

## Response ID ANON-S7U2-RU8E-N

Submitted to **Female Genital Mutilation (FGM) Bill: Consultation**

Submitted on **2018-12-17 14:24:29**

### Introduction

#### Anonymity for victims of female genital mutilation

**1 Do you believe that a provision for anonymity for victims of FGM should be introduced?**

Not Answered

Please explain your answer.:

**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?**

**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?:**

#### Offence of failing to protect a girl from risk of genital mutilation

**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?**

Not Answered

Please explain your answer.:

#### Female genital mutilation protection orders

**5 Do you think that the Scottish Government should introduce Female Genital Mutilation Protection Orders?**

Not Answered

Please explain your answer.:

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

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

#### Duty to notify police of female genital mutilation

**7 Do you think the Scottish Government should introduce a duty to notify Police of FGM?**

No

Please explain your answer.:

We would express caution as to the need to introduce a mandatory duty for doctors to report instances of FGM to the police. A key aspect of our guidance 'Protecting Children and Young People'\* is that doctors should consider the best interests of children or young people – the introduction of a mandatory duty would leave no scope for doctors to use their professional judgement as to what this is. Whilst there might be a public interest in criminal prosecution, doctors should not lose sight of protecting the interests of children and young people and ensure they are central to discussion and decision making.

We are clear in current GMC guidance 'Protecting Children and Young People' (paragraph 32) that FGM is a safeguarding issue, and that doctors must report concerns to an appropriate agency unless there are exceptional reasons for believing it would not be in the best interests of the child or young person to do so. However, there may exist a risk in placing this mandatory reporting duty on doctors that vulnerable children, young people and their parents or carers may be discouraged from engaging with healthcare services.

<https://www.gmc-uk.org/ethical-guidance/ethical-guidance-for-doctors/protecting-children-and-young-people/appendix-2--assessing-best-interests>

#### Guidance about female genital mutilation

**8 Do you agree that the Scottish Government should issue statutory guidance for professionals in relation to female genital mutilation?**

Don't know

**Please explain your answer.:**

We have no objection in principle to the guidance for professionals on FGM being given a statutory basis.

We note that the guidance would only be able to be made statutory after consultation with stakeholders. We support this approach and would be happy to discuss further and be part of this process.

In England, where there is a mandatory reporting duty for doctors, intelligence from our frontline engagement suggests a low level of awareness that this duty exists or what is classed as FGM. Whether such guidance is statutory or otherwise, we would urge that it is consistent with the principles outlined in Protecting Children and Young People\* and constructively supports doctors to treat victims of FGM in a way which is appropriate to their best interests.

\* <https://www.gmc-uk.org/ethical-guidance/ethical-guidance-for-doctors/protecting-children-and-young-people/appendix-2--assessing-best-interests>

**9 Using existing non-statutory guidance as a basis, what should be covered by statutory guidance?**

**Using existing non-statutory guidance as a basis, what should be covered by statutory guidance?:**

The guidance should provide detail on any additional responsibilities on professionals that are enacted as part of this work and Bill.

**Other issues**

**10 Do you consider that additional protections need to be introduced in Scotland in respect of the practice of vaginal elongation?**

Not Answered

**Please explain your answer.:**

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

Not Answered

**Please explain your answer.:**

**12 Do you consider that additional protections need to be introduced in Scotland in respect of the practice of breast ironing?**

Not Answered

**Please explain your answer.:**

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

Not Answered

**If yes, please explain your answer.:**

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

Not Answered

**If yes, please explain.:**

**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?**

**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?:**

To put this reply in context I will briefly outline the role of the General Medical Council (GMC).

We are an independent organisation that helps to protect patients and improve medical education and practice across the UK.

- We decide which doctors are qualified to work here and we oversee UK medical education and training.
- We set the standards that doctors need to follow, and make sure that they continue to meet these standards throughout their careers.
- We take action to prevent a doctor from putting the safety of patients, or the public's confidence in doctors, at risk.

Every patient should receive a high standard of care. Our role is to help achieve that by working closely with doctors, their employers and patients, to make sure that the trust patients have in their doctors is fully justified.

While regulation of the medical profession is reserved to Westminster, the GMC operates within the legal and legislative structures of the different jurisdictions within the UK. As an example of this, our guidance for doctors reflects the laws of all Scotland, and when a law changes we seek senior counsel's advice on whether we would need to update our guidance.

**About you**

**What is your name?**

**Name:**

Ian Somerville

**What is your email address?**

**Email:**

ian.somerville@gmc-uk.org

**Are you responding as an individual or an organisation?**

Organisation

**What is your organisation?**

**Organisation:**

General Medical Council

**The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:**

Publish response only (without name)

**We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?**

Yes

## **Evaluation**

**Please help us improve our consultations by answering the questions below. (Responses to the evaluation will not be published.)**

**Matrix 1 - How satisfied were you with this consultation?:**

Slightly satisfied

**Please enter comments here.:**

**Matrix 1 - How would you rate your satisfaction with using this platform (Citizen Space) to respond to this consultation?:**

Slightly satisfied

**Please enter comments here.:**