

WELSH HEALTH CIRCULAR



Llywodraeth Cymru
Welsh Government

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STATUS: COMPLIANCE

CATEGORY: HEALTH PROFESSIONAL LETTER

Title: Mandatory Reporting Duty for Female Genital Mutilation in England and Wales.

Date of Expiry / Review:

NA

For Action by:

Health Boards and Trusts

Action required by:

Immediately

Sender:

Dr Ruth Hussey, Chief Medical Officer / Medical Director

DHSS Welsh Government Contact(s) :

Anthony Davies, Healthcare Policy, Welsh Government, Cathays Park 2, CF10 3NQ; 02920 823121

Enclosure(s): None

Dr Ruth Hussey OBE
Prif Swyddog Meddygol/Cyfarwyddwr Meddygol, GIG Cymru
Chief Medical Officer/Medical Director NHS Wales



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To: Chief Executives, NHS Wales
Cc: Health board and trust FGM leads

23 October 2015

Dear Chief Executives

INTRODUCTION OF MANDATORY REPORTING FOR FEMALE GENITAL MUTILATION IN ENGLAND AND WALES

New provisions in the Serious Crime Act 2015 on tackling FGM will have a number of implications for health professionals in both Wales and England. The most important of which is the introduction of a mandatory reporting duty on regulated healthcare professionals from 31 October 2015. The duty is to report known (either identified or disclosed) cases of FGM among girls under the age of 18 directly to the police within one month.

Your health board or trust FGM lead should be aware of this development and will be able to assist you in disseminating this message to all colleagues within your organisation. This duty applies to all regulated healthcare professionals. Procedural guidance on how to discharge this mandatory reporting duty has been developed by the Home Office and is now available at:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/469448/FGM-Mandatory-Reporting-procedural-info-FINAL.pdf

I wish to highlight a significant aspect of the legal framework covering the reporting of FGM. Firstly, the Serious Crime Act 2015 requires all regulated healthcare professionals in Wales to report directly to the police within one month any identified or disclosed cases of FGM among girls under the age of 18. This duty applies to the healthcare professional directly and not the employer.

Secondly, our *Working Together* statutory guidance, underpinned by the all-Wales child protection procedures, provides a coherent framework for healthcare and other professionals in Wales to report suspicions of child abuse. From April 2016, the Social Services and Well-being Act Wales 2014 will reinforce existing practice by placing a duty on the health service, police, local authorities and probation services to report all children or adults suspected to be at risk or experiencing abuse or neglect to the local authority.

This latter duty is more comprehensive than the Serious Crime Act duty in that it applies to the organisation, applies to girls and women of any age, and applies to at risk, suspected and known cases of FGM. In addition, the latter duty must be discharged within 48 hours to the local authority rather than one month directly to the police.

The Welsh Government remains committed to securing greater alignment in the operational implications of these two duties. This will be further explored as part of the review of the statutory guidance on safeguarding adults and children.

Please ensure your staff are fully aware of the different duties and when they come into force. A regulated healthcare professional reporting a case of FGM to their safeguarding lead under standard child protection procedures would not fulfil the Serious Crime Act duty to report the case directly to the police. However, this direct report under the Serious Crime Act only applies if the specific criteria are met.



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In addition, I would like to draw your attention to several related matters:

- FGM protection orders were introduced in July 2015 and communicated to health board FGM leads with guidance on 17 July. The guidance is available at:

http://hmctsformfinder.justice.gov.uk/HMCTS/GetLeaflet.do?court_leaflets_id=12060

- Revised FGM Multi-Agency Guidance will be issued later in the year by the Home Office for both England and Wales. This will incorporate the FGM Protection Orders Guidance and will annex the Mandatory Reporting Duty procedural guidance. The existing Multi-Agency Guidance is available at:

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

- Public Health Wales has developed an FGM pathway in order to support NHS Wales in the diagnosis, referral and treatment of FGM victims consistently across Wales. The pathway will be implemented across NHS Wales with immediate effect and will need to be implemented in conjunction with the FGM Multi-Agency Guidelines and the Operational Guidelines for Mandatory Reporting of FGM. The pathway is available to view on the Children in Wales website:

<http://www.childreninwales.org.uk/our-work/safeguarding/wales-child-protection-procedures-review-group/>

- FGM leads are collecting monthly data on cases of identified FGM; these figures are being collated on a national basis by Public Health Wales.

If you have any comments, please direct them to the Healthcare Policy Division by contacting anthony.davies1@wales.gsi.gov.uk 02920 823121 or direct them through your local health board FGM lead.

Yours sincerely

A handwritten signature in cursive script, appearing to read 'Ruth Hussey'.

DR RUTH HUSSEY OBE