

Forced marriage of adults with learning disabilities - developing knowledge, policy and practice to keep people safe



## My Marriage My Choice

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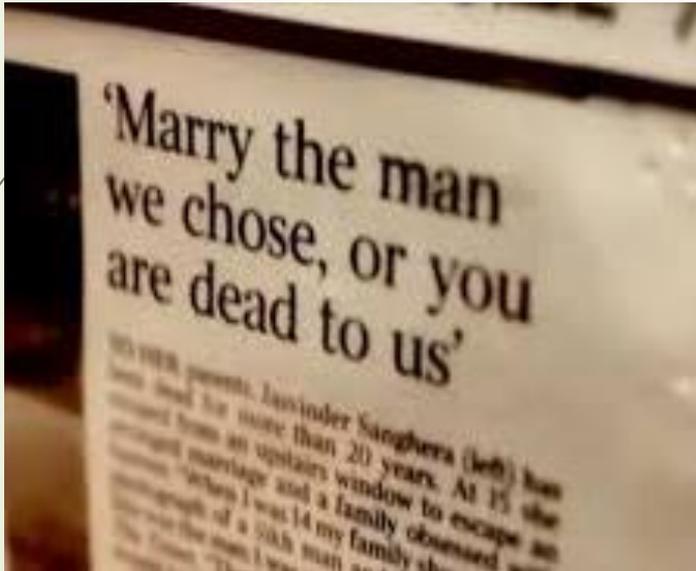
With partners: Ann Craft Trust & RESPOND



# Acknowledgement & Disclaimer

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# What is forced marriage?



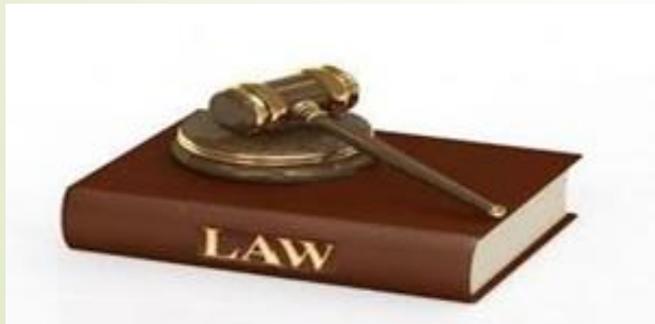
- Forced Marriage Unit definition of forced marriage
- A marriage conducted without the valid consent of one or both parties and where duress is a factor

# Where the law stands on Forced Marriage

Anti-social Behaviour, Crime and Policing Act 2014

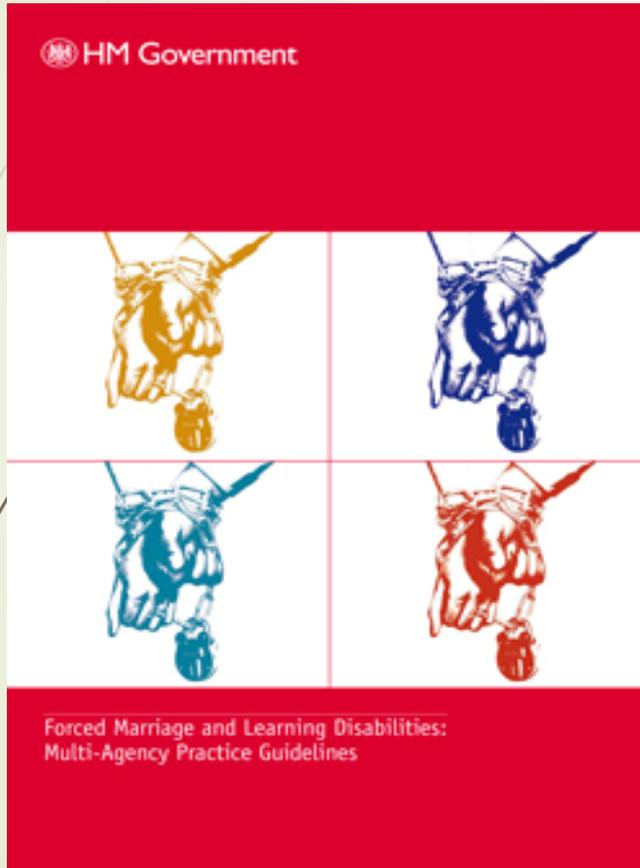
New offences created:

- Forcing someone to marry against their will
- Using deception to cause someone to leave the UK for the purpose of forcing them to marry



If a person lacks the capacity to consent, the offence of forcing someone to marry is committed *whether or not violence, threats or any other form of coercion are used*

# Building on previous work



2009-10: **Research:** the motivators for and consequences of forced marriage of people with learning disabilities (PWLD)

2011 – **Practice development:** training programme for frontline practitioners

2012-13 – **Research:** Forced Marriage and Safeguarding Policy

2014-15 – **Awareness-raising:** 'Hidden Truth' seminar series

All projects were funded by the Forced Marriage Unit Domestic Programme Fund

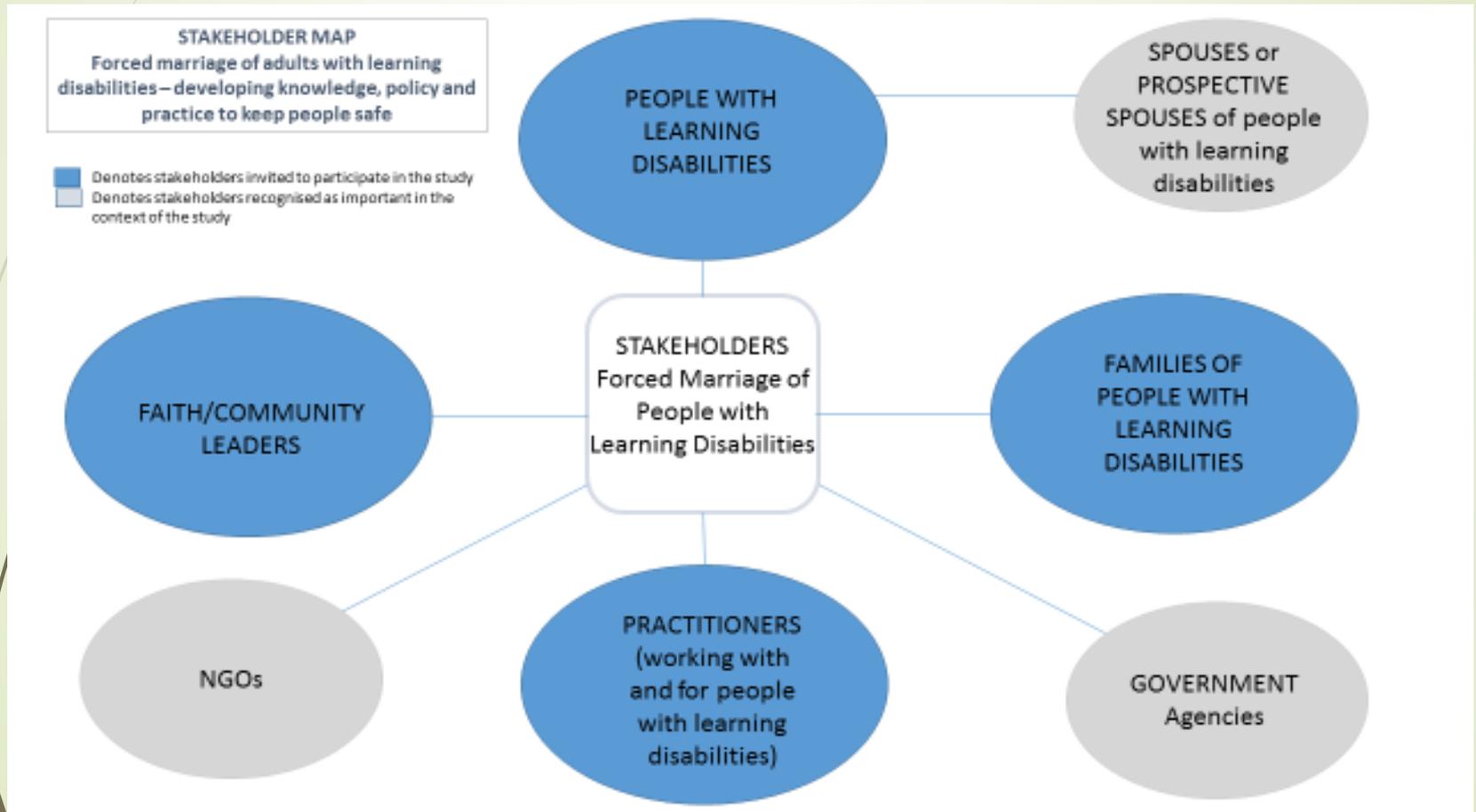


# What did we do in this research?

## Phase 1

- ▶ Analysis of Forced Marriage Unit (FMU) data collected 2009-2015
  - ▶ data collection by FMU has grown year on year
  - ▶ FMU publish figures annually for all cases
- ▶ We had access to the data for cases of people with learning disabilities – with FMU's assistance
- ▶ Enabled description of this 'population'
- ▶ Enabled some comparisons of all-case data and that for people with learning disabilities

# Who participated?





# What did we do in this research?

## Phase 2

- ▶ Interviews and Focus Groups with four key stakeholder groups
  - ▶ 19 people with learning disabilities
  - ▶ 23 family carers
  - ▶ 16 faith/community leaders
  - ▶ 37 practitioners (social work services, health services, the police service and learning disability services)



# Outputs – resources to improve safeguarding

- ▶ Summary of Findings – Full version
  - ▶ Short Version
  - ▶ Easy Read version
  - ▶ Includes 'emerging' implications – more work intended/approved
- ▶ Guidance and tool kit to support practitioners assessing capacity to consent to marry
- ▶ Film aimed at people with learning disabilities, families, faith/community groups to raise awareness of forced marriage
- ▶ Detailed case study report which will explain forced marriage through the use of composite cases (to preserve anonymity)
  - ▶ to help bring to life – motivations, risks, consequences and potential outcomes
  - ▶ designed to aid awareness and understanding of all those caring for or working with people with learning disabilities



# Summary of Findings

Various versions: Full Version, Short Version, Easy Read version

- What's included
  - Analysis of FMU data
  - Analysis of interviews and focus groups
- Identifies features of the population of people with learning disabilities from recorded cases and draws comparisons with all recorded cases (age and gender notably)
- Identifies motivations for forced marriage
- Identifies challenges and barriers expressed by stakeholders
- Identifies the emerging implications for policy and practice



# Developing the tool-kit resource

- ▶ Working group including members from social work, clinical psychology, occupational therapy, speech and language therapy, academics
- ▶ Remit - key areas requiring exploration & explanation
  - ▶ Defining forced marriage; Marriage as a legal contract; Relevant legislation; Legal consequences
  - ▶ What to do pre-assessment; Working with families; Who to involve; Safeguarding referrals
  - ▶ Capacity Assessment; Before you start; Personal history; Communication; Planning the assessment; Interpreters/appropriate people to involve
  - ▶ The Assessment; Appropriate person to do the assessment; Range of questions; Communication consideration; Language complexity
  - ▶ After the assessment; Recording and reporting



# What the toolkit contains:

- ▶ Commentary and ideas about the issues in the previous slide
  - ▶ Dilemmas and challenges that practitioners might face
  - ▶ Hints and tips from a practice perspective
  - ▶ Summary/key points of each section
  - ▶ Example Capacity Assessment tools
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# Case Studies Resource

- ▶ Collection of composite Case Studies
- ▶ As a collection they highlight the many facets of forced marriage of people with learning disabilities -drawn from the discussions we have had with all stakeholder groups
- ▶ Overarching contextual issues
  - ▶ People with learning disabilities and autonomy
  - ▶ Motivations for and consequences of marriage
  - ▶ Issues relating to choice and capacity
  - ▶ Safeguarding policy and practice/role of professionals
- ▶ How might the document be used?
  - ▶ 10 case studies – differing issues
  - ▶ List of reflections and concerns in each and questions that should be asked/discussed
- ▶ We anticipate use as a training resource
  - ▶ to aid recognition, reporting and progression of potential cases
  - ▶ to support development of preventative strategies



# Headline findings of the project – from FMU data (2009-2015)

- ▶ Forced Marriage Unit (FMU) data demonstrate increase year on year of cases being reported in respect of people with learning disabilities - similar increased reporting in all cases.
- ▶ Key differences highlighted in terms of gender and age in respect of cases reported for people with learning disabilities
  - ▶ more cases of males with learning disabilities being reported than those of females with learning disabilities as compared with all cases
  - ▶ ages of people with learning disabilities being reported as being at risk of or having been forced into marriage are higher than in all cases.
- ▶ Profile of a 'typical' person who may be at risk of forced marriage is notably different - has implications for practice.
- ▶ Highest incidence of reported cases: London & South East; West Midlands; North West, and Yorkshire & Humberside. We interviewed stakeholder groups in those areas.



# Headline findings of the project - from people with learning disabilities

- ▶ People with learning disabilities recognised that they have the right to choose but the degree to which they are able to exercise rights was variable - determined by individuals' capacity to understand marriage and family and living circumstances.
- ▶ Some people with learning disabilities demonstrated strong conviction and willingness to vocally exercise their rights to choose - though there remained a strong deference to others (particularly parents) over decisions.
- ▶ When presented with specific scenarios about forced marriage people were less sure of rights and wrongs of particular situations and more likely to acquiesce with persuasive suggestions.
- ▶ Those who expressed the most willingness to say no to unwanted marriages were those with observable capacity, a wider frame of reference on marriage and wide social opportunities suggesting that a greater vulnerability to forced marriage may exist for those who have less of any or all of these.



# Headline findings of the project -from family carers (1)

- ▶ Mixed experiences of being a family that includes someone with a learning disability –some felt high level of acceptance in their social circles and wider community - some experienced isolation and stigma.
- ▶ Distinctions between arranged and forced marriage appeared blurred for many families.
- ▶ Appreciated people with learning disabilities had differing levels of capability but had less clear understandings of capacity and how it's assessed and how important it was in decisions about marriage. Some aware of the law - many were not.

# Headline findings of the project -from family carers (2)

- ▶ Family carers reported dilemmas about marriage - desired contentment for their family member which for some included expectation of marriage, but made incorrect assumptions that this would always be possible.
- ▶ Many thought the key was to find the 'right' partner. Often concerns of the partner without a learning disability to be able to cope were put above risks or concerns that may exist for the person with a learning disability.
- ▶ Motivations for considering marriage were intertwined with concerns about future care. Younger family members seemed more open to idea of support/services - so may be a good 'vehicle' for introducing new ideas.

# Headline findings of the project

## - from faith/community leaders (1)

- ▶ Faiths held different perceptions of learning disability. In some people with learning disabilities were treated as equals - in others there was level of stigma in having this 'label'. Mixed experiences even within the same faith community.
- ▶ Prevalent view was of compassion and tolerance of diversity though this could mean denial of difference and the possibility that life expectations (incl. marriage) may be considered even when it may not be appropriate.
- ▶ Capacity and consent and the assessment of these were problematic, on both a language level (where first language was not English) on what capacity was – important implications for who may or may not be able to get married legally.

# Headline findings of the project

## - from faith/community leaders (2)

- ▶ Faith leaders aware of law relating to forced marriage though it relies largely on capacity and consent around which there was confusion.
- ▶ Felt that generally ongoing teaching and the preparation for marriage within their faith would uncover issues of capacity and capacity to consent.
- ▶ Most felt their role was largely one of preparing for marriage, conducting marriages and supporting people in marriage. Also reported becoming involved more often as mediators when relationships might break down.
- ▶ Alluded to strong influence of families in marriage matters and the vested interests there may be in bringing families together through marriage. Made assumptions that parents know best for their offspring suggesting limitations to their own role in influencing marriage decisions.

# Headline findings of the project

## - from practitioners (1)

- Practitioners reported mixed range of experiences and life expectations for people with learning disabilities and varied engagement with families. Felt that many may not be known to services and that patterns of engagement with services varied along cultural lines.
- Reported tensions in maintaining effective relationships with families and talking with them on emotive matters such as forced marriage.
- Identified future care concerns as the highest motivator for families to consider marriage for their family member.
- Perceived there were genuine misunderstandings among families about forced marriage, capacity and consent
- Practitioners' awareness of forced marriage varied greatly in line with the incidence in their area and their everyday experience of forced marriage. - ranged from none, through to having well-developed systems for recognising, reporting and progressing cases. Also true of their awareness of statutory guidelines and the law relating to forced marriage.

# Headline findings of the project - from practitioners (2)

- Challenges faced by practitioners in recognising, reporting and progressing cases included:
  - lack of resources generally and the lack of infrastructure to support the speedy progression of cases
  - collusive activities within families and between families and other practitioners
  - delicate balancing of maintaining existing relationships with families whilst delivering sometimes 'disagreeable' outcomes to them.
- Assessment of capacity to consent to marriage was misunderstood by some practitioners – assumed such matters could be considered through best interest decisions. This was largely those with no experience of forced marriage cases for whom proactive training would be beneficial.
- Reported cultural barriers and a general lack of trust of services as barriers to effective working with families on matters of forced marriage.
- Expressed need for dedicated training and resources – specifically on forced marriage and particularly to support the assessment of capacity to consent to marriage. Also a clear line of reporting and support for practitioners to recognise, report and progress potential cases.



# Film

- Includes (across four clips):
  - Opinions from people with learning disabilities
  - Scenarios depicting possible forced marriage situations
  - Information about forced marriage from legal, social work and health practitioners
  - A survivor's story
- Split into 4 sections – can be used individually for particular topics or ideally as a suite for a more holistic picture of issues
  - Part 1 – Would you recognise forced marriage?
  - Part 2 – Professional perspectives on forced marriage
  - Part 3 – Motivations and Consequences
  - Part 4 – Key messages from professionals and people with learning disabilities
- Designed to be used for awareness and training; with groups or individuals



## Contact details for further information

My Marriage My Choice Project website:

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