

## **Joint response from ADCS, ADASS and the LGA to the Government consultation: Preventing and tackling forced marriage**

### **1. Introduction**

- 1.1 The Association of Directors of Children's Services Ltd (ADCS) is the professional association for directors of children's services (DCS) and their senior management teams. Under the provisions of the Children Act (2004), the DCS is the chief officer responsible for the discharge of local authority functions with regard to education and children's social care and champion for children across wider children's services.
- 1.2 The Association of Directors of Adult Social Services (ADASS) is a charity which aims to further the interests of people in need of social care by promoting high standards of social care services and influencing the development of social care legislation and policy. The membership is drawn from serving directors of adult social care employed by local authorities. Associate members are past directors and our wider membership includes deputy and assistant directors.
- 1.3 The Local Government Association (LGA) is the national voice of local government. We work with councils to support, promote and improve local government. We are a politically-led, cross party organisation which works on behalf of councils to ensure local government has a strong, credible voice with national government. We aim to influence and set the political agenda on the issues that matter to councils so they are able to deliver local solutions to national problems. The LGA covers every part of England and Wales, supporting local government as the most efficient and accountable part of the public sector.

### **2. Summary position statement**

- 2.1 Forced marriage should not be tolerated. We should all be free to choose a spouse and no one should be coerced into marrying someone against their consent. We agree the safeguarding response to this crime could be strengthened to improve protection for people who are at risk and unable to protect themselves, ensure perpetrators are brought to justice and help to prevent forced marriage from occurring in the first place.
- 2.2 We are supportive of the Government updating current guidance on forced marriage and would be happy to work with officials on this. The guidance should refer to safeguarding adults with care and support needs, in line with current safeguarding policy. It would be useful for the guidance to clarify the relationship and distinctions between forced marriage and honour-based violence.
- 2.3 We welcome the support provided by the Forced Marriage Unit to victims of forced marriage. This support should be available for victims of Forced Marriage who are sent away from the UK to marry and return to the UK when they are 16. It would be helpful for the issue of forced marriage to be addressed in plans for the Violence Against Women and Girls (VAWG) Strategy refresh.

2.4 Cross-departmental collaboration is key. For example, we would like to see the wider contextual safeguarding work, which the Home Office is leading on, to be fully aligned with all other child protection and safeguarding adults' arrangements. This should be considered by the Department for Education and the Department of Health and Social Care, so that risks are not looked at in isolation from each other.

### **3. Mandatory reporting**

3.1 ADCS, ADASS and the LGA oppose the introduction of mandatory reporting of forced marriage, for the following reasons:

3.2 There is no evidence that mandatory reporting systems will provide greater protection for victims of forced marriage nor lead to better outcomes. If professionals report in good faith but are proven to be wrong, then this could stir tensions in families (with potential retribution against the person for whom there is concern) and in communities. Mandatory reporting could also deter some people from disclosing that Forced Marriage is a prospect and this would detract from the purpose of the work.

3.3 There is evidence that introducing this duty risks adding confusion and uncertainty amongst practitioners, while a resulting increase in inappropriate contacts/referrals would risk weakening the child protection system in this country, a system that is widely recognised as one of the safest and most successful in the world.

3.4 A new mandatory reporting duty for female genital mutilation (FGM), for example, was introduced in the UK in the autumn of 2015, in response to a concerning lack of successful prosecutions. While the intention behind this duty was positive, [research from Barnardo's](#) shortly after its introduction found that the new, parallel reporting regime had caused considerable confusion amongst practitioners, with over 70 per cent of health, social care and education professionals unclear on what, when or how they needed to make their report.

3.5 Furthermore, the recent Crown Prosecution Service Violence Against Women and Girls Report found that an increase in forced marriage flagged referrals from the police to the Crown Prosecution Service. However, to date there have only been four convictions under the forced marriage offence since its introduction in 2014, with the number of referrals not corresponding to the number of investigations or convictions.

3.6 In discussions about child abuse more broadly, the Home Office has acknowledged the significant demands on all safeguarding agencies and the blunt instrument which mandatory reporting would provide. Mandatory reporting undermines the judgement of a range of skilled professionals and is highly likely to result in use of defensive practice. This runs counter to the findings of the Munro Review of Child Protection (2011) which were widely supported by the sector and received cross-party support at the time of publication. Play-it-safe practice driven by fear risks overwhelming a system that is already under significant strain due to increased demand, rising expectations and reducing resources.

3.7 It is important to highlight that any professional who knowingly and willfully fails to act on/ or report information about forced marriage and abuse already faces serious repercussions. Existing sanctions against practitioners include dis-barring; employer sanctions (including dismissal) and, in extreme cases, to the courts through the civil law concept of duty of care and negligence. We do not believe that the introduction of additional sanctions to these already heavily regulated professions is either proportionate or necessary. A professional's duty to report would be discharged as soon as the report is made. This in and of itself will not protect children from forced marriage.

3.8 We also agree there could be unintended consequences of targeting particular communities by placing disproportionate focus on forced marriage, in comparison to other areas of safeguarding.

3.9 We instead advocate the investment of efforts and available resources in prevention, early identification and early help through a whole host of measures aimed at children and young people themselves, and adults at risk of abuse or neglect, professionals and the general public. An unintended consequence of this policy could be distortion of social responsibility; communities should be empowered to recognise the early signs of all forms of abuse and neglect, including forced marriage, and be confident in responding appropriately to this risk instead of being reliant on the state to act at all times.

#### **4. Funding concerns**

##### *Children's services*

4.1 A total of 133 out of 152 councils (88 per cent) were forced to spend more money than they had planned to on children's social care in the last year (2017/18). This amounted to an overspend of £806 million. The number of councils spending more than they budgeted for indicates the immense pressure they are under to support vulnerable children and young people, and emphasises that this is now an issue affecting all areas of the country.

4.2 Children's services already face a £3.1 billion funding gap by 2025 just to maintain the current levels of service.

4.3 There were 2.4 million initial contacts made to children's social care in 2017/18 (which is an increase of 78 per cent since 2008). Child safeguarding referrals were 659,550 in 2017/18 projected to increase (by ADCS safeguarding pressures research phase 6) to at least 716,000 by 2023.

4.4 Section 47 (child protection) enquiries have increased by 159 per cent between 2008 and 2018. (Enquiries are now approximately 198,910) This is projected to increase to 250,000 by 2023.

##### *Adult social care*

4.5 Over recent years, councils have protected adult social care relative to other services. But the scale of the overall funding picture for local government as a whole means adult social care services still face a £3.6 billion funding gap by 2025, just to maintain existing standards of care. (The adult social care gap amounts to £1.03 billion in 2019/20 and £3.6 billion in 2024/25.)

4.6 It's important to highlight there were 1.8 million requests for adult social care support from new people in 2017/18, which was an increase of 1.6 per cent on the previous year. 394,655 safeguarding adults concerns were raised (an increase on the previous year of 8.2 per cent), and 150,070 of these resulted in enquiries under Section 42 (safeguarding adults) of the Care Act 2014.

4.7 In 2017/18, there were 159,695 Section 42 enquiries were concluded and whilst data is not separately captured on forced marriage, of these 7,545 (4.9 per cent) related to sexual abuse or sexual exploitation.

### *Overall funding*

- 4.8 The introduction of a mandatory reporting duty would represent a new and unfunded burden. ADCS, ADASS and the LGA would therefore expect the costs of this to be met with additional funding from central government. The scale of the investment required is difficult to calculate at this time, but it is clear that additional social workers would be needed to handle the resulting rise in initial contacts and to carry out the necessary assessments.
- 4.9 Further investment in early help and support would similarly be required to ensure that those families who do not meet the threshold for formal interventions are able to access support to prevent the further escalation of issues in the future. These services are already under significant pressure as a result of year-on-year cuts to local government funding since 2010.

Members of ADCS, ADASS and the LGA would welcome the opportunity to discuss any of the points raised in this response further with representatives from the Home Office and the Department for Education. Please contact Rachel Phelps ([Rachel.Phelps@local.gov.uk](mailto:Rachel.Phelps@local.gov.uk)) to arrange.