

EHRiC - FGM Bill Stage 1 – written evidence

SCRA Practice & Policy Team Written response to the Equalities & Human Rights Committee call for written evidence during stage 1 of the FGM Bill, August 2019.

The Scottish Children's Reporter Administration (SCRA) welcomes the opportunity to respond to the Committee.

The Children's Hearings System is Scotland's distinct statutory system, in which concerns about a child's circumstances (whether about the care or treatment of the child by adults or the behaviour of the child) are considered by Children's Reporters and then by panel members in a Children's Hearing, who make a decision about whether there needs to be compulsory professional involvement with the child and family.

**In the Children's Hearings System:**

- the needs of children or young people are addressed through one holistic and integrated system which considers all the circumstances of the child and the child's welfare
- the welfare of the child remains at the centre of all decision making and the child's best interests are paramount throughout
- the child's engagement and participation is crucial to good decision making
- the rights of children and families are respected

**The role and purpose of SCRA is to:**

1. Make effective decisions about a need to refer a child/young person to a Children's Hearing
2. Prepare for and participate in court proceedings where statement of grounds or Hearings findings are appealed and ensure the wellbeing of children and young people – particularly vulnerable witnesses – are protected throughout the court process
3. Support Panel Members (though we are not involved in making Hearing decisions) and ensure fair process in Hearings
4. Support children, young people and families to participate in Hearings
5. Disseminate information and data to influence, inform and reassure
6. Provide premises for Hearings to take place
7. Work collaboratively with partners to support and facilitate the Getting it Right For Every Child (GIRFEC) agenda

**SCRA's vision of service is that: We operate within Scotland's Children's Hearings System to protect and support the country's most vulnerable and at risk children and young people identified as requiring the full protection of the law due to difficulties, challenges and risks they face.**

**1. Will protection orders and statutory guidance be more effective in preventing FGM and safeguarding those at risk of FGM than the current approach? Please explain your reasons.**

SCRA responded in full to the recent consultation by the Scottish Government, in preparation for this Bill. Our response is online at: <https://www.scra.gov.uk/wp-content/uploads/2019/01/FGM-SCRA-Full-Consultation-Response.pdf>. In our response we explained that we do not think the statutory Children's





Hearings System deals with many cases of FGM in Scotland, but illustrated the way in which it can and does deal with such cases through a case study. Our view of this issue has not changed.

SCRA thinks that a strong and unequivocal message in relation to FGM should be given by the Government; and that this message should focus on recognising FGM and on promoting the unacceptable and abusive nature of FGM practices. It may be that the way in which existing processes can be used is not clear enough. For example, a child protection order and the subsequent involvement of the Children's Hearing System can respond immediately to a child's situation and provide protection for them.

**2. What more could the Scottish Government and public services do to strengthen FGM prevention and protection, for example on:**

- ***anonymity of victims***
- ***failure to protect a girl at risk of FGM***
- ***duty to notify the police of FGM***
- ***additional protections***
- ***communicating with communities***

Victims and survivors of FGM practices should receive anonymity – the societal response to their situation should never re-traumatise or compound the abuse they have already suffered. FGM is a crime and if identified should be reported to the Police.

**3. How will the Bill impact on you, your community or organisation?**

SCRA's hope is that this Bill will result in clear statutory guidance which will promote the existing protections to be found in the Children's Hearing System so that more young people at risk can be kept safe.

**4. Please highlight any relevant equalities and human rights issues you would like the Committee to consider, in particular any potential barriers to accessing the provisions of the Bill or any rights which might be advanced or adversely impacted.**

No response given.

SCRA Practice & Policy team, August 2019

