abroad/when-things-go-wrong/forced-marriage

66. Physical, psychological and sexual violence and threats were common features of the abuse suffered by victims, with many victims being forced to flee their homes as a result of the violence. Emotional deception and blackmail where the victim's family took them abroad to be introduced to prospective spouses or to be married on the pretence of going on a family holiday or attending a family funeral also featured regularly. The extraordinary lengths to which perpetrators of honour based violence will go were clearly evident in the case summaries and feedback and included one family member threatening to burn down the victim's house and attempts by the brothers of one victim to abduct her from a refuge.

Table Q.18 – key respondent (s)/ initiating forced marriage

Person initiating forced marriage / abuse	
Mother	44
Father	74
Sister	3
Brother	13
Family – other: extended family, uncle, aunt, grandparent etc or family of spouse; also includes where summary noted 'own family'	55
Family friend	1
Community	1
Unknown	1
No wish to disclose	1

Quick questionnaire responses

67. The 11 IDVA services were asked for a very quick response to the five questions noted above as a way to gauge general awareness of some of the processes related to forced marriage cases.

'Quick Questionnaire' Responses			
	YES	NO	DON'T KNOW
Are you aware that an IDVA service can make an application in court, with leave?	11		
Do you know which agency is the Relevant Third Party?	10		1
Have any of your clients been referred to and accepted by your local MARAC?	8	3	
Have you tried to refer to a MARAC and been refused?	1	10	
Are you familiar with the legal aid rules, ie, the financial waiver for DV and FM applicants?	11		

68. While the majority of services were aware of the status of IDVAs in terms of making a third party application, it is evident that further clarification is required that currently, only the local authority is the designated RTP and this means children's services and adult services and that the council/authority legal team could reasonably be expected to take the case to court, even if there was an IDVA service involved.

69. This did not seem to be an issue where the IDVA service was employed by the authority. The council's legal team would issue the application with an affidavit from the IDVA in support.

70. Two services mentioned that they already had DIY injunction systems in place for domestic violence and were able to make use of them if financial resources were an issue.

MARACS

71. Started in 2003, Multi-Agency Risk Assessment Conferences (MARACs) bring local statutory and voluntary agencies together to protect those women at highest risk from repeat domestic violence. In at least ¹¹22 cases, clients were referred to MARACs and this was the largest category of referrals followed by referrals to refuges (10 cases) and the FMU (11 cases).
72. Two services mentioned referring clients under 18 to MARACs. One service overcame initial reluctance by linking the forced marriage client to the safety needs of another family member who was referred to MARAC. One service had referred clients as young as 16 and been accepted. Comments suggested it was an appropriate arena to deal with forced marriage, and that it was key to contributing to the reduced risk of harm to the victim and another highlighted there was still ignorance of forced marriage among social services.
73. Anecdotally, outside of this pilot, concerns have been expressed that MARACs are too big for HBV/Forced Marriage cases – one conference having up to 40 people involved and having access to information. One service in the pilot noted that there were concerns where there were family members working for the agencies on the MARAC and in these cases information was strictly controlled and shared only with a few agencies on a ‘need to know’ basis.
74. The report from one IDVA expressed concerns that MARAC rules did not allow cases to be heard for under-18s. It noted that MARACs were ideal tools to provide support to victims in forced marriage and honour-based violence cases and that a multi-agency approach was essential to address the multiple needs of victims. However, such an approach, it suggested, was “quite difficult without an official forum to back it up.”
75. However, there appears to be some flexibility in the way in which MARACs handle involving minors. Co-ordinated Action Against Domestic Abuse (CAADA) indicated that in many cases, MARACs were now accepting referrals where the victim is over the age of sixteen, although such referrals were decided on a case by case basis depending on whether or not the minor would receive adequate and appropriate support from Children’s Services. While there have been concerns that the risks of disclosure would outweigh the benefits of information sharing in forced marriage cases, CAADA noted that each case would also be reviewed on whether or not it was safe to share the information at the MARAC.

¹¹ IDVA had an option to select “All Forms of Support” when providing data on the types of referrals made and referrals to MARACS may have been included in this option.

Feedback from the Services

76. The services were invited to submit a final report about their work on forced marriage cases at the end of the pilot. Five sites submitted additional information on their experiences. In addition to what has been covered in the sections above, the main issues highlighted are covered below.

Timing and Duration of the Pilot

77. One IDVA reported that applying for an FMPO was not always appropriate to a forced marriage case:

“During the course of the pilot in [Site 4] we have found that [the IDVA], has supported a number of FM victims both during the pilot and before, but in general found an FMPO is not the way to go for those victims”.

78. However, despite having made any FMPOs this service still felt that IDVAs should be made RTPs in order to overcome what it saw as some of the hurdles of the ‘application for leave’ process associated with non-RTPs. It did not however expand on the issue of resources to be able to cover court costs etc.

“Given that the aim of the pilot was to assess whether or not IDVAs should be made RTPs to apply for injunctions, the data therefore does not support that. However, when the day comes that a victim does need a third party FMPO injunction, we are keen to ensure that IDVAs are accepted as RTPs, to avoid having to go through an additional procedure of asking the court's leave to apply for a third party injunction. I believe this will add to the time and cost of the whole procedure”.

79. There was a general view that the pilot period should have been longer and to have included a key holiday period such as the summer. A longer run in would also have provided more time to implement best practice structures to support the pilot such as steering groups, protocols and care pathways and to forge important links and build trust in communities where forced marriages were more likely to occur or to raise the issue with key community services.

“To reach the victims of Forced Marriage required us building on our existing links with South Asian and other relevant BME communities and raising awareness of the issues with schools, health and social care and children's services. We felt there were parallels with the work we did around domestic abuse and BME communities some years ago. It took us time to establish trust and acceptance of what we were trying to achieve. Our domestic abuse service is now well established within BME communities and this is reflected by the take up of our services by BME women at over 40% this year. Given time, we feel that we could achieve similar results with forced marriage”. [Site 4]

Awareness of applicant status

80. One IDVA service was unaware that it could make an application on behalf of a forced marriage victim as a third party with leave of the court or indeed that 'anyone' could apply. This suggests that there is still a need to promote the FMPO application process among the IDVA service to make them aware of the general provisions of the Forced Marriage (Civil Protection) Act 2007 as part of the wider outreach to the voluntary sector.

Referrals

81. There are many factors that contribute to the level of engagement with support organisations and the IDVA reports point to how police awareness of the importance of third sector engagement (and vice-versa) can differ between regions. The importance of information sharing between IDVAs and other agencies dealing with forced marriage is pivotal to maximising the protection of victims:

"An effective referral pathway and robust information sharing protocols with [...] Police ensure that appropriate criminal action is taken against perpetrators (where crimes have been committed) in a way that recognises the potential impact on victims' safety" [Site 10]

Reasons for not seeking a FMPO

82. The most common stated reason for not going to court was the fear of repercussions from the family. Some pilot sites noted that their clients feared estrangement from their families and viewed any court action as a form of 'disrespect' and withdrew from further engagement with the IDVA service.

"We have provided all the clients with information on Forced Marriage Protection Orders. However, in many cases, clients have not felt the need to take out the order due to the circumstances and family honour". [Site 2]

83. In one case in particular the victim said that she did not wish to put her abusive husband to so much "trouble" by seeking an FMPO and declined the offer of support from the IDVA to assist with the application.

Conclusions

84. The report clearly highlights the important role of IDVAs in supporting victims of forced marriage and the benefits of their multi-agency framework within which they work. While in all cases the victims used solicitors to make FMPOs, the IDVAs played a key role in supporting victims through the court process and referrals to other key support services. Their high level of partnership working was instrumental facilitating the ongoing protection and support of the victims using their services
85. The support service offered to victims was diverse and holistic in its approach, dealing with a variety of needs and ensuring that victims were aware and had access to a variety of statutory and voluntary services to address their immediate and medium-term needs. The services provided by IDVAs included providing advice on FMPOs, helping victims to flee from abusing families in which they were forced into marriage, dealing with immigration and re-housing matters, helping victims to gain support with caring for their children, helping victims to re-enter the education system and emotionally supporting victims who were fearful of being taken abroad to marry.
86. As well as agreeing ongoing support plans with victims with regular reviews, victims were also referred to other agencies such as forced marriage support organisations, refuges and social services. While the pilot did not seek to capture this information, it is possible that victims may have been empowered to make an FMPO application at another stage as a result of the support offered by the IDVA. In such cases the IDVA service would have played an instrumental role in achieving this outcome.
- “The work that we have been able to carry out in the pilot has had a positive impact on the victims we have supported although we never saw an application for a FMPO through” [Site 4]
87. Based on the limited findings of this Pilot exercise however, there seems no value in expanding Relevant Third Party status to the voluntary sector. Resources remain an issue for the third sector. There are also legislative practicalities to consider in the designation of individual services or how it could be applied to make a blanket designation.

Next steps

88. Should further funding become available, the Ministry of Justice will consider extending the Pilot for a longer period of time and one that would include a significant holiday period such as summer or Christmas.
89. In the meantime it will continue with its commitment to raise awareness of the provisions of the Act among the statutory sector and civil society generally.

Annex A – List of courts designated to deal with Forced Marriage Protection Orders

Applications for FMPOs may also be heard at High Court level. The county courts included are:

- The Principal Registry of the Family Division (PRFD) (London)
- *Birmingham Family Courts
- *Blackburn County Court
- *Bradford County Court
- *Bristol County Court
- *Cardiff Civil Justice Centre
- *Derby County Court
- *Leeds Combined Court
- *Leicester County Court
- *Luton County Court
- *Manchester County Court
- *Middlesbrough County Court at Teesside
- *Newcastle-upon-Tyne Combined Court Centre
- Romford County Court
- Willesden County Court [*Brent SDVC]

*denotes the area also has an accredited Specialist Domestic Violence Court (SDVC) system – see footnote 4

Annex B - Job description of dedicated FMPO-IDVA

Function

To provide a pro-active, short to medium term service in a multi-agency frame-work to victims and potential victims of forced marriage. The IDVAs work with victims and other agencies and monitor the care pathway (see attachment).

Main duties

- Working with victims and potential victims of forced marriage; assisting them in accessing services to keep them safe and to support them with or act on their behalf with an application for a Forced Marriage Protection Order.
- Focussing on high risk victims, provide a pro-active, short to medium term service based on the care pathway and incorporating risk assessment and safety planning (see attached A.1).
- Support the empowerment of the client and assist them in recognising forced marriage within the context of domestic abuse and as a violation of human rights.
- Perform the IDVA function in line with the organisation's emphasis on independence.
- Support colleagues, through peer supervision, and partner agencies, through awareness raising and institutional advocacy, to provide the best possible service to the victim.
- Work within a multi-agency setting and keep the client's safety central to all co-ordinated responses (this could include participation in the MARAC and liaison with the Forced Marriage Unit (FMU) as required).
- Establish links with key partners [local authority, police, health, schools, etc] to ensure effective referral routes and information sharing protocols.
- Respect the diversity of the community in which the project works, and support clients to access services on an equitable basis.
- Keep and maintain accurate and confidential records, and contribute to monitoring information for the project.

IDVA Person specification

Essential

Knowledge:

- Knowledge of the impact of domestic abuse on victims and children and how forced marriage sits in this context.
- Understanding of child protection issues and legal responsibilities.
- Understanding of the principles of risk assessment and safety planning.
- Understanding of, and commitment to, equal opportunities in practice.

Skills:

- Strong crisis management skills
- Good communication skills: written and verbal and effective negotiation skills
- Ability to maintain professional boundaries
- Computer literate: word-processing, emailing, etc.
- Ability and willingness to work in partnership with statutory and voluntary partners

Personal Qualities:

- Pro-active
- Compassionate
- Commitment to undertake regular training
- Ability to work as part of a team

Desirable

Knowledge:

- Broad knowledge of the civil and criminal justice remedies relating to domestic abuse with an understanding of the Forced Marriage (Civil Protection) Act 2007 provisions.
- Understanding of the domestic abuse sector and the role and remits of statutory and voluntary agencies in the sector

Experience:

- Completed CAADA training course or equivalent
- Experience in working with vulnerable people particularly in BAME communities on 'honour'-based violence issues including forced marriage.
- Experience of managing a caseload.
- Professional qualification in a related field, such as a diploma in social work, or probation studies, or equivalent experience.

Annex C – Monthly case summary form

FMPO-IDVA SUPPORT PILOT: FORCED MARRIAGE CASE SUMMARY

MONTH:

Q COURT AREA:

FMPO-IDVA SERVICE:

REFERRAL AND ENGAGEMENT DATA

- 1 REFERRAL CAME FROM
- 2 ENGAGEMENT
- 3 REPEAT REFERRAL
- 4 REFERRED TO OTHER SPECIALIST SERVICE
- 5 REFERRED TO FMU
- 6 REFERRED TO MARAC
- 6A REFFERED TO REFUGE

ABOUT THE CLIENT

- 7A AGE
- 7 SEX
- 8 IMMIGRATION STATUS
- 9 COUNTRY OF FAMILY ORIGIN
- 10 COUNTRY TAKEN TO
- 11 INTERPRETER / TRANSLATOR USED

COURT ENGAGEMENT

APPLICATION MADE FOR FMPO: [we are particularly interested in third party applications made by the IDVA](#)

- 12
- 13 CASE NUMBER

[MOJ USE ONLY: CASE CROSS REFERENCED TO OPT / COURT DATA](#)

- 14 LEGAL REPRESENTATION
- 15 LEGAL AID
- 16 FMPO-ATTEND COURT WITH CLIENT

- 17 OTHER COURT PROCEEDING
please give a brief description of other proceedings

RESPONDENT / POTENTIAL RESPONDENT

- 18 WHO IS KEY IN INITIATING FM / ABUSE

19	ADDITIONAL INFORMATION: please note anything here not covered by the questionnaire, eg, other support offered; what additional help might be needed to assure continued safety; what longer term help might be required following a FMPO? We are particularly interested in reasons for not applying for FMPO.
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Alternative format versions of this report are available on request from:

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