



FGM: Mandatory Reporting NEU guidance for members in England & Wales

The purpose of this document is to clarify the law on mandatory reporting of female genital mutilation (FGM).

Since October 2015 there is a requirement on doctors, nurses, teachers and other professionals to report known cases of FGM to the police.

What is female genital mutilation?

FGM involves cutting or injuring the female genital organs for non-medical reasons. It is a practice that is not condoned by any religion and can leave physical and mental scars on the girl involved. Since 1985 it has been illegal in the UK but many young girls are sent abroad to have the procedure carried out. The police estimate that around 144,000 girls living in the UK were born of women from FGM practicing countries. It is a wide spread issue predominantly involving countries in Africa and Asia. It is also a very complex issue. While the parents may not wish their daughter to undergo a procedure, they may face pressure from their families and their communities.

The NEU has always welcomed the government's commitment to addressing the issue and believes that all types of gender-based violence can, and should be, tackled through partnership with health professionals, social care and the police.

The NEU knows that the safeguarding of children is of paramount importance to our members.

What is mandatory reporting?

Under the mandatory reporting legislation, teachers are required to report known cases of FGM in under 18s to the police. A known case is where there has been visual identification (which, usually, applies to healthcare professionals) or direct verbal disclosure.

If you are a teacher and a pupil, who is under 18, informs you that they have undergone FGM you must ring the non-emergency 101 number within 48 hours. You should make a note of your actions and record the police reference number as evidence that you have complied with the duty.

The duty does not apply if the person has reason to believe that another person working in that profession has previously made an FGM notification in connection with the same act of female genital mutilation.

If you are in any doubt, you should speak to your designated safeguarding lead, but remember the duty is individual not organisational. Once you have made your report via the 101 number, you have met the duty.

I am a teacher, not a clinician. How am I supposed to recognise the physical signs of FGM?

As stated above, visual identification will generally apply to healthcare professionals. However, the Home Office guidance states: "For teachers... there are no circumstances

in which you should be examining a girl. It is possible that a teacher, perhaps assisting a young child in the toilet or changing a nappy, may see something which appears to show that FGM may have taken place. In such circumstances, the teacher must make a report under the duty, but should not conduct any further examination of the child.”

It should be noted that teachers in special schools or working with pupils with special educational needs (SEN) in mainstream may also have greater personal contact with pupils in terms of assistance with toileting or changing, and may also fall into the same category as those working with younger children.

The union’s concern is that the Home Office’s statement implies the physical signs of FGM should be obvious to anyone that sees it, and yet the government acknowledged in a 2014 consultation document that even expert clinicians struggle on occasion to identify cases of FGM following a physical examination. To ensure that you and other teachers at your school/college are not held up to the same standards as clinicians, you should seek written assurance from your employer that a failure to identify the physical signs of FGM will not lead to disciplinary action. If employers feel that that is an unreasonable request, they should, at the very least, invest in appropriate training for all their teaching staff.

I have been told by a pupil that she has undergone an FGM procedure. What information will I need to give to the 101 operator?

1. Explain that you are making a report under the FGM mandatory reporting duty and provide your details:
 - contact details (work telephone number and email address) and times when you will be available to be called back
 - your role
 - your place of work.
2. Provide the details of your organisation’s designated safeguarding lead:
 - name
 - contact details (work telephone number and email address)
 - place of work.
3. The girl’s details
 - name
 - age/date of birth
 - address.
4. If applicable, confirm that you have undertaken, or will undertake, safeguarding actions.

The police recommend you explain to the girl that you are making the report and why. You should make the report within 48 hours. It is unlikely that a uniformed response is necessary; instead a detective from child protection is likely to make a follow-up telephone call.

What should I do if the matter falls outside of the above?

Teaching assistants and other support staff are not covered by the mandatory reporting duty. They should instead follow the normal safeguarding route. Furthermore, a suspicion (as opposed to a disclosure) that FGM has been performed on a pupil should also be dealt with through the usual safeguarding procedures. The mandatory reporting duty only applies to a direct disclosure/visual identification.

You should telephone 999 if it is an emergency, ie a pupil discloses that they or a sibling are in imminent danger of being subjected to FGM or if a pupil is suffering severe medical complications of FGM.

What happens if I fail to report a direct disclosure?

Failure to comply with the mandatory reporting duty (within 30 days) will not lead to criminal sanctions but you may face disciplinary action.

Is it right that I should be asked to ‘shop’ any pupil who informs me that they are going to visit relatives in a part of the world where FGM is practiced?

The union is concerned that, as with most safeguarding issues, there are schools/colleges and even local authorities that will act overzealously and impose far more onerous requirements on their staff than the law or government guidance warrants. We are aware of schools, for example, that require staff to notify a senior manager whenever a pupil with a family from a country where FGM is practiced indicates that she is going there on holiday. The union believes this practice to be contrary to the public sector equality duty in that it promotes rather than eliminates race discrimination; it does the opposite of fostering good relations and it alienates segments of the school community, particularly those of African and Asian origin. A holiday to a country in which FGM is practised may be a risk factor, but it should be viewed as only one of a number of factors to be considered when assessing risk. Staff should be asked to notify senior managers of a family’s holiday plans only in respect of children who are assessed as at risk and not of all children with a particular nationality or ethnic background.

What is the NEU’s policy on this?

The NEU supports the work being undertaken by the police to tackle what is essentially the subjugation of females, but remain unconvinced that the government’s decision to place onerous reporting obligations on individual teachers is the most appropriate way of seeking to address the problem.

What should I do next?

If further advice is needed, contact your NEU workplace rep in the first instance. If there is no NEU rep in your workplace, or the peripatetic nature of your employment makes contact with a workplace rep difficult, contact the NEU Adviceline in England on 0345 811 8111 or NEU Cymru in Wales on 029 2046 5000.

Further contact details may be found at: neu.org.uk/contact-us

Further information

FORWARD (Foundation for Women’s Health Research and Development)

The charity is committed to gender equality and safeguarding the rights of African girls and women

forwarduk.org.uk

PSHE Association

The organisation with information and advice on personal, social and health education has teaching resources and advice relating to FGM – search on the home page

pshe-association.org.uk

Home Office guidance

Mandatory Reporting of Female Genital Mutilation: procedural information – available at:
gov.uk/government/publications/mandatory-reporting-of-female-genital-mutilation-procedural-information

Introducing mandatory reporting for female genital mutilation – consultation responses, available at: gov.uk/government/consultations/introducing-mandatory-reporting-for-fgm

Department for Education (DfE) guidance

Keeping Children Safe in Education, available at:

gov.uk/government/publications/keeping-children-safe-in-education--2

Welsh Government guidance

Keeping Learners Safe, available at: beta.gov.wales/keeping-learners-safe

[Letter from Kirsty Williams](#), Welsh Government Cabinet Secretary for Education, to all schools in Wales – available at:

learning.gov.wales/docs/learningwales/publications/170704-fgm-letter-eng.pdf

The Serious Crime Act 2015 (section 74), see:

legislation.gov.uk/ukpga/2015/9/section/74