

Factsheet: What you need to know about self-referring for a Forensic Medical Examination (FME)

In 2021, The Forensic Medical Services (Victims of Sexual Offences) (Scotland) Act passed into law. This legislation means victim/survivors of rape and sexual assault can receive a Forensic Medical Examination (FME) - where a healthcare professional checks for injuries, infection and possible evidence - after a self-referral, without needing to make a police report first. In this factsheet, we will outline what the legislation means and what your rights are when accessing healthcare and a Forensic Medical Examination.

What is a Sexual Assault Response Coordination Service (SARCS)?

If you have recently been raped or sexually assaulted, you may be unsure about what to do or where to turn. If you don't want to report to the police, or you haven't made your mind up yet, you can self-refer to a Sexual Assault Response Co-ordination Service (SARCS). If you do report to the police, they may also support you to attend a SARCS.

This is a confidential service provided by the NHS for people aged 16 and over, where you can receive healthcare and support following a rape or sexual assault, whether or not you have reported it to the police. If you're under 16, you can find information about where you can go for help on [the NHS website](#).

When you access a SARCS, staff will first look after your immediate health and wellbeing needs, for example by treating any injuries, checking if you are at risk of pregnancy or sexually transmitted infections and helping to put you in touch with support services. In some situations, it might be appropriate for you to have a Forensic Medical Examination (FME).

What is a Forensic Medical Examination (FME)?

If the assault happened within the last seven days, it might be appropriate for you to be offered a Forensic Medical Examination (FME) to preserve any important forensic evidence. FMEs can be particularly important if you later report the assault to the police as the forensic materials gathered can provide evidence of the crime and may help police identify the perpetrator who carried out your assault. If the assault happened longer than seven days ago, it is unlikely you will be able to receive a FME.

You can access a FME even if you haven't made up your mind yet about reporting to the police. If you do go on to report, the police and other services will not be told about your FME unless you choose to tell them.

A FME is carried out by a specially trained medical professional who collects evidence that could help the police confirm the identity of the person who assaulted you. This evidence may include bodily fluids or hair belonging to the other person that has been transferred to you or your clothing. Below, you can find more detailed information about what happens during a FME.

How do I self-refer to a SARCS?

You can self-refer to a SARCS or a GP or other healthcare professional can help to make the referral to a SARCS, Self-referring means making contact directly yourself, rather than being connected through a GP, police, or other agency. Even if you do not wish to report your rape or assault to the police right away, it is worthwhile considering self-referring so you can access support and healthcare.

You can start the process by calling 0800 148 88 88, 24 hours a day, 7 days a week - this is free from landlines and mobiles. You then speak to a trained healthcare professional who can help to arrange any care you may need.

You are able to request an interpreter if you need one. The service also lets you bring a trusted friend, relative or support worker with you when you attend, if that would help you to feel safe.

How is a self-referral different from reporting to police?

There is a difference between a police report and a self-referral.

As well as any forensic evidence obtained from a FME, the police may be able to gather other evidence as part of their investigation (such as CCTV footage, crime scene evidence, bedding, or photographs on your mobile phone). However, these will not be collected if you self-refer to a SARCS.

You can report a sexual assault or rape to the police at any time, whether or not you have accessed a SARCS. If you are considering making a report, you might find our [guide to reporting sexual crime to the Police](#) helpful.

Will anyone know if I self-refer to a SARCS?

SARCS are a confidential NHS service and the police and other services will not know you have accessed a SARCS unless you decide to tell them. The only exception to this is

whether you or others are at risk of further harm - in this case, a healthcare professional might have to inform other agencies.

If you are being coerced, forced or pressured by someone else to have sex or engage in sexual activity, the staff at the SARCS can help you. They will not tell you what to do, but they can encourage you to contact the police if you wish to report it, and they can refer you to support organisations.

What can I expect when I arrive at the SARCS?

Whether you tell the police or self-refer, the staff at a SARCS are there to provide any medical, emotional or practical support you might need. A specially trained nurse will be there to support you throughout your appointment. They strive to treat you with compassion, dignity and respect at all times.

What can I expect from a FME?

If you choose to undergo a FME, this will be done by a trained medical professional and you can request to be examined by a male or female staff member. The medical professional will discuss confidentiality with you and what this means. During the FME, you will be asked for your consent at each stage of the examination, and you can take a break at any time. You will be asked for details of what happened to you before the medical professional examines you physically. They will collect a number of samples and may take photographs or measurements of injuries. You can find more information about what is included in a FME [on the NHS website](#).

After the FME, you will have the opportunity to shower, change your clothing and ask any questions you may have. Any follow-up healthcare appointments or referrals to other services or support will be arranged for you.

If you self-refer to a SARCS, the staff will make sure you have somewhere safe to go when you leave. They will also support you to make a police report if that's what you decide to do.

What evidence can be retained by the SARCS?

The medical professional who carried out your examination may be able to collect evidence that could help the police identify the perpetrator.

This may include:

- bodily fluids (such as blood or urine), or hair, which may have transferred to you or your clothing;
- underwear, a condom or sanitary wear worn at the time of the assault (or shortly after);

- images or photographs of any injuries or bruising;
- written notes taken as part of the examination;
- any other relevant items i.e. small items of clothing may be collected for evidence if they are deemed significant in a case.

Together, these samples and any accompanying information from your forensic record will be stored and is only passed to the police if you decide to report the assault to them.

As part of the examination, you will also receive a healthcare assessment to look after your immediate health and wellbeing needs. This information will be kept on your health record and, with your consent, may be shared with other healthcare professionals to support your recovery.

Your health record does not count as evidence. If you decide to make a police report, only the evidence collected as part of your FME will be shared with the police. All of your personal data will be held securely in line with UK GDPR and data protection requirements.

How long will my evidence be kept for?

The evidence gathered from the examination will be kept safely and securely for what is called the 'retention period,' which lasts 26 months (two years and two months), from the date of your examination. If you report the incident to the police within that time, you can sign a form allowing them to access your evidence from the SARCS. After 26 months and if you have not reported the assault to the police; the evidence will be safely destroyed. You can choose to have the evidence destroyed earlier if you wish. This does not prevent you from reporting to the police at a later stage.

Remember - you are in control. Your evidence will not be shared with the police unless you choose to tell them about the assault. You may wish to keep a note of when your retention period ends (which is the date that your evidence will be destroyed), in a safe place or in a way that you will remember.

You might also want to share the date with a trusted friend or relative, who can remind you nearer the time and support you to access any advice you might need to help reach a decision about reporting to the police. You may also want to talk to a Rape Crisis Advocacy worker, who can provide support and information at every stage of the criminal justice system (contact details can be found at the end of this factsheet).

Can I have evidence returned to me?

During the 26 month retention period, you have the right to request the return of certain items of clothing or personal items that were retained as evidence. The health board must comply with this request as soon as they can. The board can refuse to return evidence if

they are not satisfied that it belongs to you, or if there are safety reasons why it should not be returned.

If you have made a report to the police and given them permission to access your forensic samples, your items of evidence cannot be destroyed or returned to you by the health board, as the evidence will have been passed on to the police.

You are unable to request the return of biological samples such as bodily fluids or hair samples under the Forensic Medical Services (Victim of Sexual Offences) (Scotland) Act 2021. This is due to the need to preserve the continuity of evidence and integrity of the samples. These will be retained for the duration of the retention period unless you ask the SARCS to destroy them.

What do I do if I want my evidence destroyed?

If you decide that you do not want to tell the police, you do not have to let the SARCS know - your evidence will automatically be destroyed at the end of the 26 month retention period.

You can also contact the SARCS at any point within the 26 month retention period to request that they destroy the evidence collected as part of your FME. Information in your healthcare record will not be destroyed.

The SARCS will wait 30 days after your request before destroying the evidence in case you change your mind during that time.

If you request the destruction of your evidence, you can still make a report to the police in the future, however, the evidence collected as part of your FME will no longer be available to them to help with any investigation.

If I tell the police, what will they do with the evidence collected?

You will always be asked for your permission before any information is shared with the police. If you decide to tell the police about the assault within the 26 months retention period, you should tell them about your examination so that they can ask the SARCS for evidence collected as part of your FME. No testing of your evidence will happen unless and until you choose to make a report to the police.

If the police have enough evidence to prove a crime has been committed, they will submit a report to the Crown Office and Procurator Fiscal Service (COPFS). The COPFS will then decide if there is enough evidence to prosecute the perpetrator.

There is support available as you decide about reporting to the police, and if you decide to do so. You can find more information in our legal guide on [Reporting Sexual Crimes to The Police](#) and on the [Rape Crisis Scotland website](#).

SARCS staff can discuss your options with you, and you can talk to someone from the Rape Crisis Scotland National Advocacy Service for independent support and information about the process of reporting sexual violence to the police (contact details can be found at the end of this factsheet).

You can get a copy of the Victims' Code for Scotland, which contains more information about your rights, from the SARCS or [online](#).

Key takeaways

- If you recently experienced rape or sexual assault(s) and are aged 16 and over, you can access a Forensic Medical Examination (FME) usually up to 7 days after the assault(s) regardless of whether you want to report to the police.
- During a FME, a specially trained healthcare professional will collect certain forensic evidence and keep it for 26 months in case you want to tell the police at a later date. If you choose not to tell the police, the evidence will be destroyed after 26 months.
- It might feel daunting to self-refer to a SARCS but remember that you are in control. You can bring a trusted friend, relative or advocacy worker with you, and you won't be rushed into making any decisions. You can ask questions or ask the healthcare professional supporting you for a break at any time.
- NHS staff at the SARCS will also organise or coordinate any necessary follow-up healthcare or support, including checking for and treating sexually transmitted infections, and providing emergency contraception.
- If you do not attend a SARCS for a FME, you might want to consider contacting your local sexual health service. You may also want to speak to your GP. You can access emergency contraception and testing without having to tell anyone what happened or reporting it to the police.
- If you have recently experienced a rape or sexual assault, please remember that you are not alone. SARCS are there to support you - and you can also find contact details for other support services below, as well as other helpful resources.

Support and information

Rape Crisis Scotland

Helpline: 08088 010302, 5pm to midnight every night

Text: 07537 410 027

Email: support@rapecrisisscotland.org.uk

Website: [Rape Crisis Scotland](#)

- The RCS National Advocacy Service can provide support and information at every stage of the criminal justice system, from before a statement is made through to the resolution of a court case. [Visit the website](#) for more information, or to contact this service.
- The [Rape Crisis Scotland](#) website has information and support resources for survivors of sexual violence, including [information after experiencing rape or sexual assault](#), information about [reporting](#) and information on the [seeking of sensitive records in court](#).
- Independent National Advocacy Service workers can be found in [every centre listed](#) on the RCS website.

NHS

- [NHS Inform: turn to SARCS](#) contains information on self-referral and information for people under 16.
- The NHS phone number for self-referral is available 24/7: 0800 148 88 88
- The NHS have also [published a leaflet](#) on self-referral following sexual assault or rape.

Victim Support Scotland

Phone: 0800 160 1985, Mon – Fri 8am to 8pm

Website: victimsupport.scot

Scotland's Domestic Abuse and Forced Marriage Helpline

Phone: 0800 027 1234, 24 hours a day, 7 days a week

Website: sdafmh.org.uk

Police Scotland

In an emergency dial 999

For non-emergencies dial 101 or visit [Police Scotland](#)

Breathing Space

Phone: 0800 83 85 87, Mon – Thur 6pm to 2am, Fri 6pm to Mon 6am

Website: [Breathing Space](#)

Childline

Phone: 0800 1111, 24 hours a day, 7 days a week

Website: [Childline](#)

About us

The Scottish Women's Rights Centre (SWRC) is a collaboration between Rape Crisis Scotland (Registered in Scotland, no. 258568; SCO25642), the University of Strathclyde Law Clinic (SCO15263) and JustRight Scotland (SCO47818). All legal advice and representation provided through the SWRC is by JustRight Scotland (SO305962), a firm authorised to act as solicitors by the Law Society of Scotland (Registered No 53703).

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