



Social Care Services Board

20 January 2017

Item and Reference: Female Genital Mutilation Task and Finish Group [item 9], REF.61/16

Date: 2 September 2016

Recommendation: "That officers clarify the legal framework and action taken by Surrey Police if an offence was to occur."

FGM prosecuting offences:

FGM is illegal under the [Female Genital Mutilation Act 2003](#). FGM is [defined](#) as excising, infibulating or otherwise mutilating the whole or any part of a girl's labia majora, labia minora or clitoris. A person who is found guilty of an offence under the FGM Act may receive up to 14 years' imprisonment, a fine, or both.

The FGM Act creates 3 basic offences:

- carrying out FGM ([section 1](#) of the FGM Act) - A person is guilty of an offence if he/she excises, infibulates or otherwise mutilates
- assisting a girl to mutilate her own genitalia ([section 2](#) of the FGM Act) - A person is guilty of an offence if he/she aids, abets, counsels or procures a girl to excise, infibulate or otherwise mutilate the whole or any part of her own labia
- assisting a non-UK person to carry out FGM on a UK girl outside the UK ([section 3](#) of the FGM Act) - A person is guilty of an offence if he/she aids, abets, counsels or procures a person who is not a United Kingdom national or permanent United Kingdom resident.

Anyone engaging in one of these prohibited acts in the UK, regardless of their nationality or immigration status, is committing an offence.

Where one of the three basic offences is committed against a girl under 16, each person who is responsible for her at the time the FGM occurred will be liable for failing to protect her from the risk of genital mutilation, under [section 3A](#) of the FGM Act. This offence carries up to 7 years' imprisonment, a fine, or both.

[Section 4](#) of the FGM Act also allows a UK person to be prosecuted when they commit one of the prohibited acts or omissions abroad. An offence under section 3A can be committed wholly or partly outside the UK by a UK person.

[Section 4A](#) and [Schedule 1](#) of the FGM Act make provision for the lifelong anonymity of victims of FGM. This means that there is a prohibition on the publication of information likely to lead members of the public to identify the victim. Publication is interpreted widely and includes less traditional formats such as social media.

In circumstances not covered by the FGM Act, other criminal offences may be committed. The CPS guidance on [Offences/Behaviours experienced by victims of Female Genital Mutilation](#) advises on alternative offences, such as:

- grievous bodily harm, under [section 18](#) or [section 20](#) of the Offences Against the Person Act 1861
- conspiracy, child cruelty, false imprisonment and causing or allowing serious physical harm or death of a child, under [section 5](#) of the Domestic Violence, Crime and Victims Act 2004.

The [CPS Female Genital Mutilation Legal Guidance](#) provides further information on FGM and associated offences. Officers are encouraged to seek early investigative advice from the CPS to help build the strongest possible case and choose the most appropriate charge.

Preventative Measures:

Given the nature of FGM, it is not a widely reported crime. People carrying out the procedure may have recently arrived in the UK and have no idea that it is illegal. If a woman or girl has come from a community where all of the girls have undergone FGM, she may believe that the health problems she is experiencing as a result of the procedure are a normal part of female life. If FGM is committed when the victim is a child, she may have little memory of it or be unaware it is illegal. It is, therefore, essential that the police and other organisations work together with statutory and third-sector partners, other agencies and communities affected to raise awareness of the health risks and increase knowledge of the criminal law relating to FGM.

Surrey Police FGM advisor has worked with officers at Gatwick Airport including UKBA officers to speak to families during the summer holidays travelling out to prevalent countries. This Intel gathering process and to raise awareness of the law. The Home Office has produced a statement that girls and women travelling abroad can keep with their passport and take with them to inform family members of the potential criminal penalties for those who allow or arrange for FGM to take place overseas. It is [available in several languages](#). It can be distributed by the police as an awareness-raising and safeguarding measure, to inform and equip women and girls who may be at risk of FGM while abroad.

If an officer becomes aware of a girl at risk of FGM, if the risk is imminent immediate steps would be taken to make the person safe and safeguarding measures put in place. For a child this would include police protection and emergency protection orders.

If it is believed or known that a girl has undergone FGM, a multi-agency strategy meeting should be held as soon as practicable (and in any case within two working days) to discuss the implications for the child and the coordination of the criminal investigation.

The strategy meeting to include:

- A Team Manager/Assistant Team Manager, to chair and co-ordinate the meeting;
- The allocated social worker responsible for the enquiry;
- A senior member of the Police Public Protection Investigation Unit DS level;
- A legal representative should be available for consultation;
- Appropriate health representation (for example the consultant paediatrician on call for Sexual Assault Referral Centre (SARC));
- A specialist in FGM from the statutory or voluntary sector if available;
- For children, the lead professional;
- Any other professional deemed appropriate by the Children's Services manager.

FGM strategy meeting to additionally cover the following issues:

- Family history and background information;
- Ensure safety of other female siblings or if indicated, close female relatives Scope of the investigation, what needs to be addressed and who is best placed to do this;

- Roles and responsibilities of individuals and organisations within the investigation, with particular reference to the role of the police;
- As to whether a medical examination/treatment is required and if so who will carry out what actions, by when and for what purpose;
- What action may be required if attempts are made to remove the child from the country;
- Identify key outcomes for the child and their family and implications and impact on the wider community.

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