

# Female genital mutilation: mandatory duty for pharmacy professionals to report

All children should be protected from abuse and neglect. Pharmacists and pharmacy technicians must share their concerns if they think a child is at risk.

## What is the mandatory duty for pharmacists and pharmacy technicians in England and Wales?

All pharmacy professionals (pharmacists and pharmacy technicians) have a legal duty<sup>1</sup> to report, orally or in writing, to the police if:

- they observe physical signs that female genital mutilation (FGM) may have taken place in a girl under the age<sup>2</sup> of 18, and have no reason to believe that the act was necessary for the girl's physical or mental health or for purposes connected with labour or birth, or
- a child or young person tells them that they have had FGM

The mandatory duty to report is the responsibility of the pharmacy professional and cannot be passed on to anyone else.

There is no specific legal duty to report suspected FGM in Scotland. But professional obligations to raise concerns, and existing child protection framework requirements do apply.

## How do I report FGM?

The Department of Health and Social Care (DHSC) has produced **guidance and resources to help support pharmacy professionals in reporting FGM**.

## What is FGM?

FGM<sup>3</sup> includes all procedures involving partial or total removal of the external female genitalia, or other injury to the female genital organs, for non-medical reasons. FGM may also be referred to as circumcision, initiation, or being 'cut', as well as specific terms used in other languages, for example 'sunna'<sup>4</sup>. FGM is a criminal act and is illegal in Great Britain<sup>5</sup>.

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<sup>1</sup> Female Genital Mutilation Act 2003, as amended by the Serious Crime Act 2015 (section 74)

<sup>2</sup> For the purposes of the duty, the relevant age is the girl's age at the time of the disclosure or identification of FGM.

<sup>3</sup> Multi-agency statutory guidance on female genital mutilation, Section 2.2

<sup>4</sup> Multi-agency statutory guidance on female genital mutilation, Annex G

<sup>5</sup> In England and Wales under the Female Genital Mutilation Act 2003, in Scotland under

## What do our standards say?

### Pharmacy professionals

Pharmacists and pharmacy technicians have a responsibility to:

- take action to safeguard people, particularly children and vulnerable adults
- make the care of the person their first concern and act in their best interests
- respect and safeguard a person's dignity
- take steps to maintain the person's privacy and confidentiality
- challenge poor practice and behaviours, and promptly tell their employer and all relevant authorities (including the GPhC) about concerns they may have

Every pharmacy professional has a duty to raise any concerns about individuals, actions or circumstances that may be unacceptable and that could result in risks to people and public safety (**see the GPhC guidance on raising concerns**).

### Pharmacy owners

Pharmacy owners make sure our standards for registered pharmacies are met. They must:

- have safeguarding policies in place
- make sure all staff are appropriately trained on child protection and safeguarding issues
- make sure staff can comply with their own professional and legal obligations and are empowered to exercise their professional judgement in the interests of patients and the public

Owners should make sure all members of the pharmacy team are aware of the new mandatory duty to report. They should also

review their current safeguarding policies and practice to reflect this.

## When does the duty to report not apply?

The mandatory duty to report will not apply:

- if a pharmacy professional can see that another individual working in the same profession has already made a report to the police about the same act of FGM
- to cases when a pharmacy professional believes a child or young person may be at risk of FGM
- to cases when FGM is suspected, but has not been observed by the pharmacy professional or reported to them by the child or young person
- to women over 18, in which case their right to confidentiality must be respected if they do not want any action to be taken

In these circumstances pharmacy professionals must apply local safeguarding protocols.

## How does the new duty work alongside obligations to maintain confidentiality?

Pharmacists and pharmacy technicians must respect and protect people's dignity and privacy, and only disclose confidential information without consent when the law says they must or in exceptional circumstances.

The law allows for disclosure of confidential patient information in specific circumstances, including when the law says it is required, or when it is in the public interest to do so (**see GPhC guidance on confidentiality**).

The **Home Office guidance** says that the duty to report does not breach any confidentiality requirement or other restriction on disclosure which might otherwise apply.

## What will happen if pharmacy professionals fail to report?

Pharmacists and pharmacy technicians in England and Wales have a mandatory duty to report FGM in under 18s. Our regulatory standards and guidance are clear and apply to pharmacy professionals across Great Britain. Failure to meet our standards could place a pharmacy professional's registration at risk.

## Other guidance and resources

- **Multi-agency guidance on female genital mutilation** from HM Government (applies in England and Wales only)
- **Procedural information for the mandatory reporting of FGM** from the Home Office
- **Resources for raising awareness of FGM and providing advice on preventative measures** from the Home Office
- **Guidance on safeguarding women and girls at risk of FGM** from the Department of Health and Social care
- **FGM e-learning resources** from NHS England
- **Information about FGM** from NHS.uk
- **Statutory guidance on working together to safeguard children** published in 2023 (applies in England only)
- **Female genital mutilation information and resources** from the Scottish Government
- **Multi-agency guidance from the Scottish Government on responding to FGM**
- **National guidance for child protection in Scotland**, 2021 (updated 2023)
- The National Society for the Prevention of Cruelty to Children (NSPCC) have an FGM helpline on 0800 028 3550, and **more information on FGM on the NSPCC website**