

Strengthening protection from Female Genital Mutilation (FGM) (January 2019)

The Scottish Social Services Council (SSSC) is the regulator for the social service workforce in Scotland. Our work means the people of Scotland can count on social services being provided by a trusted, skilled and confident workforce.

We protect the public by registering social service workers, setting standards for their practice, conduct, training and education and by supporting their professional development. Where people fall below the standards of practice and conduct we can investigate and take action.

We also have a responsibility for workforce data and intelligence. We produce workforce data, information and intelligence for employers and other customers to support the development of the sector. We develop and publish Official Statistics and National Statistics on the social service workforce.

QUESTION 1: do you believe that a provision for anonymity for victims of FGM should be introduced? Please explain your answer.

No comment.

QUESTION 2: If anonymity is not introduced and having regard to existing convention and powers of the courts, what further steps do you consider could be taken to ensure protection of victims and complainers of FGM in the Justice system?

No comment.

QUESTION 3: Do you think that Scotland should introduce an offence so that individuals can be prosecuted if they fail to protect a person they have caring responsibilities for being subjected to FGM? Please explain your answer.

The SSSC does not offer a view on whether an offence should be introduced for the parents or similar carers who are responsible for a child. The definition in The Serious Crime Act 2015 is:

(2) For the purposes of this section a person is “responsible” for a girl in the following two cases.

- (3) The first case is where the person—
 - (a) has parental responsibility for the girl, and
 - (b) has frequent contact with her.
- (4) The second case is where the person—

- (a) is aged 18 or over, and
- (b) has assumed (and not relinquished) responsibility for caring for the girl in the manner of a parent.

The consultation guidance suggests that this definition would exclude for example a child minder. The SSSC would welcome clarity on the position of social service workers and whether they would be intended to be included within the ambit of the offence.

QUESTION 5: Do you think that the Scottish Government should introduce Female Genital Mutilation Protection Orders? Please explain your answer.

On the assumption that some social service workers registered with the SSSC would be in a position to apply for these orders, there will be a need for additional training and learning, both in the short term and longer term adjustments to existing courses. There will be a cost to services in providing short term training and to training providers in changing course content.

QUESTION 6: What do you think the penalty should be for breach of a FGMPO?

No comment.

QUESTION 7: Do you think the Scottish Government should introduce a duty to notify Police of FGM? Please explain your answer.

The SSSC's Code of Practice for social service workers is sufficiently broad to allow regulatory action to be taken against registered workers who fail to take action to protect a service user.

Social service workers currently raise concerns via organisational child and adult protection structures. In many organisations social service workers would report concerns to a designated officer/ manager who would report concerns to the local authority and, where considered appropriate, the police. Social workers hold statutory duties in relation to child and adult protection and have a duty to act on safeguarding concerns. Local authority child protection and adult protection protocols involve the police.

It is unclear whether this additional duty would be necessary for social service workers in consideration of the above.

QUESTION 8: Do you agree that the Scottish Government should issue statutory guidance for professionals in relation to female genital mutilation? Please explain your answer and QUESTION 9: Using existing non-statutory guidance as a basis, what should be covered by statutory guidance?

We will work with the Scottish Government in the event that statutory guidance is implemented. We have no comment to make at present in relation to the use of current guidance in a statutory context.

QUESTION 10: Do you consider that additional protections need to be introduced in Scotland in respect of the practice of vaginal elongation? Please explain your answer.

No comment.

QUESTION 11: Do you have any evidence to suggest that individuals in Scotland have been subject to the practice of vaginal elongation?

No comment.

QUESTION 12: Do you consider that additional protections need to be introduced in Scotland in respect of the practice of breast ironing? Please explain your answer.

No comment.

QUESTION 13: Do you have any evidence to suggest that individuals in Scotland have been subject to the practice of breast ironing?

No comment.

QUESTION 14: Do you have views in relation to the place of cosmetic genital piercings in relation to protections and guidance?

No comment.

QUESTION 15: In relation to the issues covered within this consultation, are there any other points you would wish to make that are not already included under other answers?

We recognise the important role that social service workers have in the safeguarding of vulnerable children and adults in Scotland. FGM is a concealed form of abuse that needs to be effectively targeted.

We note the protections which this consultation proposes and will engage with the Scottish Government further if statutory guidance is implemented.