

PENRYN COLLEGE

FGM POLICY

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Making a report on Female Genital Mutilation (FGM)

This article outlines the mandatory duty of teachers and school staff to make FGM reports, the legal requirements this places on them, a suggested process to follow and an overview of the action that may be taken.

What's inside?

- ✚ What is FGM?
- ✚ Making a report
- ✚ What happens next?
- ✚ Failure to comply
- ✚ The process map

Next steps

What is FGM?

FGM comprises all procedures involving the partial or total removal of the external female genitalia, or other injury to the female genital organs, for non-medical reasons. The practice is a form of 'honour'-based abuse (HBA) and can cause severe pain, alongside immediate and/or long-term health consequences including mental health problems, dangers and difficulties in childbirth, and/or death. The age at which FGM is carried out varies according to the community, but may be carried out shortly after birth, during childhood or adolescence, just before marriage or during a woman's first pregnancy.

FGM is illegal in England and Wales under the Female Genital Mutilation Act (2003) and is a form of child abuse and violence against girls and women.

Making a report

It is a legal requirement, under the FGM Act (2003), for teachers to make an official report to the police if, when completing their professional duties, they:

- Are informed by a pupil under the age of 18 that an act of FGM has been carried out on them.
- Observe any physical signs that appear to show an act of FGM has been carried out on a pupil under 18, and they have no reason to believe that the act was necessary for the pupil's physical or mental health, or for purposes connected with labour or birth.
- These are referred to as 'known' cases, and do not apply where a person is aged 18 or over and discloses that they experienced FGM when they were under 18.
- This duty applies to all teachers, including qualified teachers or persons who are employed or engaged to carry out teaching work in schools and other institutions and, in Wales, education practitioners regulated by the Education Workforce Council (EWC). Those who fail to report FGM may face disciplinary actions.

Most professionals will only visually identify FGM as a secondary result of undertaking other action. There are no circumstances in which teachers should examine a pupil, other than in certain cases, e.g. if they are assisting a young child to the toilet or changing a nappy. In these instances, the teacher must follow the same procedure but should not conduct any further examination of the child.

Teachers must personally report cases to the police where they discover that an act of FGM appears to have been carried out - this responsibility cannot be transferred. The report should be made as soon as possible, e.g. by the end of the next working day, or in exceptional circumstances a maximum of one month from when the discovery is made. If teachers know a report has been made by another colleague, there is no requirement to make a second. All non-teaching members of staff do not have the same duty to report to police and should instead speak to the DSL with any concerns.

Unless the teacher has good reason not to, they should consider and discuss the case with the school's DSL and involve children's social services as appropriate. The duty does not apply to suspected or at-risk cases, i.e. where the teacher does not discover that an act of FGM appears to have been carried out. In these cases, teachers should follow local safeguarding procedures.

It is recommended that the report is submitted orally by calling 101. The legislation requires the individual submitting the report to provide the following information:

- That they are making a report under the FGM mandatory reporting duty
- Their details, including:
 - Their name.
 - Their contact details.

- Availability for a call back.
- Role.
- Place of work.
- Details of their school's DSL, including:
 - Their name.
 - Their contact details.
 - Their place of work.
- The pupil's details, including:
 - Their name.
 - Their age and/or date of birth.

If applicable, confirmation that they have undertaken, or plan to undertake, safeguarding actions as required by the DfE's statutory guidance 'Working together to safeguard children'.

The individual reporting the case will be given a reference number for the call – this number should be recorded. Where there is a risk to life or a likelihood of serious harm, the case should be reported to the police immediately.

Throughout the process of making a report to the police, a comprehensive record of any discussions had and decisions made should be kept in line with standard safeguarding practice. This will include the circumstances surrounding the initial identification or disclosure of FGM, details of any safeguarding actions, and when and how the case was reported. The school's DSL should be kept up-to-date throughout the process.

In line with safeguarding best practice, the individual filing the report should contact the pupil's parents as appropriate, to explain the report, why it is being made, and what it means. It is advised that this discussion takes place prior to or parallel with the report being made; however, if an individual believes that telling the parents about the report may result in a risk of serious harm to the pupil or anyone else, or the family fleeing the country, it should not be discussed with them.

Staff should be aware that pupils who are victims of FGM may not feel ready or know how to tell someone about their experience, and/or they may not recognise their experience as harmful.

What happens next?

After receiving a report, the police will initiate the multi-agency response in line with local safeguarding arrangements and consult with children's social care prior to taking action.

Factors considered may include:

- Measures necessary to protect the pupil and/or others identified as being at risk of harm; this will be led by children's social care.
- Possible criminal investigation; this will be led by the police.
- The health and wellbeing of the pupil and/or others including how future care will be delivered; this will be led by health authorities.

Failure to comply

Failure to comply with the duty to report known cases of FGM will be dealt with in accordance with the school's staff disciplinary procedures. FGM is child abuse, and employers and the professional regulators are expected to pay due regard to the seriousness of breaches of the duty. If the school decides to dismiss a teacher as a result of the failure to comply, or in the case where the teacher would have been dismissed had they not resigned, the school is responsible for the decision of referring the matter to the Teaching Regulation Agency (TRA) in England or EWC in Wales.

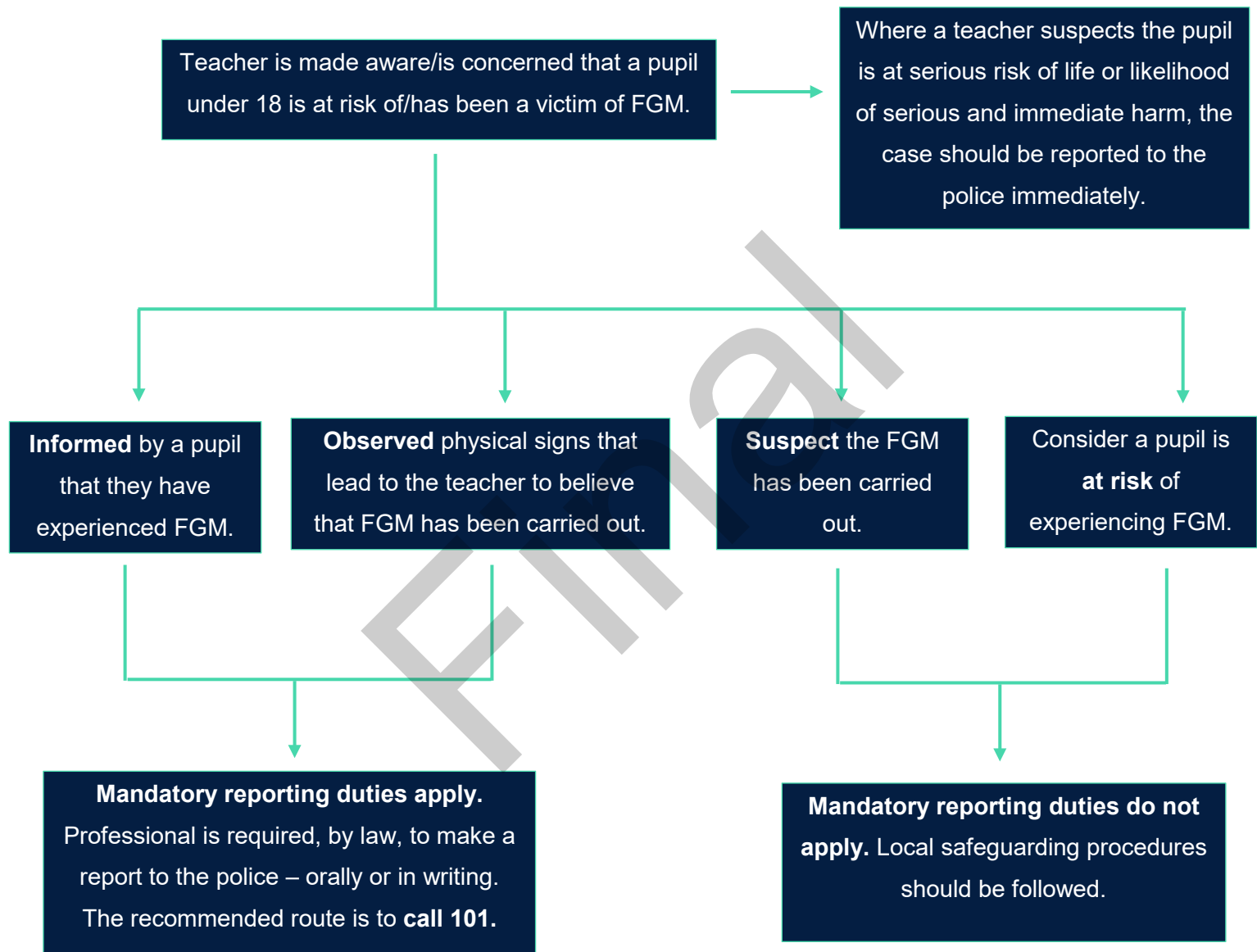
The TRA will consider whether the facts surrounding the case, which resulted in failure to comply, are proven, and whether they amount to unacceptable professional conduct. If proven, the TRA will consider whether it is appropriate to make a prohibition order, preventing the individual from carrying out teaching work in any school, children's home, sixth form college and youth accommodation in England.

The EWC will look at the individual's conduct, considering whether their failure to comply with the duty was so serious that it should affect their registration – this can lead to initiating fitness to practice proceedings.

The process map

The following process diagram intends to show whether the FGM mandatory reporting duty fits in with current processes. This is not an exhaustive guide, and schools should consider the wider context of safeguarding processes.

Throughout the process outlined below, ensure that all decisions are recorded and communication with the pupil and their family is sensitive.



Next steps

- Use our Meet and Brief Pack: [FGM Meet and Brief Pack](#)
- Use our updated policy: [Child Protection and Safeguarding Policy](#)
- Use our template: [FGM Mandatory Reporting Letter to Parents](#)

Bibliography

DfE (2022) 'Keeping children safe in education 2022'

DfE and Home Office (2020) 'Mandatory reporting of female genital mutilation: procedural information'

Final