



The Scottish Parliament  
Pàrlamaid na h-Alba

## Official Report

# EQUAL OPPORTUNITIES COMMITTEE

Thursday 19 June 2014

© Parliamentary copyright. Scottish Parliamentary Corporate Body

Information on the Scottish Parliament's copyright policy can be found on the website - [www.scottish.parliament.uk](http://www.scottish.parliament.uk) or by contacting Public Information on 0131 348 5000

---

**Thursday 19 June 2014**

**CONTENTS**

	<b>Col.</b>
<b>FEMALE GENITAL MUTILATION .....</b>	<b>2011</b>
<b>COMMONWEALTH GAMES 2014.....</b>	<b>2028</b>
<b>GYPSY TRAVELLERS AND CARE AND WHERE GYPSY TRAVELLERS LIVE .....</b>	<b>2033</b>
<b>PUBLIC PETITION .....</b>	<b>2036</b>
Access to Justice (Environment) (PE1372).....	2036

---

**EQUAL OPPORTUNITIES COMMITTEE**

**12<sup>th</sup> Meeting 2014, Session 4**

**CONVENER**

\*Margaret McCulloch (Central Scotland) (Lab)

**DEPUTY CONVENER**

\*Marco Biagi (Edinburgh Central) (SNP)

**COMMITTEE MEMBERS**

\*Christian Allard (North East Scotland) (SNP)

\*John Finnie (Highlands and Islands) (Ind)

\*Alex Johnstone (North East Scotland) (Con)

\*John Mason (Glasgow Shettleston) (SNP)

\*Siobhan McMahon (Central Scotland) (Lab)

\*attended

**THE FOLLOWING ALSO PARTICIPATED:**

Detective Inspector Nadine Aliane (Police Scotland)

Detective Superintendent William Guild (Police Scotland)

**CLERK TO THE COMMITTEE**

Ruth McGill

**LOCATION**

The James Clerk Maxwell Room (CR4)



# Scottish Parliament

## Equal Opportunities Committee

*Thursday 19 June 2014*

[The Convener *opened the meeting at 09:30*]

### Female Genital Mutilation

**The Convener (Margaret McCulloch):** I welcome everyone to the 12th meeting in 2014 of the Equal Opportunities Committee and ask everyone to set their electronic devices to flight mode or to switch them off.

The first agenda item is an evidence session on female genital mutilation. We will start the session with some introductions. At the table, we have our clerking and research team, official reporters and broadcasting services. Around the room, we are supported by security officers. I also welcome the lady in the public gallery.

I am the convener of the committee. I invite members and witnesses to introduce themselves in turn. I ask the witnesses, when they do so, to explain their roles.

**Marco Biagi (Edinburgh Central) (SNP):** Good morning. I am the member of the Scottish Parliament for Edinburgh Central and the deputy convener of the committee.

**Siobhan McMahon (Central Scotland) (Lab):** I am an MSP for Central Scotland.

**John Mason (Glasgow Shettleston) (SNP):** I am the MSP for Glasgow Shettleston.

**Christian Allard (North East Scotland) (SNP):** I am an MSP for North East Scotland.

**Alex Johnstone (North East Scotland) (Con):** I am a member for North East Scotland.

**John Finnie (Highlands and Islands) (Ind):** Madainn mhath; good morning. I am an MSP for the Highlands and Islands.

**Detective Superintendent William Guild (Police Scotland):** Good morning. I am a detective superintendent with Police Scotland. I was recently promoted—in March—to a new role in the specialist crime division of Police Scotland. I have a national responsibility for child and adult protection. Prior to that, I was a detective chief inspector in charge of the public protection unit in Edinburgh, so I have a background in child protection.

**Detective Inspector Nadine Aliane (Police Scotland):** Good morning. I, too, work for Police Scotland and I am in the national safer communities department of the specialist crime

division. We deal with hate crime, community tensions and community engagement. We are also responsible for Police Scotland's equality and diversity outcomes.

**The Convener:** Thank you. I congratulate Detective Superintendent Guild on his promotion.

Police Scotland's written submission states that

"since the 1 April 2013 there have been 14 referrals submitted to Police Scotland relating to 16 children at risk of FGM."

Can you give us some background on how Police Scotland would have dealt with those referrals and outline its training policy?

**Detective Superintendent Guild:** We view female genital mutilation very much as a child protection issue and the referrals that have come to Police Scotland have been dealt with in line with our child protection procedures, so each one will have been assessed on a multi-agency basis. A discussion takes place that involves local authority social workers and police officers who are trained to undertake child protection discussions of that nature. There will also be communication with health services to get the background on the child involved.

Thereafter, a decision about the most appropriate way to progress the referral will be taken on a multi-agency basis. The discussion can have a number of outcomes. One of the first issues to determine is whether it is a case of child protection. That decision is made during that discussion, which is commonly referred to as an interagency referral discussion. We follow the national guidance for child protection with regard to that.

We have rolled out a significant amount of training to front-line officers and officers who are specialists in honour-based violence, forced marriage and female genital mutilation. We have an honour-based violence, forced marriage and female genital mutilation detective sergeant who performs a co-ordination role and delivers training to officers at various stages throughout their service. Probationary inputs are given to officers at the Scottish Police College, and inputs are given to specialist officers when they go on domestic abuse courses, senior investigating officer courses and a variety of other national courses.

We also organise awareness raising through an annual conference that is held in December each year, which covers HBV, forced marriage and female genital mutilation. We recognise that this is an on-going issue and not a one-off event. Training needs to continue as new officers come into the service and as we understand more about female genital mutilation, and we recognise that awareness raising must continue within Police Scotland.

**The Convener:** I assume that no action was taken on the 16 children who were reported as being at risk. Is that correct?

**Detective Superintendent Guild:** No. Action was taken on a multi-agency basis. A number of actions would have been taken. For example, there would have been a joint visit from a social worker and a police officer to the house, or potentially a joint visit from a social worker and a health visitor to assess the risk and to get a real sense of what was going on in the life of that child and their family. The priority is the prevention or reduction of the risk of a child being subjected to FGM.

**The Convener:** I do not know whether I am allowed to ask this question, but I am going to ask it anyway. Had any of the children been subjected to FGM?

**Detective Superintendent Guild:** No. It is a sensitive area, but I can say that no such cases were identified. That is one of the things to stress when we talk about where we are with referrals for FGM. Most of the referrals that are made are about concerns around the risk of FGM. That is key to the approach of preventing FGM from occurring.

**The Convener:** You say that most referrals have been about concerns, but have you had any experience of young children or teenagers having had this done to them at all? Has anyone reported having had it done to them?

**Detective Superintendent Guild:** One of the referrals to Police Scotland indicated a suspicion that it had occurred, and child protection procedures were followed. However, that case was fully investigated and it was ascertained that it was a false alarm.

I am aware of one case prior to the creation of Police Scotland in which I believe there was a concern about a child having been subjected to FGM.

**The Convener:** Do you think that Police Scotland has enough resources to tackle the problem?

**Detective Superintendent Guild:** We do not understand the problem and the extent of FGM in Scotland. That is not just my view. If we look at the statistics of reports to the police, it is arguable that the low number of referrals means that there is not a problem in Scotland. We do not understand the problem, and until we increase the level of reporting and fully understand the prevalence of female genital mutilation in our society in Scotland, it will be difficult to say whether we have sufficient resources. We are adequately resourced to deal with the number of referrals that we have under the broader child protection remit.

**The Convener:** Do you think that other agencies are hesitant to report their concerns about children having FGM done to them?

**Detective Superintendent Guild:** Our sense is that there is a lack of referrals in connection with female genital mutilation. Historically and currently, there are probably a number of barriers to that reporting process.

**The Convener:** How do you suggest that we change the attitudes and fears in those organisations? At the end of the day, it is child abuse. If it was another form of child abuse, agencies would be keener to act on it.

**Detective Superintendent Guild:** Absolutely. You have hit the nail on the head. It is clearly child abuse—and serious child abuse at that. We need to emphasise that to all practitioners. When there is a risk of female genital mutilation, we need to follow child protection procedures. We also need the third sector agencies to be confident that we will deal with any referrals sensitively, in line with child protection procedures, and follow the investigation through.

**John Finnie:** Thank you for your written evidence. I am greatly reassured by what I read about the approach that has been adopted by Police Scotland. I know that, like us, Police Scotland will be awaiting with great interest the Scottish Refugee Council's scoping exercise. I also note that you talk about an awareness-raising conference.

The most refreshing thing that I heard you say—people might be surprised by this—is that you do not understand the problem. That is the key to this issue. How are we likely to understand more about it? For any law to have buy-in from the public, there must be attitudinal changes, which means that they must understand that something is wrong. What role do you see for the police in trying to shape attitudinal changes?

**Detective Inspector Aliane:** That would be part of my role in the safer communities department. One of the problems that I see among officers is that there is almost a fear of dealing with things when there are diversity and cultural issues. When it comes to the issues that we are discussing, people are scared of upsetting people or being perceived as being racist, as it tends to be black and minority ethnic communities that are involved in them.

The national safer communities department constantly tries to develop new training to ensure that the acknowledgement of and respect for cultural issues do not get in the way of any police investigation. My department is constantly reiterating that, although it is important to acknowledge cultural and faith issues, investigations into issues such as female genital

mutilation take precedence over not risking upsetting anyone.

**John Finnie:** Does the link with honour-based violence and forced marriage cause a difficulty? Does that assume a certain customer base, for want of a better term?

**Detective Superintendent Guild:** I do not think that there is a difficulty. We are absolutely committed to tackling all aspects of honour-based violence. We have done that through awareness raising and training, and we have got to—

**John Finnie:** Perhaps I did not explain myself correctly. From an organisational point of view, does the fact that those issues are so closely linked cause a problem? Today, we are dealing only with female genital mutilation. Does the linkage of the three issues mean that it is perceived that the police are dealing only with ethnic minority communities? In some respects, the issues are unrelated.

**Detective Superintendent Guild:** I am struggling to understand your question, to be honest.

**John Finnie:** You have the same staff dealing with all three issues.

**Detective Superintendent Guild:** Yes.

**John Finnie:** There are sensitivities about all of them.

**Detective Superintendent Guild:** Yes.

**John Finnie:** However, the committee is particularly focused on the issue involving young people. Are people less likely to come forward if they think that issues regarding marriage and so on will be considered as well? I am thinking about possible barriers to people coming forward.

**Detective Superintendent Guild:** I do not think so. With regard to our relationship with communities, Police Scotland has to ensure that we get the message out that we are all about protecting people and that we want to protect the most vulnerable people in our society. Therefore, if anyone comes to Police Scotland with any issue of honour-based violence, we ensure that they are treated sensitively. We listen to their concerns, we work with them and we engage with partners in the third sector to provide support and offer referrals to the individuals involved. Fundamentally, we have to reduce the risk to those individuals, whether they are children or adults, and that is what we do.

**John Finnie:** Is there any liaison with police authorities in the countries in which there is a prevalence of female genital mutilation?

**Detective Superintendent Guild:** We are looking at best practice around the world. I have

done a bit of research—not in depth, I have to say—into what is happening in France. I believe that there has been a drop in the number of female genital mutilation cases in Kenya. As I understand it, there have not been a great number of prosecutions in Kenya but there have been more prosecutions in France. I think that Holland is held up as a model, although I have not had an opportunity to study the Dutch response in detail. We also sit on an Association of Chief Police Officers committee with our colleagues in England that deals with the wider issue of child abuse.

09:45

**John Finnie:** In relation to liaison with other organisations, we have been informed that the border force, the Metropolitan Police Service and the National Crime Agency have carried out an initiative at UK airports. Was Police Scotland involved in that?

**Detective Superintendent Guild:** We were not directly involved in that. However, on our strategic honour-based violence, forced marriage and FGM working group we have a detective superintendent who is in charge of border policing command for Scotland. We are considering initiatives. We have rolled out training to police staff in a number of airports in Scotland, and we will continue to do that. We have been asked by partner agencies in airports to consider offering training, along with third sector agencies, to airport employees. That work is on-going.

**Detective Inspector Aliane:** With Detective Superintendent Crawford, who heads up border policing command, I have just set up equality consultation groups for Edinburgh and Aberdeen airports, which are made up of lay people whom we have accessed through local equality councils. The aim of the groups is to establish a two-way process. We have already provided training on human trafficking, and FGM and forced marriage are on the agenda. There is also staff training with Police Scotland and other agencies that work at the airport. Those two groups are new but, as the name suggests, the idea is to update people from the communities so that they can give feedback on small issues such as body scanners and other things that there are myths about and that can upset various communities or that are seen as contrary to their culture. The groups are in their early stages, but they are developing and we will certainly introduce training on FGM for them.

**John Finnie:** There is no problem with information sharing across the United Kingdom between agencies on this vital issue.

**Detective Superintendent Guild:** There is no issue within the police service or local authorities.

We also liaise locally and nationally with our third sector partners.

**The Convener:** Before I hand over to Christian Allard, I have a brief question. You have talked about sharing information. A witness at a previous evidence session told us that, in England, there is a kind of medical card that confirms that a girl has not had FGM imposed on her. When a family takes a young girl out of the country and back to their homeland, they show the card to the family over there and say that, if their daughter has been mutilated when they bring her back, they will be imprisoned—they will be criminals—and will not be able to send money to provide support. The witness said that that is quite effective. Have you heard of that card?

**Detective Superintendent Guild:** I have not heard of it in great detail, but any initiatives that we can take are certainly worth considering, so I am interested in finding out more about that.

**The Convener:** If you find out more about it, will you report back to us and give us more information?

**Detective Superintendent Guild:** Certainly.

**The Convener:** I apologise—it is John Mason who is next, not Christian Allard.

**John Mason:** I thought that I was getting missed out there—thank you, convener.

I want to follow on from John Finnie's questioning. Clearly, there is a balance to be struck between building up relationships with a community and enforcing the law and protection, as you have said. I presume that, in a sense, that applies to all communities. How do you get the balance right between the two?

**Detective Superintendent Guild:** We must be clear that FGM is an abhorrent and criminal practice so, where there is evidence of such a serious crime being committed, that takes precedence and we must investigate it thoroughly. We need to be clear that, if there is a sufficiency of evidence, people will be reported to the procurator fiscal. From a policing perspective, that is our fundamental position. However, there is a whole other agenda that is equally important, which is about prevention and attitudinal change. We recognise that that is important. That is fundamentally what child protection is about. I see a continuum of risk but, when a child has been subjected to a brutal assault, action needs to be taken. That is right and proper.

**John Mason:** You talk about a "continuum". That is quite a good word. I presume that the other organisations are part of the continuum, as well. Would the third sector or schools, for example, emphasise more building up relationships and

would the police do a bit more of the enforcement, if that kind of action were needed?

**Detective Superintendent Guild:** Yes. Although the enforcement is important, it can be done in a thorough and sensitive manner. It is not necessarily heavy-handed enforcement; it is thorough, professional and accountable, which is important. In that way, attitudinal change and support for change in affected communities can be gained, I hope. However, on its own, enforcement is only one part of the jigsaw. If we think that it is the key and will solve the problem of FGM, we are mistaken; the issue is far wider than that. Enforcement is one important piece of the bigger jigsaw. We need everything to come together, and all the agencies that are involved in child protection have a role to play in that.

**Detective Inspector Aliane:** It is important that we do not go to communities only in times of crisis or conflict. We reiterate that through our on-going critical incident training at the Scottish Police College. We have to build positive relationships and engage with communities in the good times as well as the more difficult times. We do that through local engagement and our local policing plans to ensure that we do not go to communities just to enforce all the time. Through school link officers and a variety of engagement processes—third-party reporting centres are springing up around the country to support what already exists—we are trying to build trust and confidence so that people are more likely to come to us and, if we need to go to them to deal with a difficult issue such as FGM, they will be more likely to trust us and come forward, I hope.

**John Mason:** How would you assess minority communities' level of trust and confidence? My guess is that that probably varies between communities. It is clear that we have had a large Pakistani community for a long time in Scotland. People from that community are now in the police, and I guess that the relationship between the Pakistani community and the police is getting quite strong. However, perhaps in the past few years, other groups have come from African countries. Would I be right in assuming that their relationship with the police is only starting?

**Detective Inspector Aliane:** Yes. The changing communities are a constant challenge for Police Scotland, and the local policing aspect is vital. There should be a continuous process of engagement and gathering concerns but also of mapping who is coming into our communities. For example, there is quite a big Somali community in Glasgow. The criminalisation of khat is coming up at the end of this month. Such things are new for us, too. Communities perceive things as being targeted against them. We constantly try to understand and map who and where people are



and then to understand what their needs are. We then have to engage with people, for example through the use of public perception surveys. We have to be creative in how we engage—using social media with younger people perhaps—and we have to constantly refurbish how we engage. We have to feed that into policing plans and ensure that it is reflected in work with our partners, as well.

**John Mason:** Does that impact on how you allocate officers to particular areas? Do you put more women into certain areas because some in the community are more comfortable with women?

**Detective Inspector Aliane:** I do not think that we have the luxury to target as such. For example, there is a large Polish community and there are some Polish officers, but we cannot target them in that way. However, we have a pool of officers whom we can use for interpreting and translating, for example, if the matter is urgent.

We try to ensure that all our officers and staff have a good awareness of different communities, but that is difficult. It is a challenge. Communities are constantly changing.

We have community lay advisers for when we do not know all the answers. Unfortunately, that is a lot of the time, with the difficult issues that there are. For example, our department has just set up a strategic advisory group. It is a bit like the independent advisory groups in ACPO in England and Wales, which are made up of a variety of communities, whether black and minority ethnic, or lesbian, gay, bisexual and transgender, or whatever. That group was recently established, and it is the sort of group that we would go to for our policies and procedures to do with FGM for it to feed back to its communities to ascertain whether we have the right approach.

We try to employ a whole host of tactics to ensure that we are on the right lines. However, we are aware that the continuum—William Guild used that word—is constantly changing, and that is a challenge. We cannot necessarily specifically target officers in certain areas, but we offer special arrangements wherever we can. For example, with reporting online, a part asks whether the person has any special requirements, which might be to speak to a female officer or to make a report outwith a police station. We try to meet those special requirements wherever we can.

**John Mason:** That is helpful. Thanks very much.

**Marco Biagi:** Commentators sometimes point to the lack of arrests in Scotland and, until recently, south of the border. How important are arrests to being seen to be taking the issue seriously? Would it be tokenism if an arrest was made simply to address those concerns?

**Detective Superintendent Guild:** Arrests will not be made for tokenism. Arrests will be carried out when there is a sufficiency of evidence to arrest people. We are committed to tackling female genital mutilation.

The level of arrests is important. Criminal law says that this abhorrent practice is criminal, which is very important. As a society, we now have to increase our understanding, our reporting, the number of our child protection referrals and our engagement with affected communities, to gain trust. With those steps we will have further reporting, greater opportunity to investigate this abhorrent practice and greater opportunity to gain evidence and hold criminals accountable for their actions.

**Marco Biagi:** It has been suggested in evidence—and I know that this has come up already—that it is difficult to get family members to criminalise each other. That must also be the case for reporting other forms of child abuse. Is that a particular issue in the context of FGM, or is it the cultural issues that make it different from child abuse more generally?

**Detective Superintendent Guild:** FGM is seen as a taboo subject in communities and is not openly discussed. You are absolutely right that challenges exist in a range of interfamilial crimes that are reported. There are challenges to do with loyalties, mixed emotions, fear and the disempowerment of young girls and their ability to come forward to services. We need to overcome a range of barriers.

FGM is an entrenched practice in affected communities. Some people say that it has existed for 2,000 years or more. It is thoroughly entrenched, which makes it a significant challenge, but we must face that challenge as a society in Scotland and overcome it by working together and clearly labelling the practice as child abuse and an issue of child protection.

**Marco Biagi:** How would you expect to hear of a potential case? What were the sources of the referrals that you have had? Were the sources the young people themselves?

**Detective Superintendent Guild:** Interestingly the sources have been a range of concerned individuals. Referrals have come via school, local authority, the national health service and, on occasion, parents. Although the number of referrals is small, there is a mixed pattern.

That is what we see in child protection generally. It is very difficult for a young child to disclose to a police officer. It is far more likely that a risk will come to someone else's attention, which is why we need to be clear about our responsibility to identify the risks associated with female genital mutilation and have in place procedures to identify

cases as a matter of child protection and refer them on, so that child protection procedures can be followed.

**Marco Biagi:** All those cases were incidents in which children were at risk rather than ones that you were made aware of after the event. Were a case to come to your attention after the event, presumably there would be investigation and, potentially, prosecution.

10:00

**Detective Superintendent Guild:** Absolutely. There are four categories. The first category is adults who have suffered female genital mutilation. Such adults have been subjected to a horrific assault and are potentially the victim of a crime, depending on when and where that happened. We must have supportive services for those people. A second category is adults subjected to FGM who then become pregnant. That is not to say that such an adult will, because of that, commit FGM on their child, but we must identify that as a risk factor and the risk must be thoroughly assessed and taken into account. The risk will perhaps shift throughout the child's life.

Another category is those children who are at risk from FGM, which is a child protection issue that needs to be addressed. The final category is children who we are aware have suffered FGM. That is a child protection issue that requires to be met with a criminal investigation response.

**Marco Biagi:** I presume that, as there have been no arrests—you have not mentioned any—there have not been any examples of after-the-event FGM drawn to your attention in the past year.

**Detective Superintendent Guild:** No, not in the past year.

**Marco Biagi:** Changes are being made to legislation south of the border to cover habitual as well as permanent residence. How would that affect all the issues that I have just asked about?

**Detective Superintendent Guild:** It would close a gap in and strengthen the law. We would welcome that.

**Marco Biagi:** Should the changes be made more widely?

**Detective Superintendent Guild:** Do you mean in Scotland?

**Marco Biagi:** Yes.

**Detective Superintendent Guild:** Yes. The legislation should be changed to close the gap in the law in Scotland.

**Marco Biagi:** Are people sufficiently aware of the current laws? I do not so much mean whether people in the communities are aware but those in the public sector, such as teachers, NHS workers and the others that you mentioned who make the referrals.

**Detective Superintendent Guild:** Previous research and information indicates that further work is to be done in that area. The police cannot be complacent. We have devoted resource and training, but we must continue that on-going work.

**Christian Allard:** I want to return to the issue of prosecutions. Earlier this year, we saw the first prosecution in England and Wales for alleged FGM. The media are talking about the issue. We heard during our inquiry that, from time to time, FGM is even put on the front pages. We also have political attention because the committee is looking at the issue. Do you feel under pressure to make more prosecutions?

**Detective Superintendent Guild:** I do not think that we feel under pressure to make more prosecutions. We need to treat FGM as a child protection matter and investigate, in partnership, cases that are reported to the police and, where there is evidence, report them to the procurator fiscal. That is our role. The pressure is not just on the police but on society to address the challenge of FGM. Society in Scotland must rise to the challenge and send out a strong message that FGM is unacceptable.

**Christian Allard:** Do you welcome the pressure to address the problem?

**Detective Superintendent Guild:** The pressure and the media attention on female genital mutilation are welcome because it is a problem that we need to address.

**Christian Allard:** Would you welcome the pressure if it is directed only at securing prosecutions?

**Detective Superintendent Guild:** No. I think that I said that prosecution is important, but it is only one element. When there are opportunities to report cases to the procurator fiscal, we must do that vigorously, thoroughly and professionally. There is no excuse not to do that.

We welcome any opportunity that we get to protect any child who is at risk of female genital mutilation. If the case is reported to us, we will thoroughly investigate it. We welcome the opportunity and we would actively encourage any person in our society who has information that FGM is being practised or that a child is at risk of it to come forward and report that to the police or to other agencies with a view to it being progressed as a child protection matter. We welcome the

attention on female genital mutilation because we feel that it is an issue that needs to be addressed.

**Christian Allard:** Have you had a discussion with your colleagues on the committee down south about media and political pressure?

**Detective Superintendent Guild:** I have not had that discussion, but it is certainly something that I will pick up on following this meeting.

**Christian Allard:** To change the subject, what about good practice? Have you seen any examples in your research of good practice in other countries that the committee has not talked about yet?

**Detective Superintendent Guild:** It is very hard to judge. For example, France has had more than 100 prosecutions, but we must look at the legal system in France and a range of issues to understand that position. I would have to do further work to determine where the good practice is. However, it can be argued that the global efforts against FGM are still failing, because it is reported internationally that children are still being subjected to this abhorrent practice.

I think that it is a bit early to talk about good practice. What we have to do is to identify effective practice not just in Scotland but around the world. We have strong child protection procedures in Scotland and FGM is a child protection matter. If we ensure that we get referrals into our child protection process, we can deal with FGM in the context of our child protection procedures. There are robust child protection procedures, but we need to fill some gaps in reporting.

**Christian Allard:** So we should not focus so much on prosecution but focus on the work that agencies are doing in different countries.

**Detective Superintendent Guild:** As I said, prosecution is a vital piece of the overall jigsaw. It is the role of the police to investigate thoroughly and, where there is evidence, to report that to the procurator fiscal. We are committed to doing that.

**Christian Allard:** We can perhaps help with the research by, for example, translating some of the French research work. However, it would be good if you could share any of your research with the committee.

**Detective Superintendent Guild:** Absolutely.

**John Finnie:** Something that has just occurred to me is that, although I understand the tension that can exist between the police and social services about responsibilities, there must be a balance between enforcing the law because a heinous crime has been visited on a child and looking after the wellbeing of the child. I imagine that that sort of balance is particularly pertinent to

FGM cases, because the interests of the child must always be paramount.

**Detective Superintendent Guild:** Absolutely. You have hit the nail on the head. It is about the protection and welfare of the child and reducing risk. There are different roles and responsibilities, but there is a collective understanding within child protection that we work together. We have our individual responsibilities, but we also have a collective responsibility. It is my view that generally in child protection we work pretty well with our partners.

**John Finnie:** That would mean that there would be no tokenism—not that I imagine that there would be in any case—and that, even if there was a sufficiency of evidence, a prosecution might not take place if it was not in the interests of the child.

**Detective Superintendent Guild:** That would be a matter for the procurator fiscal. It is our job to thoroughly investigate and report the facts to the procurator fiscal. I can assure you that it is not about tokenism. It is about thorough professional investigation and, where there is a sufficiency of evidence, that will be reported to the procurator fiscal. Alongside that, measures will be put in place to support and protect the child and ensure that their needs are met.

**Siobhan McMahon:** We have talked about culture and about religious or faith practices. However, as you know, people who come to Scotland from other countries tend to live near one another in certain areas. Is Police Scotland therefore targeting its resources in those areas, or is a wide approach being taken across Scotland?

**Detective Superintendent Guild:** On the broader child protection issue, all 14 divisions across Police Scotland have public protection units with child protection officers based in those units. They take slightly differing shapes because of demand and a number of other issues. There is a national standard for child protection that we want to roll out across Police Scotland, to ensure that our practices are consistent across the country. However, as you say, different communities are located in different areas of the country. Within those areas, officers will have different experiences. However, they will be sufficiently resourced to deal with the child protection challenges in each area.

**Siobhan McMahon:** In your submission, you say that Police Scotland's view is that legislation alone will not eliminate FGM, and you have repeated that in evidence today. You also say that there is a lack of knowledge and awareness of FGM, and that that has to be tackled at a local and a national level. Do you have any specific proposals for that? Obviously, following our inquiry, we will be calling on our local partners and

our national partners in the Government to do something more, if necessary, so it would be helpful if you could suggest something specific that could help you do your work.

**Detective Superintendent Guild:** Awareness raising is key. Police Scotland has set up a structure of three committees. We have a national working group, which involves a strategic committee with partners from the Government, midwives, health departments and the Procurator Fiscal Service. We are engaged in awareness-raising work at that level.

At a divisional level, we have a national forum in which each division's HBV, forced marriage and FGM champions come together to discuss pertinent issues, think about how we can improve practice and learn from each other's experiences across the country.

We also have a consultancy group involving third sector partners, which enables us to canvass their views on particular topics and understand them.

We are not complacent. We also sit on a number of other groups, such as the Scottish Government group on FGM, which has been studying the intercollegiate recommendations to try to understand how they can be applied to Scotland.

Awareness raising is key. I would welcome anything that the committee can do to continue to drive awareness and highlight the fact that the practices that we are discussing are unacceptable in our society and are criminal behaviour. We need to let people know that, as a society, we are going to challenge and address those behaviours and hold people to account for them.

**The Convener:** How long have the police—not just Police Scotland but police forces before the merger—been aware of FGM?

**Detective Superintendent Guild:** I think that you have to go back to the 1985 legislation. We had an awareness of that legislation at that point, so there would have been some level of awareness of the issue. In the 28 or 29 years since then, that level of awareness has risen, in line with the level of awareness in other agencies and society in general, due to factors such as United Nations conventions and so on. We have had a level of awareness of FGM for a significant number of years.

**The Convener:** Were the previous police forces as strongly focused on the issue as Police Scotland, and were they as adamant that it is child abuse, and that we are really keen to do something about it?

10:15

**Detective Superintendent Guild:** The issue was addressed by an Association of Chief Police Officers in Scotland committee. It was treated seriously.

The creation of Police Scotland gives us an opportunity to raise standards and revisit how we go about our business. There are particular opportunities to do that around child protection. We have an opportunity to ensure that we are consistently measuring HBV, forced marriage and FGM, and we have changed procedures accordingly. There have been clear improvements in that regard.

We have introduced a forced marriage protection register in Police Scotland. That is how we know that there were those 14 incidents concerning FGM, which affected 16 children nationally. We have better recording mechanisms.

We have introduced a vulnerable persons database. It is not just about HBV; it is wider, taking in adult concerns, child concerns, domestic abuse, hate crime and youth offending. That national database will capture our concerns around FGM as well. There is merit in those national procedures and processes, which will contribute to our understanding of the extent and prevalence of FGM.

**The Convener:** I definitely do not doubt the commitment of Police Scotland and previous forces to eradicating this horrendous practice, but what has been the barrier to the police and other organisations being able to ensure that there are criminal convictions for it? There has been none since the offence was created in 1985.

**Detective Superintendent Guild:** There are a number of reasons. One of the fundamental reasons is that the practice is entrenched in affected communities. It happens behind closed doors. It is often a form of interfamilial abuse that takes place without a plethora of independent witnesses. It happens outwith the country, on occasion. The victims are children, who are disempowered and are in a vulnerable situation. Often, the children are loved by their parents, but there is a one-off event of extreme violence that is unacceptable. There is a reluctance within communities to expose the abuse, because it is an entrenched practice. All those factors combine to make reporting difficult for a child.

When the law came into force in 1985, we perhaps thought that introducing a law would solve the problem. However, as we can see now, that was not the case. Enforcement and law enforcement are only one part of the solution to FGM.

**The Convener:** I thank you both for attending. I suspend the meeting briefly while our witnesses leave.

10:18

*Meeting suspended.*

10:21

*On resuming—*

## **Commonwealth Games 2014**

**The Convener:** We move to agenda item 2. Siobhan McMahon will provide an update on disabled access to the Glasgow Commonwealth games 2014, with feedback from a meeting held on 3 June, when Siobhan and I met David Grevemberg, chief executive of Glasgow 2014.

**Siobhan McMahon:** Our meeting was very productive. As you know, we had concerns regarding the transport arrangements that we had already been given, particularly in relation to the venues of Celtic Park and Hampden and the spaces that were allocated to blue badge holders. The concern was that people with additional needs—not necessarily blue badge holders—would not be catered for.

My opinion, following our meeting, is that that is not the case. Glasgow 2014 has been working since January or February 2013 on a programme to deliver the games for everyone and to make them accessible not only for those with a disability but for the elderly and for people taking a pram or buggy, or who have lots of children. All volunteers who have been recruited by Glasgow 2014 have had additional training, and they will be aware of what to look for when people are using public transport. If they see someone struggling as they are walking to the venue, wherever it may be, they can ask them certain questions and devise an alternative route for them.

One hundred and sixty volunteers have been given additional training. They will be at the venues, so that whoever is approached initially can refer people on to them if they cannot deal with the problem. It came up in discussion that someone might break their leg a few weeks before the games, for example, and they might not have highlighted that as a concern. The view of the organising committee members whom we met was that it will be possible to cater for that situation.

Accessible tickets were available when people booked online or on the phone, and the staff asked the relevant questions. Some of us might have been confused about that and I asked whether that applied only to people with a blue badge. Would the person be separated from the rest of their party at the games? That is clearly not the case—the aim is to keep everyone together as much as possible. We were told that people who had carers were getting a free ticket for them. Even people who do not have an accessible ticket can phone the booking line when they receive their tickets and point out that they have additional needs. That might not necessarily apply to the ticket; it could involve walking to the ground, or

whatever. They will receive as much practical information and help as possible.

I raised the matter of traffic management plans, specifically in relation to Motherwell and its train station, as well as the flow of traffic coming through. The organising committee members said that they would work with the traffic management plans and with local authorities in that regard. They did not foresee any problems, but anyone who has concerns can flag them up and the organisers will try their best to address them before the games start. I did not get the impression that the organising committee has come up with a final plan and is not prepared to change it. If there are additional concerns, the committee will consider them and will continue with best practice.

From the people we spoke to, it came across strongly that they see this work as part of the legacy of the games. They have learned from the Olympics and Paralympics, and they want all the sporting venues to be accessible to everyone. We heard about how Tollcross swimming pool has been adapted for disabled use. That should be the benchmark for all other pools in Scotland, so that they can be used with dignity. The convener raised the issue of elderly people using pools. Given our growing health issues, people are being asked to do swimming and various other things, so we need to consider accessibility. The chief executive thought that that could be part of the legacy of the games and said that the organising committee would try to share best practice where possible.

**The Convener:** Thank you. We found the meeting really informative. The organising committee seems to have pre-empted every possible problem or concern. Siobhan was really good, because she spoke about her experience of applying for tickets. That was great for us, because we could walk in her shoes, so to speak, in going through the process. I hope that there will be a great legacy, particularly with the swimming pools but also with other facilities, so that people can use them and keep healthy without drawing attention to themselves.

**John Mason:** Perhaps I should declare an interest, in that I am a volunteer at the games, or a Clydesider, as we are termed. That gives me the advantage of having been through some of the training, a lot of which was positive. For example, we had discussions about the fact that some people in a wheelchair like to be at the same level as others when speaking to them, whereas other people do not like that. We have discussed such issues about being sensitive to people. Another issue that came up was that a lot more children than normal are expected at the venues, and families will be able to bring prams. They will not

be able to take them right into the venues, but there will be a place in the perimeter where they can be left. There are issues like that that I did not expect.

Siobhan McMahon said that information is available, but I have a slight question about that. If information has been made available and people have not taken it up, could there be problems on the day? I met a volunteer who had made it clear when he was initially interviewed that he had a disability, but when he came along to one of the training events, he had not highlighted it and the people running the event had not picked it up. Although information is available, I wonder whether the organisers were able to reassure you that people are taking it on board.

**Siobhan McMahon:** One point that I made was that, when I was online trying to book tickets, it was not clear what the word “accessible” meant. I have now received the tickets, but I am not sure that, if we had not had the meeting, I would have known what to do. The people we spoke to said that they would consider ways of providing the information, which might not necessarily be on the website, because not everyone has access to a computer. I was reassured but, as with anything, there is still a concern about that.

The back-up is that the training that John Mason and other volunteers have had should be sufficient. He will know better than I do whether that is the case. I suppose that we will find out only once the games have taken place. However, I did not sense any complacency in the meeting that we had. I feel that every concern that we raised will be addressed, and that the organising committee will continue that dialogue. If John Mason still has concerns about the issue, I am sure that we can highlight it with the organising committee again. I certainly think that it addressed the issue.

**The Convener:** The organisers are keen to address any issues that we raise. There has not been a line drawn in the sand—they will keep reviewing and updating their systems and procedures accordingly.

**John Mason:** I am positive about the games. It looks as though the venues will be very well staffed, because there are paid full-time staff such as stewards as well as the volunteers. Inevitably, issues will come up, such as people taking ill, but I hope that that will be handled well.

I noticed from your report that the organising committee gave an undertaking to provide the committee with human resources figures on equalities and so on. Will they include the background of people who are volunteering? Have we got a cross-section of society involved in volunteering, including people from well-off and less well-off backgrounds?

10:30

**The Convener:** We can ask for that information. I think that we asked a general question like that at the time.

**Siobhan McMahon:** The convener led on that and Glasgow 2014 said that it would go back to its HR department to ask the question. The representatives of Glasgow 2014 did not have the information with them because they were dealing primarily with accessibility issues. The convener also asked about the young people who are volunteers and what happens after the games. If they have picked up particular skills, will they be referred to certain companies? Will there be jobs fairs and so on? How will that be highlighted?

The chief executive of Glasgow 2014 said that that was what it hoped to do. Glasgow 2014 is now winding down as a company because the games will take place quite soon, but it hopes that everyone who has a skill can be referred on. Margaret McCulloch raised those points as convener.

**John Mason:** That is a good point. Yesterday, at the YouthLink Scotland event, I spoke to the scouts. I was told that they are not allowed to have a list of the volunteers, but they hope that some of the volunteers would want to go on and help the scouts in the longer term. I accept that perhaps such information cannot be given to the scouts, but maybe they and other groups could provide information that could be disseminated to the volunteers.

**The Convener:** The benefits, experience and skills that the volunteers are gaining during the Commonwealth games is fantastic information for them to put on their CVs and help them to move into employment if they have been unemployed. We have to make sure that we capture that. At the end of the Commonwealth games and the volunteering period, the volunteers should not just drop off an edge and go back to being unemployed and signing on. We need to ensure that they are moved on and have the choice of going into training, employment or further education.

**John Mason:** That is partly why I asked how many unemployed people are volunteers, and whether we can learn from that for the future.

**The Convener:** Yes. We will get that information. Does anyone else have any questions?

**John Finnie:** I thank the convener, Siobhan McMahon and John Mason for that input. It was very helpful. Referring back to our earlier item, it is the attitudinal change that might be built into some of these initiatives that will reap rewards in the future.

**The Convener:** I, too, thank Siobhan McMahon. She made it all very visual for us when she described the issues that she came up against in applying for tickets. That gave Glasgow 2014 the chance to explain clearly the systems and procedures that it had put in place to deal with any of the issues. That was really good; thank you.

## Gypsy Travellers and Care and Where Gypsy Travellers Live

10:33

**The Convener:** Agenda item 3 is consideration of the Scottish Government's response to our "Gypsy/Travellers and Care" and "Where Gypsy/Travellers Live" inquiry reports. We will also consider correspondence from the stakeholders, which is contained in paper 3.

We are asked to discuss whether we want to request the Scottish Government to propose timelines for the working groups, and whether to request further information on the proposed framework for Gypsy Traveller accommodation. We are also asked to consider at a later date whether to seek evidence from working groups and stakeholders on proposed timelines. Does anyone want to comment?

**John Finnie:** My frustration about this issue knows no bounds, so I will be very brief. We will find it a challenge to get any meaningful engagement from some of the stakeholders who are sick to death of being asked questions, giving answers and then being ignored. I would therefore encourage some genuine action from the people who have received the report, because nothing has changed; attitudes have not changed at all.

**Christian Allard:** It might be a good idea to hear from the Convention of Scottish Local Authorities and see how we can sort out the position with local authorities. In Aberdeen and Aberdeenshire, we seem to have a lot of problems. The issue is not being kicked into the long grass, but perhaps practical measures that are being taken are not helping at all. It might be a good idea to take a wider view of local authorities and to see whether COSLA would be happy to speak to us.

**John Mason:** I echo those views. I am very disappointed that we are talking about the possibility of a further delay of two years when I thought that it had been widely agreed that more sites are needed. I know that the issue is sensitive, but the situation is incredibly disappointing.

**Siobhan McMahon:** The frustration with the response is that there are no timeframes. I am pleased that we will ask about that, because we have given the Government long enough to see what meaningful engagement will take place. The Minority Ethnic Carers of People Project has highlighted that there are no Gypsy Travellers on the Gypsy Traveller working group, which is incredible. I do not see how the Government, COSLA or anyone can think that that is good and

meaningful. It is a slap in the face to all those who worked on both reports and gave evidence to the committee. It is shocking that we are going down the same path as has been taken in the past decade.

The response gives an update on hand-held records but gives no information on why, because some people said that the proposal would not work, it will not happen. Who are those people? What was the meaningful engagement? Were both sides of the argument listened to? There is no evidence.

The response refers to the Children and Young People (Scotland) Bill, which has now been enacted. When will we use that? What are the timeframes? The Government speaks about the bill coming forward and about what it hopes to do, but the act is now in place. The act has just been passed, so we would not expect it to have brought about great changes yet, but what will be the timeframes for using it? It should not be used simply as a headline.

**Alex Johnstone:** I was entertained by John Mason's comment about two years being an unacceptable timescale. Two years would be the blink of an eye in relation to how the issue has been dealt with until now.

A serious problem is highlighted by the response and what has gone before it for the whole time that the Parliament has existed and possibly before that. The desire is to follow the accepted route of consulting and including people and doing all that. We have been round the circle so often that it has become clear that that is not working. Leadership is needed. We need to encourage those who are in a position to demonstrate leadership to do so. That will involve a timescale, which we need to try to set.

I would like a minister to allow the issue to go to the top of their in-tray and stay there for a while, rather than be buried. I understand that Shona Robison is now the relevant cabinet secretary. She has a number of responsibilities, but the Commonwealth games will soon be over. I would like to challenge her to make Gypsy Travellers her next priority.

**Marco Biagi:** I agree with that sentiment. As well as bringing COSLA here, we should hear from the cabinet secretary. As with all things on the timetable, that will have to happen in the autumn. There would be value in announcing that invitation well in advance, so that it is in her diary and that of COSLA and so that it provides a focus for achieving something before then, so that they can come to the committee and point to at least some movement in their areas of responsibility.

**The Convener:** Would members be happy if we initially wrote to ask the Government and COSLA



for details of their timelines before bringing them in to speak to us?

**Members** *indicated agreement.*

**The Convener:** We will send the letter now and we will bring them in after recess. Is that agreed?

**Members** *indicated agreement.*

## Public Petition

### Access to Justice (Environment) (PE1372)

10:40

**The Convener:** Agenda item 4 is a discussion on petition PE1372, by Friends of the Earth Scotland, on access to justice in environmental matters, which is covered in paper 4. Taking into account the work that has been done by the Justice Committee that is relevant to the petition, I ask the committee to consider whether we should close the petition or take another course of action.

**John Finnie:** The issue of Aarhus convention compliance, as referenced in the petition, was one of the very first items that came to this committee—Siobhan McMahon was with me on the committee throughout that period—and it has been batted around. It will be a matter of fine judgment whether there is compliance in some instances and not in others and it is entirely right to say that a lot of this work appears to have been addressed by the Justice Committee.

Similarly, we could have said that the important item that we covered today—female genital mutilation—is a crime so it would be for the Justice Committee to address that, too. However, I think that there is a role for this committee as regards this petition and, prior to making a decision on it, I would like us to write to the Scottish Government asking it whether it believes that there is compliance and, if so, how it would evidence that compliance. If there is not compliance, it should outline where the shortfalls are and how it seeks to address that lack of compliance.

Significantly, the party of government had a manifesto commitment to an environmental court. It would be interesting to know where that matter sits. It was referred to directly in the Justice Committee's stage 1 report on the Courts Reform (Scotland) Bill, when it said that the legislation would facilitate an environmental court. That does not appear to be on the agenda. That was addressed in the response to the stage 1 report but I think that this committee has an obligation to look at the wider aspects—if you like, the non-judicial aspects—and how they affect the much-used term “access to justice”. If we were to write to the Government on the specifics that I have outlined, we could make an informed decision thereafter.

**Siobhan McMahon:** I agree entirely with John Finnie. The issue has been going on from the very first days of this committee and this session of Parliament. I think that it would be wrong for our committee not to have looked at the petition in its entirety before closing it. I, too, was going to

propose writing to the Scottish Government so I fully back John Finnie in his proposal.

**Christian Allard:** I am rebutting John Finnie's argument on this one. I see that the issue was introduced to this committee, as was talked about, and the Government answered but it should maybe be taken on by the environmental committee because it is tied to justice and the environment. I am not sure how it sits in this committee.

**John Finnie:** It is about the equality of opportunity to challenge decisions—for instance, the ability of a small community to take on a multinational about an issue and where that sits. Also, whatever has gone on in other committees, we do not have anything here about that. I am giving my interpretation of events in that regard. If the desire is to close the loop from this committee's point of view, there is no harm in securing that information first and we can have a debate thereafter.

**John Mason:** I do not have any problem with us asking about it or writing about it—whatever we are going to do. When I read the figure, as I come from a finance background, as soon as I see more legal aid possibly going to one group I wonder whether that means that less legal aid is going to another group. For people who are homeless, for example, there is already an issue around people sometimes not getting the legal aid that they feel they should. I just wanted to flag up that as one of my concerns.

**Christian Allard:** When we talk about equality of arms, we have to be very careful. Some people in Aberdeen, for example, would say that the balance went the wrong way in relation to the Aberdeen western peripheral route so it goes both ways, as John Mason said.

**Alex Johnstone:** I am saying nothing because I agree with Christian Allard and, if I said that publicly, it might weaken his case.

**The Convener:** You have just done that. *[Laughter.]*

**John Finnie:** It is an interesting discussion because it throws open the whole question of budgets and what equality impact assessment has been made about the budgetary allocation for legal aid. I absolutely agree—a fundamental issue that we have to wrestle with every day in this place is that we have a fixed budget and competing demands. However, there still is—and as a committee we would expect there to be—evidence on how one demand trumps another demand. I do not see any difficulty for the committee, or indeed the Government, in relation to outlining the position.

**The Convener:** Are we happy to go along with John Finnie's suggestion that we write to the Government to ask for an explanation and then decide when we receive the reply what we will do next—either close the petition or take further action?

**Members indicated agreement.**

**Christian Allard:** Yes. We will talk about it again.

**The Convener:** Thank you. That concludes the public part of today's meeting. Our next meeting will take place on Thursday 14 August.

10:45

*Meeting continued in private until 10:54.*

Members who would like a printed copy of the *Official Report* to be forwarded to them should give notice to SPICe.

---

Available in e-format only. Printed Scottish Parliament documentation is published in Edinburgh by APS Group Scotland.

All documents are available on  
the Scottish Parliament website at:

[www.scottish.parliament.uk](http://www.scottish.parliament.uk)

For details of documents available to  
order in hard copy format, please contact:  
APS Scottish Parliament Publications on 0131 629 9941.

For information on the Scottish Parliament contact  
Public Information on:

Telephone: 0131 348 5000  
Textphone: 0800 092 7100  
Email: [sp.info@scottish.parliament.uk](mailto:sp.info@scottish.parliament.uk)

e-format first available  
ISBN 978-1-78457-672-1

Revised e-format available  
ISBN 978-1-78457-687-5