

# Cafcass Knowledge Alert

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**As of 31 October 2015 regulated social care professionals (social workers), together with health care professionals and teachers, have a mandatory duty under section 5B of the FGM Act (2003) to report to the police known cases of FGM in under 18s, which they identify in the course of their professional work.**

## Female Genital Mutilation (FGM)

Female Genital Mutilation comprises all procedures that involve partial or total removal of the external female genitalia, or other injury to the female genital organs for non-medical reasons (WHO). It is also sometimes referred to as female genital cutting or female circumcision. There are no health benefits to FGM and it is recognised internationally as a human rights violation. [forwarduk.org.uk](http://forwarduk.org.uk)

### What the Section 5B Duty to report means for Cafcass Practitioners

- A failure to comply with the duty may be considered through fitness-to-practise proceedings conducted by the Health and Care Professions Council.
- There is a personal duty to report known FGM to the police. The duty cannot be transferred to another member of staff.
- The duty is engaged when the social worker is *'informed by a girl under 18 that an act of FGM has been carried out on her'*.
- The duty does not apply if a report is made by another individual e.g. a family member. In these circumstances the [Cafcass Child Protection Policy](#) should be followed, specifically with reference to making a child protection referral to the local authority.
- There is no duty to report if another social worker has made a report to the police.
- It is the age at disclosure/identification – under 18 – which dictates whether a report is to be made to the police, not the age of the child when the FGM occurred.
- The mandatory report to the police should be made within one working day to the 101 number, unless there is a risk to life or a risk of immediate serious harm, in which case a 999 call should be made.
- The Senior Head of Service/Assistant Director should be informed of the report, and identified as the 'Head of Safeguarding' when the police request this information.
- A child protection referral should be made to the local authority in line with the Cafcass Child Protection Policy.
- A record should be made on the contact log, including the reference number that the police provide. FGM should also be added to the *Child Needs* section on the child's person record in ECMS.

The Cafcass Child Protection Policy is being updated to reflect the S5 Duty of the FGM Act (2003)

## Some useful links and references:

The procedure to report FGM is set out in *Mandatory Reporting of Female Genital Mutilation – procedural information* (Home Office; 2015):

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/469448/FGM-Mandatory-Reporting-procedural-info-FINAL.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/469448/FGM-Mandatory-Reporting-procedural-info-FINAL.pdf)

**eLearning:** [Recognising and preventing FGM training](#) is available for professionals with safeguarding responsibilities.

### Female genital mutilation: resource pack

A resource pack on Female Genital Mutilation has been made available by the government. You can download this here: [Female genital mutilation: resource pack](#)

### Female Genital Mutilation: Multi-Agency Practice Guidelines

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

**Forward** (Foundation of Women's Health Research and Development) is a leading women's campaign and support organisation, committed to gender equality and safeguarding the rights of African girls and women. [forwarduk.org.uk](http://forwarduk.org.uk)

Forward Information Pack: [Forward Information Pack on FGM File](#) via MySkills FGM page.

## References available from the Cafcass Library:

**194644**

Journal Article

### **FGM: an analysis of lessons to be re-learned – Re B and G / PEARCE, Nasreen**

**In: Family Law 45(9), September 2015 pp. 1098-1102**

*The increased attention that the practice of FGM has been receiving and the public awareness of its nature and frequency amongst some cultures reminds one of the concerns and outcry in 1960s and 1970s in relation to child abuse and especially child sexual abuse which resulted in safeguards and guidelines being set in all child abuse cases. There can be no doubt that FGM is child abuse and, as the President ruled in Re B and G (Care Proceedings: FGM) (No 2) [2015] EWFC 3, [2015] 1 FLR 905, that it constitutes 'significant harm' within the meaning of ss 31 and 100 of the Children Act 1989 and that, it can never be reasonable parenting to inflict any form of FGM on a child. It has no medical justification, does not confer any health benefits and has no religious justification. It is an abuse of human rights and a clear violation of Art 3 of the European Convention. It is therefore astonishing that the President was invited to give and gave guidance on the proper process, conduct, recording of evidence especially relating to intimate medical examination and on the experts instructed. The main issues which came under scrutiny in Re B and G related to poor quality of the evidence and the qualifications, experience and expertise in the field of FGM of the experts instructed. So where did the professionals go wrong and what lessons must be re-learned?*

**193056**

Journal Article

### **Protecting child victims of female genital mutilation / HAYES, John**

**In: Family Law 45(3), March 2015 pp. 282-289**

*FGM has been a criminal offence in this country since 1985. The enactment of the Female Genital Mutilation Act 2003 reinforced the criminal law by making it an offence 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 the practice is legal. To reflect the serious harm that FGM causes, the 2003 Act also increased the maximum penalty from 5 to 14 years imprisonment. This article considers the role of the family courts in this area*

See the MySkills FGM page for a full literature reference list. You can access MySkills [here](#).