

Equality Impact Assessment

Title of Proposal:	Scottish Borders Interagency Guidance On Forced Marriage
Service Area: Department:	Safer Communities/Public Protection
Description:	<p>These guidelines are for frontline staff and volunteers within agencies who are likely to come across adults or children and young people threatened with, or in a forced marriage, and to direct workers to the current Scottish Government multi agency practice guidance. The guidance is also relevant for senior management.</p> <p>The Scottish Government has produced Multi-agency practice guidelines: preventing and responding to forced marriage, which was updated in 2014. The guidelines are for practitioners in the statutory and third sectors, public authorities and legal professionals.</p> <p>The statutory guidance sets out the responsibilities of chief executives, directors and senior managers within public bodies and partnerships involved with handling cases of forced marriage. It covers roles and responsibilities, accountability, training, inter-agency working and information sharing, risk assessment and record keeping.</p> <p>Existing structures, policies and procedures designed to protect children, adults at risk and those experiencing domestic abuse should be used. Given the nature of forced marriage, no single agency can meet all the needs of someone affected by forced marriage. These guidelines therefore aim to encourage practitioners to work together safely to protect victims. This approach is also consistent with the Scottish Government’s emphasis on a multi-agency response to tackling domestic abuse/violence against women and responding to children and adults at risk of harm.</p>

Relevance to the Equality Duty.

Do you believe your proposal has any relevance to the following duties of the Council under the Equality Act 2010?

Duty	Yes/No
Elimination of discrimination (both direct & indirect), victimisation and harassment. <i>(Could your proposal discriminate? Or help eliminate discrimination?)</i>	Yes This guidance will ensure that adults/children and young people are protected from the risk of Forced Marriage irrespective of the protected characteristic that they belong to. The application of the guidance will be fairly implemented, and offers opportunity for all. In addition the guidance will contribute to the fostering of good relations with communities affected by the practice of Forced Marriage through sending clear messages re the commitment of local authority and partner agencies to protect and prevent forced marriage locally.
Promotion of equality of opportunity? <i>(Could your proposal help or hinder the Council with this)</i>	
Foster good relations? <i>(Could your proposal help or hinder the council s relationships with those who have equality characteristics?)</i>	

Which groups of people may be impacted (both positively and negatively) if the proposal is advanced?

Preliminary Note

Given the nature of the guidance it is anticipated that the impact for all of the protected characteristics will be positive. The guidance is designed to ensure that all incidents are handled fairly in a professional and transparent manner, irrespective of an individual's protected characteristic. The guidance describes actions that the Council is obliged to take when handling cases of Forced Marriages. Where points of interest are relevant the detail is included below.

Equality Characteristic	Impact			Description
	No Impact	Possible Positive Impact	Possible Negative Impact	
Age (Older or younger people or a specific age grouping)		x		Any person, of any age could be at risk of forced marriage, this guidance reflects the duties placed on local authorities for Adult Protection and Child Protection as well as the obligations placed upon partner agencies to identify and prevent forced marriage – the positive impact will be seen by those working with children and young people being more aware of signs of potential forced marriage.

				Forced marriage is not limited to first marriages and can affect those who are widowed or divorced.
Disability e.g. Effects on people with mental, physical, sensory impairment, learning disability, visible/invisible, progressive or recurring		x		12.1% involved in forced marriage were victims who had a learning disability. On request the guidance and any subsequent information (including leaflets) can be made available in different formats including, easy read, large print and various community languages.
Gender (Males, Females, Transgender or Transsexual people) Race Groups: including colour, nationality, ethnic origins, including minorities (e.g. gypsy travellers, refugees, migrants and asylum seekers)		x		Both men and women are forced into marriage although most cases involve women aged between 13 and 30. However, there is no 'typical' victim of forced marriage. In 2018, the Forced Marriage Unit (FMU) gave advice or support related to a possible forced marriage in 1,196 cases. The majority of cases (77%) involved women with 21.4% involving males. <ul style="list-style-type: none"> ▪ 29.7% involved victims below 18 years of age ▪ 29.5% involved victims aged 18-25. In 2017, the FMU handled cases relating to 65 'focus' countries. The 'focus country' is the country to which the forced marriage risk relates. This could be the country where the forced marriage is due to take place or the country that the spouse is currently residing in (or both). The top four countries with the highest number of cases were: <ul style="list-style-type: none"> ▪ Pakistan - 36.7% ▪ Bangladesh - 10.8% ▪ Somalia - 7.6% ▪ India - 6.9%. In 2017 10% of the cases had no overseas element, with the potential or actual forced marriage taking place entirely within the UK.

<p>People with Religious or other Beliefs: different beliefs, customs (including atheists and those with no aligned belief)</p>		x		<p>Forced marriage is not associated with particular religions or religious practice and has been recorded in Christian, Jewish, Hindu, Muslim and Sikh communities. Therefore having a guidance that increases awareness of organisations working in the Scottish Borders will ensure that it is not viewed as being a practice of a particular religious group.</p> <p>The interagency guidelines reflect the Scottish Government’s guidelines in that forced marriage is against the law in Scotland and as such requires all people to be subject to the same legislation.</p>
<p>Pregnancy and Maternity (refers to the period after the birth, and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth),</p>		x		<p>The interagency guidelines will be a significant resource in supporting health staff to respond to any potential threat of forced marriage and require a standardised response to any concerns.</p>
<p>Sexual Orientation, e.g. Lesbian, Gay, Bisexual, Heterosexual</p>		x		<p>1.8% of forced marriage cases in the UK 2017 involved victims who were LGBT</p> <p>The interagency guidelines do not state the sexuality of any potential victim would change the required response or support. The guidance requires staff to take action irrespective of the victim’s sexuality.</p>
<p>Poverty (people who are on a low income including benefits claimants, people experiencing fuel poverty, isolated</p>		x		<p>People who are economically disadvantaged due to immigration status or lack of access to employment may be at increased risk of forced marriage</p>

rural communities etc)				
Employees (those employed by the Council including full time, part time and temporary)		x		The Interagency Guidance will be available for staff of all partner agencies and as such will provide equal access to any protection they may require under the Forced Marriage legislation.

Mitigation	
Where you have identified a potential negative impact, please detail what mitigations will need to be put in place in order for your proposal to progress. If you are unsure of the answer please state this and recommend further investigation.	
Characteristic	Mitigation
	It is recommended that the implementation and outcomes of the guidelines are monitored and where any trends emerge these will be analysed with appropriate steps. It is further recommended that the guidelines are reviewed at least every two years or as legislation requires ensuring that they remain relevant and fit for purpose.

How certain are you of the answers you have given?	
Answer	Tick One
Certain - I have populated the evidence base to support my answers.	x
Fairly Certain – but don't have concrete evidence to support my answers so would recommend further assessment is conducted if the proposal is progressed.	
Not Certain – further assessment is recommended if proposal is progressed.	

Completed By			
Name	Andrea Beavon	Service Area.	Safer Communities
Post	VAW Coordinator	Date	1 st April 2019

Signed Off (Sign off <u>must</u> be completed by Service Manager or Director)			
Name:	Stuart C Easingwood	Directorate:	Public Protection
Post:	Interim Chief Officer Public Protection	Date:	3 rd May 2019