

Forced Marriage and Safeguarding Adults Guidance.

1. INTRODUCTION

This guidance contains links (underlined in blue) to internet pages that professionals may find helpful so is best viewed electronically.

This local practice guidance supplements the [London Multi-Agency Adult Safeguarding Policy and Procedures \(November 2025\)](#) and reflects the local practice guidance for dealing with suspected cases of forced marriage or where there is the possibility of someone being forced into a marriage.

All work in dealing with risk and safeguarding should consider the six Making Safeguarding Personal principles of Prevention, Participation, Empowerment, Partnership working, Proportionality and Accountability. Decision making should be clearly recorded to reflect these principles in any form of safeguarding work.

This guidance is produced in line with that provided by HM Government [Multi-agency practice guidelines: Handling cases of Forced Marriage](#) (Updated April 2023). The measures for protecting adults with disabilities as set out in the guidance, where they are physical, learning or mental health needs, are the same for non-disabled adults.

There is a clear distinction between a forced and arranged marriage. In arranged marriages, the families of both spouses take a leading role in arranging the marriage, but each spouse individually has the free will and choice to accept or decline the arrangement. In forced marriages, one or both spouses do not (or in the case of some adults at risk, cannot) consent to the marriage and duress is involved. Duress can include physical, psychological, financial, sexual and emotional pressure or violence.

2. QUICK GUIDE FOR PRACTICE

This section is a quick guide for practice, developed by the Enfield Integrated Learning Disabilities Service following a very positive outcomes in a case of threatened forced marriage.

On receipt of any information about potential or existing forced marriage it should be opened as a Safeguarding concern.

Any contact with the adult at risk should consider the principles of safe contact – does their family have access to correspondence? Where might you be overheard speaking with them?

Guidance states that you **should not** inform family / carers of the concerns prior to court proceedings. A warning marker should be placed on the adult's social care record urging caution in relation to third party requests for information, even where this may have originated from a credible source, such as a councillor, general practitioner or member of parliament.

Follow up initial enquiries with person raising the concern to ascertain any further details they may have acquired. Ensure that a full check of the persons background history is carried out.

Inform the Forced Marriage Unit 020 7008 0151: provide full details of person and any other parties known – this will flag information with the passport office and prevent the passport from being used.

Report as a crime of forced marriage or risk of forced marriage to 101. Note Computer-aided despatch (CAD) Reference number.

Legal Instruction – Request an urgent legal planning meeting with Legal Services, request permission to apply for a Ex parte Forced Marriage Protection Order where there is thought to be an immediate concern. At the initial hearing the order shall be likely made for a period of 7 – 14 days with a further hearing date being set by the court for the respondents to appear. The request to the court should ask for the order to include any nationality passports and travel documents, not solely British passports.

Conduct a mental capacity assessment - although you can use the capacity template you are considering more than one question, which includes 1. Capacity to engage in sexual relations, and 2. Capacity to consent to marriage

Both these specific decisions are excluded under the Mental Capacity Act (2005) and therefore no decision can be made on behalf of an adult found to be lacking the mental capacity to decide in these areas.

Suggested layout of the assessment would be:

- Reason for the assessment
- Background Information
- How the assessment was conducted.
- A descriptor of the principles of the Mental Capacity Act (2005) and the two-stage capacity test.
- List any resources used in informing the assessment – including anything used to support decision-making such as translated materials, pictographic resources etc.
- Assessment information – how capacity was or was not demonstrated
- Conclusion.

Preparation of statement

- Professional details and summary of qualifications.
- Summary of reasons for application and history of involvement with person.
- Persons background history and needs
- Current concerns summary
- Conclusions and recommendations - Considerations when asking for order whether they can gain capacity and the length of the order (i.e. fixed period or open ended)

It should be noted that these proceedings take place in the family court and not the Court of Protection.

Decision would have to be made if person is party to proceedings (especially where person is not objecting to marriage).

Following any order being made the papers have to be served on the respondents, the protection orders are not valid until service is completed. If the order includes surrendering of passports and travel documents, it is advisable to ask for police to accompany this visit. NB There are powers of arrest associated with all Forced Marriage Protection orders although they are not specifically listed on the order. Also consider whether there may be other repercussions from the order being served i.e. is an option for respite identified if needed for the adult at risk. Following service of the papers you should complete a statement of service which is returned to the solicitors.

Follow up work: Consideration should be given to support planning, appropriateness of staying at home if this is where they are at greater risk, sex and relationships work, family therapy or work that can be completed if safe to do so.

3. LEGAL POSITION

The Anti-social Behaviour, Crime and Policing Act 2014 makes it a criminal offence to force someone to marry. This includes:

- Taking someone overseas to force them to marry (whether or not the forced marriage takes place)
- Marrying someone who lacks the mental capacity to consent to the marriage (whether they're pressured to or not)
- Breaching a Forced Marriage Protection Order is also a criminal offence (which can result in a sentence of up to 7 years in prison).
- The civil remedy of obtaining a Forced Marriage Protection Order through the family courts will continue to exist alongside the new criminal offence, so victims can choose how they wish to be assisted

If an individual lacks the capacity to consent to the marriage, one course of action is for the local authority to make an application to the Court of Protection under the Mental Capacity Act for orders to protect them (declaratory relief). If satisfied that the adult lacks capacity the court can grant a declaration to this effect. The court can also grant injunction(s) to restrain family members from arranging a marriage for them or prevent them being taken overseas for the purpose of a marriage.

If an adult with suspected learning disabilities has left the country and it is not known if they lack the capacity to consent to marriage, it is recommended that a Forced Marriage Protection Order is taken out to ensure they are returned. Following that, a capacity assessment will need to be carried to determine their capacity to consent to marriage.

Whilst an adult with support needs can make an application in their own name acting with the assistance of a "litigation friend", they may not be in a position to take such action because of their personal circumstances. In this case, you may need to consider whether the local authority should do so.

Adults can also take action to protect themselves under the Family Law Act 1996 and the Protection from Harassment Act 1997.

A spouse who is the victim of a forced marriage can initiate nullity (as long as this is initiated within three years of the date of the marriage) or divorce proceedings to end the marriage. They should be informed that a religious divorce would not end the marriage under UK law.

Adults with support needs can also take action to protect themselves under the Family Law Act 1996 and the Protection from Harassment Act 1997. Under these Acts the following orders may be sought:

- Forced marriage protection order.
- Non-molestation order.
- Occupation order.
- Injunction against harassment

4. MULTI-AGENCY GUIDANCE FOR DEALING WITH CASES OF FORCED MARRIAGE

4.1 *Existing multi-agency guidance safeguarding adults*

Forced marriage is a violation of human rights and a form of adult abuse and should be treated as such. Therefore, ignoring the needs of victims is not an option. Cases should be tackled regardless of cultural sensitivities using **existing structures, policies and procedures** designed to safeguard adults at risk.

Existing strategic bodies should ensure that their member agencies work effectively using the agreed Safeguarding Adults guidance and that issued by the Forced Marriage Unit and Home Office.

4.2 *Initial actions following disclosure*

All concerns of reports of a potential forced marriage or an adult at risk already in a forced marriage, should be report to the appropriate adult social care team, using existing reporting mechanisms.

When a professional from a statutory or voluntary organisation come into contact with a victim of forced marriage, they should remember the 'one chance' rule. **Professionals may only have one chance to speak to a potential victim and thus they may only have one chance to save a life.**

All agencies need to be aware of their responsibilities and obligations when they come across forced marriage cases. If the victim is allowed to walk out of the door without support, that one chance might be wasted.

Given the 'one chance' rule, anyone who comes into contact with an adult at risk who is in or may be forced into a marriage should follow the best practice steps:

- Explain all the options to the person
- Recognise and respect their wishes
- See them immediately in a secure and private place where the conversation cannot be overheard
- See them on their own – even if they attend with others
- Explain to the person about information sharing
- Establish a way of contacting them discreetly in the future
- Obtain full details to pass on to the appropriate team
- Consider the need for immediate protection and placement away from the family.

Do not:

- Send the person away
- Approach members of the family or the community unless the person expressly asks you to do so
- Attempt to be a mediator.

4.3 The Safeguarding Adults Process

Following receipt of a concern of suspected forced marriage, the process should follow that set out in the current Safeguarding Adults policy/ guidance. Immediate thought will need to be given to the safety of the adult at risk and ensuring a safeguarding plan is in place.

Practitioners will need to consider, both at first and then reassessing throughout the case, the following:

- Giving the adult at risk, where possible, the choice of the race and gender of the specialist who deals with their case
- If necessary, ensuring records of any injuries and arranging a medical examination
- Giving the adult at risk personal safety advice
- Developing a safety plan in case the adult at risk is seen during meetings i.e. prepare another reason why you are meeting
- Establish if there is a family history of forced marriage, i.e. siblings forced to marry. Other indicators may include domestic violence, self-harm, family disputes, unreasonable restrictions (e.g. withdrawal from education or "house arrest") or missing persons within the family (for further risk indicators, please refer to section 2.3 of the [Multi-agency practice guidelines: Handling cases of Forced Marriage](#), April 2023)
- Advising the adult at risk not to travel overseas and discuss the difficulties they may face
- Giving them advice on what service they should expect and from whom
- Maintain a full record of the decisions made and the reason for those decisions
- Information from case files and database files should be kept strictly confidential and preferably be restricted to named members of staff only
- Refer the adult at risk, with their consent, to appropriate local and national support groups, counselling services and women's groups that have a history of working with survivors of domestic abuse and forced marriage
- Encourage the adult at risk to access an appropriate, trustworthy advocacy service that can act on their behalf.

Practitioners need to ensure that they have sought the appropriate background information about any individuals concerned – for example reaching out to the MARAC co-ordinator or Police about background information.

Practitioners should also make contact with the Borough's Domestic Violence Co-ordinator as soon as possible for advice and support.

4.4 *The danger of involving the family and community*

Involving families in cases of forced marriage may increase the risk of serious harm to a person. Experience shows that the family may not only punish them for seeking help but also deny that the person is being forced to marry, they may expedite any travel arrangements and bring forward the marriage. Involving the family includes visiting the family to ask them whether they are intending to force their child to marry or writing a letter to the family requesting a meeting about their child's allegation that they are being forced to marry. Relatives, friends, community leaders and neighbours should not be used as interpreters – despite any reassurances from this known person.

4.5 *Venue for interviews*

It is likely that the person will be anxious and distressed. The interview should take place in a private and secure part of the building free from interruptions, in accordance with local practices and procedures. The room should not be adjacent to the public part of the building, as there have been cases reported of people being forcibly removed by their families.

Be aware that the person may wish to be interviewed by a practitioner of the same gender. The person may not want to be seen by a practitioner from his or her own community.

Develop a safety plan in case the person is seen by someone hostile at or near the department, venue or meeting place e.g. prepare another reason why they are there. If the person insists on being accompanied during the interview e.g. by a teacher or advocate, ensure that the accompanying person understands the implications of confidentiality especially with regard to the person's family.

Do not use family members, friends, neighbours or those with influence in the community as interpreters – people may feel embarrassed to discuss personal issues in front of them and sensitive information may be passed on to others. Furthermore, such an interpreter may deliberately mislead practitioners and/or encourage the individual to drop the complaint and submit to their family's wishes. Always use the interpreters provided through the Local Authority or a similar organisation.

4.6 *Future contact and meetings*

Agree where future meetings can take place if the person does not want to meet at the department. Consider alternative venues e.g. local libraries/café's, somewhere they will feel comfortable. Establish whether they can be contacted in confidence at work, at school or through a trusted friend, sibling or organisation.

If you are staying in contact using mobile phones, establish whether the person or another family member pays the bill, as the record of calls made may place the person at risk of harm. Make sure you have a code word to ensure that you are speaking to the right person. If you are using text messages, email or post – make sure that messages cannot be intercepted.

There may be occasions when a third party is the only link to the person. This situation can arise when a person has been taken overseas. Do not meet the person at their new address, refuge or friend's house as you may be followed and never speak to them in the presence of "friends".

4.7 *Confidentiality and security of information*

An individual facing forced marriage may be concerned that if confidentiality is breached and their family finds out that they have sought help they will be in serious danger. On the other hand, those facing forced marriage are often already facing serious danger because of domestic abuse, "honour-based" violence,

rape, imprisonment, etc. Therefore, in order to protect the individual, it is appropriate to share information with other agencies such as the police. Consequently, confidentiality and information sharing are going to be extremely important for anyone threatened with, or already in, a forced marriage. Professionals need to be clear about when confidentiality can be offered and when information given in confidence should be shared.

4.8 Personal safety advice and planning

Research shows that leaving home is the most dangerous time for women experiencing domestic abuse and this is often the case when someone flees a forced marriage. Therefore, if someone is planning to leave or the perpetrators suspect they might leave, they should take measures to ensure their safety.

Even if someone is not ready or willing to leave, they should still be advised of their options and helped with safety planning so they can take measures to protect themselves at home and make arrangements to leave home in an emergency.

Get the person to think about:

- Who they could go to in an emergency?
- Who would be able to send them money if necessary?
- All the things they may need to start a new life
- The possible finality of this decision.

5. PARTNERSHIP WORKING

The needs of victims of forced marriage cut across service providers' boundaries. It is very unlikely that a single agency or organisation will be able to meet all the needs of a person who is either at risk of harm or actually forced into marriage. It is essential for a multiagency approach in line with existing policies.

Forced Marriage Unit

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Website: <https://www.gov.uk/stop-forced-marriage>

The helpline operates between 0900 - 1700hrs, Monday to Friday and the helpline number is 020 7008 0151. The generic mailbox address is: fmufcdo.gov.uk

For out of hours emergencies with an overseas dimension, involving British nationals, please telephone 020 7008 1500 and ask to speak to the Foreign and Commonwealth Office Response Centre.

The Home Office guidance '[Multi-agency practice guidelines: Handling cases of Forced Marriage](#)' (Updated April 2023) lists the national support agencies whom can assist in working with cases.

Useful Resources

Government guidance on Forced Marriage

<https://www.gov.uk/stop-forced-marriage>

Anonymity for Victims of Forced Marriage – Policing and Crime Act (2017)

<http://www.legislation.gov.uk/ukpga/2017/3/part/9/chapter/1/crossheading/forced-marriage-anonymity-for-victims>

Forced Marriage Unit annual statistics

<https://www.gov.uk/government/collections/forced-marriage-unit-statistics>

My Marriage My Choice, Forced Marriage awareness films

<https://www.nottingham.ac.uk/research/groups/mymarriagemychoice/film/other-languages.aspx>

The Forced Marriage Resource Pack – Home Office (May 2023)

<https://www.gov.uk/government/publications/forced-marriage-resource-pack>

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