



North East Criminal Justice Services (CJS)

Response to Honour Based Violence and Forced Marriage (HBV & FM)

Introductory Guide

Author: North East Criminal Justice Boards

Date signed-off by the Regional North-East Criminal Justice Boards: 8/12/09

Date of Next Review: 8/12/10

This Introductory Guide has been written by the North East HBV and FM Steering Group on behalf of the North East Criminal Justice Boards, with funding from the Race, Confidence and Justice Unit at the Office for Criminal Justice Reform.

Acknowledgements

The three Criminal Justice Board Chairs would like to acknowledge with sincere thanks to Nadia Habashi, Race, Confidence and Justice Unit (RCJU), OCJR for her support and enduring commitment to the region in enabling us to develop this work stream - a work stream that will have a great impact on those victims who often suffer in silence.

Nadia Habashi stated, "I endorse the contents of this Introductory Guide identifying the response by each of the statutory CJS Agencies and Victim Support to this issue. I commend the commitment demonstrated by the North Eastern CJS to this important issue."

Cleveland Criminal Justice Board, County Durham and Darlington Criminal Justice Board, and Northumbria Criminal Justice Board would like to thank members of the Steering Group who contributed to the development of this Introductory Guide:

Alan Pearson, Northumbria Police
Angie Wood, Victim Support (Durham)
Andy Dale, Northumbria Criminal Justice Board
Cris McCurley, Ben Hoare Bell Family Law Practice (Newcastle)
Deborah Challis, Legal Services Commission (North East Region)
Graham Bishop, Her Majesty's Courts Service (Durham)
Hari Jandoo, Crown Prosecution Service (Durham)
Hazel Willoughby, National Probation Service, Durham Area
Helen Eustace, Cleveland Police
Helen Hindmarch, Durham and Darlington Criminal Justice Board
Joanne Moore, Cleveland Criminal Justice Board
Jo Tate, National Offender Management Service, North East Region
Julie Nicholson, County Durham and Darlington Criminal Justice Board
Karen Froggatt, Victim Support, North East Region
Mark Donkin, Crown Prosecution Service, Northumbria Violence Against Women Co-ordinator
Michelle Patten, Northumbria Police
Nadia Habashi, Race Confidence and Justice Unit, Office for Criminal Justice Reform (sponsor for project)
Nicola Goundry, Witness Care Unit (Durham)
Nikki D'Souza, Durham and Darlington Criminal Justice Board
Pam Vedhara, Youth Offending Service, South Tyneside
Peter Phillipson, Her Majesty's Courts Service (Northumbria)
Rachel Green, Durham Constabulary
Terri Raine, Witness Care Unit (Durham)

Please note that there is a Glossary on Page 36 and a list of contacts and their details on page 45 for your reference.

Contents

Foreword.....	4
Background.....	5
Criminal Justice Services (CJS) Context.....	5
Aim of the Guidance Document.....	6
Introduction to Honour Based Violence (HBV) and Forced Marriage (FM)	
• Honour Based Violence (HBV).....	7
• Forced and Arranged Marriages.....	9
• Female Genital Mutilation.....	9
CJS Response:	
1. Confidentiality and Sharing Information.....	10
2. Child Protection.....	10
3. Joint Working: International Context and Cross-Border Working.....	11
CJS Process.....	13
Police Response.....	13
Victim Support Response to a Police Referral.....	16
Victim Support Response to a Self Referral.....	17
Crown Prosecution Service (CPS) Response.....	18
Witness Care Response.....	22
Victim Support - Witness Service Response.....	22
Her Majesty's Court Service Response:	
• Magistrates Court in the Cleveland, Durham & Northumbria area and Crown Court.....	24
• County Court: Forced Marriage (Civil Protection) Act 2007.....	27
National Offender Management Service (NOMS), North East Region:	
• National Probation Service Response.....	29
• Prison Service Response.....	31
Youth Offending Service Response.....	33
Multi-agency Partnerships: Working in collaboration.....	34
Civil Protection Route.....	35
Glossary.....	36
Appendix 1 – Information leaflet for use by all Staff and Volunteers.....	37
Appendix 2 – Durham Constabulary Risk Assessment.....	38
Appendix 3 – Courts with Forced Marriage Act Jurisdiction.....	40
Appendix 4 – Forced Marriage Protection Orders (FMPO).....	41
Further Information and Contact Details.....	45
How to contact us.....	46

Foreword

This document has been compiled to enable the reader to understand the response a victim and/or a perpetrator will receive from the criminal justice services within the North-east of England, in the event of crimes linked to family or community-based honour. The aim of the document is to ensure that there is consistency of practice and that staff understand partner agencies roles in the delivery of timely and effective criminal justice services.

As the Chairs of the three Criminal Justice Boards in the north-east, we aim to improve the service provided to victims of honour-based crimes and forced marriages, ensure staff within the criminal justice system understand the difference between forced and arranged marriages, and most of all bring the perpetrators to justice.

We give our personal commitment that the agencies represented by the Criminal Justice Boards will endeavour to respond appropriately and quickly to an incident involving honour or a forced marriage; we will ensure our staff are trained to identify cases and support victims by listening to their needs. We will support our staff in the delivery of the services contained within this document working in these often challenging circumstances.

We pledge our support and commitment to those victims of violence and forced marriage as well as to our staff who work hard to ensure appropriate and timely responses to HBV and FM.

This document aims to provide guidance for all agencies, to ensure a consistent and effective response to victims, witnesses and perpetrators across the North East Region.

Colin Wilson, Chair of Cleveland Criminal Justice Board



Jon Stoddart, Chair of County Durham and Darlington Criminal Justice Board

Sheila Proudlock, Chair of Northumbria Criminal Justice Board



Background

As a result of several high profile cases raising the awareness of HBV & FM, the North East Criminal Justice Board Areas, together with the support of the RCJU began a number of pieces of work aimed at raising awareness and supporting victims of these crimes.

- The Choice Helpline (0800 5 999 365) has been in operation since November 2007 in the Cleveland Police area. The line expanded into Northumbria Police and Durham Constabulary areas on 3 December 2008. The confidential crisis helpline is operated by the police to support anyone who fears they may be at risk of HBV or FM, or for persons calling on a victim's behalf.
- Multi-agency training has been delivered to key personnel from each agency on a 'training the trainers' basis and will be disseminated within each of the organisations over the coming year. The trainers' package is available on request from the OCJR-RCJU.

A regional multi-agency group has developed this Introductory Guide with the aim of informing the reader of the response a victim of honour based violence and/ or forced marriage will receive from the Criminal Justice Services. In addition, the group has designed a leaflet entitled 'HBV & FM Criminal Justice Services Guidance' for distribution to all CJS staff and volunteers (see Appendix 1). Where agencies have decided it appropriate, the leaflet has been attached to staff payslips to increase the profile of this piece of work and increase awareness of the issues relating to this area of joint criminal justice business.

CJS Context

Violence against women and girls is a human rights issue. The Equality Act 2006 established the Equality and Human Rights Commission (EHRC), which is responsible for overseeing the implementation of the Gender Equality Duty (GED), with effect from October 2007. Given the fact that violence against women is rooted in inequalities found throughout society between men and women, the GED provides a way for public authorities to look at how they operate in order to address systematic inequalities.

The past few years have witnessed major policy and legislative developments on honour based violence and forced marriage (The Female Genital Mutilation Act 2003; the Joint Home Office/Foreign and Commonwealth Office Action Plan on Forced Marriage; the roll out of Specialist Domestic Violence Courts; and the development of the Forced Marriage (Civil Protection) Act 2007).

This policy change reflects a real commitment of government representatives of all political parties, CJS agencies and the voluntary sector to develop

strategies to respond to crimes committed in the name of so-called “honour” and forced marriage. This approach to addressing honour based violence and forced marriage is aimed at improving the investigation of such crimes and lead to more successful prosecutions where perpetrators are brought to justice, where victims are made to feel safe and where potential victims can have confidence that they will be taken seriously.

The strategic, focused and joined approach to addressing honour-based crime is underpinned by an acknowledgement that it is severely under-reported. A lack of awareness, understanding, or established expertise can contribute to increased harm, increased risk and lower confidence levels amongst victims or potential victims. A multi-agency cross sector partnership is required to improve the CJS’s response.

Aim of the Guidance Document

This document provides a multi-agency account of the criminal justice process that will be undertaken in the event of a forced marriage and/ or honour-based crime and the responsibilities of CJS practitioners and volunteers involved with the handling of such cases.

Reference is made to the support available from the voluntary sector, for victims, witnesses and/or perpetrators, in the section describing the work of Victim Support and the Witness Service.

The document will assist members of the CJS agencies when dealing with a HBV and/or FM case and applies to both male and female victims. This Introductory Guide is for staff and volunteers who require an introduction to the relevant issues and can be used as part of an induction process for those new to the criminal justice organisations and Victim Support. It can also be used as a basis for training, if required.

The Introductory Guide will be reviewed annually by the Regional HBV and FM Steering Group. Any amendments will be noted and a communication strategy will ensure that those responsible for delivery are notified of the changes. Furthermore, cases will be reviewed by CPS Scrutiny Panels and where possible, by BME Independent Advisory Groups to monitor the response outlined within the document. This will ensure community accountability and appropriate challenge and scrutiny of the CJS response to such cases. Any comments about the Introductory Guide outside of the formal steering group arrangements need to be communicated to the County Durham and Darlington Criminal Justice Board on lcjb@durham.pnn.police.uk as the single point of contact on behalf of all three boards.

How to complain

Agencies are to follow their own internal complaints processes where applicable. Individuals wishing to make a complaint should be additionally

referred to the Victims Commissioner and the relevant Ombudsman if that is appropriate.

Introduction to Honour Based Violence (HBV) & Forced Marriage (FM)¹

Honour Based Violence (HBV)

HBV is a collection of practices that cuts across all cultures, nationalities, faith groups and communities. These practices are used to control behaviour in an effort to protect perceived cultural & religious beliefs and/or honour. It is imperative to stress that these practices are not condoned by any of the major religions.

HBV is not specific to one gender, as both males and females can be vulnerable to HBV and FM and both genders will perpetrate HBV related offences, e.g.:-

- murder
- domestic abuse (including psychological, physical, sexual, financial or emotional abuse)²
- child abuse
- rape
- kidnap
- false imprisonment
- threats to kill
- assault
- harassment
- forced abortion
- controlling sexual activity (including Female Genital Mutilation 'FGM')
- unexplained death (suicide)
- fear of or actual forced marriage

The CJS response to this issue is clearly triggered by the identification of HBV, so it is important that professionals are able to make this identification at the outset using all the available information and tools deployed by their organisation. As an example of a risk assessment tool used, please refer to Appendix 2 which assists in this initial identification.

Perpetrators of HBV should not be underestimated; they may kill their closest relatives and/or others for honour. The perception of rumour or immoral behaviour may be sufficient to kill. Immoral behaviour may include perceptions of: -

- inappropriate make-up or dress
- the existence of a boyfriend/ girlfriend/ same-sex partner
- rejection of a forced marriage

¹ The information has been adapted from Thames Valley HBV Policy, Cleveland HBV Policy July 2008, Cleveland SOP, Cleveland HBV, FM & FGM Procedure, Northumbria HBV Policy and Durham HBV Policy June 2008

² Staff must be aware that an incident of domestic abuse does not become HBV simply because the parties involved are of BME origin.

- pregnancy outside of marriage
- interfaith relationships
- leaving a spouse or seeking divorce
- kissing or intimacy in a public place

In cases where honour is not mentioned it may not have been identified correctly. HBV matters could be identified through other types of offences e.g.

- missing from home reports
- domestic abuse
- unreasonable restrictions (e.g. 'house arrest')
- child protection concerns
- suicide attempts
- disclosure by a third party (e.g. teachers, friends etc.)
- truancy from school
- prolonged absence from school

When dealing with potential victims it is important to recognise the seriousness/immediacy of the risk and the possibility of forced marriage, abduction, missing persons and murder. Incidents that may precede the aforementioned include:

- forced marriage
- domestic abuse
- pregnancy
- pressure to go abroad
- denial of access to the telephone, internet, passport, children and friends
- attempts to separate or divorce
- truancy
- a pre-marital relationship

Reporting is a very brave step for some and an inappropriate response could put the victim further at risk. Involving the police could be seen as bringing further shame on the family. Victims are likely to be very concerned about confidentiality as they may have a perception that their family will use police sources to trace them.

Family members may make false allegations of crime against them in an attempt to enlist the support of the police to track the victim down. This may be in the guise of a missing from home report or an alleged theft. Bounty hunters/ contract killers may also be employed to trace and return the victim and/or kill them.

Victims may be concerned that you will return them to their family and may not only be at risk from their in-law family but also from their own parents and extended family. This can result in isolation, depression and on some occasions suicide.

Consideration should also be given as to whether the victim's partner, children, associates and/or siblings are also at risk.

It is vital to be aware of the “one chance” rule. That is, staff may only have one chance to speak to a potential victim and thus staff may only have one chance to save a life. This means that all professionals working within statutory 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.

Forced and Arranged Marriages

Forced Marriage is not an arranged marriage but a marriage where one or both parties are forced to marry against their wishes. There are close links to HBV with violence and threats of violence used to ensure the individual complies with the family wishes.

Forced marriage is primarily an issue of violence against women. The majority of cases of forced marriages in the UK involve South Asian families but there are also cases involving families from the Far East, the Middle East, Europe and Africa. The issue of forced marriages should not be used to stigmatise any community. Some forced marriages take place in the UK with no overseas element whilst others involve a partner coming from overseas or a British citizen being sent abroad. Most cases involve young women and girls aged between 13 and 30 years, although there is evidence to suggest that as many as 15% of victims are male³. Lesbian, Gay, Bisexual and Transgendered individuals may face the same difficulties, with some parents believing that a marriage may provide a cure for their sexuality.

In many cases the individual will be perceived to be ‘westernised’ and pressure will be brought to bear by refusing to allow them out of the home unless chaperoned, withdrawal or threat of withdrawal from education and the barring of contact with friends. In some cases the individual is taken to the country of her/his extended family where her/his ability to resist the marriage is significantly reduced.

Female Genital Mutilation (FGM)

Female genital mutilation comprises all procedures involving the partial or total removal of the female external genitalia or other injury to the female genital organs for non-medical reasons. There are several types of FGM, ranging from a symbolic prick to the vagina to the fairly extensive removal and narrowing of the vagina opening. In the UK all forms of FGM are prevalent.

FGM is considered to be a form of child abuse in the UK and a grave violation of the human rights of girls and women. In all circumstances where FGM is practised on a child it is a violation of the child’s right to life, their right to their bodily integrity, as well as their right to health. The UK Government has signed a number of international human rights laws against FGM, including the Convention on the Rights of the Child.

³ Information source: taken from Forced marriage Unit publication ‘What is a Forced Marriage’

Criminal Justice Service (CJS) Response

1 Confidentiality and Sharing Information

Throughout the process, it is the intention of CJS Agencies to ensure minimal numbers of staff are involved in the process to reduce the risk to the victim, witnesses and those staff members involved.

Files, which are accessible only on a 'need to know basis', must be considered in order to protect employees from external pressures (e.g., community leaders) and to protect the victim.

It is imperative to understand the need for heightened confidentiality, as perpetrators may go to extreme lengths to retrieve information on the victim's whereabouts. Steps have included:

- reporting the victim missing
- reporting the victim's vehicle stolen
- hiring bounty hunters, who may illegally obtain information from various departments i.e. DVLA, DWP, NI, Police, GPs etc

The family may also try to obtain information from community members who work for any organisation where personal data is held, including solicitors who are acting on behalf of the victim. Where information has been inadvertently passed to family members, there have been instances of the marriage being brought forward. Family members and community leaders should not be used as interpreters, as a matter of good practice, due to the issues identified above. As some families use bounty hunters and other networks to trace individuals, there is a need to ensure that confidential information is not unwittingly disclosed.

Those staff appointed to these cases must ensure confidentiality and managers must take steps to ensure policies/practices are in place to facilitate the maintenance of confidentiality and minimise staff access.

Child Protection

It is imperative that child protection legislation is considered and adhered to in cases of HBV & FM, as:-

- many of the victims are under 18 years of age (Metropolitan Police statistics suggest 1 in 4 victims of HBV are under 18 years of age⁴)
- siblings may also be subject to HBV and/or FM, and the risks may increase after the disappearance of the older sibling
- the victims may have children to consider when taking action
- perpetrators may have forced younger siblings to watch incidents of HBV and some even forced to take part

⁴ Source: Thames Valley HBV Policy

All Local Safeguarding Children Board arrangements must be complied with.

3 Joint Working: International Context and Cross border Working

Police Cross Border standard operating procedures

Cleveland Police, Durham Constabulary and Northumbria Police have agreed the following Standard Operating Procedures regarding the cross border liaison of FM and HBV cases.

From the outset, the responsibility for the ownership and any investigation, risk assessment and evidence gathering rests with the originating Force. If an investigation is being conducted, the investigation will remain with the originating Force even if the victim is being moved into another force area.

This means that the following will be considered and undertaken as appropriate by the initial force where the victim or where the crime has been committed:

Allegation of potential FM/HBV:

Interview (the most appropriate method)/ Risk Assessment/ Statement/ DNA/Photos/Fingerprints/ Passports seized/ Tactical Options considered i.e. Response Plan etc.

Allegation of a Crime:

Interview/ Risk Assessment/ Statement/ Evidence Gathering/ Investigation/ Tactical Options considered i.e. Response Plan etc.

The receiving Force where the victim/witnesses will be moved to will receive or be updated with the following information:

- Before any person is moved to the new force area, the new force will be made aware of the potential FM/HBV and/or the crime or potential crime by a designated contact (this will be decided and agreed between the forces).
- Be provided with copies of any completed Risk Assessments or Response Plans.
- Be provided with an on-going contact from the receiving force who the new force can update if any incidents occur or the risk increases whilst the victim is within the new force area.
- Be updated by the initial force contact if they are made aware of an increase in risk or if they have relevant updates from any investigation.

International Context

Any Forced Marriage/ potential incident of Forced Marriage where the Victim could be taken overseas, should be reported to the Forced Marriage Unit (FMU). Full details for the FMU appear on page 44 in the Further Information Section.

Foreign and Commonwealth Office (FCO) established the Forced Marriage Unit, to:-

- ◆ provide confidential support and information on FM
- ◆ provide information on the rights of a person in relation to FM, and the services in existence to support them
- ◆ manage incidents from the UK

If someone is taken overseas to be forced into marriage, if possible they should report it to the British Consulate, Embassy or High Commission, who will then contact the FMU to arrange assistance.

If a British Citizen is fleeing a forced marriage abroad, with no access to money the FCO may assist with offering a loan, in certain circumstances. They can also issue emergency passports if required.

If a person fears they will leave the country to be forced into marriage, the Forced Marriage Unit will be contacted to restrict movements out of the country.

CJS PROCESS

The following sections provide an 'incident to release' account of the role each agency will carry out to ensure that perpetrators of HBV are brought to justice and victims are supported through the process.

After an incident occurs and comes to the attention of the police the Criminal Justice System (CJS) will begin to process the case and endeavour to bring the offence to justice.

Police Response

The police role regarding cases or potential cases of FM and HBV is focussed around identifying the risk to the victim and any other person deemed to be at risk or potentially at risk and to ensure an appropriate police response. Of paramount importance is the safety of the victim and any other parties involved and the gathering of evidence right from the outset that could assist in any subsequent investigation and risk management of the case.

The Police Service has recognised its role in dealing with cases of FM and HBV, and in order to do this appropriately, has devised specific Policies, Procedures and Risk Assessments to ascertain the correct information from victims therefore ensuring an appropriate response.

The Procedures cover all the roles within the Police Service and the responsibilities that these roles have in relation to FM and HBV. The procedures also provide an understanding of the complexities that can arise when dealing with these cases and the need for sensitivity and confidentiality throughout the process.

The identification, assessment and subsequent management of risk is a dynamic and ever changing process and can continue beyond the conclusion of a case at court (if it has gone through the criminal justice system). Risks can and do continue to be present throughout the lives of many of the victims or potential victims who were initially (or subsequently became) at risk during the process, thereby still requiring police interventions. Appendix 2 gives an example of a risk assessment, designed by Durham Constabulary.

The Police Service is cascading training around the Procedures and the Identification, Assessment and Management of Risk to all Officers and Staff and in doing so raising awareness of the issues of FM and HBV so that Officers and Staff have a clear understanding of their responsibilities.

How the Procedures and Risk Assessments are carried out will differ slightly between forces but the fundamental principles underlying the Procedures and Assessment are the same.

Helpline:

In November 2007, Cleveland Police set up a dedicated helpline (CHOICE) for HBV and FM and in December 2008, Durham and Northumbria Police joined the helpline extending this service across the whole of the North East area. The CHOICE Helpline is for any victim, potential victim or third party who is concerned regarding any issue of FM and HBV and all calls are answered using trained officers and staff within each of the Police Forces. The line is available 24 hours a day 7 days a week and it is another opportunity and option for people to make contact with the police safely and securely and start to access the help and support that can be provided by the police.

When someone rings the Helpline, they will be given the option as to whether they want: Cleveland, Durham or Northumbria. If for any reason they do not choose the corresponding option i.e. Press 1 for Cleveland the call will automatically divert to Northumbria ensuring that all calls are answered regardless of whether an option is selected.

Details will then be obtained as per the specific call taker forms and an appropriate course of action decided by a supervisory officer. Details of the call will not appear on all police systems but will only be viewed by selected officers and staff as appropriate in line with the explanations above in respect of confidentiality. The call will be handled in the area in which the case occurred e.g., Durham and close liaison between the North East Forces has been established in order to facilitate this.

Response/Risk

The most obvious risk in respect of FM and HBV cases is that someone could be seriously harmed, or abducted and taken abroad. The other issue is whether the victim or potential victim is an adult or child and what other issues therefore need to be considered.

When assessing risk, the Police establish the level of risk (e.g., Very High), the seriousness (e.g., what harm could be caused) and the imminence of that risk (i.e. when it may be carried out). Officers then complete a thorough risk assessment with the victim in order to obtain as much information as possible. Each of the forces has a specific risk assessment for HBV and FM, all of which are very similar. A copy of the risk assessment devised by Durham Constabulary is attached in Appendix 2 as an example.

The Risk Assessment is usually completed by the First Response Officer who attends an address or speaks with someone who has attended the Police Station. The police decide what action needs to be taken and who else needs to be involved i.e. the Domestic Abuse Unit (DAU) or the Criminal Investigation Department (CID). The Domestic Abuse Teams for each Force will nearly always have involvement with cases and may lead on the

investigation of the case or provide advice to other officers as required. Allocation of the case is dependent on the level of assessed risk to ensure that the most appropriate department deals with the case. Close liaison with the victim or potential victims is required throughout the investigation and safety plans are devised with those victims to try to ensure their current and on-going safety as far as possible.

The police will always take the views of any victim or potential victim into consideration when dealing with HBV and FM. However in doing so they have to balance the level of risk against those wishes and as the police have a duty of care to all victims this balance can sometimes override those wishes.

The police can also take a "Victim Personal Statement" (VPS) from a victim at any point during a criminal investigation. The statement is taken in order to ascertain how the victim has been affected not only at the time of the incident but also after the event and it is their opportunity to disclose how they feel. They can also disclose for example, any fears they may have of attending court and any other issues that have arisen since the incident that they want to highlight to the Police and ultimately, to the court. A thorough statement will have been taken at the initial stages of the investigation. However, the longer-term effects on a victim are not always present or realised at that time and if a case does not go to court for many months a VPS allows an up-to-date picture to be presented.

The police will liaise with other forces as necessary and with the Forced Marriage Unit and the Foreign and Commonwealth Office, particularly around abduction cases and persons being taken abroad. In addition, the forces also liaise with Immigration. The police will also liaise with other appropriate organisations i.e. Children's Services through Safeguarding and some cases may potentially be discussed within a Multi-Agency Risk Assessment Conference (MARAC) or as part of the Multi-Agency Public Protection Arrangement (MAPPA). For further information on MARAC and MAPPA, see page 33.

All available evidence is gathered by the police at the initial stages even before criminal intent is established so that crucial evidence which is deemed relevant later and vital to the case, is not lost.

It is often the case that the police receive relevant information about HBV and FM cases through other agencies such as Health or Housing. These agencies need to understand the referral routes into the police or via the MARAC or MAPPA arena, both forums in which the police play a vital role. The police would conduct a "restricted MARAC" for a HBV and FM case to ensure that only relevant agencies are aware of the information to ensure confidentiality.

The Police Service will treat all victims or potential victims of HBV and FM with dignity and respect. The Police Service want to encourage victims to seek its support knowing that they are also fully engaged with all partner agencies in dealing with FM and HBV.

Victim Support Response to Police Referral

Victim Support (VS) is the national charity for victims and witnesses of reported/ unreported crime. They offer a wide range of services to victims and witnesses, including the provision of information, practical help, advocacy, and emotional support.

Victims Support's first point of contact is based within the Victim Care Unit (VCU). A fully trained Victim Care Officer (VCO) is available between 8.00am and 8.00pm and will take details of the referral and agree a 'Safe Contact Plan' with the officer in charge. Victim Support will continue to liaise with the police in accordance with the safety plan and in line with Confidentiality Policies.

The case will take priority in the unit's workflow and a safe, independent and confidential service will be offered as follows:

- VCO will liaise with the VCU Manager
- An initial risk assessment will be carried out. The risk assessment process is on-going throughout in order to protect the victim, staff and volunteers and other service providers.
- Call back in line with the safe contact plan
- Provision of an individual needs assessment.
- Following needs assessment, services may be commissioned by the VCO to ensure the victims safety and address immediate practical needs, examples of which are shown below.
 - * Transport to a place of safety.
 - * Short-term emergency accommodation until safety plan is agreed.
 - * Supermarket vouchers for food/clothing.
 - * Referral to specialist agency.
 - * Additional home and personal security.
 - * Transport to and from medical/legal or support appointments with other agencies.

Once the immediate safety of the victim has been assessed and dealt with, longer-term support may include:

- Ongoing emotional support provided by a VS volunteer or specialist worker, or an IDVA who may, if appropriate, work alongside other agencies.
- Further practical support can be provided at any time, as support is ongoing and not time limited.
- Advice and support to complete the Victim Personal Statement if required.

- Advice and help to submit an application for Criminal Injuries Compensation.

As mentioned elsewhere in this report, HBV and FM is not gender specific. Victim Support makes all its services accessible, relevant and inclusive to all who need help.

The procedure stated above will be carried out following a referral from any other agency.

Victim Support Response to a Self Referral

Victim Support offers its services to any victim whether or not they have reported the incident to the police. Details of our services can be found on our website (www.victimsupport.org.uk) where local contact information is available. The Victim Support National Helpline is also available 0854 30 30 900.

Victim Support offers exactly the same service to victims who contact them directly.

The above procedure will be followed and the VCO will agree the safe contact plan with the victim.

Victim Support also manages the Witness Service and both work closely to provide a complete service and support a victim throughout the criminal justice process.

Crown Prosecution Service (CPS) Response

Role of the CPS

The Crown Prosecution Service (CPS) is a Government Department and an independent body responsible for:-

- advising the police on cases for possible prosecution
- reviewing cases submitted by the police
- determining any charges in all but minor cases
- preparing cases for court
- presenting cases at court

The CPS recognises Violence against Women (VAW) as a fundamental issue of human rights. Freedom from violence and abuse is explicitly recognised in international law with respect to both human rights and gender. Violence against Women is also recognised internationally and nationally as a cause and consequence of broader social, economic, and cultural discrimination faced by women.

The CPS is committed to the fair and consistent application of the criminal law so that offenders of VAW crimes are properly dealt with; victims and witnesses are properly supported and protected; and society as a whole is safer.

The CPS Violence Against Women: Strategy and Action Plans (2008) highlights their approach to tackling honour based violence and forced marriage. This can be found at www.cps.gov.uk

Those staff appointed to these cases must ensure confidentiality and managers must take steps to ensure policies/practices are in place to facilitate the maintenance of confidentiality and minimise staff access.

Stage 1 Case identified by initial prosecutor (CPS Direct or CPS charging lawyer)

The police will bring an initial report to the CPS. This can be by one of three main routes:

- Report to a prosecutor based in a police station or such other system as is agreed between the CPS and the police for providing advice;
- Contact with CPS Direct (out of normal office hours);
- An appointment with a prosecutor in the office for more complex cases (e.g. those involving large amount of video based evidence)

In cases of urgency, it may be necessary for that lawyer to give immediate advice to the police to charge a suspect, for example, where there is a

pressing need to remand a suspect in custody before the police investigation is complete.

In other cases, there may be more time in which to consult a specialist prosecutor (see stage 2). Either way, the case will be passed to a specialist prosecutor as early as possible to ensure consistency of handling and approach.

Stage 2 Specialist Prosecutor (SP) Involvement & flagging⁵

Specialist Prosecutors are specially trained Prosecutors who will lead and advise colleagues on HBV and FM cases.

The case file will be forwarded to the Specialist Prosecutor (SP) for initial review. The SP will decide whether the case needs to be flagged, what subsequent action is required and will, in most cases have conduct of the case. Any suspected HBV and/ or FM case will be electronically flagged on the case monitoring database in line with CPS guidance.

Stage 3 Preparation for trial

Identifying Special Measures

Special Measures may be available to vulnerable and/ or intimidated witnesses to enable them to provide their best evidence during investigation and the trial stages. In appropriate cases, a meeting may be held with a victim to discuss their individual needs.

The legislation that makes Special Measures available requires the court to take into account the cultural background and ethnic origin of a witness when considering an application for Special Measures, if the court considers that these are relevant to the case. Particular attention will, therefore, be given to the need to apply for Special Measures in HBV and FM cases. Examples of Special Measures that may be available are given on page 26.

Witness Care Units

This is a service provided jointly by the CPS and police to assist victims in attending court by assessing the needs of Victims and Witnesses in respect of the case i.e. transport, carer's arrangements and childcare. Additionally, they will update the victim and witness on all aspects of the case; special measures applications, dates and times of cases and adjournments.

⁵ Flagging is a process whereby a specific monitoring code is added to each case.

Further information on Witness Care units can be found in the Witness Care Section of this document.

Local Support

Local Support is available through the Choice helpline 0800 5 999 365.

Multi-Agency

Links with Local Authority Domestic Violence and Hate Crime Officers, Doctors, Mental Health professionals, housing and others to assist the case should be considered. In addition, it is necessary to forge links with family law practitioners to deal with family issues.

Risk management

Risks will have been assessed by police officers or through Multi-Agency Risk Assessment Conference (MARAC). They will be communicated to the CPS and Witness Care (see Witness Care Section) through the police.

The CPS will act upon these risks by requesting the Courts impose conditions on the defendant, especially in relation to remand hearings.

Stage 4 First hearing stage

- if the offence charged is so serious that it can only be dealt with at the Crown Court, the Magistrates Court will send the case straight to the Crown Court, without any indication of plea being given;
- in all other cases an indication of plea should be given by the defence, and the magistrates will decide whether the case can be heard at the Magistrates' Court, or whether it should be committed to the Crown Court for trial;
- in certain circumstances the defendant may elect to be tried at the Crown Court, and the case will be committed to the Crown Court for trial;
- for cases that are to remain at the Magistrates' Court, the plea is then confirmed;
- if the plea is 'not guilty', witnesses are selected and a trial date will be identified and fixed;
- the engagement of expert witnesses will be considered in appropriate cases;
- the cultural context will be explained in court;

- applications for Special measures will be made in good time in accordance with the Criminal Procedures Rules to the Magistrates' Court
- consideration will be given to the need for a suitable interpreter or interpreters for the trial.
- in the Crown Court a similar procedure will be undertaken after the case has been sent or committed for trial.

Stage 5 Presentation in Court

A Crown Prosecutor or an Associate Prosecutor will present the case in the Magistrates' Court as is the norm with all cases.

In the Crown Court, the case will be conducted either by a CPS Higher Court Advocate or by a Barrister instructed by the CPS as is the norm with all cases.

As part of stage 3 of the CPS process, a referral will be made to the Witness Care Unit, which is described in the next section.

Witness Care Response

The Witness Care Unit (WCU) is a multi-agency unit comprising of CPS and Police Staff whose aim is to provide a customer focused service to victims and witnesses of HBV and FM cases providing needs assessed support to enable those individuals to give evidence at court and keep them engaged with the Criminal Justice System.

The Witness Care Unit will provide a single point of contact for all victims and witnesses and following first hearing and subsequent stages of the court process, will update victims and witnesses of the hearing outcomes by their preferred means of contact. Where necessary, Witness Care Unit staff will liaise with the relevant police department in respect of risk assessment and communication with the victim.

Should the case proceed to trial, Witness Care Unit staff will conduct a full needs assessment for all victims and witnesses required to attend court to ensure that they know what to expect on the day. The needs assessment will cover aspects such as:

- Information and Support needs – general concerns about attending court; referral to other specialist support services i.e. Victim Support and the use of Victim Personal Statement⁶
- Practical needs – transport, disability, mobility, child care issues; identify need for special measures; identify any religious/cultural needs
- Court attendance – offer of pre-trial visits; general information about attending court and court location/facilities; services offered by Witness Service
- Additional information

Victim Support – Witness Service Response

The Witness Service is present in all criminal courts in England and Wales and receives witness information from the Witness Care Units. Witness Service personnel are trained to support victims and witnesses through the court process.

All people who experience HBV fall in to the category of vulnerable and intimidated witnesses and upon receipt of information from the WCU they will receive the following enhanced service:

- safe contact would be agreed with the WCU
- greater levels of pre-trial visitation, home visits etc.
- greater level of advocacy and special measures
- increased level of support on the day of the trial
- increased level of support after the trial
- only appropriately trained witness service personnel will contact the witness

⁶ See Police section for further information

- regular contact and provision of information and dates
- systems in place to ensure explanation and support are offered if their case does not proceed as planned
- liaise with the WCU to ensure all special measures have been identified and requested
- providing information about court procedures
- arrange further help after the hearing
- referral in to or back to Victim Support's Community Service via the VCU
- any further practical needs can then be addressed (target hardening, security measures etc.)

To avoid any duplication or confusion the Witness service works closely with the WCU in order to provide the best possible service to witnesses. Victim Support's frontline Witness Service is provided by specially trained volunteers overseen and managed by Senior Witness Service Managers.

Court Visits

Facilitated pre – hearing court visits are now a regular occurrence, particularly for young and vulnerable witnesses. These are designed to familiarise the witness with the court environment and procedures including where applicable, the use of video-link equipment. Such visits are planned and undertaken in a co-ordinated fashion. Usually a witness service representative will be the escort but local practices may vary.

Familiarisation will include:

- tour of the building and facilities
- what will happen when the witness is called to give evidence
- demonstration of video link equipment or screens if this is going to be used
- oath or affirmation procedures
- courtroom layout
- who will be present in court, where they will sit, and what their roles are
- meet the usher and witness service staff who will escort the witness on the day of the hearing.
- where witnesses should present themselves on attending court. The facilities at each court will vary. Some courts will have a separate entrance for prosecution witnesses. All courts will have a separate waiting area for witnesses.
- security procedures at court

Upon conclusion of a case, Witness Care staff will refer back to appropriate agencies if applicable.

The next stage of the process would be to hear the case at Magistrates Court (Criminal Court) then potentially the Crown Court, depending on the severity of the crime or a court where a civil Forced Marriage Protection Order can be granted. The courts and their processes are explained in the next section.

Her Majesty's Court Service Response

Magistrates' Courts in the Cleveland, Durham and Northumbria Area (CDN) and Crown Court

The Role of the Courts

The Magistrates Courts deal with 97% of all criminal cases in the UK and a wide range of civil proceedings including care proceedings, some of which can be used in response to HBV/FM. Where relevant, please refer to any specialist domestic violence protocols which exist in your area in addition to this document.

More serious cases are committed to the Crown Court.

County Courts have a range of orders to protect against HBV and other domestic violence, a breach of which is punishable by imprisonment. For information about the remedies that are available for those not wishing to go through the criminal justice process and involve the police and wish to take civil action, please refer to the Ministry of Justice publication: "Domestic Violence: A Guide to Civil Remedies and Criminal Sanctions, which is available at www.family-justice.org.uk/600.htm or from any County Court. The County Court has the specific power to issue forced marriage civil protection orders

Not all County Courts issue forced marriage civil protection orders, but there are specialist FMA (Forced Marriage Act) courts to do this, which have a vulnerable victim's protocol. This protocol will specify points of contact, special measure available etc. The specialist FMA courts in this area are Newcastle and Teesside. See Appendix 3 for full details of all relevant courts in the North-east region and across England.

It is important, however, that if victims attend the magistrates courts they are not simply sent away but are provided with relevant and concise information enabling them to make applications at the appropriate court together with details of how to get there and who to speak to.

As a minimum the Court should be able to direct the person concerned to the relevant Court and provide them with the telephone numbers of the relevant support groups.

Case Management

Where possible in the magistrates' court, criminal cases involving honour based violence or forced marriage will appear in the Specialist Domestic

Violence Response Courts⁷, but these only sit in certain areas in the CDN area. All cases would be actively managed to ensure that a plea is taken as soon as possible and the case is listed for trial as quickly as possible with a high priority.

Crown Court cases are similarly managed.

Where vulnerable witnesses require protection, appropriate bail conditions would be given or in the most severe cases defendants would be remanded in custody. In relation to giving evidence the CPS would be able to apply for and the Court would consider “special measures” in accordance with the Youth Justice and Criminal Evidence Act 1999.

It is also open to witnesses via Witness Support to attend Court to familiarise themselves with the Court room layout prior to the day of trial should they so wish.

Where a guilty plea is issued reports would be obtained as quickly as possible and the case dealt with to a conclusion.

Definitions of Vulnerable and Intimidated Witnesses

Vulnerable witnesses

- all child witnesses – defined as a witness aged under 17 years (at the time of the relevant hearing)
- a witness, whose quality of evidence would, in the opinion of the court, be diminished by reason of a mental disorder, or significant impairment of intelligence and learning disability, or a physical disability or physical disorder.

Intimidated Witnesses

- all complainants in sexual offence cases – unless they say that they do not want to be so categorised
- all witnesses, whose quality of evidence would, in the opinion of the court, be diminished by reason of their fear or distress in connection with testifying
- the factors which should be taken into account include:
 - the nature and alleged circumstances of the offence
 - the age of the witness
 - the social and cultural background and ethnic origins of the witness
 - any religious beliefs or political opinions of the witness
 - any behaviour towards the witness on the part of the accused, members of the family or associates of the accused, or any other person who is likely to be an accused or a witness in the proceedings.

⁷ Accredited Specialist DV Courts are only available in certain areas throughout the north-east region

Special Measures for Witnesses

The term “special measures” refers to provisions introduced by the Youth Justice and Criminal Evidence Act 1999 designed to assist eligible witnesses to give their best evidence in criminal proceedings.

Special measures are available in both the Magistrates and Crown Court.

Witnesses are eligible if it can be shown to the Court that they are vulnerable or intimidated. There are also special provisions relating to a particular category of witnesses, namely children. The special measures provisions are available for prosecution and defence witnesses but not defendants.

Procedural Requirements for Special Measures Applications

(Criminal Procedure Rules 2005 – part 29 Criminal Case Management Framework)

A Special Measures direction may be made at the trial and of the Courts own motion but most applications will be made by one of the parties at a case management hearing.

Applications must be made in writing in the form set out in the Criminal Procedure Rules.

Special Measures Include

- screens – usually positioned around the witness box to ensure the witness does not see the defendant
- live TV link – allows the witness to give evidence from outside the courtroom.
- evidence in private - clears the court of most people (however, legal representatives and certain others must be allowed to stay). Avoids intimidation and helps when giving sensitive evidence.
- removal of wigs & gowns by judges & advocates (Crown Court), it reduces the formality of the court.

Please note that the role of the IDVA may be applicable in some areas, particularly if provision for dedicated Forced Marriage IDVAs is secured within the dedicated Forced Marriage Courts in Newcastle and Middlesbrough.

County Court: Forced Marriage (Civil Protection) Act 2007

The Forced Marriage (Civil Protection) Act 2007 was implemented on 25th November 2008 in England and Wales giving new civil protection measures to those living in fear of forced marriages. The Act inserts a new Part 4A into the Family Law Act 1996 which enables the court to make a Forced Marriage Protection Order (FMPO) to protect someone who is facing being forced into a marriage or who is in a forced marriage. (Please refer to Appendix 4 for further information about FMPOs.)

The rules for FMPOs are based on existing rules for Part 4 applications and staff already familiar with these applications (non molestation orders & occupation orders) will recognize the type of order that can be made.

The court can attach a power of arrest to the order and breach of an order is contempt of court and can be punished with up to 2 years imprisonment. A warrant of arrest can be applied if no power of arrest is attached.

FMPOs can only be heard in courts that have been designated a Forced Marriage Act Court. Newcastle and Teesside County Courts are both named courts (for other named courts see appendix 3).

Who can apply?

- the victim or person to be protected (both adults and children)
- someone on their behalf with permission of the court
- a relevant third party as appointed by order of the Lord Chancellor

Making an Order

The terms of the order can impose prohibitions, requirements and restrictions in order to protect someone, examples of the terms the court might order are:

- to prevent a forced marriage from occurring
- to hand over passport or travel documents
- to stop intimidation or violence
- to reveal the whereabouts of a person
- to stop someone from being taken abroad

A court order can apply with England and Wales or outside, for example an order that a person is interviewed at the High Commission overseas. An order may also be addressed to other persons who are or who may become involved, as well as named respondents.

Non Molestation Injunctions

Honour Based Violence cases may be issued as Non Molestation Injunctions through any of the County Courts within Cleveland, Durham and Northumbria. Practitioners must highlight on issue of the case that HBV is involved and the cases will be referred to Specialist HMB / FMA Judges. The Northumbria and

Cleveland Areas have Non Molestation Protocols to be followed by all agencies from issue to breach of the injunction and the procedure thereafter breach. Durham is in the process of finalising their protocol.

Ensuring the safety of Victims

To ensure the safety of victims and to provide reassurance, special measures can be used:-

- specific Clerks deal with all forced marriage applications from the application through to the final order made.
- familiarisation visits to the Court including witness video link rooms.
- witness video links are used when the victim gives evidence out of the Courtroom for safety reasons. If there are concerns for the victim being in the same building as the perpetrator evidence can be given from another court in the area.
- separate entrances can be used by the victim, normally the rear or side of the building to reduce the potential for the parties coming into contact, prior to the hearing.
- separate waiting areas 'witness suites' are available in some courts. The victim will wait there for their case to be called, and then be escorted to the Courtroom or video witness room.
- if necessary, additional security staff and police officers would be present.

Due to the urgent nature of HBV and FM , applications will be dealt with on the day of receipt.

Enforcement

Forced Marriage Protection Orders are enforced through the court's powers of contempt of court. There are two ways a person may be brought before the court for breach:-

- arrested under a power of arrest attached to the Forced Marriage Protection Order
- arrested under a warrant issued by the court

Police can arrest and bring before the court anyone they reasonably suspect to be in breach of the order not just named respondents.

The person(s) must be brought before the court within 24 hours of arrest.

Whilst only a limited number of courts can hear applications for FMPOs, the restriction does not apply to the enforcement of orders. In the High Court, any judge may deal with a breach of an FMPO. In a county court any CJ or DJ who has been nominated for public or private family work, and any recorder nominated for public work can deal with the breach.

If a defendant is found guilty, it would result in a fine, an order or a custodial sentence, which is explained in the NOMS section, if they are under 18 years of age the Youth Offending Services would be involved.

National Offender Management Service (NOMS), North East Region

NOMS has three key priorities: to protect the public, reduce re-offending and manage the sentences of the court. It is also responsible for delivering end-to-end offender management and commissioning services and interventions that support it by working with organisations in the public, private and third sector in order to secure the service which will be most effective in delivering its objectives. NOMS works closely with partners to deliver pathways out of offending and tackle the social exclusion that is associated with it.

The National Probation Service Response

The aims of the National Probation Service are to protect the public, punish offenders, secure reform and rehabilitation and effect reparation to those affected by offences. It is committed to the implementation of sentences of the Court in accordance with the expectations of the Courts and the public.

The Probation Service provides the Courts with Standard, Fast Delivery and Oral Reports regarding adult offenders utilising the nationally accredited offender assessment system (OASys). These reports include an analysis of the offences which have been committed, relevant information regarding the offender, assessments of risk of reconviction and of causing serious harm to the public as well as a proposal as to how to sentence the offender. The Probation Service strives to make proposals for dealing with the offender by way of a Community Order but where public safety is the primary concern the impact of inevitable custodial sentences will be assessed.

The Probation Service supervises adult offenders subject to Community or Suspended Sentence Orders or whilst on Licence following release from prison. Community or Suspended Sentence Orders contain one or more of twelve possible requirements, which may involve Supervision, Drug or Alcohol treatment, the completion of an Accredited Offending Behaviour Programme or Community Payback (unpaid work). Supervision of offenders on prison licence is compulsory for offenders aged between eighteen and twenty-one and for all older offenders who are sentenced to twelve months or more in prison.

If a sentence of twelve months or more is imposed for offences of a sexual or violent nature, the Offender Manager will liaise with the Victim Liaison Officer (VLO). All Probation Services have dedicated VLOs who work in special units independent of offender managers. It is the VLOs responsibility to offer contact to victims so that they can be given general information about the CJS and specific information about the offender in their case if they wish to receive it. This covers key developments in the offender's sentence including prisoner movements and progress toward release if relevant. If required the VLO will assist the victim to put forward their views about the conditions surrounding a prisoner's release in to the community.

Prison licences automatically involve living and working only where approved by the Probation Service, maintaining regular contact with an Offender

Manager but can also contain bespoke additional conditions such as not contacting the victim directly or indirectly, exclusion from geographical areas or the completion of accredited offending behaviour programmes.

The Probation Service is committed to work in partnership with many agencies including the Prison Service, Police, Children's Services as well as Education, Health and Housing providers. If the offender has been sentenced to in excess of twelve months for sexual or violent offences they are managed and supervised under Multi Agency Public Protection Arrangements (MAPPA). Dependant upon the level of risk of serious harm which has been assessed multi agency risk management plans can be devised by formal Risk Management Meetings convened under MAPPA.

It is recognised that offenders under supervision by the Probation Service may be the victims or perpetrators of Honour Based Violence or Forced Marriage.

In cases of this nature the Probation Service will strive to:

1. Deal with all cases using the Probation Service policies on Confidentiality, Diversity, Data Protection and Freedom of Information.
2. Ensure that VLOs have the specialist skills and knowledge to be able to offer appropriate support to victims of Honour Based Violence and Forced Marriage.
3. Liaise closely with all partnership agencies and in particular notify the Police and or Children's Services when any person is assessed as being at risk of suffering or causing significant harm.
4. Provide Court Reports underpinned by OASys which provide Magistrates and Judges with a better understanding of the context of Honour Based Violence or Forced Marriage.
5. Make proposals to Court regarding sentencing which attempt to ensure the protection of victims of Honour Based Violence or Forced Marriage but which also take into account the offending related needs of the perpetrators. Supervision of such perpetrators will be sensitive to their cultural needs whilst attempting to balance the need to enforce the Court Order or Licence to secure the protection of specific victims and the wider public.
6. Staff will contact the CHOICE Honour Based Violence Helpline which works across Northumbria, Durham and Cleveland Police areas (0800 5999 365) to seek advice from specially trained staff who can take calls from anyone wanting to report Honour Based Violence or Forced Marriage.
7. Where the case involves someone being forced into marriage abroad, staff will contact the Foreign and Commonwealth Office Forced

Marriage Unit. This will be in addition to ringing the CHOICE helpline to ensure that the local policing area knows what is happening in their local area.

Prison Service Response

Her Majesty's Prison Service serves the public by keeping in custody those committed by the courts.

Their duty is to look after them with humanity and help them lead law-abiding and useful lives in custody and after release.

Objectives

- to protect the public by:
 - holding prisoners securely, and
 - reducing the risk of prisoners re-offending
- to provide safe and well-ordered establishments in which we treat prisoners humanely, decently and lawfully

In securing these objectives, we adhere to the following principles:-

- work in close partnership with our commissioners and others in the Criminal Justice System to achieve common objectives;
- obtain best value from the resources available using research to ensure we offer the best correctional practice;
- promote diversity, equality of opportunity and combat unlawful discrimination and
- ensure our staff have the right leadership, organisation, support and preparation to carry out their work effectively.

HMPS holds prisoners who are both unconvicted (on remand and may be convicted after a trial) and convicted prisoners (sentenced).

All prisoners (convicted and unconvicted) are risk assessed on Reception into custody (following the Zahid Mubarek Enquiry), for suitability to share cells (cell sharing risk assessments). These assessments are continually monitored. Prisoners risk assessments can also be changed in light of new information. The risk not only includes known or potential racists, but looks at all risk for example risk of self harm. All prisoners are security risk assessed, and on conviction allocated accordingly. These Categories range from Category A (potential if unconvicted) to category D (suitable for open conditions).

In cases of this nature, the Prison Service will:-

- ensure that the risk of contact with victims is reduced by taking appropriate approved action as outlined in Prison Service Orders. Ensure that non-contact orders are maintained
- conduct thorough risk assessments (using offender management system known as OASys⁸) undertaken by appropriately qualified and trained professionals
- provide a range of interventions such as offending behaviour programmes to minimise risk of re-offending
- ensure cultural needs are taken into account by staff by providing staff training on HBV and FM, and ensuring staff are aware that offenders can be both victims and/or perpetrators
- ensure staff are aware of the national strategy on violence against women
- provide a sign post to victims on release to external agencies for support
- identify and provide support for victims and perpetrators at risk of self-harm
- ensure confidentiality of victims is maintained through identified personal officers
- ensure custody is a safe place for victims and a source of rehabilitation for offenders
- ensure staff are aware of the Choice helpline

⁸ OASys is a tool which improves the quality of assessment by introducing a structured, research-based approach to assessing an offender's likelihood of reconviction, the crime-related factors associated with offending, and the risk of harm he or she presents.

The Youth Offending Service Response

The aim of a Youth Offending Service (YOS) is to reduce re-offending by young people. This is achieved by identifying and addressing the welfare needs whilst at the same time ensuring compliance with court orders.

What it will do when managing cases where HBV and FM is a suspicion or an issue:

1. Ensure cultural needs are taken into account by staff by providing staff training on HBV and FM, and ensuring staff are aware that offenders can be both victims and/or perpetrators.
2. YOS staff will acknowledge and accept the key issues outlined in the Home Office Right to Choose guidance, namely that there is a clear distinction between a forced marriage and an arranged marriage.
3. Will take appropriate and timely actions (such as alerting the police, child protection services etc) if any service-user is at immediate risk of harm or of causing significant harm.
4. Will be alert to unusual occurrences such as prolonged absences from school; truancy; isolation from peers; possible 'house arrest' etc.
5. Will always contact the CHOICE Honour Based Violence Helpline which works across Northumbria, Durham and Cleveland Police areas (0800 5999 365) to seek advice from specially trained staff who can take calls from anyone wanting to report honour based violence and forced marriage issues.
6. Where the issue involves someone being forced into marriage abroad, staff will contact the Foreign and Commonwealth Office Forced Marriage Unit.

Multi-agency Partnerships: Working in Collaboration

Multi-Agency Public Protection Arrangements (MAPPA)

The legislation behind MAPPA places a duty on the Probation, Police and Prison Services, acting together as the “Responsible Authority”, to assess and manage the risk posed by sexual and violent offenders in the community. To do this the Responsible Authority works in partnership with other agencies that have a legal duty to co-operate with MAPPA. These are the Health Service, Local Authority Housing, Education, & Social Services Departments, Registered Social Landlords who accommodate MAPPA offenders, Job Centre Plus, Electronic Monitoring Providers, and Youth Offending Teams. The legal authority for MAPPA is contained in the Criminal Justice Act 2003. The Act allows the Responsible Authority and the duty to cooperate with partners to work together and to share information.

Multi-Agency Risk Assessment Conference (MARAC)

MARAC is a consistent, co-ordinated and comprehensive approach towards domestic abuse. The central aim of the MARAC process is to identify those victims (and their children) who are considered as of very high risk of being harmed as a result of domestic abuse, and for various agencies to take positive action to ensure their safety .

Within the MARAC process information is shared with statutory and non statutory agencies such as the police, Housing, Probation, Education, Children and Young Peoples Services, Health, Drug and Alcohol, Outreach Services, Refuges and Mental Health etc. Information is shared in order to determine whether the perpetrator poses a significant risk to that particular individual, and also jointly construct and implement a Risk Management Plan that provides support, helping to manage and reduce the risk and prevent any further victimisation.

Civil Protection Route

For information about the courses of action that are available for those not wishing to go through the criminal justice process and involve the police and wish to take civil action, please refer to the Ministry of Justice publication:


“Domestic Violence: A Guide to Civil Remedies and Criminal Sanctions”

This publication is available on:
www.family-justice.org.uk/600.htm




GLOSSARY

BME	Black and Minority Ethnic
CCP	Chief Crown Prosecutor
CID	Criminal Investigation Department
CDN	Cleveland, Durham and Northumbria
CJ	Circuit Judge
CJA	Criminal Justice Agencies
CJS	Criminal Justice System
CPS	Crown Prosecution Service
DAU	Domestic Abuse Unit
DJ	District Judge
DV	Domestic Violence
DVLA	Driver and Vehicle Licence Agency
DWP	Department of Work and Pensions
EHRC	Equality and Human Rights Commission
FCO	Foreign and Commonwealth Office
FGM	Female Genital Mutilation
FMA	Forced Marriage Act
FMPO	Forced Marriage Protection Order
FMU	Forced Marriage Unit
GED	Gender Equality Duty
GP	General Practitioner
HBV & FM	Honour Based Violence & Forced Marriage
HMCS	Her Majesty's Court Service
HMPS	Her Majesty's Prison Service
IDVA	Independent Domestic Violence Advisor
LCJB	Local Criminal Justice Board
LSC	Legal Services Commission
MAPPA	Multi Agency Public Protection Arrangements
MARAC	Multi Agency Risk Assessment Conference
NI	National Insurance
NOMS	National Offender Management Service
OCJR	Office for Criminal Justice Reform
OASys	Offender Assessment System
POA	Power of Arrest
RCJU	Race, Confidence and Justice Unit
SP	Specialist Prosecutor
VAW	Violence Against Women
VCO	Victim Care Officer
VCU	Victim Care Unit
VIW	Vulnerable and Intimidated Witnesses
VLO	Victim Liaison Officer
VPS	Victim Personal Statement
VS	Victim Support
WCU	Witness Care Unit
WS	Witness Service
YOS	Youth Offending Service

Appendix 1: Information Leaflet for use by all CJS Staff and Volunteers



**Honour Based Violence &
Forced Marriage**
Criminal Justice Services Guidance

What is an honour crime?

So called 'honour crime' is a crime in which mainly girls or women are punished at the command of family members for alleged immoral behaviour, which is deemed to have gone against the family or community honour code and caused shame.

Such incidents may include:

- Inappropriate dress or make-up
- Having a boyfriend
- Rejecting a forced marriage
- Kissing in a public place
- Interfaith relationships
- Reporting domestic abuse

What is a Forced Marriage?

A Forced Marriage is a marriage where one or both partners do not consent to the marriage or consent is extracted under duress.

Guidelines

Refer to North East Criminal Justice Services Response to Honour Based Violence and Forced Marriage Introductory Guide accessible on each Criminal Justice Board website; in addition, refer to your own individual agency policy.

- For further advice see list of contacts at the end of the Introductory Guide under 'further information'
- Recognise and respect the victim's wishes
- Consider safeguarding procedures (child protection and vulnerable adults)
- See the victim on their own in a secure and private place
- Reassure the victim of confidentiality
- Consider the following could be as a result of a forced marriage or honour based violence:
 - Missing from home
 - Suicide (suspicious death)
 - Self-harming
 - Truancy

Tell victim about the 'RIGHT' to make their own choices and provide reassurance that

DO NOT:

- Send the victim away believing that it is not a matter relevant to criminal justice agencies
- Approach the family or community leaders
- Share information without the consent of the victim unless risk dictates
- Breach confidentiality unless risk dictates
- Attempt any form of mediation

Choice Helpline Number
0800 5999 365
for victims/survivors

For more information visit:

www.lcjb.cjsonline.gov.uk/cleveland

www.lcjb.cjsonline.gov.uk/durhamanddarlington

www.lcjb.cjsonline.gov.uk/northumbria

Appendix 2: Durham Constabulary Risk Assessment**RESTRICTED****Honour Based Violence/Forced Marriage Victim Initial Risk Indicator**

1. Is the victim very frightened and why? If Yes details:-

YES NO

2. Who is the victim frightened of and why? Details:- Name, Age, Address, relationship

YES NO

3. Does the victim think they may be killed?

YES NO

4. Does the victim think they may be physically harmed?

YES NO

5. Is the victim afraid that harm will come to their children or any other person?

If Yes details:-

Is the victim pregnant?

YES NO

YES NO

6. Has the offender(s) said or done things of a sexual nature that makes the victim feel bad or that physically hurts the victim?

Details:-

YES NO

7. Has the victim ever been strangled /choked or smothered in the past and if Yes by whom?

Details:-

YES NO

8. Are the victim's movements being restricted?

If Yes details:-

YES NO

9. Does the victim suspect that she /he is being stalked?

If Yes details:-

YES NO

10. Does the victim feel isolated from family /friends?

(If Yes give details, including if victim resides in isolated area):

YES NO

11. Has the victim or offender ever threatened/attempted suicide?
If "Yes" which of the following (*Indicate all that apply*) Victim Offender
YES NO
12. Is the victim's relationship a forced marriage?
YES NO
13. Does the victim fear a future forced marriage?
YES NO
14. Has the victim told the family they do not want a marriage /relationship to happen?
YES NO
15. What was the family response and what does the victim fear are the consequences?
Details:-
YES NO
16. If a forced Marriage is being planned, when, where and to whom?
Details known:-
YES NO
17. Does the victim hold a passport? If so how many and who has them?
ID No's if known:-
YES NO
18. Does the victim fear they will be taken out of the country against their wishes?
YES NO
19. Is there anyone the victim can trust in the family /friends
If Yes details:-
YES NO
20. Does anyone know you are speaking to the police?
If Yes details:-
YES NO
21. Does the victim wish to remain at home?
Why if "Yes"
YES NO
22. Does the victim wish us to find somewhere safe for them to stay?
YES NO
23. Victim to identify a code word that will be used at the start of any contact to confirm it is safe to speak **CODEWORD** _____

Using your professional judgement and appendix A, do you consider the risk to be

LOW **MEDIUM** **HIGH** **VERY HIGH**

Appendix 3: Courts with Forced Marriage Act Jurisdiction

◆ Newcastle Court Contacts

The first point of contact for Forced Marriage cases at Newcastle Combined Court is the Family Section Manager who can be contacted on 0191 201 2037(direct line) or 0191 2012000 (switchboard).

◆ Middlesbrough County Court at Teesside Combined Court

The first point of contact for Forced Marriage cases at Teesside Combined Court is the Family Section Manger or the Care Clerk, who can be contacted on 01642 340000.

Courts in England with jurisdiction to hear Forced Marriage Act applications

- The Principal Registry of the Family Division
- 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
- Teesside Combined Court Centre
- Newcastle Combined Court Centre
- Romford County Court
- Willesden County Court

Appendix 4: Forced Marriage Protection Orders (FMPO)

Purpose

- To provide an overview and basic provisions of the Act as a starting point for organizations to draft their own training on the making of Forced Marriage Protection Orders

Scope

- General information only is provided and should not be seen as a substitute for consideration of the Act itself
- Specific questions that arise in practice should be directed to the usual internal legal channels
- The following information should be informed by the context and background that arises in cases of forced marriage.

Legal Background

- The Act inserts a new Part 4A into the Family Law Act 1996
- Part 4A enables the court to make a Forced Marriage Protection Order (FMPO)
- FMPO's are private law applications
- FMPO's are modeled on existing part 4 applications but there are differences
- The Family Proceedings Rules 1999 will be amended to provide rules for making FMPO's
- The rules for FMPO's are based on existing rules for part 4 applications with differences to accommodate the provisions of the Act
- The Act comes into force on 25 November 2008

General

- A forced marriage protection order (FMPO) is made for the purposes of protecting
 - Someone who has been forced into marriage or
 - Someone who is facing being forced into marriage
- FMPO are heard by the family courts – initially the High court and a specified number of county courts (see list below)
- Applications can be made with notice to the respondent or without notice (ex parte) in emergency or urgent situations
- Applications can be made and heard at the same time as criminal investigations are being undertaken or during the course of criminal proceedings in the criminal courts
- Breach of an order is contempt of court and can be punished with up to 2 years imprisonment
- The Act does not change the existing powers of the family courts to deal with forced marriage cases in, for example, Children Act proceedings

- A Forced Marriage Protection Order does not end a forced marriage. Someone wishing to end a forced marriage would need to take separate legal proceedings
- The Act has no impact on the High court's powers to deal with cases of forced marriage under its inherent jurisdiction and in wardship cases

Who can Apply?

- Three categories of people can apply namely
- The victim (the person to be protected) or
- Someone on their behalf with permission of the court, or
- A relevant third party as appointed by order of the Lord Chancellor (no permission from the court is required prior to the making of an application)
- Both adults and children can apply for a FMPO
- A child does not need the leave of the court to apply
- A child may bring an application without a guardian or next friend where leave of the court is obtained or a solicitor considers that the child is able to give instructions (see Rule 9.2 and 9.2A of the Family Proceedings Rules 1991)
- Forced marriage is a breach of human rights so child protection issues are likely to also arise in the case of a child facing forced marriage

Making an Order

- The terms of the order can be drafted widely and impose prohibitions, requirements and restrictions in order to protect someone who is already in a forced marriage or who is facing being forced into marriage
- Examples of the terms the court might include are:
- Surrender of passport or travel documents
- Prevent the victim from being taken abroad
- Stop the forced marriage taking place
- No contact with the victim
- Forbidding harassment, force or threat of force
- A court order can apply within England and Wales or outside, for example an order that a person is interviewed at the High Commission overseas
- An order maybe addressed to other persons who are or who may become involved, as well as named respondents
- The court may attach a power of arrest (POA) to the order, where violence is used or threatened against the person to be protected
- Where the court attaches a POA it will be served on the police station local to the person to be protected or another police station if specified by the court
- A warrant of arrest can be applied for if no POA attached
- The court deals with someone who is in breach of an order under its powers of contempt of court
- The magistrates' courts (or family proceedings courts), cannot make a FMPO

Enforcement

- Police can arrest and bring before the court anyone they reasonably suspect to be in breach of the order or otherwise in contempt of court i.e. not just the named respondents
- The person must be brought before the relevant judge within 24 hours of arrest
- The applicant will be notified of the arrest by the court and may need to attend to provide details to the court at the breach hearing
- Police should follow the existing Practice Direction (Family Division: attached powers of arrest) [2000] 1 All ER 544 in relation to attending the court. (An overview is given in Annex A below)
- Any county court with family court jurisdiction can deal with the arrest of someone for breach of the order or hear an application for a warrant of arrest.
- Where possible, police should bring a person arrested before the court that made the FMPO. This is because the original court will be in the best position to deal with the person for contempt immediately with all the facts before it
- Where that is not possible (e.g. because of the 24 hour time limit), police should bring the person arrested to another FMA court or any other county court with family jurisdiction within the 24 hours of arrest.
- There is power for the court to remand anyone arrested and brought before the court. The court can also transfer the case back to the originating court or another FMA court
- A person arrested should not be taken to the magistrates' courts or family proceedings courts. Magistrates' courts or family proceedings courts cannot be dealt with the breach or hear applications for a warrant of arrest

Implementation

- The High court and the following county courts and will hear applications during the first phase of implementation – see above for list of courts in Appendix 3.

Forms – new forms for making FMPO

Forms can be obtained from the HMCS website at <http://www.hmcourts-service.gov.uk/HMCSCourtFinder/FormFinder.do>

- Application Form for Forced Marriage Protection Orders (FL401A)
- Notice of Proceedings for Forced Marriage Protection Orders (FL402A)
- Application to vary, extend or discharge Forced Marriage Protection Orders (FL403A)
- Forced Marriage Protection Order (FL404B)
- Power of Arrest attaching to Forced Marriage Protection Orders (FL406A)
- Application for warrant of arrest for a Forced Marriage Protection Order (FL407A)
- Application for leave to apply in Forced Marriage Protection Orders (FL430)

- Application to join or cease as a party to Forced Marriage Protection Case (FL431)

Annex A: Practice Direction

Under S47(7) of the Family Law Act 1996 a person arrested under a power of arrest attached to a non-molestation order or occupation order must be brought before a judge, district judge or magistrates' court (the relevant judicial authority) within the period of 24 hours beginning at the time of arrest.

When the arrested person is brought before the relevant judicial authority the attendance of the arresting officer will not be necessary, unless the arrest itself is in issue. A written statement from the arresting officer as to the circumstances of the arrest should normally be sufficient.

In those cases where the arresting officer was also a witness to the events leading to the arrest and his evidence regarding those events is required, arrangements should be made for him to attend at a subsequent hearing to give evidence.

Source: Forced Marriage (Civil Protection) Act 2007

Further Information

If you require information on DV or HBV & FM, please contact:

◆ **The Forced Marriage Unit**

Forced Marriage Unit
Old Admiralty Building
The Mall SW1 2PA
Tel: 020 7008 0151

Email: fm@fco.gov.uk Website: www.fco.gov.uk/forcedmarriage

For out of hours emergencies with an overseas dimension, please telephone 020 7008 1500 and ask to speak to the Global Response Office

- ◆ www.womensaid.org.uk (24 hour National Domestic Violence Free phone Helpline 0808 2000 247) The Survivors Handbook is a source of information for survivors in different languages
- ◆ **Free phone 24 hour National Domestic Violence Helpline** 0808 2000 247
- ◆ **The Asian Family Counselling Service** 020 85713933 offers counselling on marital/family issues
- ◆ **CHOICE NE Regional Helpline: 0800 5999 365** for victims, survivors and third parties
- ◆ **Men's Advice Line** info@mensadvice.org.uk 0808 801 0327 provides a service for all men regardless of sexuality

Multi-Agency Practice Guidelines: Handling Cases of Forced Marriage produced by HM Government (published 2 July 2009) can be downloaded from www.fco.gov.uk/forcedmarriage.

Hard copies are available from the Forced Marriage Unit, Foreign and Commonwealth Office, G58 Old Admiralty Building, London, SW1A 2PA. (tel: 020 7008 8759)

How to contact us:

If you require further information, please contact the relevant Criminal Justice Board, who will direct your enquiry to the appropriate person:-

- ◆ **Cleveland Criminal Justice Board**
Cleveland Police
Middlesbrough District Headquarters
Bridge Street West
Middlesbrough
TS1 2AB
Tel: 01642 302029
Email: CCJBAdmin@cleveland.pnn.police.uk

- ◆ **Northumbria Criminal Justice Board**
Block 3
Northumbria Police HQ
North Road
Ponteland
NE20 0BL
Tel: 01661 868047
Email: lcjb.dept@northumbria.pnn.police.uk

- ◆ **County Durham & Darlington Criminal Justice Board**
Police Headquarters
Aykley Heads
Durham
DH1 5TT
Tel: 0191 375 2876
Email: LCJB@durham.pnn.police.uk

Copyright © 2009 County Durham and Darlington Criminal Justice Board.

Permission granted to reproduce for training and educational purposes only.
Commercial copying, hiring or lending is strictly prohibited.

Permission to be requested in writing from County Durham and Darlington
Criminal Justice Board.