

FOR INFORMATION

Scottish Parliament Equality and Human Rights Committee Female Genital Mutilation (Protection and Guidance) (Scotland) Bill - Call for Views, August 2019

Response from the Educational Institute of Scotland (EIS)

Thank you for the opportunity to comment on the Female Genital Mutilation (Protection and Guidance) (Scotland) Bill. The Educational Institute of Scotland (EIS) is Scotland's largest and longest-established teaching union, representing 80% of teachers in Scotland, working in all sectors and at all levels of education.

We have a keen interest in gender equality issues, and a commitment to raising awareness of and challenging all forms of violence against women and girls. As a membership organisation representing teachers, which seeks to promote sound learning, and represent the interests and welfare of teachers, we are concerned about both the young people at risk of FGM; and our members who work with young people, and who may become aware that a girl is at risk of FGM.

Education is a critical public service promoting children's rights and playing a key role in the shared aspiration to 'get it right for every child'. We are interested in the role that teachers can play in protecting girls from FGM, especially as the World Health Organisation reports that the majority of girls who experience FGM do so before they turn 15 years old¹, i.e. while they are still at the age when schooling is compulsory.

Teachers may well be among the people outside of a child's family or community who are in a position to recognise that they are at risk of or have experienced FGM, *if* they have been made aware of what practices FGM includes, who is involved in perpetrating FGM and how and where any concerns should be reported. Teaching staff may, for example:

- notice if a girl appears to be newly in pain or discomfort, e.g. if they appear to be uncomfortable when sitting down
- see something, if assisting a child in the toilet (for example in a special school) or changing a nappy in an early years setting, which appears to show that FGM may have taken place (although physical signs of FGM are not always obvious)
- notice if a girl suddenly starts requesting to be excused from PE lessons
- notice if a girl suddenly requests more frequent bathroom visits
- notice if a girl has a prolonged and unexplained absence from school
- be aware if there are plans to take a girl to a country of origin especially for a prolonged period, where FGM is practiced
- observe distress in girls, acted out in a variety of ways, sometimes passively and sometimes aggressively, and suspect that the distress is rooted in abuse, such as FGM
- be aware that a girl has disclosed that she is to have a 'special procedure'; or has talked about going away 'to become a woman' or 'to become like my mum and sister'.

¹ <https://www.who.int/reproductivehealth/topics/fgm/prevalence/en/>

Teachers may therefore be among the professionals who can flag child protection concerns which would lead to a protection order; hence the EIS interest in this proposed legislation.

We note that the Committee has called for evidence on four issues:

1. Whether protection orders and statutory guidance will be more effective in preventing FGM and safeguarding those at risk of FGM than the current approach.
2. What more the Scottish Government and public services could do to strengthen FGM prevention and protection.
3. How the Bill will impact on our organisation.
4. Any relevant equalities and human rights issues we 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.

We wish to state, before commenting on these specific questions, that we are generally in support of the proposed legislation. We would welcome statutory guidance issued to professionals and agencies working in this area to ensure a more consistent multi-agency approach. We support the policy objective of further strengthening the existing legal protection for those at risk of female genital mutilation; and the proposed mechanism of creating protection orders appears, from practice in England and Wales, to be a sound one.

Q1. Will protection orders and guidance be effective?

We believe that protection orders and statutory guidance will be more effective in preventing FGM and safeguarding those at risk of FGM than the current approach. Women and girls in Scotland should have access to the same type of protections as exist elsewhere in the UK. Legal aid should be available to ensure fair access to justice in respect of applications for such orders.

Q2. What more could be done?

Strengthen child protection approaches

Teachers and other EIS members working in educational establishments must follow the guidelines of their local authorities when seeking to protect children who are at risk of or have been subject to any kinds of abuse, including FGM.

Teachers have a professional commitment to the wellbeing and safety of children. The General Teaching Council for Scotland sets professional standards for teachers. The standard for full registration includes that 'registered teachers show in their day-to-day practice a commitment to social justice, inclusion and caring for and protecting children'. In meeting the standard, teachers positively respect and value children and young people as unique, whole individuals; promote, support and safeguard the individual development, well-being and social competence of the pupils in their classes/register groups; and identify child protection concerns, taking action in the interests of protecting children from abuse or neglect where necessary.

To enable this, Local Authority guidance on Child Protection should be readily available in all establishments. However, child protection processes are at risk of being undermined by austerity and consequential under-resourcing leading to failure to make provisions for the workload associated with child protection practices such as multi-agency/Team Around the Child meetings under the GIRFEC framework.

Our members have told us that the implementation of GIRFEC practice, in the vast majority of cases, has brought additional workload responsibility without the additional staffing resource required to address it. The expectation has been that the additional work is to be absorbed by teachers in all sectors and across the range of roles, in addition to existing workload. This lack of resource has led members to feel their professional commitment to child welfare is being compromised.

Members have raised concerns about a range of issues relating to GIRFEC practices, including:

- increasing amounts of cumbersome paperwork
- shrinking capacity of external agencies impacting on the workload of education staff
- meetings scheduled during teachers' non-class contact time (normally used for preparation and marking) and breaks
- large pupil caseloads
- lack of administrative support, meaning teachers organise and administrate meetings, generating substantial additional and inappropriate workload.

In this context, discussions around protecting a child from FGM are challenging, as are all discussions about child protection. GIRFEC practices require to be fully resourced.

Professional learning for teachers

It is important for teachers and lecturers to have opportunities to access quality professional learning to enable them to respond effectively to issues arising in their schools and colleges. Professional learning about violence against women and girls, including FGM, and how to support those at risk of experiencing such abuse, is not widely available for teachers, as far as we are aware.

The current austerity climate has led to budget cuts which has affected teachers' access to CPD. The lack of budget for cover and the shortage of supply teachers also affects uptake of professional learning.

More efforts could be made to support teachers accessing relevant professional learning. This would not necessarily need to be stand-alone FGM awareness training, but could be incorporated within broader training on child protection, gender equality or the Equality Act. We recommend that school budgets, particularly for professional learning, should be increased.

Policies

Schools are supported by Local Authority policies on equality, child protection and on violence against women and girls, but these vary in the level of detail and specificity on issues experienced by girls in particular. Local Authorities should have appropriate policies on promoting equality and preventing/responding to violence against women and girls; and should ensure that these are being developed into establishment-level policies which take account of the specific needs and circumstances of the school.

Q3. The impact of the Bill for the EIS

We do not expect that the Bill will have significant implications for our organisation beyond the need for us to disseminate information about the new law, if it is enacted, to our members. We may consider creating relevant professional learning opportunities for teachers funded and/or delivered in partnership with Scottish Government in the likely event of the legislation coming into force.

Q4. Equalities and Human Rights issues

We welcome the likely impact of the Bill in advancing gender equality and women's and girls' human rights.

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