



Home Office

Consultation on statutory multi-agency guidance on Female Genital Mutilation

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MINISTERIAL FOREWORD

Female genital mutilation (FGM) is an extremely harmful crime and tackling it is at the forefront of this Government's work to tackle violence against women and girls. FGM is child abuse and violates the fundamental right of all girls and women to live free from violence and discrimination. The consequences of FGM can be felt throughout a victim's life. Not only are the physical consequences serious, including severe pain, problems with menstruation and complications in childbirth, but survivors can also suffer long term emotional and mental health repercussions.

On 22 July 2014, the Prime Minister and UNICEF jointly hosted the Girl Summit which set out a clear commitment to end FGM both in the UK and across the world within a generation and announced a significant package of domestic measures aimed at tackling FGM.



One year on, the commitments made at the Girl Summit have been delivered. The law has been strengthened through a number of measures including a new offence of failing to protect a girl from FGM and lifelong anonymity for victims of FGM. New FGM protection orders were brought in this month to provide further safeguards for girls at risk of FGM. A new mandatory reporting duty will commence in October this year requiring teachers and regulated health and social care professionals to report known cases of FGM in under 18s to the police. And an FGM prevention programme within the health service to help care for survivors and those at risk has been extended with £3m of funding over two years.

In the Serious Crime Act 2015, the previous Government also legislated to place guidance on FGM on a statutory footing, recognising that an effective response to protecting women and girls from FGM is dependent on effective multi-agency working. We now want to seek views on the content and detail of new statutory guidance to ensure that frontline professionals have complete clarity on their duties and responsibilities; are aware of good practice in supporting survivors and women and girls at risk, and are more accountable for their actions.

The momentum to end FGM has grown significantly in the last four years. This shift has been made possible by the tremendous campaigners who have worked tirelessly to raise awareness of the issue.

However, there is still more to do. Every girl has the right to grow up and make the most of her potential, free from the risk of FGM.

The Government is clear that we will not allow political or cultural sensitivities get in the way of tackling abuse whatever from it takes. New FGM guidance, placed on a statutory footing, can help professionals - who in the past have been uncomfortable with addressing some harmful traditional practices – and organisations ensure that no girl or woman has to endure the physical and psychological effects of FGM.

Together we can end FGM.

Minister for Preventing Abuse and Exploitation, 22 July 2015

ABOUT THIS CONSULTATION

Scope of the consultation

WHY ARE WE CONSULTING	This public consultation exercise is essential to enable the Government to ensure that new statutory guidance on FGM captures the full range of evidence, responsibilities, duties and good practice to support professionals in safeguarding women and girls from FGM.
TOPIC OF THIS CONSULTATION	This consultation seeks views on the content and detail of new statutory guidance on FGM to be commenced towards the end of 2015.
SCOPE OF THIS CONSULTATION	This consultation is specifically focused on ensuring statutory guidance captures the full range of advice and support to frontline professionals and organisations who have responsibilities to safeguard and promote the welfare of children and protect and support adults from the abuses associated with FGM.
GEOGRAPHICAL SCOPE	England and Wales.

Basic information

TO	This consultation is open to the public. We are particularly interested to hear from health care professionals, the police, the judiciary, teachers, social workers, criminal justice practitioners, survivors of FGM, organisations representing victims/survivors, community groups and leaders, safeguarding professionals, front line workers, service providers, NHS organisations, schools and governors, regulatory bodies, and local authorities.
CONSULTATION DURATION	10 weeks from 22 July 2015
ENQUIRIES AND HOW TO RESPOND	You can submit your responses to the consultation by using the online form or in hard copy to: FGM consultation, 5 th Floor, Fry Building, 2 Marsham Street, London SW1P 4DF. Email: FGMconsultation@homeoffice.gsi.gov.uk
ADDITIONAL WAYS TO BECOME INVOLVED	This will be an online consultation exercise. Please contact the Home Office (as above) if you require information in any other format, such as Braille, large font, different languages or audio.
GETTING TO THIS STAGE:	The Government is committed to tackling FGM. In July 2014 at the Girl Summit, hosted by the Prime Minister, the previous Government announced a package of measures to tackle FGM. These included proposals to strengthen the law, improve the law enforcement response, support frontline professionals and work with communities to prevent abuse. Provision for putting guidance on FGM on a statutory basis was included in the Serious Crime Act 2015. This followed a consultation on introducing mandatory reporting for FGM, published in December 2014, which also sought views on how multi-agency practice guidelines should be placed on a statutory footing most effectively.

INTRODUCTION

Female Genital Mutilation (FGM)

Female genital mutilation (FGM) comprises all procedures that involve partial or total removal of the external female genitalia, or other injury to the external female genitalia for non-medical reasons. The procedure is also referred to as 'cutting', 'female circumcision' and 'initiation'. The practice is medically unnecessary, extremely painful and has serious health consequences, both at the time when the mutilation is carried out and in later life.

Women who have undergone FGM often suffer from serious medical complications during childbirth as well as severe pain, chronic infections, menstrual problems and damage to the reproductive system. The initial trauma and after effects of FGM can also cause long term emotional and mental health issues such as depression, anxiety, psychosexual disorders and self-harm.

In the UK, FGM has been a specific criminal offence since the Prohibition of Female Circumcision Act 1985. The Female Genital Mutilation Act 2003 replaced the 1985 Act in England, Wales and Northern Ireland¹. Section 1 of the 2003 Act provides that a person is guilty of an offence if he "excises, infibulates or otherwise mutilates the whole or any part of a girl's labia majora, labia minora or clitoris". The 2003 Act made it an offence for the first time for UK nationals or permanent UK residents to carry out FGM abroad, or to aid, abet, counsel or procure the carrying out of FGM abroad, even in countries where FGM is legal.

The Serious Crime Act 2015 further strengthened the law on FGM. A new offence of failing to protect a girl from FGM has been introduced. Lifelong anonymity for victims of FGM has been guaranteed. New FGM protection orders were brought in on 17 July, and the extra-territorial reach of the 2003 Act has been extended to habitual UK residents. A new mandatory FGM reporting duty was also introduced which will commence in October 2015.

FGM is a complex issue. Despite the harm it causes, many women and men from practising communities consider it to be normal to protect their cultural identity. The age at which girls undergo FGM varies enormously according to the community. The procedure may be carried out when the girl is newborn, during childhood or adolescence, just before marriage or during the first pregnancy. However, the majority of cases of FGM are thought to take place between the ages of 5 and 8, therefore girls within that age bracket are at a higher risk.

¹ The Prohibition of Female Genital Mutilation (Scotland) Act 2005 replaced the 1985 Act in Scotland

Prevalence of FGM in the UK

The prevalence of FGM in the UK is difficult to estimate because of the hidden nature of the crime. However, a 2014 report published by Equality Now and City University² estimated that:

- approximately 60,000 girls aged 0-14 have been born in England and Wales to mothers who had undergone FGM;
- approximately 103,000 women aged 15-49, and approximately 24,000 women aged 50 and over who have migrated to England and Wales, are living with the consequences of FGM. In addition, approximately 10,000 girls aged under 15 who have migrated to England and Wales are likely to have undergone FGM; and
- combining the figures for the three age groups, an estimated 137,000 women and girls with FGM, born in countries where FGM is practised, were permanently resident in England and Wales in 2011.

Further data, disaggregated to a local level, has recently been published by Equality Now and City University. In addition, the Health and Social Care Information Centre publishes statistics about patients with FGM treated within the NHS. This is crucial in understanding the extent of FGM in England as identified through the delivery of healthcare services. 3,963 newly identified cases² of FGM were reported nationally for the period September 2014 to April 2015. 60 newly identified² cases of FGM reported nationally were under the age of 18.

Government strategy to tackle FGM

The Government is unequivocal that under UK law, FGM is a criminal offence and an extremely harmful form of child abuse which we are firmly committed to eradicating. Tackling FGM is a key part of the Government's wider commitment to protect women and girls from violence and abuse. The Government recognises that tackling FGM requires a comprehensive approach including prevention, punishment, enforcement, support and protection measures.

The Girl Summit held in July last year marked significant progress in the UK's efforts to tackle FGM. At the summit, the UK announced an unprecedented package of measures to tackle FGM aligned to key strategic aims as set out overleaf.

² <http://www.equalitynow.org/sites/default/files/FGM%20EN%20City%20Estimates.pdf>

Girl Summit Announcements

To strengthen law enforcement:

- New legislation has been introduced to:
 - extend the reach of the extra-territorial offences in the Female Genital Mutilation Act 2003;
 - confer lifelong anonymity of victims of FGM;
 - make parents or those responsible for caring for a girl liable for failing to protect her from risk of FGM;
- New police guidance on FGM published by the College of Policing;
- A review by Her Majesty's Inspectorate of Constabulary (HMIC) into 'so-called' honour based violence with a focus on FGM which will report in Autumn 2015.

To increase protection and support for victims of FGM:

- The introduction of civil orders to prevent FGM – so children identified as being at risk can be protected;
- The Chief Social Worker for Children and Families has issued practice advice to children's services, principal social workers and Local Safeguarding Children Boards;
- A mandatory requirement to report FGM in under 18s which will commence in October 2015;
- A new national collection of data on FGM to help care for women and girls who have had FGM.

To prevent FGM happening to women and girls:

- A £3m FGM prevention programme with NHS England;
- Increased community engagement funding for projects to raise awareness of FGM including with girls in at-risk communities;
- The establishment of a network of over 50 community champions / ambassadors to tackle FGM;
- The launch of a declaration of religious leaders and faith community leaders against FGM;
- A new FGM Unit launched to drive a step-change in nationwide outreach with criminal justice agencies, children's services, healthcare professionals and affected communities.

CONSULTATION: NEW FGM STATUTORY GUIDANCE

In 2011, the previous Government launched multi-agency practice guidelines³ for front-line professionals such as teachers, GPs, nurses and police. The guidelines seek to provide advice and support to frontline professionals who have responsibilities to safeguard children and protect and support adults from the abuses associated with FGM. As it is unlikely that any single agency will be able to meet the multiple needs of someone affected by FGM, these guidelines set out a multi-agency response and strategies to encourage agencies to cooperate and work together, and outline what they need to consider when provided services, be that specifically to support FGM survivors, or general services where organisations must pay due regard to safeguarding against abuse.

The guidelines provide information on: what FGM is and the cultural context and the population at risk within England and Wales; identifying when a girl (including an unborn girl) or young woman may be at risk of FGM and responding appropriately to protect them; identifying when a girl or young woman has had FGM and responding appropriately to support them; and measures that can be implemented to prevent and ultimately eradicate the practice of FGM.

The guidelines make clear that FGM is child abuse and a form of violence against women and girls, and therefore should be dealt with as part of existing child and adult safeguarding/protection structures, policies and procedures. They are a key development in preventing girls from being harmed by FGM.

A Home Office review of the guidelines in 2013, led to the publication of updated guidelines in July 2014. The review found that whilst the guidelines were largely deemed to be very useful by those who used them, there was a lack of awareness of them. At the Girl Summit in 2014, the previous Government accordingly announced that it would make the guidelines statutory.

In December 2014, in its consultation on mandatory reporting for FGM, the previous Government also consulted on how best to make the FGM multi agency guidelines statutory. The responses to the consultation uniformly supported statutory guidance, and the Serious Crime Act 2015 provided the Secretary of State with the power to issue guidance to persons in England and Wales the Secretary of State considers appropriate. A person exercising public functions to whom guidance is given must have regard to it in the exercise of those functions.

New statutory guidance will help to increase awareness of FGM and improve compliance with good practice in order to increase referrals and reports to the police and afford victims of this terrible abuse the greatest possible protection. It will mean public sector organisations will, at a senior level, be able to recognise their responsibilities, when providing and assuring services, as well as clarifying frontline responsibilities. Putting the guidelines on a statutory footing will also make clear the importance of training, particularly in public sector organisations, to ensure staff have the expertise they need to identify and report these problems as appropriate.

³ <https://www.gov.uk/government/publications/female-genital-mutilation-guidelines>

The draft statutory guidance attached to this consultation draws on the existing FGM multi-agency practice guidelines and has been updated to capture legal changes resulting from provisions in the Serious Crime Act 2015, new guidance for health professionals, new sources of data on FGM and wider safeguarding responsibilities, duties and resources for professionals. It also includes guidance on the new mandatory reporting duty in anticipation of the new duty coming into force in October 2015.

The Government considers that the draft statutory guidance attached to this consultation provides professionals with the information they need to help them understand the issues around FGM including its cultural underpinnings and motives; the health and welfare consequences of FGM; the prevalence of FGM; the criminal law on FGM; identifying risk factors on FGM; professionals' responsibilities on FGM linked to wider safeguarding duties and good practice; the range of legal interventions to deal with FGM; guidelines for key professionals including police, healthcare professionals, children's social care and schools and colleges, and; working with communities to prevent FGM.

It is important to reflect that the statutory guidance will be kept under regular review in order to ensure it keeps pace with legal changes on FGM and changes in professional practice. It is also important to note that the statutory guidance is not intended to be exhaustive. The Government wants to strike the right balance between capturing the core principles underpinning a multi-agency response to FGM in statutory guidance and ensuring the guidance is user-friendly. There are a range of wider more detailed resources for different professions, and wider resources on FGM which will continue to be promoted by the new FGM unit and Government departments. In addition, the wider safeguarding legislative framework remains the footing within which the majority of the prevention efforts must be delivered, and this guidance will not replace or alter any existing safeguarding framework. The Government will also develop more detailed guidance for key elements of an effective response to FGM, such as procedural guidance to support the practical implementation on the new FGM mandatory reporting duty.

The Government now seeks views from communities, professionals, statutory regulatory bodies, professional bodies, FGM survivors and the public, on the content, detail and lay-out of the statutory guidance to ensure it meets the needs of professionals, service delivery organisations, survivors and women and girls at risk.

Summary of Consultation Questions

Q1. Do you agree that the draft statutory guidance provides frontline professionals with the information they need on the prevalence of FGM and the issues around it? If not, where and how could the guidance be changed?

Q2. Do you agree that the draft statutory guidance provides service delivery organisations with the information they need on the prevalence of FGM and the issues around it? If not, where and how could the guidance be changed?

Q3. Do you agree that the draft statutory guidance adequately captures FGM risk factors?

Q4. Do you agree that the draft statutory guidance captures the full range of legal tools and interventions to enable professionals and public sector organisations to safeguard and protect women and girls at risk of FGM?

Q5. Do you agree that the draft statutory guidance promotes an individual-centred approach, ensuring that a woman or girl's individual circumstances drive the decision making process at all times? If not, what additions do you consider could be made to the guidance?

Q6. Do you agree that the draft statutory guidance provides sufficient - and clear information for a) health care providers b) police c) children's social care and d) schools and colleges?

Q7. Do you agree that the draft statutory guidance captures how professionals and public sector organisations can work with communities to prevent FGM?

Q8. Do you agree that the draft statutory guidance describes a multi-disciplinary approach which will allow for the voice of the child to be heard and respected whilst working to protect and support her? If not, where and how could it be improved?