

Female Genital Mutilation (FGM)



MPS



Advice correct as of October 2015

Female Genital Mutilation (FGM) has been a criminal offence in the UK since 1985 and the legislation was re-enacted in the Female Genital Mutilation Act 2003. Five official reports on the subject have been published since November 2013 and MPS has produced this guidance for members.

Tackling FGM

In November 2013, an intercollegiate report, *Tackling FGM in the UK*¹, was published, which made nine recommendations for addressing the problem.

On 3 July 2014, the Home Affairs Select Committee published its report, *Female Genital Mutilation: The Case for a National Action Plan*². This report contains a section on the role of the healthcare professional and features a number of recommendations.

On 6 February 2015, International Day of Zero Tolerance for Female Genital Mutilation, the Department of Health, the Home Office and the Department of Education as part of *Ending Violence Against Women And Girls In The UK*³, went further than previous reports in their recommendations for the government to introduce new measures to aim to curtail and eventually abolish FGM in the UK.

In March 2015, the DoH published *Female Genital Mutilation Risks And Safeguarding: Guidance For Professionals*⁴, following amendments brought through the Serious Crime Act 2015.

In September 2015, the Department of Health published *FGM Prevention Programme: Understanding the FGM enhanced dataset – updated guidance and clarification* to support implementation.

As a consequence of these five reports, MPS members should be aware that:

- FGM is a form of child abuse and should be treated as such.
- Identification of women who have undergone FGM, particularly if identified in the course of a pregnancy, is extremely important as female relatives, including children and siblings, are likely to be at risk, as well as any female child of that pregnancy.

- Girls under the age of 18 considered at risk should be referred as part of a doctor's obligation to safeguard children to the appropriate local Children Services or the Multi-Agency Safeguarding Hub.
- Girls under the age of 18 who have undergone FGM should be referred to the police as well as to safeguarding.
- Women presenting with FGM should be considered as potential victims of crime, and consideration given to referral to the police and support services. Consent to such disclosure should normally be sought but even if withheld, consideration should be given to disclosure in the public interest.
- Every case of FGM must be reported across all NHS acute trusts from 1 June 2015.
- From 31 October 2015 reporting cases of FGM will become mandatory within general practice and mental health trusts.
- Members have an obligation to make themselves aware of local and national guidelines related to reporting and treatment of actual and potential victims of FGM.

The Government has produced a *Health Passport* entitled *Guidance: Statement opposing female genital mutilation* which can be given to girls at risk of FGM which they can carry with them at all times but particularly when travelling abroad to explain the UK law to others that may perpetrate the crime.

The GMC position is contained within *Confidentiality* (2009) at paragraphs 36-39⁵, which advises doctors to weigh up the harm likely to result from non-disclosure against the possible harm to the patient and to the overall trust between doctors and patients. Though each case turns on its individual facts, the balance would generally be in favour of disclosure.



Conclusion

- Be aware of national and local guidelines and procedures
- Have a low threshold for seeking further advice and support
- If working in teams, make sure the team is informed and involved, and inform senior colleagues including the FGM lead and seek advice from them
- Members with any doubts or concerns should contact MPS.
- Report to the police every case of FGM in the under 18 years category, in line with national guidelines.

Further information

- HM Government, *Health Passport* – www.gov.uk/government/publications/statement-opposing-female-genital-mutilation
- HM Government, *Multi-agency Practice Guidelines: Female Genital Mutilation* – www.gov.uk/government/publications/female-genital-mutilation-guidelines
- British Medical Association, *Female Genital Mutilation: Caring for Patients and Safeguarding Children* (2011) – <http://bma.org.uk/-/media/files/pdfs/practical%20advice%20at%20work/ethics/femalegenitalmutilation.pdf>
- Health Education England, *FGM E-learning Module* – www.e-lfh.org.uk/programmes/female-genital-mutilation/

- Department of Health, *Female Genital Mutilation Risk and Safeguarding: Guidance for Professionals* – www.gov.uk/government/publications/safeguarding-women-and-girls-at-risk-of-fgm
- Royal College of Obstetricians and Gynaecologists, *Female Genital Mutilation And Its Management* (Green-top Guideline No. 53) – www.rcog.org.uk/en/guidelines-research-services/guidelines/gtg53/
- Home Office, *Mandatory Reporting of Female Genital Mutilation: Procedural Information* – www.gov.uk/government/uploads/system/uploads/attachment_data/file/469448/FGM-Mandatory-Reporting-procedural-info-FINAL.pdf

References

1. www.equalitynow.org/sites/default/files/Intercollegiate_FGM_report.pdf
2. www.publications.parliament.uk/pa/cm201415/cmselect/cmhaff/201/201.pdf
3. www.gov.uk/government/policies/ending-violence-against-women-and-girls-in-the-uk
4. www.gov.uk/government/publications/safeguarding-women-and-girls-at-risk-of-fgm
5. www.gmc-uk.org/guidance/ethical_guidance/confidentiality.asp

For medicolegal advice please call us on:

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This factsheet provides only a general overview of the topic and should not be relied upon as definitive guidance. If you are an MPS member, and you are facing an ethical or legal dilemma, call and ask to speak to a medicolegal adviser, who will give you specific advice.

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