



The Royal College of Midwives
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Written evidence submitted by the Royal College of Midwives to the Home Office on Preventing and Tackling Forced Marriage – Mandatory Reporting Duty

The Royal College of Midwives (RCM) is the trade union and professional organisation that represents the vast majority of practising midwives in the UK. It is the only such organisation run by midwives for midwives. The RCM is the voice of midwifery, providing excellence in representation, professional leadership, education and influence for and on behalf of midwives. We actively support and campaign for improvements to maternity services and provide professional leadership for one of the most established clinical disciplines.

We have written our responses to the consultation questions below.

Question 1: Do you feel that the introduction of a mandatory reporting duty for forced marriage would improve the safeguarding response to this crime?

Yes – However, we need to look at any lessons learned from Mandatory Reporting for FGM; how that duty has been implemented, the training and awareness-raising required for professionals to carry out the duty appropriately, outcomes and tracking, ownership and auditing. Many of the same professionals who are obliged to report FGM will be obliged to report Forced Marriage so some similarity between the schemes make sense.

Question 2(a): If a mandatory reporting duty for forced marriage was introduced, do you think it should apply to:

- ‘Known’ cases - yes
- ‘Suspected’ cases - yes
- ‘At risk’ cases - no

Mandatory Reporting should apply to ‘known’ cases. In regards to ‘suspected’ cases, we think this is also appropriate, as many victims, as the government acknowledges in this consultation paper, will be reluctant to come forward or may not recognise themselves as a victim of crime. We do believe, however, that professionals will require help to make appropriate judgment in reporting suspected cases, which we detail below.

In regards to ‘at risk’ cases, the FGM reporting duty is on professionals who believe the crime of FGM has occurred (through observation or disclosure from the survivor). We believe this same bar should be set for Forced Marriage.

Question 2(b): If a mandatory reporting duty for forced marriage was introduced for ‘suspected’ and/or ‘at risk’ cases, what safeguards do you think could be put in place to help mitigate the risks outlined above?

We recognise the dilemmas that may be faced by professionals in terms of decision making around reporting and determining what 'suspected cases' of Forced Marriage mean. It may be appropriate to develop evidence-based risk indicators to enable objective assessment, so that professionals do not fall back on stereotypes and can report with objectivity and concern for victims/potential victims. For the FGM reporting duty, there is a 'algorithm' and pathway to help identify and support survivors going forward, and we would recommend a similar approach here.

Question 3: If a mandatory reporting duty for forced marriage was introduced, do you think it should apply to cases involving:

- Under 16s - **yes**
- 16 and 17-year olds - **yes**
- Under 18-year olds - **yes**
- Vulnerable adults - **yes**
- Other adults - **yes**

It is important that all these groups are included and offered protection and support through the various mechanisms that would underpin the Mandatory Reporting duty. We know that forced marriage can occur to adults, children and those more vulnerable. Further, some victims may be subject to domestic abuse, coercion and control or rape in some cases, where the Forced Marriage is one of a number of crimes committed. The duty should apply to all to ensure no victim is omitted from this safety net.

Question 4: If a mandatory reporting duty for forced marriage was introduced, do you think it should apply to:

- Teachers - **yes**
- Regulated health professionals (including doctors, nurses *and midwives* - **yes**
- Regulated social care professionals **yes**
- Voluntary and community sector workers - **don't know**

Voluntary and community sector workers are important points of contact and support for those at risk or victims of forced marriage. However, in terms of accountability and sanctions for non-reporting, it would be difficult to implement when these workers may be volunteers or untrained. It would be difficult to bring appropriate sanctions for failures, or monitor and collect statistics. Perhaps, the head of an organization within this sector could be designated with the obligation to report cases.

We would like to refer the Home Office to the Anonymous Voter Registration scheme, which allows qualifying officers to vouch for the need of a survivor of abuse to have electoral anonymity. In this, qualifying officers include NMC or GMC registered health professionals, refuge managers and others working in the police and social services. This new Duty may want to take a similar approach to the professionals who have this new Duty.¹

• **other please specify** Housing Officials in Local Government and those who work with claimants in the Department of Works and Pensions (DWP). There is a level of professional judgement and assessment involved in these roles and asking them to make another determination or report a risk should be explored.

¹ See the RCM's guide for Midwives on Anonymous Voter Registration:

https://www.rcm.org.uk/sites/default/files/Anonymous%20voter%20registration%20in%20the%20UK%20A5%2024pp_4Final1.pdf

Question 5: If a mandatory reporting duty for forced marriage was introduced, do you think it should require reports to be made to:

- ***The police and social care jointly***

This would enable both the police and social services/workers to act in co-ordination in terms of safeguarding and providing immediate support or signposting. Similarly, the FGM reporting Duty still obliges professionals to use their safeguarding processes in tandem.

Question 6: If a mandatory reporting duty for forced marriage was introduced then do you think reports should be made:

- **within a specified time period (e.g. one month) (please state what you feel an appropriate time period would be)**

We believe it would be appropriate for a time limit of one week to be set for under 18s and one month for other groups over 18. However, there may be other issues such as a medical condition/children/safeguarding/domestic abuse impacting on the health and well-being of the victim, including the need to provide immediate care and support to her/him which would influence the timing of reports.

Question 7: If a mandatory reporting duty for forced marriage was introduced, do you think it should require a report to be made:

- ***Yes, once per individual professional***

Yes. This should be supported by a common system, especially in health, so that other professionals interacting with victims are aware that a report has been made and if appropriate, offer further support and care. We have found with FGM, the obligation upon NHS trusts for mandatory recording to NHS Digital has provided the impetus for professionals to report.

Question 8: If a mandatory reporting duty for forced marriage was introduced, do you think failure to comply with it should be:

- **considered by the relevant professional regulator – Yes.**

Doctors, nurses, midwives and health visitors who appear on the Statutory Registers have a 'duty of care' to patients. For example, the Nursing and Midwifery Council (NMC) obliges all registrants to "take all reasonable steps to protect people who are vulnerable or at risk from harm, neglect or abuse". The NMC has included information to registrants on FGM Mandatory Reporting in the registrants' Code of Practice,² so it would be appropriate to consider sanctions via the professional regulator.

Question 9: What evidence or information do you have on the expected increase in reports to the police from introducing mandatory reporting of forced marriage and how do you think they would vary with the different proposals?

We have no evidence that there would be an increased in reports to the police, neither do we know that this proposal would impact adversely on police work. There should be clarity on what is expected, support for implementation and on-going support for the police and those who have a duty to report. In respect of health professional, it is important that they are contacted via email as

² See <https://www.nmc.org.uk/standards/code/female-genital-mutilation-cases/>

to the outcomes and actions arising from their report – professionals need to know victims are being helped through this system.

Question 10: What evidence or information do you have on the length of time which would be required to refer a case of suspected forced marriage to the police, the length of time which the police would spend investigating such a case, and any other costs to statutory agencies of complying with the duty?

We do not know how long it would take the police to investigate such cases. Please see response to Question 6, which is within our remit.

Question 11: Would there be any other implications for frontline professionals of introducing a mandatory reporting duty for forced marriage?

• Yes

There needs to be proper implementation of the duty in terms of training on what the duty is, what is expected of midwives, how they will be supported if called to give evidence in court and an algorithm for referral and support of victims. The Royal College of Midwives will do its best to update our members and work with the Home Office and relevant government departments to advise and make the duty work effectively in practice, as we have done with the FGM Duty (for example, see our e-learning module on Forced Marriage, and our Q&A document for midwives on FGM)³. However, we need support from NHS employers, the Home Office and relevant government bodies to embed training and make it part of the safeguarding obligations of midwives. Given the feedback from our members on Mandatory Reporting for FGM, it is important that the professional who report Forced Marriage are contacted at some point to be updated on the outcome of her/his report.

Question 12: Would the introduction of a mandatory reporting duty have any equalities implications and, if so, how could these be addressed?

• Yes [please outline how these could be addressed]

There are risks of stereotyping groups in the protected characteristics. It is possible to overcome bias and stereotyping through developing evidence based criteria for assessing risk of forced marriage. In addition, training for identification and reporting must include cultural competence training – for example, the e-learning for Health platform has training for all NHS health professionals on cultural competence.⁴

Question 13: Are there any benefits to introducing a mandatory reporting duty for forced marriage which are not highlighted in this consultation?

Yes - By engaging a wide range of professionals in this issue through the Duty, we can raise the profile of this crime amongst them, and the public more generally.

³ Forced Marriage e-learning module:

<http://www.ilearn.rcm.org.uk/enrol/index.php?id=544>; Question and Answer document on Mandatory reporting of FGM:

https://www.rcm.org.uk/sites/default/files/Mandatory%20Reporting%20of%20Female%20Genital%20Mutilation%204pp%20A4_3%20sp.pdf

⁴ See <https://www.e-lfh.org.uk/programmes/cultural-competence/>

Mandatory Reporting for FGM was hoped to act as a deterrent, if those who carry out FGM knew that professionals would report a violation to the police and in effect this would act as prevention. We would like to see a Review carried out on the FGM reporting duty so we can see clearly where the benefits are being felt; this is important for professionals to see, and to 'keep the faith' that mandatory reporting works.

We also recommend the routine publication of data on Forced Marriage cases. The publication of FGM data has served to prompt media inquiries to the RCM, which in turn generates media stories and public discussion and acted as an awareness raising mechanism.

Question 14: Are there any risks to introducing a mandatory reporting duty for forced marriage which are not highlighted in this consultation?

- Yes

The government needs to be prepared to fund on-going support for professionals and the police to make this duty effective. Without this, there is a risk the Duty will fail, and risks further harm to victims and the UK's reputation.

Services and support for victims to accompany Mandatory Reporting. Community services for survivors of FGM have been patchy, and some survivors have felt let down. We want to make sure that this Duty follows on from a report, into a clear support pathway for victims.

Training of magistrates and others in the legal system. We know there is misunderstanding about Forced Marriage throughout our society. Those in the justice system need to be supported so the Duty is made most effective.

Question 15: Are there substantive amendments which could be made to the statutory guidance which would help to prevent forced marriage and protect and support victims?

None from us here.

Question 16: Are there substantive amendments which could be made to the practice guidelines which would help to prevent forced marriage and protect and support victims?

None from us here.

Question 17: Do you think that the statutory multi-agency guidance and the practice guidelines should be combined to provide one clear document for professionals?

- Yes – and simplified

Thank you for the opportunity to comment on this proposal. We think it is an opportunity to help victims of this human rights violation.

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The Royal College of Midwives
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