

Summary: Intervention & Options

Department /Agency:

Home Office/Foreign and Commonwealth Office

Title:

Impact Assessment of Forced Marriage Statutory Guidance

Stage: Final Proposal

Version: 1

Date: 7 October 2008

Related Publications: Forced Marriage (Civil Protection) Act 2007 / Guidance for Police Officers Dealing with Cases of Forced Marriage (also for education, health and social care)

Available to view or download at:

<http://www.opsi.gov.uk/acts/act2007/20070020.htm>

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What is the problem under consideration? Why is government intervention necessary?

Forced marriage is a form of child/adult/domestic abuse and should be treated as such under existing guidance and structures. However agencies continue to face challenges in interpreting the existing guidance in the context of the cultural and operational challenges that present in forced marriage cases. The Forced Marriage (Civil Protection) Act 2007 provides for statutory guidance to be issued. This guidance draws together existing requirements explicitly in the context of forced marriage cases and will significantly improve the statutory agency response to forced marriage victims.

What are the policy objectives and the intended effects?

The objective is to ensure that all those exercising public functions understand how existing guidance and legislation should be used in the case of forced marriage. The proposed forced marriage guidance explicitly sets out how agencies should interpret their strategic responsibilities and existing procedures in order to provide more effective support to victims and potential victims of forced marriage.

What policy options have been considered? Please justify any preferred option.

1. Continue to rely on existing non-statutory guidelines
2. Introduce statutory guidance setting out the strategic responsibilities of agencies involved with handling cases of forced marriage and re-issue non-statutory practice guidelines for frontline staff.

Option 2 is preferred. It will provide the overall framework for dealing with forced marriage and also provide frontline staff with usable practice guidelines for handling cases.

When will the policy be reviewed to establish the actual costs and benefits and the achievement of the desired effects?

December 2009

Ministerial Sign-off For final proposal/implementation stage Impact Assessments:

I have read the Impact Assessment and I am satisfied that (a) it represents a fair and reasonable view of the expected costs, benefits and impact of the policy, and (b) the benefits justify the costs.

Signed by the responsible Minister:

Alan Campbell

..... Date: 5 November 2008

Summary: Analysis & Evidence

Policy Option: 52

Description: Introduce statutory guidance and re-issue non-statutory practice guidelines

COSTS	ANNUAL COSTS		Description and scale of key monetised costs by 'main affected groups' Estimation for single branch/department of an organisation based on the premises outlined in the evidence base below. Equivalent costs will apply to all branches of statutory agencies with responsibilities for child/adult protection.
	One-off (Transition)	Yrs	
	£ 682.96	1	
	Average Annual Cost (excluding one-off)		
	£ 0		Total Cost (PV) £
Other key non-monetised costs by 'main affected groups' There should be no new non-monetised costs as the guidance is designed to improve how existing policies and procedures are used in forced marriage cases, not to generate new burdens.			

BENEFITS	ANNUAL BENEFITS		Description and scale of key monetised benefits by 'main affected groups' None identified although improved early interventions (i.e. by effective risk assessment) should lead to a reduction in costly crisis interventions by agencies (estimate quantification in evidence based). However this is not possible to quantify to a definite degree.
	One-off	Yrs	
	£ 0		
	Average Annual Benefit (excluding one-off)		
	£ 0		Total Benefit (PV) £
Other key non-monetised benefits by 'main affected groups' There should be several benefits in using this option. Agencies should be able to offer a more consistent and comprehensive service to victims but utilising existing frameworks more efficiently. Improved interventions may generate a long-term reduction in work burdens.			

Key Assumptions/Sensitivities/Risks - this policy option assumes that agencies are operating effectively to existing standards and guidelines. However, agencies that are not operating effectively will be required to improve their performances to hit existing standards, which may in turn require further deployment of resources (e.g. for increased training)

Price Base Year	Time Period Years	Net Benefit Range (NPV) £	NET BENEFIT (NPV Best estimate) £
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What is the geographic coverage of the policy/option?	England & Wales			
On what date will the policy be implemented?	25/11/2008			
Which organisation(s) will enforce the policy?	Existing bodies			
What is the total annual cost of enforcement for these organisations?	£ N/A			
Does enforcement comply with Hampton principles?	Yes			
Will implementation go beyond minimum EU requirements?	N/A			
What is the value of the proposed offsetting measure per year?	£ 0			
What is the value of changes in greenhouse gas emissions?	£ 0			
Will the proposal have a significant impact on competition?	No			
Annual cost (£-£) per organisation (excluding one-off)	Micro N/A	Small N/A	Medium N/A	Large N/A
Are any of these organisations exempt?	Yes/No	Yes/No	N/A	N/A

Impact on Admin Burdens Baseline (2005 Prices)		(Increase - Decrease)	
Increase of	£ 0	Decrease of	£ 0
		Net Impact	£ 0

Key: Annual costs and benefits: Constant Prices (Net) Present Value

[Use this space (with a recommended maximum of 30 pages) to set out the evidence, analysis and detailed narrative from which you have generated your policy options or proposal. Ensure that the information is organised in such a way as to explain clearly the summary information on the preceding pages of this form.]

Background & scale of the issue

Whilst there is a lack of national data on the scale of forced marriage, the Forced Marriage Unit (FMU) has kept more comprehensive data on reported incidences since January 2008. In the first nine months of 2008 over 1200 incidences of forced marriage or potential forced marriage have been reported. We believe this represents the tip of the iceberg of the issue as many cases go under-reported or are handled by local agencies without reference to the Forced Marriage Unit.

Cases of forced marriage require responses from a large number of UK statutory bodies including the police, social services, education professionals, health professionals and housing agencies.

The provision for the issue of statutory guidance exists in Section 63Q of the Forced Marriage (Civil Protection) Act 2007. The Act makes clear that a person exercising public functions to whom guidance is given under the Act must have regard to it in the exercise of those functions.

Rationale for Government Intervention:

Forced marriage is a form of child/adult/domestic abuse and should be treated as such under existing processes and structures laid out in guidance such as *Working Together to Safeguard Children* (2004), *What to do if you are worried a child is being abused* (2006) and *No Secrets: Guidance on developing and implementing multi-agency policies to protect vulnerable adults from abuse* (2000).

The Forced Marriage Unit has also developed non-statutory practice guidelines for frontline practitioners from social services (2004), education professionals (2005), police (2005) and health services (2007). These documents detail best practice in handling forced marriage cases, given the cultural and operational complexities that these cases present. However, there is currently no requirement for agencies to have regard to these guidelines which means that this best-practice is not being consistently applied and victims may have been put at risk.

The experience of the Forced Marriage Unit and other practitioners working in the field of forced marriage is that in many cases, agencies have been failing to discharge their existing statutory responsibilities effectively because of case complexities and the lack of understanding in interpreting guidance in forced marriage cases. One key example to illustrate this is the tendency of many practitioners to attempt to mediate in forced marriage cases, believing that this is the approach legislated in the Children Act 2004. In some cases, this has led to increased risk to victims and has resulted in the victim being taken overseas.

The purpose of this intervention is to draw together the relevant existing responsibilities of senior managers in statutory agencies and to show how these responsibilities should be applied in forced marriage cases, including mandating the signposting of revamped practice guidelines for front line practitioners. The guidance will also address specific arrangements that may inadvertently place a victim at risk of harm. It will not create new burdens but will provide necessary clarity in how forced marriage cases should be handled in current frameworks. Agencies and the voluntary sector have been supportive of the initiative to issue statutory guidance on forced marriage.

Development Narrative and Consultation

The proposed guidance has been developed by the Home Office, the Foreign and Commonwealth Office, the Department for Children Schools and Families, the Department of Health the Department for Innovation, Universities and Skills, the Welsh Assembly Government, the Department for Communities and Local Government and the Association of Chief Police Officers. Key stakeholders for all of these departments were involved in the development of the draft guidance which was then put out to full public consultation. Respondents have been very favourable of the intervention. All departments have agreed the impact assessment.

Options

Our preferred option is to “Introduce statutory guidance setting out the strategic responsibilities of agencies involved with handling cases of forced marriage and re-issue non-statutory practice guidelines for frontline staff.”

This was preferred over continuing to rely solely on the existing non-statutory guidelines as it will clarify the overall strategic framework for dealing with forced marriage cases. It will also mandate that senior managers signpost practice guidelines to front-line staff, although use of these guidelines will be left to the practitioners discretion. As outlined in the ‘rationale for government intervention’ above, in many cases the status quo has not provided the necessary level of protection that victims require.

Costs

This guidance should not impose any additional burdens on agencies. The guidance recommends that forced marriage forms part of existing child and adult protection structures, policies and procedures. The common actions for all agencies fit into existing policies and procedures where forced marriage should already be a consideration.

As part of the consultation process we asked respondents to identify resource issues that may arise from the implementation of this guidance. The majority of respondents did not feel that there would be resource issues.

There will be a primary cost to organisations based on the need for departments to familiarise themselves with this guidance and based on an assumption that staff may require refresher or familiarisation training in order to ensure that they are familiar with the issue and the existing requirements:

These primary costs have been estimated based upon mean wages for all practitioners of that type, drawn from the 2007 ASHE statistics. These have been submitted at the micro level (e.g. for an individual branch/department/school). It is not possible, given the wide scope of agencies that have responsibilities in relation to child/adult protection, to provide aggregate figures.

The premises for these calculations are based upon the assumption that agencies are already performing up to the required overall standards for safeguarding children and adult protection. The costs, therefore, are based around familiarisation of forced marriage and cascading the understanding and awareness raising of how it should be handled within these frameworks:

Estimated man-hours for one-off cost calculations:

*1 hour at chief executive/senior official level to read the guidance

*2 hours at chief executive/senior official level to review/update existing policies

*7 hours (1 day) training for senior specialist to familiarise with current forced marriage case handling procedures

*3 hours familiarisation training for front-line staff on forced marriage (3 hours is the length of time the FMU spends on any one training session). Assumed 8 staff trained.

Calculation in summary is based upon a social services department using the estimated man-hours above. The senior specialist salary has been calculated using the upper estimation, that they are earning the same as a manager of a social services department:

*1 hour for a manager (£19.24/hr) to read guidance	£19.24
*2 hours for a manager to review/update existing policies	£38.48
*7 hours training for a senior specialist (£19.24/hr)	£134.68
*3 hours familiarisation training for 8 social workers (£15.33)	£490.56

Similar costs can be used for other agencies:

Police (estimated similar man hours but with a greater number of front-line staff receiving familiarisation training) at a cost of £27.34/hr for senior officers and £16.67/hr for junior officers

Education professionals (only requiring the top three elements to equip education welfare officers with the relevant tools at an average cost of £20.32/hr for a secondary education professional)

Health professionals (estimated similar man hours as a social services department) at a cost of £21.74/hr for a health service manager and £14.10/hr for a health professional

Ongoing training should be included in existing training routines and packages and should not create an additional cost burden for an organisation.

Benefits

The benefits of introducing statutory guidance will be:

1. More consistent support of victims by individual agencies in the statutory sector
2. Improved multi-agency co-operation in cases of forced marriage within existing frameworks.
3. Improved record keeping, leading to a more comprehensive understanding of the issue through the collation of firm data
4. Improved risk assessment in forced marriage cases leading to a reduction of cases where risk escalation has demanded a more resource-intensive response (e.g. by the victim being taken overseas or may suffer increased abuse with a higher resource burden to investigate and prosecute).
5. A reduction in the number of incidences where specific arrangements (such as family mediation) may inadvertently place a victim at increased risk of harm.
6. These improved responses may, in time, lead to a reduction in the number of people being forced into marriage and an increased likelihood that those who are forced into marriage will seek help and receive appropriate support.

Estimating a calculation for monetised benefits is difficult as case burdens are not uniform. Different agencies will have varying case volumes and levels of interaction with forced marriage

cases when they come in. There is also a significant amount of variation in the lengths of time that each case will take.

We have therefore tried to calculate benefit based upon the time taken up in the handling of a selection of overseas cases run by the FMU in 2008. Overseas cases have been chosen as one of the aims of this guidance is to improve the UK response so that less cases end with the victim being taken overseas for the forced marriage to take place (a victim being taken overseas can indicate a failure by agencies at an earlier stage of the handling process). The guidance therefore should lead to a reduction in the number of these cases (amongst others) that agencies have to handle

Overseas forced marriage cases commonly involve UK agencies as well as the Forced Marriage Unit. Agency involvement can often be quite intense and can involve interrogating families, investigating leads and bringing legal proceedings to bear. Preventing the victim being taken overseas will lead to a corresponding shortening of the length of cases and of the workload of practitioners.

Calculations:

Based upon a sample of 30 cases, the range of time that is involved in an overseas case runs from 7 days to 63 days with a median of 20 days and a mean of 27 days. Assuming a conservative estimate that agencies (not the FMU) will be involved at the front-line level for five man-hours per working week of a running case – that presents a mean impact of approximately 25 man-hours for an overseas case (this may be divided between multiple agencies excluding the FMU, i.e. police/social services/education welfare officers). On top of this, given the added complexity and severity of overseas cases and the need to often involve legal procedures, it would be reasonable to assume a further hour per week of a senior specialist (5 hours for a mean case).

Using these assumptions, the monetised benefit in terms of man-hours saved for a social services department avoiding a case travelling overseas would average out at £479.45. An overseas case will also frequently involve a repatriation cost averaging £450 (particularly for social services departments).

Two such cases would mean an overall monetised benefit. Including repatriation costs, a single avoided overseas case represents a monetised benefit.

There is also a recognised link between forced marriage and many honour killings. One averted honour killing investigation, at a cost of £1.1million to the criminal justice system, would counteract 1571 different bodies familiarising themselves with forced marriage guidance.

Specific Impact Tests: Checklist

Use the table below to demonstrate how broadly you have considered the potential impacts of your policy options.

Ensure that the results of any tests that impact on the cost-benefit analysis are contained within the main evidence base; other results may be annexed.

Type of testing undertaken	<i>Results in Evidence Base?</i>	<i>Results annexed?</i>
Competition Assessment	No	No
Small Firms Impact Test	No	No
Legal Aid	No	No
Sustainable Development	No	No
Carbon Assessment	No	No
Other Environment	No	No
Health Impact Assessment	No	No
Race Equality	Yes/No	Yes/No
Disability Equality	Yes/No	Yes/No
Gender Equality	Yes/No	Yes/No
Human Rights	Yes/No	Yes/No
Rural Proofing	No	No

Annexes

EQUALITY IMPACT ASSESSMENT TO FOLLOW