

# FORCED MARRIAGE STATUTORY GUIDANCE



## RESPONDENT INFORMATION FORM

Please Note this form **must** be returned with your response to ensure that we handle your response appropriately

### 1. Name/Organisation

Organisation Name

Children in Scotland

Title Mr  Ms  Mrs  Miss  Dr  *Please tick as appropriate*

Surname

Collier

Forename

Sara

### 2. Postal Address

Children in Scotland

Princes House

Edinburgh

Postcode EH11 2NY

Phone 0131 222 2412

Email

### 3. Permissions - I am responding as...

Individual

/

Group/Organisation

*Please tick as appropriate*

- (a) Do you agree to your response being made available to the public (in Scottish Government library and/or on the Scottish Government web site)?

*Please tick as appropriate*  Yes  No

- (b) Where confidentiality is not requested, we will make your responses available to the public on the following basis

*Please tick ONE of the following boxes*

Yes, make my response, name and address all available

or

Yes, make my response available, but not my name and address

or

Yes, make my response and name available, but not my address

- (c) The name and address of your organisation **will be** made available to the public (in the Scottish Government library and/or on the Scottish Government web site).

Are you content for your **response** to be made available?

*Please tick as appropriate*  Yes  No

- (d) We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

*Please tick as appropriate*  Yes  No

# CONSULTATION QUESTIONS

## PART ONE: CONTEXT

### CHAPTER ONE: BACKGROUND

#### Question 1:

Is the information provided in paragraphs 1-13 useful for understanding forced marriage and the response by the Scottish and UK Governments to tackle forced marriage? *(please tick Yes, No or Don't Know)*

Yes  No  Don't Know

**Please provide further comments:** for example, why the information in the introduction is not useful? What other information should be included?

**Other articles of the United Nations Convention on the Rights of the Child which could possibly be cited in addition to Article 34 are:**

- protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse” (Article 19).
- abolish traditional practices detrimental to the health of children (Article 24).
- Protect children from torture and other ill-treatment (Article 37).

### CHAPTER TWO: THE STATUS, AUDIENCE AND PURPOSE OF THIS GUIDANCE

#### Question 2:

Are paragraphs 17-20 specific enough about the intended audience of this guidance? *(please tick Yes, No or Don't Know)*

Yes  No  Don't Know

**Please provide further comments:** for example, why paragraphs 16-20 are not clear? Who else should be included?

#### Question 3:

Do you think this statutory guidance should include a specific list of all agencies that have responsibilities to protect children, adults and adults at risk of forced marriage? *(please tick Yes, No or Don't Know)*

Yes  No  Don't Know

**Please provide further comments:** for example, why you think a list of agencies should be included? Why you think a list of agencies should not be included?

**This may be more suitable to list in the forthcoming practice guidance.**

**Question 4:**

**Are the definitions in paragraphs 25-36 clear?** (please tick Yes, No or Don't Know)

Yes  No  Don't Know

**Please provide further comments:** for example, what definitions are not clear? What additional information should be provided to make any of the definitions clearer? Are there any definitions missing?

**While domestic abuse is most commonly perpetuated against women, it should be acknowledged here that it can also adversely affect men. For example some young men (and women) may be forced into marriage when it is discovered they are homosexual.**

**Question 5:**

**Does the definition of forced marriage accurately cover the behaviours perpetrated in cases of forced marriage which your organisation has dealt with and the types of people who could be affected/supported? YES, NO, or DON'T KNOW?** (please tick Yes, No or Don't Know)

Yes  No  Don't Know

**Please provide further comments:** for example, does it reflect your experience of dealing with cases involving people with learning disabilities?

**N/A**

**CHAPTER THREE: UNDERSTANDING THE ISSUES AROUND FORCED MARRIAGE**

**Question 6:**

**Does paragraph 37-39 accurately identify the key motives that drive parents to force their children to marry?** (please tick Yes, No or Don't Know)

Yes  No  Don't Know

**Please provide further comments:** for example, what key motives are missing?

**Question 7:**

**Do paragraphs 43-49 effectively outline the possible consequences of forced marriage for the victim? (please tick Yes, No or Don't Know)**

Yes  No  Don't Know

**Please provide further comments:** for example, what key consequences and information are missing?

**Question 8:**

**Do you think separate guidance should be provided for local authority staff to support them in their role as a relevant third party? (please tick Yes, No or Don't Know)**

Yes  No  Don't Know

**Please provide further comments:** for example, why you think separate guidance should be provided? Why you think separate guidance should not be provided?

**If issued this should be concise and direct staff to national and local sources of information and support.**

**Question 9:**

**Do paragraphs 51-66 provide a clear overview of the existing legal framework that can be used to protect victims of forced marriage? (please tick Yes, No or Don't Know)**

Yes  No  Don't Know

**Please provide further comments:** for example, why you think the overview is not clear? What key information is missing?

**Question 10:**

**Do you think chart one (page 24) accurately reflects the warning signs of a victim of forced marriage? (please tick Yes, No or Don't Know)**

Yes  No  Don't Know

**Please provide further comments:** for example, why is the chart not clear? Under each heading (education, employment, health and police) what warning signs are missing? What additional information should be included?

## **PART TWO: STATUTORY GUIDANCE**

### **CHAPTER 4: ACTIONS FOR CHIEF EXECUTIVES, DIRECTORS AND SENIOR MANAGERS TO WHOM THIS GUIDANCE IS ADDRESSED**

**Question 11:**

**Is there any other existing statutory and non-statutory guidance that would be useful to include in paragraph 73? (please tick Yes, No or Don't Know)**

Yes  No  Don't Know

**Please provide further comments:** for example, what other existing guidance do you think should be included?

**Question 12:**

**Are paragraphs 78-80 clear on the importance of confidentiality when supporting victims of forced marriage? (please tick Yes, No or Don't Know)**

Yes  No  Don't Know

**Please provide further comments:** for example, why do you think these paragraphs are not clear? What additional information should be provided to ensure a victims confidentiality is not breached?

**Question 13:**

**Are you aware of any existing training resources that would be helpful to include in this guidance?** *(please tick Yes, No or Don't Know)*

Yes  No  Don't Know

**Please provide further comments:** for example, please let us know any training resources that should be included?

**Question 14:**

**Do you think paragraph 83 sufficiently covers the type of information to include in data collection?** *(please tick Yes, No or Don't Know)*

Yes  No  Don't Know

**Please provide further comments:** for example, what other information do you think should be collected?

**Question 15:**

**Can existing mechanisms for monitoring and evaluating child protection, adult protection and gender based violence (including domestic abuse) be used to monitor and evaluate cases of abuse associated with forced marriage?** *(please tick Yes, No or Don't Know)*

Yes  No  Don't Know

**Please provide further comments:** for example, why existing mechanism for child protection cannot be used? Why existing mechanisms for adult protection cannot be used? Why existing mechanisms for gender based violence, including domestic abuse, cannot be used? What changes could be made to these mechanisms so they can be used?

**Question 16:**

**Are existing adult and child protection risk assessment models used by statutory agencies sufficient for assessing risk in cases of forced marriage?** *(please tick Yes, No or Don't Know)*

Yes  No  Don't Know

**Please provide further comments:** for example, why are existing adult protection risk assessment models not sufficient? Why are existing child protection risk assessment models not sufficient? What changes could be made to these models to make them sufficient?

**Question 17:**

**Do paragraphs 86-87 adequately cover the dangers of family counselling, mediation, arbitration and reconciliation?** *(please tick Yes, No or Don't Know)*

Yes  No  Don't Know

**Please provide further comments:** for example, what information is missing?

**Paragraph 87 recommends the use of authorised translators not from the same local community. It may be useful to explain here why and how language is a barrier to the effective identification and response to the risk/reality of a forced marriage.**

**Question 18:**

**Do the “Actions for Chief Executives, Directors and senior managers” outlined in chapter 4 adequately cover all key areas where agencies should have statutory guidance?** *(please tick Yes, No or Don't Know)*

Yes  No  Don't Know

**Please provide further comments:** for example, what actions are missing? What else should Chief Executives, Directors and senior managers ensure?

**Question 19:**

**In paragraphs 88-92, is there sufficient information on how to protect children and adults with disabilities?** *(please tick Yes, No or Don't Know)*

Yes  No  Don't Know

**Please provide further comments:** for example, what additional information should be included?

**In paragraphs 88-92 the term 'Additional Support Needs' should be used alongside disability, as the term disability may, to some, only suggest those with physical impairments.**

**CHAPTER 5: SPECIFIC ISSUES TO BE CONSIDERED BY AGENCIES (CHILDREN AND YOUNG PEOPLE)**

**Question 20:**

**Does the guidance in paragraphs 96-102 provide practitioners with clear instructions on the dangers of involving families and communities in cases of young people facing forced marriage?** *(please tick Yes, No or Don't Know)*

Yes  No  Don't Know

**Please provide further comments:** for example, how could the dangers be made clearer? What information is missing?

**Question 21:**

**Would the existing *Getting it right* Assessment Framework (paragraphs 93-94) enable practitioners to assess children and young people at risk of forced marriage? (please tick Yes, No or Don't Know)**

Yes  No  Don't Know

**Please provide further comments:** for example, why do you think the *Getting it right* Assessment Framework could not be used? Do you think the Framework could be used with additional information in the context of Forced Marriage? What additional information would be required?

**Question 22:**

**In cases of forced marriage, are paragraphs 109-111 explicit enough about the importance of sharing information between agencies? (please tick Yes, No or Don't Know)**

Yes  No  Don't Know

**Please provide further comments:** for example, if these paragraphs are not explicit enough how could they be improved?

**Question 23:**

**Are paragraphs 112-113 clear on the need to recognise immediate emergency action to protect some children and young people facing forced marriage? (please tick Yes, No or Don't Know)**

Yes  No  Don't Know

**Please provide further comments:** for example, if these paragraphs are not clear enough how could they be improved?

**Question 24:**

**In chapter 5, are paragraphs 103, 108, 111 and 113 clear on what Chief Executives, Directors and senior managers should ensure to protect children and young people facing forced marriage? (please tick Yes, No or Don't Know)**

Yes  No  Don't Know

**Please provide further comments:** for example, what actions are missing? What else should Chief Executives, Directors and senior managers ensure?

## **CHAPTER 6: SPECIFIC ISSUES TO BE CONSIDERED BY AGENCIES (ADULTS AND ADULTS AT RISK)**

### **Question 25:**

**Do paragraphs 114–123 effectively cover existing statutory and non-statutory multi-agency guidance to protect adults and adults at risk of harm in Scotland?** *(please tick Yes, No or Don't Know)*

Yes  No  Don't Know

**Please provide further comments:** for example, what existing statutory and non-statutory guidance is missing?

### **Question 26:**

**Can the guidance in paragraphs 114-123 be used effectively by practitioners to assess adults and adults at risk of harm who are facing forced marriage?** *(please tick Yes, No or Don't Know)*

Yes  No  Don't Know

**Please provide further comments:** for example, why existing guidance cannot be used effectively? Should additional provisions be made in this statutory guidance on forced marriage for adults at risk?

## **BUSINESS REGULATORY IMPACT ASSESSMENT QUESTIONS**

### **Question 27:**

**Will there be any resource issues for organisations to meet the obligations outlined within this forced marriage statutory guidance?** *(please tick Yes, No or Don't Know)*

Yes  No  Don't Know

**Please provide further comments:** for example, what will these resources issues be? In what areas?

### **Question 28:**

**Can the impact of any resources issues be quantified using existing costing structures?** *(please tick Yes, No or Don't Know)*

Yes  No  Don't Know

**Please provide further comments:** for example, why can existing costing structures be used? Why can they not be used?

**Question 29:**

**To help with the development of a Business Regulatory Impact Assessment for this forced marriage statutory guidance, is there any other information you think is relevant?** *(please tick Yes, No or Don't Know)*

Yes  No  Don't Know

**Please provide further comments:** for example, please provide details on the information you think is relevant.

**Question 30:**

**Overall, are there any additional issues that should be addressed in this forced marriage statutory guidance?** *(please tick Yes, No or Don't Know)*

Yes  No  Don't Know

**Please provide further comments:** for example, please provide your thoughts on what additional information should be addressed and why?

**Perhaps this will be addressed in the guidance for practitioners but there should be some mention of the importance of educating children and young people, and people in Scotland as a whole, that forced marriage is unacceptable, a crime and how to identify warning signs and report their concerns.**