



NSPCC 
**Dim mwy o greulondeb i blant. DIM.
Cruelty to children must stop. FULL STOP.**

**NSPCC CYMRU/WALES
RESPONSE TO:**

**COMMUNITIES & CULTURE COMMITTEE INQUIRY INTO
DOMESTIC ABUSE**

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- 1.1 NSPCC Cymru/Wales welcomes the opportunity to provide written evidence to the Communities and Culture Committee's inquiry into domestic abuse in Wales and the delivery of the Welsh Assembly Government's strategy.
- 1.2 The NSPCC's purpose is to end cruelty to children. Our vision is of a society where all children are loved, valued and able to fulfil their potential.
- 1.3 We seek to achieve cultural, social and political change – influencing legislation, policy, practice, attitudes and behaviours for the benefit of children and young people. This is achieved through a combination of service provision, lobbying, campaigning and public education.

2. NSPCC Cymru/Wales and domestic abuse

- 2.1 NSPCC Cymru/Wales would like to take this opportunity to briefly outline the services we provide around domestic abuse.
- 2.2 In Wales the South Wales Domestic Violence Prevention Service (DVPS) was established in 1996 and has taken referrals from across South, Mid and West Wales. The service continues to be one of the few within Wales that tackles domestic abuse on a holistic level, providing services to children and young people, victims and perpetrators of domestic abuse. The programme we offer is a 10 week group work intervention for children aged 7-11 who have experienced or witnessed domestic abuse and where the perpetrator no longer lives with the family. The children's mothers also attend a group at the same time, but in a different room, which helps them to develop ways to support their children.
- 2.3 Initially DVPS provided a programme to perpetrators of domestic abuse, both those who were mandated through the criminal justice system as well as those who referred voluntarily. As part of the Full Stop campaign NSPCC Cymru/Wales sought to re-focus its work and since 2006 the service has also led the development of the pioneering Caring Dads programme. In 2007 NSPCC Cymru/Wales received funding from the Welsh Assembly Government to pilot the programme in certain areas across Wales and also to be fully evaluated.
- 2.4 DVPS has also piloted work with adolescents, both male and female, who have experienced domestic abuse with a view to increasing resilience and breaking the cycle of abuse. NSPCC Cymru/Wales also hosted the initial development, via funding from the Home Office, of the Cardiff Women's Safety Unit. Following the initial pilot year we handed management over to Safer Cardiff.
- 2.5 In 2005 NSPCC Cymru/Wales received funding to develop its work in domestic abuse in North Wales. The Butterflies: Right to be Safe programme works with women, children and young people in their particular communities across North Wales. Butterflies was adapted from the successful Canadian Model of parallel learning for both women and children who had lived with domestic abuse and developed to focus on relationships from the child's perspective rather than adult to adult. The programme was specifically written by NSPCC Cymru/Wales to take into account issues of rurality in North Wales. The programme has been independently evaluated by Dr Gordon Harold and his team at Cardiff University. The Teenagers at Risk programme significantly looks at risk and learnt behaviours that young people may be using to cope through either experiencing or witnessing domestic abuse in their formative years. NSPCC Cymru/Wales believed this to be an important development as previous programmes had been delivered to mainly urban areas and this funding allowed us to look at a model for delivering our work in rural settings. This service has now been developed into a North Wales Family Support Service, which also hosts the delivery of the North Wales pilots of the Caring Dads project.
- 2.6 Across the UK and Channel Islands the NSPCC provides twenty one direct services that work with various aspects of domestic abuse. Further to this we also provide child protection helplines, including specific Asian and Welsh services, and since February 2007 we have managed the delivery of the ChildLine service. These services together have provided us with an insight into the experiences of children and young people who are in domestic abuse situations.

3. Domestic Abuse and the United Nations Convention on the Rights of the Child (UNCRC)

- 3.1 NSPCC Cymru/Wales welcomes the commitment of the Welsh Assembly Government to basing all its policies and guidance in relation to children and young people within the framework of the UNCRC. Whilst the 2005 strategy does not

explicitly reference the UNCRC, children and young people who experience domestic abuse have certain key rights infringed, particularly Article 19 which states:

*States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.*¹

- 3.2 In terms of providing support and interventions for children and young people who experience domestic abuse this is covered by Article 39, which states:

*States Parties shall take all appropriate measures to promote physical and psychological recovery and social integration of a child victim of: any form of neglect, exploitation, or abuse.....Such recovery and reintegration shall take place in an environment which fosters the health, self respect and dignity of the child*²

- 3.3 These articles are reflected in the Welsh Assembly Government's Seven Core Aims for Children and Young People. As has been highlighted above the current strategy does not reflect within it the underlying UNCRC basis of the Assembly Government's approach to children's policy.

- 3.4 **NSPCC Cymru/Wales believes that any future policy or guidance in this field clearly makes the statement that domestic abuse is an infringement of the rights of children and young people under the convention and the access to support and help after experiencing domestic abuse is also a right.**

4. **Definition of Domestic Abuse in Tackling Domestic Abuse: The All Wales National Strategy 2005**

- 4.1 NSPCC Cymru/Wales was very pleased to be involved in the Task Group that helped to pull together the strategy and is pleased to be able to continue to be involved in the monitoring group that has been established.

- 4.2 NSPCC Cymru/Wales was greatly encouraged that the definition of domestic abuse that the Welsh Assembly Government proposed in the strategy clearly included children and young people, recognising the impact that living with domestic abuse can have on their personal safety and emotional development. This differs from the definition used by the UK Government, which has a more adult focus.

- 4.3 **NSPCC Cymru/Wales would urge the Welsh Assembly Government and the Communities and Culture Committee to make representations to the UK Government to alter their definition to explicitly include children and young people, recognising that domestic abuse is a child protection issue.**

- 4.4 It should also be noted and welcomed the extension of the definition of "significant harm" contained in Section 120 of the Adoption and Children Act 2002, which now includes "impairment suffered by seeing or hearing the ill-treatment of another" and came into effect in January 2005. We have previously recommended to the UK Government that they undertake a review to ascertain the impact of this amendment to see whether its implementation has resulted in the greater protection of children and young people.

5. **Impact of Domestic Abuse on Children and Young People**

¹ United Nations Convention on the Rights of the Child, September 1990

² United Nations Convention on the Rights of the Child, September 1990

- 5.1 In 2000 the NSPCC conducted the first UK prevalence study of child abuse and neglect³. Of the 2,869 adults aged 18-24 that were interviewed for this piece of work more than 26% had witnessed violence between parents at least once and for 5% the violence was a constant or frequent occurrence. Other findings in this study demonstrate the strong link between domestic abuse and other forms of abuse and neglect of children and young people.
- 5.2 Since 2000 there has steadily increasing recognition of the impact that domestic abuse has on children and young people, both in terms of direct abuse on their person, but also the emotional impact that witnessing domestic abuse can have.
- 5.3 The Welsh Assembly Government's all Wales domestic abuse strategy should be congratulated in clearly stating that domestic abuse is a child protection issue and taking into account the need to ensure that children and young people are provided with help and support where they do experience it and have the information they need to protect themselves. This clear lead within the strategy has been a significant step forward in helping to recognise the impact of domestic abuse on children and young people, who have so often been the hidden victims of this crime.
- 5.4 Whilst awareness has been raised of the impact we believe that we have to ensure that this heightened awareness leads to recognition of the need to provide specific services on a sustainable footing. We recognise and support the position that in most cases providing support and help to the parent or carer who is the direct victim of the abuse, works towards ensuring the safety of any child. We would like to see an approach adopted alongside this that looks specifically at the needs of any child or young person individually. Out of the five key outcomes of the strategy as outlined in the written evidence to the committee from the Welsh Assembly Government none relate directly to the improved protection of children and young people, although undoubtedly the protection of any parent or carer who is a victim should increase the protection of any children involved. This is further complicated by most official statistics concentrating on the adult aspect of domestic abuse and research in the area of the experience of children and young people still being underdeveloped, particularly in some communities.
- 5.5 NSPCC Cymru/Wales welcomes the funding provided for additional support for children and young people in refuges as an important statement on the need to ensure they receive the support that they need. Beyond this provision there is also the need to ensure that there are further therapeutic intervention programmes available. Many of the children and young people who we come into contact with through our projects have been harmed either physically or emotionally by their experience. Our services provide them with the opportunity to talk about their experience and through this we aim to build their skills and confidence, so if they were in a similar situation in the future they would seek help immediately. These services provide the vital support that children and young people need in putting their lives back together. Currently the Welsh Audit Office and Health Inspectorate Wales are undertaking a joint review into the provision of Child and Adolescent Mental Health Services across Wales and this information should be taken into account when looking at future domestic abuse strategies. NSPCC Cymru/Wales DVPS and Family Support Service has a good relationship with local CAMHS, both referring children and young people to specialised services as well as accepting referrals from them. With the well documented pressure on CAMHS across Wales we remain to be convinced that services are available for children and young people who have experienced domestic abuse, when they need them.
- 5.6 NSPCC Cymru/Wales would recommend that before a revised strategy is launched the Welsh Assembly Government undertakes a mapping of provision of services for children and young people who have experienced domestic**

³ Cawson, P (2000) *Child maltreatment in the family: the experience of a national sample of young people*, London, NSPCC

abuse and their effectiveness, which will help highlight gaps and standard of provision.

- 5.7 NSPCC Cymru/Wales has also piloted work with adolescents who have experienced domestic abuse. In a number of cases it may be that these young people, through no fault of their own, become abusive to their partners, siblings or carers. It can be difficult to break the cycle of aggression and violence when a young person has been brought up in that setting. Our work with adolescents helps them to break this cycle and move forward in a positive way. The current strategy does not look at how to help and support young males who have experienced domestic abuse to ensure that they do not go on to replicate behaviour. It is doubly important when looking at 16-18 year olds as this group often falls between the gaps of service provision as they are viewed as being between childhood and adulthood.
- 5.8 NSPCC Cymru/Wales would recommend that any future strategy ensures that support services for adolescents are a specific area for consideration to ensure that abuse is not replicated and that they can move forward positively with their lives.**
- 5.9 The strategy is clear in identifying Community Safety Partnerships as the lead partnership for the development of services and support to victims of domestic abuse. *Safeguarding Children: Working Together Under the Children Act 2004*⁴ contains a section relating to domestic abuse, which clearly states the need for clearly defined links between these partnerships, Local Safeguarding Children Boards and local Domestic Abuse Forums. These links are vital to safeguarding children and young people and in ensuring that their needs are met. With the cross cutting nature of domestic abuse and the interests of a number of statutory partnerships comes the danger of a failure of any one partnership to lead on ensuring that sustainable funding is provided to develop a local response and that commissioning of key support services are considered. The Welsh Assembly Government are currently reviewing the first year of operation of LSCB's in Wales and we hope that this will be an opportunity to expand the guidance on the relationship between these partnerships in terms of children and young people experiencing domestic abuse.
- 5.10 NSPCC Cymru/Wales believes that an increased partnership approach on a local level to children and young people who experience domestic abuse would be welcomed. The primary aim of the Community Safety Partnerships is to reduce crime within the locality and this has led to a concentration on reducing local crime figures rather than ensuring long term emotional or therapeutic provision for children and young people who have experienced domestic abuse. The Welsh Assembly Government have also demonstrated a commitment to involving children and young people in the decisions that effect their lives, we would question how Community Safety Partnerships are involving children and young people generally, and specifically those who have experienced domestic abuse.
- 5.11 NSPCC Cymru/Wales believes that there should be stronger guidance in place to ensure that all key partnerships are working together to ensure that children and young people are protected from domestic abuse; that the Welsh Assembly Government ensure that the needs of child victims of domestic abuse are taken into account by Community Safety Partnerships and their needs reflected in the Single Children's Plan; and that clear guidance is given, and monitoring arrangements put in place, to ensure that Community Safety Partnerships are ensuring children and young people, particularly those who have experienced domestic abuse, are involved in the development of any local community safety plan.**

⁴ Welsh Assembly Government (2007), *Safeguarding Children: Working Together Under the Children Act 2004*, Cardiff

- 5.12 Much has been done to increase awareness amongst children and young people of domestic abuse. NSPCC Cymru/Wales hopes that the new PSE Framework, due to come into place in September 2008, will further increase the awareness of pupils. We are also aware of a number of programmes delivering domestic abuse awareness within schools, which are helping to bring the message of it no being their fault and that they should seek help to all children and young people. We would urge the Welsh Assembly Government to ensure that the *National Service Framework for Children, Young People and Maternity Services in Wales*⁵, within which children in families where domestic abuse is an issue are specifically referenced, is fully delivered and that funding is provided to ensure this. NSPCC Cymru/Wales would particularly like to highlight flagged action 2.55 that states:

School children are informed of the availability, purpose and access routes to services that are in place to protect them from harm, including ChildLine, the NSPCC Child Protection Helpline, social services, the Children's Commissioner for Wales and advocacy services

- 5.13 Many children and young people who suffer abuse do so without telling anyone and it may be that those who are in domestic abuse situations do not realise that what is happening in their home is not right. It is therefore vitally important that alongside providing more information, there is also access to support if needed. The Welsh Assembly Government has taken a huge step forward with the publication of a strategy for school based counselling services and NSPCC Cymru/Wales welcomes this. Further to this action 2.55 needs to be delivered (as a flagged action it should have been delivered within 12 months) to ensure that if any child is worried about domestic abuse, or any other issue, they know there are services and agencies that will listen to them and provide help, advice and support.

- 5.14 NSPCC Cymru/Wales believes that the Welsh Assembly Government should continue to ensure that age appropriate materials are available for raising the awareness of children and young people who experience domestic abuse and that children and young people are aware of services who can provide them with help and support, including ChildLine**

- 5.15 The strategy produced by the Welsh Assembly Government has set out an excellent start to ensuring that children and young people are recognised as victims of domestic abuse and in highlighting the impact this crime can have on them. We would hope that the next stage of this strategy moves from raising awareness to ensuring that a network of services are in place to support those that have suffered domestic abuse.

6. Young Witness Support

- 6.1 Since 1995 NSPCC Cymru/Wales has managed a Young Witness Support Service in Swansea, taking referrals from Swansea and Neath Port Talbot. The service provides support and preparation to children and young people required as young witnesses in crown court. The children and young people who we work with have experienced a variety of abusive situations and the support we provide them with looks to build their confidence and provide them with someone to talk to about any concerns or worries they have. The evidence of the case is never discussed during our work with young witnesses. The service has worked with children who have witnessed domestic abuse, in some cases protecting the non-violent parent or carer and also being the person who sought help, and have supported them through the court process. In her evidence to the Committee on 16th April 2008 Gwenda Thomas AM, Deputy Minister for Social Services, mentioned the important role that young witness support services play in providing children and young people with the support to give their evidence. Despite good guidance we are still aware of local variations in the provision of

⁵ Welsh Assembly Government (2006), *National Service Framework for Children, Young People and Maternity Services in Wales*, Cardiff

support services to children and young people who are giving evidence in court and recent research undertaken by NSPCC and Victim Support entitled *In Their Own Words: the experience of 50 young witnesses in criminal proceedings* highlighted that there are still issues with the way in which children and young people are treated in court.

- 6.2 NSPCC Cymru/Wales recommends that the Welsh Assembly Government ensures that any future strategy in relation to domestic abuse examines the provision of support across Wales for children and young people giving evidence in domestic abuse cases.**

7. Equal Protection & Parenting

- 7.1 The Welsh Assembly Government and the National Assembly as a whole can be rightly proud of its stance in favour of providing children and young people in Wales with equal protection against physical punishment. NSPCC Cymru/Wales was a founder member of the Children Are Unbeatable Alliance, now supported by over 400 agencies and individuals across the UK, and continues to actively campaign for equal protection for children and young people. NSPCC Cymru/Wales believes that the failure of the Westminster Government to provide children and young people in the UK with equal protection provides a challenge to educating people that any violence or aggression in the home is unacceptable.

- 7.2 NSPCC Cymru/Wales urges the Welsh Assembly Government to continue to raise the issue of equal protection with the Westminster Government and seek to explore all avenues to reduce and end the use of physical punishment within Wales.**

- 7.3 Experiencing domestic abuse can impair a parent or carers ability to look after their children and it is vital that after leaving an abusive relationship support is available to build both confidence and provide them with someone to talk to about their experience. It is vital that any parent or carer who has experienced domestic abuse, is able to support their children in overcoming their experience, but also keep their children safe in the future.

- 7.4 The Welsh Assembly Government's *Parenting Action Plan*⁶ refers to parents who have experienced domestic abuse under the section relating to support for specific groups of parents. NSPCC Cymru/Wales believes that there needs to be more joint working to ensure that support is provided for these parents, alongside any support for their children.

- 7.5 NSPCC Cymru/Wales would recommend a closer link both on a strategic level and a delivery level between strategy and resources associated with offering parental support and those providing support to victims of domestic abuse.**

8. Adults Perpetrating Domestic Abuse

- 8.1 NSPCC Cymru/Wales was pleased that the all Wales strategy recognised the need to work with those who were domestically abusive. There have been significant developments in holding domestically abusive adults accountable and ensuring that victims receive protection. Despite this we still know from research that a significant number of those perpetrating abusive behaviour will not come to the attention of the courts and will not receive a custodial sentence, which means they will not be mandated to access any intervention or treatment programmes

- 8.2 NSPCC Cymru Wales DVPS team originally delivered significant perpetrator work in the South Wales area, taking both mandated referrals and voluntary referrals. As a result of this work we realised that there was also a need to work with these men in

⁶ Welsh Assembly Government (2005), *Parenting Action Plan*, Cardiff

terms of their roles as fathers and so NSPCC Cymru/Wales developed the Caring Dads programme.

8.3 The Caring Dads programme provides a service to fathers who have been domestically abusive towards their partners and who need or wish to look at their role as a father. The group runs on an evening for two hours over a period of seventeen weeks and has five goals:

- To develop sufficient trust and motivation to engage men in the process of examining their fathering;
- To increase men's awareness of child centred fathering, including men's awareness and recognition of child's needs and developmental stages;
- To increase men's awareness, and responsibility for, abusive and neglectful fathering and their impact on children;
- To begin to apply child centred parenting skills, including listening skills, and praise as a method of child management;
- To consider what is needed to rebuild trust with children and families and to begin planning for the future.

8.4 The programme has been developed from a Canadian model and has been internally evaluated by NSPCC Cymru/Wales. The programme has now received funding from the Welsh Assembly Government for the piloting of the programme and also for the external evaluation of the pilots. NSPCC Cymru/Wales strongly believes that there is a need to work with adults who are domestically abusive or who are worried about their behaviour. Access to mandated and non-mandated programmes is limited across Wales and NSPCC Cymru/Wales hopes that the piloting of Caring Dads and a successful evaluation will encourage the further development of these programmes. If an adult is worried about their behaviour and the impact it is having on their families then they need to be able to access an intervention that provides them with new skills and helps them to understand and identify the root cause of their behaviour.

8.5 NSPCC Cymru/Wales recommends the continued development and increase in capacity for both mandated and voluntary programmes for adults who have perpetrated domestic abuse as an important aspect to any strategy to improve protection for victims and children and young people.

9. Professional Awareness

9.1 There can be no doubt that in the last few years the awareness of domestic abuse has increased significantly and that as this has happened so professionals have become more aware of the role that they can play in identifying domestic abuse and support people who are victims. There is always a need for further training on issues relating to identification of abuse and what to do if you are worried about a child, and domestic abuse is no different. All professionals need an increased awareness of domestic abuse and whilst it has become an issue addressed in professional training programmes, we believe that further, ongoing training is needed to empower professionals to have the confidence to act in situations where they have concerns.

9.2 NSPCC Cymru/Wales recommends that there is a review of the training key professionals in health, education, police and social care receive on domestic abuse, including examining opportunities for multi-agency training, and that good practice is gathered and shared across professions

9.3 The development within health of the ante-natal pathway and the pilot of the A+E pathway are hugely positive developments and we look forward to seeing the outcome of the later pilots. It is positive that the evaluation of the ante-natal pathway believed that it was leading to a change in both knowledge and culture within the workforce. It was also positive to note that the barriers to implementing the pathway are being looked at by Health Trusts, particularly the issue of how to obtain confidential time with women in order to undertake the enquiry.

- 9.4 **NSPCC Cymru/Wales would urge the Welsh Assembly Government and partner agencies to look at whether the pathways can be rolled out to other health settings and that any issues identified from evaluations are explored, solutions sought and progress continually evaluated.**

10. Forced Marriage and Black and Minority Ethnic Communities

- 10.1 Annex A provides NSPCC's response to the recent consultation on the Forced Marriage (Civil Protection) Act 2007 – Relevant Third Parties (Ministry of Justice 2008). NSPCC Cymru/Wales believes that any agency response to forced marriage needs to be sensitive and ongoing training for all professionals is of key importance to prevent young people in these situations being put at further risk. We welcome the publication of the Welsh Assembly Government's Action Plan, although we believe that more information is needed on how the actions within the plan will be taken forward, how it will be monitored and more precise timescales for delivery.
- 10.1 NSPCC has undertaken some research across England and Wales looking at the experiences of domestic abuse of children and young people from South Asian communities. We hope to publish this research in early June and will make copies of the recommendations and evidence available to the committee as soon as it has been published.

11. Funding

- 11.1 NSPCC Cymru/Wales welcomes the increased funding levels for domestic abuse work in Wales from £500,000 in 2002 to £3.6million in 2008, which demonstrates the increased profile and importance of this work. The funding of 22 Domestic Abuse Co-ordinators has also been a crucial step forward in providing some dedicated resource to encouraging multi-agency working and co-ordinating the local response to domestic abuse. As was mentioned earlier the increased funding for children's workers in refuges and the funding for the piloting of the Caring Dads programme have also been positive steps forward.
- 11.2 Whilst increased funding is available and there is a mix between funding national pilots and delivering more localised schemes, NSPCC Cymru/Wales believes there is a need to ensure that domestic abuse initiatives are receiving sustainable funding. This is especially crucial in rural areas where service choice may be less due to infrastructure issues such as transport. A service can be funded to deliver a ten week outreach programme within a community to not only work with specific groups, but also to raise awareness. When the funding ends for that particular programme or reach out, then there may still be the need for an ongoing presence to ensure that if victims or children and young people have any further problems they are able to access a suitable service. Funding also needs to be considered with CAMHS to potentially deliver intervention services for children and young people who have experienced domestic abuse and need support in moving their lives forward.
- 11.3 **NSPCC Cymru/Wales welcomes the increased funding for domestic abuse work across Wales and the posts and schemes that have received funding, however we would urge the Welsh Assembly Government to ensure that funding is long term and sustainable to provide an ongoing support for vulnerable families and their children.**

12. Conclusion

- 12.1 Overall the Welsh Assembly Government's strategy has provided an excellent basis for taking forward the protection of children and young people who have experienced domestic abuse. We would like to take this opportunity to welcome the partnership approach adopted by Ministers and officials in looking at ways in which domestic abuse can be more effectively tackled on a local and national level. We hope that

from this point we can continue to work with the Welsh Assembly Government to move forward, ensuring that heightened awareness translates into improved service provision, better training and improved protection for children and young people across Wales.

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Annex A

**NSPCC Response to the Forced Marriage (Civil Protection) Act 2007 –
Relevant Third Parties**

(Ministry of Justice, 2008)

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Introduction

The National Society for the Prevention of Cruelty to Children (NSPCC) is the UK's leading charity specialising in child protection and the prevention of cruelty to children. The NSPCC aims to end cruelty to children by seeking to influence legislation, policy, practice, attitudes and behaviours for the benefit of children and young people. This is achieved through a combination of service provision, lobbying, campaigning and public education.

The NSPCC believes that, given the will, all cruelty can be prevented. In order to achieve this, it is vital that all children, whatever their needs, have a range of services that are flexible and offer them support and protection. The NSPCC has more than 180 services in the UK and the Channel Islands. These services aim to:

- Prevent children being abused by working with parents and carers in vulnerable families to improve their knowledge and skills in safeguarding, and giving children and young people someone to turn to through the provision of our Listening Services.
- Protect vulnerable children and young people from abuse by providing direct services in a number of settings, including schools and young people's centres. We also protect them by providing Listening Services for adults to ensure they have someone to turn to with their concerns; by ensuring that abused children and young people are identified and effective action is taken to protect them, and by working with young people and adults who pose a risk to children and young people to reduce the risk of abuse.
- Help children and young people who have been abused overcome the effects of abuse and achieve their potential.

In drawing together this response, we have consulted with practitioners who directly provide services and support, either face-to-face or via listening services to young people who have been or at risk of being forced into marriage.

General comments

We welcome the provisions contained in the Forced Marriage (Civil Protection) Act to enable third parties to apply for injunctions on behalf of young people who are at risk of being forced into marriage or have been forced into marriage.

The practice and threat of forced marriage, alongside the severe mental and sometimes physical violence which often accompanies, breaches a number of children's rights as set out in the United Nations Convention on the Rights of the Child⁷. These include:

- i. The best interests principle: Article 3, UNCRC
- ii. Child's right to be consulted in decisions which affect them: Article 12, UNCRC
- iii. Child's right to freedom of expression: Article 14, UNCRC
- iv. Child's right to protection against all forms of exploitation: Article 34, UNCRC
- v. Child's right to protection against all forms of exploitation: Article 36, UNCRC

The coercion involved in forced marriage is abusive. The NSPCC is opposed to all practices of a coercive and abusive nature. We strongly advocate the promotion of the rights of children and young people to participate in decisions that affect them and to be able to live in a society which fulfils their protection and other rights under the UN CRC. The issue of forced marriage is of particular concern to the NSPCC because the practice can put young people at risk in several ways. In the longer term, many women forced in to marriage suffer sexual abuse and domestic violence, whose impact on children is now widely documented.

We are concerned that the questions set out in the consultation document distinguish between appropriate interventions for a child under the age of 16 and those who are older. Under the UN CRC and the Children Acts of 1989 and 2004 a child is defined as a person who is 18 years old or under and the fact that a child has reached 16 years of age does not change his or her status or entitlement to services or protection under the Children Act 1989. The focus of our response is thus on young people who are 18 years old or under and we recommend that guidance on the use of third party injunctions follows the Children Act 1989 and Children Act 2004 definition of a child.

NSPCC Practice experience confirms that there is a reduced level of service for 16-18 year olds around children in need service and housing support. In our experience this is particularly unfortunate because 15-16 year olds are the key age where vulnerability to forced marriage is most acute. Local authorities need to be sent a clear message that 16-18 year olds who are at risk of being forced into marriage should be seen as a child in need and possibly a child at risk of significant harm.

⁷ United Nations Convention on the Rights of the Child, UK ratification 1991

It is important that third party injunctions to prevent young people who are at risk of or who have been forced in marriage should be one element of a holistic package of support. Where possible and safe, this should include access to mediation services. However, mediation as a response to forced marriage can be extremely dangerous for a young person and therefore third party injunctions should also be seen as part of a child protection intervention.

We recognise that third party injunctions will provide more protection for young people who are at risk of being forced into marriage. However, forced marriage is a violation of a young person's rights and there is an overwhelming case to make it a criminal offence in its own right. Amending the criminal law would be a clear and effective means of demonstrating that forced marriage is wrong. We therefore recommend that the government closely monitors the impact of third party injunctions and formally reports on their effectiveness annually to Parliament. This should include surveys of young people from affected communities to elicit their view of whether these new powers are resulting in a shift in cultural attitudes towards and acceptance of the practice.

1. In what circumstances is it appropriate for a third party to make an application on behalf of another? Are there circumstances where it is not appropriate?

2. Are there any other circumstances when is it appropriate for a third party to make an application on behalf of a child under 16? Are there circumstances where it is not?

It would be appropriate for a third party to apply for an injunction where there is sufficient and serious concern and evidence that a young person is being harmed or abused because they are at risk of being, are being, or has been forced into marriage.

After a referral or formal request for an application has been received, an initial inquiry and assessment should be undertaken. The assessment should include:

- The nature of the concerns
- How and why they have arisen; and
- What appear to be the needs of the young person.

The initial inquiry and assessment must be limited to ensure the safety of the young person, as they may still be living in the family home. If the young person's family become aware of the possibility of an application for an injunction by a third party, they may be at increased risk of violence and abuse from family members. As some young people may be at risk of being taken out of the country, considerations should also be given to alerting authorities at airports and ports of entry and seeking advice from the Foreign and Commonwealth Office.

If there is sufficient serious concern that a young person is at risk of being, is being, or has been forced into marriage, a core assessment should be undertaken to determine whether action is required to safeguard and promote the welfare of the young person who is the subject of the inquiry. Where possible, a core assessment should be undertaken by a specialist service.

The core assessment should begin by focusing on the information identified in the initial assessment as being of most importance when considering whether the young person is suffering or is likely to suffer significant harm. The inquiry should always involve separate interviews with the young person who is the subject of concern and care must be taken when arranging this to ensure the young person's safety is not compromised or jeopardised in any way.

3. Which type of person or organisation do you think should act as a relevant third party? Please give reasons to support your answer.

4. Which type of person or organisation do you think should act as a relevant third party for children aged under 16? Please give reasons to support your answer.

We agree that the organisations set out in the consultation document could act as a relevant third party.

In addition, we would like to suggest that voluntary and charitable organisations should also be able to act as the relevant third party.

It is important that organisations which are defined as a relevant third party for the purposes of the Act should have a remit for and role in protecting young people, that they are able to provide appropriate levels of confidentiality for young people, and that they are trusted by them. It is also important that relevant third party organisations should have knowledge and understanding of child legislation and protection procedures and have expertise of working with young people. This is important for ensuring that they are able to continue supporting and providing protection to a young person after an injunction has been granted.

In our view the guidance should be explicit in requiring relevant third party organisations to be able to demonstrate that they:

- have direct experience of working with young people who are at risk or have been forced into marriage; and
- have a good cultural awareness, knowledge and understanding of the nature of forced marriage and domestic violence.

5. Based upon your answers to questions 3 & 4, what type of funding or resources would a relevant third party need?

It is essential that funding and resources are made available fully to reimburse relevant third party organisations who apply for injunctions on behalf of young people who are at risk of being forced into marriage. The Government should create a fund for third parties to recover the costs of the injunction application.

Ensuring that relevant third party organisations' costs are covered will mean they are not deterred from carrying out assessments and applying for injunctions due to their financial impact.

Funding and resources should also be made available for mediation, linguistic support and family support services for young people who are assessed to be safe to stay in their home with their family. Funding should also be linked to third parties having sufficient child protection expertise to ensure that services are provided within a child protection framework. Mediation is important for young people whose safety is not at risk and who want to remain in the family home but do not want to be forced into marriage.

6. What safeguards should there be for a victim to ensure that the relevant third party acts in their best interests?

7. Are there any other safeguards required for a relevant third party acting on behalf of children aged under 16?

Relevant third parties must be able to provide a flexible and accessible service and is a safe and open space for young people to share their concerns.

In cases where a young person is in immediate danger, relevant third parties must know where they can access emergency housing and a range of services to support a young person.

Relevant third parties should also determine whether there are siblings who live in the family home who may also be at risk of being forced into marriage and put in place safeguards to protect them.

8. How can we adapt our court administration to meet the needs of those who use the Act?

Materials and resources should be provided to raise awareness about third party injunctions and young people should know where they can go if they need the protection of a third party injunction. Young people should also understand the court process and what will happen to them if a third party injunction is applied for on their behalf.

The use of special measures in courts, such as young witness support services, are also a necessary element of supporting the young person and must be part of careful planning to engage with and protect the victims of this type of abuse.

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