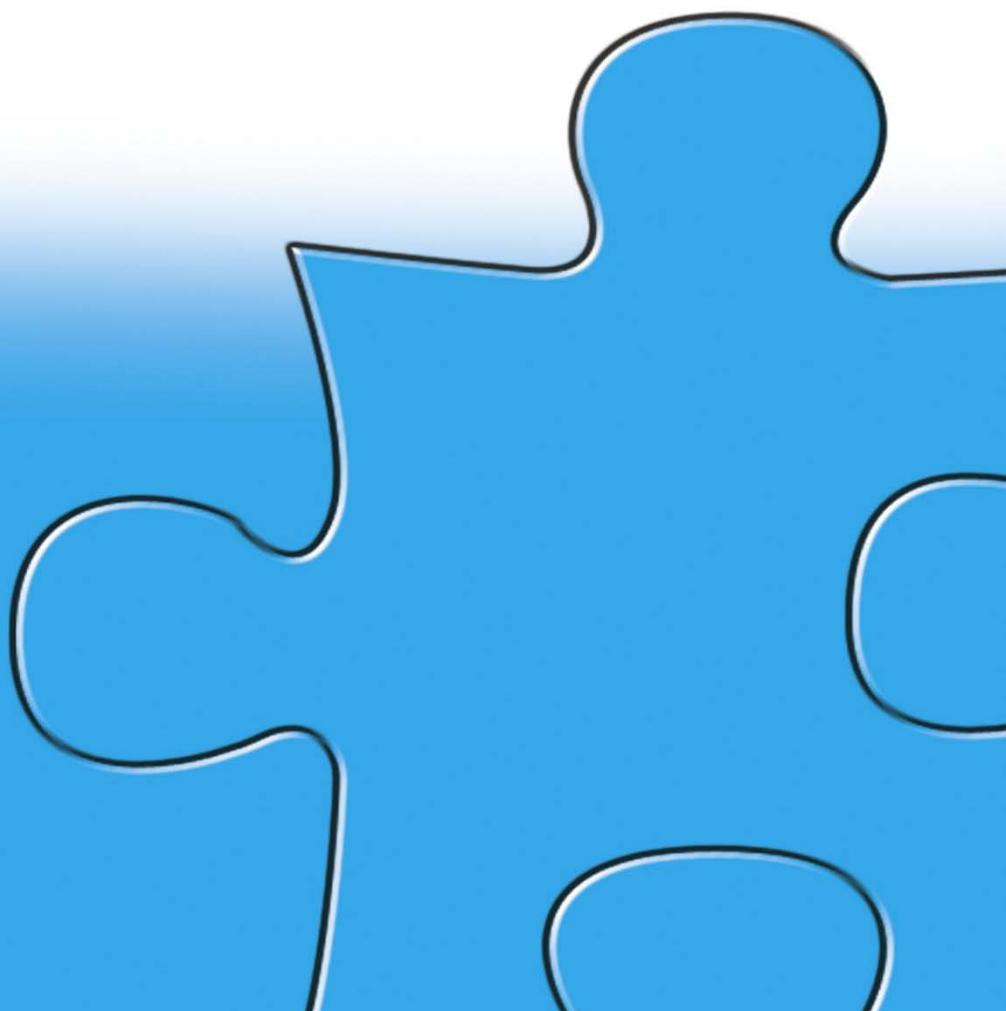




Safeguarding Children Who May Have been Trafficked Guidance

V3



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Summary of Purpose	This Guidance is a means of supporting the professionals in all the agencies and the community in Kent and Medway, to identify and respond appropriately to safeguard children who are or are at risk of being trafficked	
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Equalities Impact Assessment	During the preparation of this policy and when considering the roles & responsibilities of all agencies, organisations and staff involved, care has been taken to promote fairness, equality and diversity in the services delivered regardless of disability, ethnic origin, race, gender, age, religious belief or sexual orientation. These issues have been addressed in the policy by the application of an impact assessment checklist.	
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1. Introduction

- 1.1 This document provides guidance to professionals and volunteers from all agencies in safeguarding and promoting the welfare of trafficked and exploited children.
- 1.2 Trafficked children are at increased risk of significant harm because they are largely invisible to the professionals and volunteers who would be in a position to assist them. The adults who traffic them take trouble to ensure that the children do not come to the attention of the authorities, or disappear from contact with statutory services soon after arrival in the UK, or in a new area within the UK.
- 1.3 This guidance is supplementary to, and should be used in conjunction with, the latest edition of the [Kent & Medway Safeguarding Children Procedures 2011](#) which can be accessed at www.kscb.org.uk and www.mscb.org.uk
- 1.4 This guidance is linked to the Kent & Medway Safeguarding Trafficked Children Toolkit 2011 (referred to here as the *Trafficked Children Toolkit*), which includes a number of additional tools to assist professionals in both assessing the needs of the child and the continuing risks that they may face, and referring their case to the competent authority (UKBA will fulfil this role for asylum cases, UKHTC for all other cases).

2. Definitions

- 2.1 Human trafficking is defined by the UNHCR guidelines (2006) as a process that is a combination of three basic components: [Working Together to Safeguard Children: A guide to interagency working to safeguard and promote the welfare of children](#) (HM Government 2010),

Article 3 of the *Palermo Protocol To Prevent, Suppress And Punish Trafficking In Persons, Especially Women And Children, Supplementing the United Nations Convention Against Transnational Organised Crime to the UN Convention (2000)* (ratified by the UK on 6 February 2006) defines trafficking as:

- a) *“Trafficking of persons” shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs;*
- b) *The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used;*
- c) *The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered “trafficking in persons” even if this does not involve any of the means set forth in sub-paragraph (a) of this article;*

- 2.2 In this practice guidance a child refers to children anyone below 18 years of age, including those aged 0 to 17 years and adolescents up to their 18th birthday. See also [section 9.4 determining age](#). References to ‘children’ therefore mean ‘children and young people’. As stated in *Working Together to Safeguard Children*, the fact that a child has reached the age of 16 does not change his or her status or entitlement to services or protection under the relevant legislation.

- 2.3 The Palermo Protocol establishes children as a special case for whom there are only two components – movement and exploitation. **Any child transported for exploitative reasons is considered to be a trafficking victim** – whether or not s/he has been deceived, because it is not considered possible for children to give informed consent. See section 2a of the *Trafficked Children Toolkit* for the Palermo Protocol and other relevant international and national legislation.
- 2.4 A child may be trafficked between several countries in the EU or globally, prior to being trafficked into / within the UK. The child may have entered the UK illegally or legally (i.e. with immigration documents), but the intention of exploitation underpins the entire process¹. Child victims may be indigenous UK nationals, European Union [EU] nationals or from any country outside the EU.
- 2.5 'Parent' means parent or carer and 'professional' refers to any individual working in a voluntary, employed, professional or unqualified capacity, including foster carers and approved adopters. This definition is in accordance with the [Kent & Medway Safeguarding Children Procedures](#).

3. Principles

- 3.1 The following principles should be adopted by all agencies in relation to identifying and responding to children (and unborn children) at risk of or having been trafficked:
- Trafficking causes significant harm to children in both the short and long term; it constitutes physical and emotional abuse to children;
 - The safety and welfare of the child is paramount (i.e. the nationality or immigration status of the child is secondary and should be addressed only after the child's safety is assured);
 - Trafficked children are provided with the same standard of care that is available to any other child in the UK;
 - All decisions or plans for the child/ren should be based on good quality assessments and supported by easily accessible multi-agency services; and
 - All agencies should work in partnership local communities, to empower individuals and groups to develop support networks and education programmes.

4. The problem of child trafficking

4.1 Why do people traffic children?

- 4.1.1 Most children are trafficked for financial gain. This can include payment from or to the child's parents, and can involve the child in debt-bondage to the traffickers. In most cases, the trafficker also receives payment from those wanting to exploit the child once in the UK. Some trafficking is carried out by organised gangs. In other cases, individual adults or agents traffic children to the UK for their own personal gain². The exploitation of trafficked children may be progressive. Children trafficked for domestic work may also be vulnerable to sexual exploitation or children initially trafficked for sexual exploitation may be resold.

- 4.1.2 Children may be used for:

¹ 'The application of Article 1A(2) of the 1951 Convention and/or 1967 Protocol relating to the Status of Refugees to victims of trafficking and persons at risk of being trafficked' UNHCR April 2006, p5

² 'Benefit' in all international legal instruments can be either monetary or non-monetary.

- **Sexual exploitation** e.g.
 - child sexual abuse
 - child abuse images
- **Domestic servitude** e.g.
 - undertaking domestic chores
 - looking after young children
- **Labour exploitation** e.g.
 - working in restaurants
 - building sites
 - cleaning
- **Enforced criminality** e.g.
 - cannabis cultivation
 - begging and pickpocketing
 - drug dealing / trafficking
 - for the purpose of benefit fraud
- **Trade in human organs**

4.1.3 This list above is not exhaustive and all cases should be treated on a case by case basis. Illegal adoption, female genital mutilation (FGM) and forced marriage could be indicators of trafficking in cases where any of the listed exploitation types in 4.1.2 have also occurred. Such cases would require careful exploration of the individual case circumstances. If a child has been trafficked for these purposes, the primary response should be to safeguard the welfare of the child. In such cases, the child may be treated as a victim of a crime under the following legislation listed (i.e. *Forced Marriage Civil Protection Act 2007; Female Genital Mutilation Act 2003 for England, Wales and Northern Ireland; Prohibition of Female Genital Mutilation (Scotland) Act 2005* and the *Adoption Act 2002*) rather than as victims of trafficking offences, unless there are clear indications of exploitation under the Convention (listed in 4.1.2). Where exploitation is present, statutory child protection and safeguarding responses should be applied, and a referral should be made to the National Referral Mechanism for a decision on the status of the potential victim of trafficking.

4.2 How are children recruited and controlled?

4.2.1 Traffickers recruit their victims using a variety of methods. Some children are abducted or kidnapped, although most children are trapped in subversive ways - e.g.:

- Children are promised education or what is regarded as respectable work – such as in restaurants or as domestic servants.
- Parents are persuaded that their children will have a better life elsewhere.

4.2.2 Many children travel on false documents or enter clandestinely without documentation. Even those whose documents are genuine may not have access to them. One way that traffickers control children is to retain their passports and threaten children that should they escape, they will be deported.

The creation of a false identity for a child can give a trafficker direct control over every aspect of a child's life, for example, by claiming to be a parent or guardian.

4.2.3 Even before they travel, children may be abused and exploited to ensure that the trafficker's control continues after the child is transferred to someone else's care - e.g.:

- Confiscation of the child's identity documents;
- Threats of reporting the child to the authorities;
- Violence, or threats of violence, towards the child and/or his/her family;
- Keeping the child socially isolated;
- Keeping the child locked up;
- Telling some children that they owe large sums of money and that they must work to pay this off;
- Depriving the child of money; and
- Voodoo or witchcraft, which may be used to frighten children into thinking that they and their families will die if they tell anyone about the traffickers.

4.2.4 The traffickers might be part of a well organised criminal network, or they might be individuals involved in only one of the stages of the operation, such as the provision of false documentation, transport, or places where the child's presence can be concealed.

4.3 How are children brought to the UK?

4.3.1 Any port of entry into the UK might be used by traffickers. There is evidence that some children are trafficked via numerous transit countries and many may travel through other European Union countries before arriving in the UK.

4.3.2 Some may have entered the UK legitimately under any category of the Immigration Rules, such as students or visitors. Others may have entered the UK by clandestine means believing that they were going into illegal but lucrative work. Whilst others will have residence rights as a result of being EEA or UK nationals.

4.3.3 Children may enter accompanied by adult/s or as unaccompanied minors.

4.3.4 The recent learning experience from Paladin through Operation Newbridge indicated that, as checks have improved at the larger ports of entry, such as Heathrow and Gatwick airports, traffickers are starting to use smaller ports or other regional airports. Traffickers are also known to use the Eurostar rail service and ferries to UK sea ports, particularly Dover.

Accompanied children

4.3.4 There are many legitimate reasons for children being brought to the UK, such as economic migration with their family, education, re-unification with family or fleeing a war-torn country. Some children will have travelled with their parent/s.

4.3.5 However, a number of children arrive in the UK accompanied by adults who are either not related to them or in circumstances which raise child protection concerns. For example, there may be little evidence of any pre-existing relationship or even an absence of any knowledge of the sponsor. There may be unsatisfactory accommodation arranged in the UK, or perhaps no evidence of parental permission for the child to travel to the UK or stay with the sponsor. These irregularities may be the only indication that the child could be a victim of trafficking.

4.3.6 To curb illegal migration and improve children's safeguards, global visa regulations have been in place since February 2006. A photograph of the child is now shown on the visa, together with

the name and passport number of the adult/s who have been given permission to travel with the child.

- 4.3.7 Some accompanied children may apply for asylum claiming to be unaccompanied, after being told by their trafficker that by doing so they will be granted permission to reside in the UK and be entitled to claim welfare benefits.

Unaccompanied children

- 4.3.8 Groups of unaccompanied children often come to the notice of the UK Borders Agency (UKBA). Unaccompanied children may come to the UK seeking asylum (Unaccompanied Asylum Seeking Children – UASC), or they may be here to attend school or join their family. A child may be the subject of a private fostering arrangement.
- 4.3.9 If the child is unaccompanied and not travelling to his or her parent, or if there are some concerns over the legitimacy or suitability of the proposed arrangement for the child's care in the UK, s/he will be referred to Specialist Children Services / Children's Social Care by UKBA.
- 4.3.10 Some groups of children will avoid contact with authorities because they are instructed to do so by their traffickers. In other cases the traffickers insist that the child applies for asylum as this gives the child a legitimate right of temporary leave to remain in the UK.
- 4.3.11 It is suspected that significant numbers of children are referred to Specialist Children Services /Children's Social Care after applying for asylum and some even register at school for up to a term, before disappearing again. It is thought that they are trafficked internally within the UK or out of the UK to other European countries.

Trafficking within the UK

- 4.3.12 There is increasing evidence that children (both of UK and other citizenship) are being trafficked internally within the UK. The list of indicators in the risk assessment matrix of section 1b of the *Trafficked Children Toolkit* 2011 should help identify these children. Children may be trafficked internally for a variety of reasons, many of them similar to the reasons children are trafficked between countries. Where children have been violently controlled by criminal gangs for sexual exploitation, the children may in some cases have been moved between several locations to retain control of their victims. The majority of these types of victims are girls although a number may include boys.
- 4.3.13 Whilst evidence so far generally relates to girls, boys may also be trafficked within the UK.

4.4 The impact of trafficking on children's health and welfare

- 4.4.1 All children who have been exploited will suffer some form of physical or mental harm. Usually, the longer the exploitation, the more health problems that will be experienced. Although in some cases, such as contracting AIDS or the extreme abuse suffered by Victoria Climbié, fatal injuries happen very quickly.
- 4.4.2 Trafficked children are not only deprived of their rights to health care and freedom from exploitation and abuse, but are also not provided with access to education. The creation of a false identity and implied criminality of the children, together with the loss of family and community, may seriously undermine their sense of self-worth. At the time they are found, trafficked children may not show any obvious signs of distress or imminent harm, they may be

vulnerable to particular types of abuse and may continue to experience the effects of their abuse in the future.

Physical abuse

4.4.3 This can include:

- Inappropriate chastisement, not receiving routine and emergency medical attention (partly through a lack of care about their welfare and partly because of the need for secrecy surrounding their circumstances);
- Physical beatings and rape;
- Addiction to drugs (some trafficked children are subdued with drugs, which they then become dependent on). They are then effectively trapped within the cycle of exploitation, continuing to work in return for a supply of drugs;
- Alcohol addiction;
- Stress / post traumatic stress (PTSD) related physical disorders such as skin diseases, migraine and backache etc.

4.4.4 Some forms of harm might be linked to a belief in spirit possession³

Emotional and psychological abuse

4.4.5 Emotional abuse is involved in all types of maltreatment of a child, including trafficking.

4.4.6 Trafficked children may:

- Feel disorientated after leaving their family environment, no matter how impoverished and difficult. This disorientation can be compounded for some children who have to assume a new identity or have no identity at all;
- Feel isolated from the local community in the UK by being kept away from school and because they cannot speak English;
- Fear both the adults who have physical control of them and the threat that they will be reported to the authorities as immigration criminals;
- Lose their trust in all adults;
- Have low self-esteem and feel the experience has ruined them for life socially and psychologically. They may become depressed and sometimes suicidal;
- Worry about people in their families and communities knowing what has happened to them, and become afraid to go home; and
- Feel like criminals as a result of the new identity forced on them, which can have long term consequences for their adult lives.

4.4.7 All children who have been exploited are likely to suffer some form of mental harm, usually the longer the exploitation, the more mental health problems that will be experienced. These can include:

- Psychological distress owing to their sense of powerlessness. In many cases involving violence and deprivation at the hands of their traffickers, which can be extreme, it will take the form of post traumatic stress disorder;
- Dependent relationships with their abusers;
- Flashbacks, nightmares, anxiety attacks, irritability and other symptoms of stress, such as nervous breakdowns;

³ See also the section on Spirit possession or witchcraft in the latest edition of the *Kent & Medway Safeguarding Children Procedures*

- A loss of ability to concentrate; and
- Becoming anti-social, aggressive and angry, and/or fearful and nervous – finding it difficult to relate to others, including in the family and at work.
- Fear of authorities based on past experiences or what they have been told by their traffickers.

Sexual abuse

- 4.4.8 Trafficked children may be sexually abused as part of being controlled or because they are vulnerable. In many cases, sexual exploitation is the purpose of the trafficking. Children being sexually exploited are at risk of sexually transmitted infections, including HIV/AIDS; and for girls there is the risk of an unwanted early pregnancy and possible damage to their sexual and reproductive health⁴.

Neglect

- 4.4.9 Trafficked children may also suffer neglect. In particular, they may not receive routine and emergency medical attention (partly through a lack of care about their welfare and partly because of the need for secrecy surrounding their circumstances). They may also be subject to physical, sensory and food deprivation. Trafficked and exploited children are deprived of their rights to health and freedom from exploitation and abuse, and to education and related life opportunities.

5. Identifying trafficked and exploited children

5.1 Role of all professionals

5.1.1 All professionals who come into contact with children in their everyday work need to be able to identify children who may have been trafficked, and be competent to act to support and protect these children from harm. They should follow the practice guidance set out below, which is in accordance with the [Kent & Medway Safeguarding Children Procedures 2011](#).

5.1.2 Whenever a professional identifies that a child may have been trafficked, s/he should act promptly before the child goes missing and assess the child's levels of need / risk of harm as set out in this guidance.

5.1.3 Identifying trafficked children at ports of entry is likely to be difficult as they may not be showing obvious signs of distress (see [section 5.2 Obstacles to self-identification, below](#)). The ports' intelligence units have developed a profile of trafficked children to assist immigration officers (see the on-line trafficking toolkit²¹). Other resources readily available to all staff include the location of Paladin-type teams, and the local UKBA.

5.1.4 Child victims may be discovered in routine police operations to detect and disrupt trafficking networks, and during other criminal investigations both in the UK and abroad. Anyone who works with children may come into contact with a victim of trafficking.

5.1.5 All agencies working with children who may have been trafficked into and within the UK should work together to safeguard and promote their welfare, providing the same standard of care that

⁴ See also the [Kent sexually active young people procedure](#)

is available to any other child in the UK. This may be the crucial intervention which breaks the cycle of the child being vulnerable to continuing or further exploitation.

5.2 Obstacles to self-identification

5.2.1 Children are unlikely to disclose they have been trafficked, as most do not have an awareness of what trafficking is or may believe they are coming to the UK for a better life, accepting that they have entered the country illegally. It is likely that the child will have been coached with a story to tell the authorities in the UK and warned not to disclose any detail beyond the story, as this would lead them to being deported.

5.2.2 Apparent collusion with the trafficker can add to confusion when attempting to identify a child as victim of trafficking⁵. The child may be reluctant to disclose their circumstances because:

- Their experience of authority in their country of origin is such that they do not trust the police or other statutory agencies (s/he may provide a statement to a voluntary and community agency).
- The identification and referral process may mimic aspects of what had happened during trafficking – promises of help and a good life, movement by persons the child did not know, being taken to unknown locations where ‘everything would be fine’ and ‘they would be taken care of’⁶.
- The circumstances, even under exploitation, in the UK may compare more favourably to the child’s experiences at home⁷.

5.2.3 Disclosure from a child can take time, especially where the child is within the control of a trafficker or facilitator and relies on a relationship of trust and safety being established. If a child is in the care of a local authority, measures will need to be taken to make the placement safe for child victims of trafficking. See the tools in part three of the *Trafficked Children Toolkit* for ‘additional’ good practice guide on safe accommodation.

5.3 Possible indicators that a child may have been trafficked

5.3.1 Indicators are symptoms of a situation. Clusters of indicators around a child can highlight concern which triggers a systematic assessment of their circumstances and experiences.

5.3.2 There are a number of indicators which suggest that a child may have been trafficked into the UK, and may still be controlled by the traffickers or receiving adults. These are as follows:

At port of entry

5.3.3 The child:

- Has entered the country illegally;
- Has no passport or other means of identification;
- Has false documentation;
- Possesses money and goods not accounted for;
- Is malnourished;
- Is unable to confirm the name and address of the person meeting them on arrival;

⁵ OSCE (2007) Report on Civil Society Meeting, Warsaw, ‘The NRM Approach to Trafficking and its Application to Trafficking for Labour Exploitation’, p3

⁶ ‘Listening to Victims Experiences of identification, return and assistance in South-Eastern Europe’ ICPMD, 2007
[http://www.icmpd.org/768.html?&tx_icmpd_pi2\[document\]=593&cHash=6688569e46](http://www.icmpd.org/768.html?&tx_icmpd_pi2[document]=593&cHash=6688569e46) p60

- Has had their journey or visa arranged by someone other than themselves or their family;
- Is accompanied by an adult who insists on remaining with the child at all times;
- Is withdrawn and refuses to talk or appears afraid to talk to a person in authority;
- Has a prepared story very similar to those that other children have given;
- Exhibits self-assurance, maturity and self-confidence not expected to be seen in a child of such age;
- Does not appear to have money but does have a mobile phone; and/or
- Is unable or reluctant to give details of accommodation or other personal details.

5.3.4 The sponsor could:

- Be a community member, family member, or any other intermediary⁸;
- Have previously made multiple visa applications for other children and/or has acted as the guarantor for other children's visa applications; and/or
- Is known to have acted as the guarantor on the visa applications for other visitors who have not returned to their countries of origin on the expiry of those visas.

5.3.5 See [section 7.1.3](#) for actions following the identification of a trafficked child by port authority staff.

Whilst resident in the UK (in addition to those listed above)

5.3.6 The child:

- Receives unexplained / unidentified phone calls whilst in placement / temporary accommodation;
- Shows signs of physical or sexual abuse, and/or has contracted a sexually transmitted infection or has an unwanted pregnancy;
- Has a history with missing links and unexplained moves;
- Has gone missing from local authority care;
- Is required to earn a minimum amount of money every day;
- Works in various locations;
- Has limited freedom of movement;
- Appears to be missing for periods;
- Is known to beg for money;
- Performs excessive housework chores and rarely leaves the residence;
- Is being cared for by adult/s who are not their parents and the quality of the relationship between the child and their adult carers is not good;
- Is one among a number of unrelated children found at one address;
- Has not been registered with or attended a GP practice;
- Has not been enrolled in school;
- Has to pay off an exorbitant debt (e.g. for travel costs) before having control over own earnings;
- Is permanently deprived of much of their earnings by another person; and/or
- Is excessively afraid of being deported.

Children internally trafficked within the UK

⁸ Anti-Slavery International (2005) 'Protocol for identification and assistance to Trafficked Victims and Training Kit' p7

5.3.7 Indicators include:

- Physical symptoms (bruising indicating either physical or sexual assault);
- Prevalence of a sexually transmitted infection or unwanted pregnancy;
- Young person known to be sexually active;
- Reports from reliable sources suggesting the likelihood of involvement in sexual exploitation / the child has been seen in places known to be used for sexual exploitation;
- Evidence of drug, alcohol or substance misuse;
- Leaving home / care setting in clothing unusual for the individual child (inappropriate for age, borrowing clothing from older people);
- Phone calls or letters from adults outside the usual range of social contacts;
- Adults loitering outside the child's usual place of residence;
- Significantly older boyfriend;
- Accounts of social activities, expensive clothes, mobile phones or other possessions with no plausible explanation of the source of necessary funding;
- Persistently missing, staying out overnight or returning late with no plausible explanation;
- Returning after having been missing, looking well cared for despite having no known base;
- Placement breakdown;
- Pattern of street homelessness;
- Having keys to premises other than those known about;
- Low self-image, low self-esteem, self-harming behaviour including cutting, overdosing, eating disorder, promiscuity;
- Truancy / disengagement with education;
- Entering or leaving vehicles driven by unknown adults;
- Going missing and being found in areas where the child or young person has no known links; and/or
- Possible inappropriate use of the internet and forming on-line relationships, particularly with adults.

5.3.8 The indicators above should not be read as a definitive list and professionals should be aware of any other unusual factors that may suggest a child might have been trafficked. They are intended as a guide, which should be included in a wider assessment of the young person's circumstances as well as part of a trafficking assessment.

5.3.9 It is also important to note that trafficked children might not show obvious signs of distress or abuse and this makes identifying children who may have been trafficked difficult. Some children are unaware that they have been trafficked, while others may actively participate in hiding that they have been trafficked.

5.4 Private fostering⁹

5.4.1 Private fostering is defined in *section 66 of the Children Act 1989*. A private fostering arrangement arises when a child under 16 years (or under 18 if disabled) is to reside for more than 28 days in the care of someone who is not a parent, close relative, or someone with parental responsibility (these close relatives are defined by the Act as grandparents, brother, sister, uncle or aunt whether of the full blood or half blood or by marriage or civil partnership or step-parent).

⁹ See the [Kent & Medway Safeguarding Children Procedures](#) for further information on private fostering.

5.4.2 Many private fostering arrangements are not notified to the local authority for a variety of reasons, not all associated with a risk of serious harm. Identifying a child who is privately fostered is not the same as identifying a child who has been trafficked. Nevertheless, some children in private fostering arrangements may well have been trafficked, including on tourist visas and with promises of education and good healthcare. They are vulnerable to being exploited in domestic servitude, other forms of forced labour, or even to sexual exploitation. Where indicators of child trafficking are present, a child trafficking assessment will provide a vehicle to aid in identification.

5.5 Local expertise in relation to trafficked children

5.5.1 Kent Children Specialist Services have as part of its directorate a service for Unaccompanied Asylum Seeking Children (UASC) who have specialist knowledge in relation to trafficked children who will give advice to other professionals in cases where the concerns in relation to a child are related to trafficking.

5.6 The trafficking risk assessment matrix

5.6.1 Professionals should use the Risk Assessment Matrix in section 1b of the *Trafficked Children Toolkit* to identify and assess whether there are reasonable grounds to suspect that the child is trafficked. The matrix can be used to assist initial identification or as an aid to thinking as part of the assessment process e.g. the CAF or specialist assessments.

5.6.2 The Risk Assessment Matrix is a tool to assist professionals (the term includes unqualified managers, staff and volunteers) in using the available information to focus their thinking and form the basis for discussion about the risk of harm - through trafficking - to a child. This may include deciding that the available information is not enough to form a sound judgement about the risk.

5.6.3 If a professional ticks a descriptor which indicates that a child is at risk of harm (e.g. 'physical symptoms of exploitative abuse' or 'under age marriage'), the professional should make an immediate referral to children's social services, in line with [section 7.1 Referral to Specialist Children's Services/Children's Social care](#) regardless of whether the child may be trafficked.

5.7 Information gathering

5.7.1 Information gathering should include the child's presenting behaviours and what s/he discloses together with any known information about the child's circumstances, and expert advice about trafficked children. The expert advice (including identifying children, ensuring their safety, gaining their trust and assessing them) can be obtained from:

- The Unaccompanied Asylum Seeking Children Team(UASC) (see [section 5.5, above](#));
- The NSPCC Child Trafficking Advice and Information Line (see section 2c of the *Trafficked Children Toolkit* additional information); and

5.7.2 The tools for gathering information and making an assessment are:

- The Common Assessment Framework; and
- A specialist / statutory assessment (including children Specialist Services initial and core assessments).

- 5.7.3 See the Quick guide to assessments and levels of intervention in section 1g of the *Trafficked Children Toolkit*, according to which the four levels of need which an assessment could indicate for a child are:
- Level 1: Universal Needs – No additional Support Needs
 - Level 2: Low to Vulnerable – Additional Support Needs
 - Level 3: High or Complex – Threshold for Children in Need
 - Level 4: Complex or Acute – Threshold for Child Protection
- 5.7.4 When a professional is concerned that a child may be at risk of being trafficked, or has been trafficked, the child is likely to be at risk of harm (levels 3 or 4).

6. Children at risk of or experiencing significant harm

6.1 Referral to Specialist Children Services / Children's social care

To assist in compiling the information required for a referral to Children's Specialist Services/Children's social care, professionals should refer to the *Trafficked Children Toolkit*, particularly sections 1a) the assessment framework for trafficked children, 1b) the Risk Assessment Matrix and 1g) quick guide to assessments and levels of intervention (Level 3: High or Complex –Specialist /Statutory assessment including Children Services' assessment, and Level 4: Complex or Acute – Statutory // Child protection assessment.

- 6.1.2 If a professional is concerned that a child could be trafficked and/or at risk of significant harm, the professional should:
- Act promptly before the child goes missing;
 - Wherever possible, consult with their agency's nominated safeguarding children lead / Adviser, their manager and, if available, the local professional with specialist knowledge in relation to trafficked children (see [section 5.5](#), above); and
 - If the threshold is met at level 4 for significant harm (see section 1g, Quick guide to assessments in the *Trafficked Children Toolkit*), then a referral must be made to Specialist Children Services/ Children's Social Care, in line with the [Kent & Medway Safeguarding Children Procedures 2011](#).

Port authority professionals

GATEWAY AUTHORITIES' IN THE SOUTH EAST

- Kent [Dover Port]
 - Croydon [New Arrivals claiming asylum]
 - West Sussex (Gatwick Airport)
- 6.1.3 An immigration professional who is concerned that a child may have been trafficked should act promptly, following UKBA guidance. The professional should contact Specialist Children Services / Children's Social Care in Medway, the NRM and the police based in a local child abuse investigation unit (CAIU). Trafficked children may go missing shortly after asylum screening and, therefore UKBA staff should confirm the referral in writing (by e-mail wherever possible) as soon as possible, but always within 48 hours.
- 6.1.4 Immigration professionals should also complete the Risk Assessment Matrix.

6.2 Specialist Children Services (Children's Social Care in Medway) response

Referral and information gathering¹⁰

- 6.2.1 When a professional, or another person, contacts Specialist Children Services (Children's Social Care in Medway) with concerns about whether a child may have been trafficked, they should decide on a course of action within 24 hours. In these circumstances prompt decisions may be required in order to act before the child goes missing. These will normally follow discussions with the person making the referral, and will also involve other professionals and services as necessary (including those mentioned in the section above on support services to practitioners).
- 6.2.2 The social worker should clarify with the referrer what his/her concerns are. They need to find out why they made the referral, what led them to believe the child may be trafficked or in the UK illegally; and they should ask them to put their concerns in writing to ensure an accurate and clear audit trail is maintained. See paragraphs 5.19 – 5.37 in *Working Together to Safeguard Children 2010*.
- 6.2.3 Evidence that the child may be a trafficked victim must be recorded for referral into the UK's victim identification framework, the NRM, to enable the UKHTC / UKBA Competent Authority to assess and make an independent decision as to whether the child is a victim of trafficking or not under the *Council of Europe Convention on Action against the Trafficking in Human Beings*.
- 6.2.4 The *Trafficked Children Toolkit* assists professionals in assessing the needs of the child and the continuing risks that they may face, and to refer their case to the Competent Authority.
- 6.2.5 The social worker should obtain as much information as possible from the referrer, including:
- The child's name, dob, address, name of carer, address if different, phone number, country of origin, home language and whether s/he speaks English, names of any siblings or other children;
 - A description of the indicators and circumstances which have identified the child to the referrer as being at risk of or having been trafficked into or within the UK illegally;
 - The social worker should verify that the child is living at the address as soon as possible;
 - In the case of a referral from a school or education department, the list of documentation provided at admission should also be obtained;
 - A Home Office check should be completed to clarify the status of the child/ren and the adult/s caring for them.

Initial assessment

- 6.2.6 An initial assessment of the child's needs and circumstances should be undertaken in accordance with *Working Together to Safeguard Children*.

Initial Protection

- 6.2.7 If there is a risk to the life of the child or a likelihood of serious immediate harm, an agency with statutory child protection powers should act quickly to secure the immediate safety of the child. In some cases it may be necessary to ensure either that the child remains in a safe place or is removed to a safe place. This could be on a voluntary basis, or by obtaining an emergency protection order (EPO). The police also have powers to remove a child, but these powers should

¹⁰ See the [Kent & Medway Safeguarding Children Procedures](#)

only be used in exceptional circumstances if, for example, there is insufficient time to seek an EPO, or for reasons relating to the immediate safety of the child. When there is a suspicion that a child is a victim of trafficking, evidence of a risk to the life of the child may not be immediately apparent. However, in all cases there is a likelihood that a child victim of trafficking is at risk of serious immediate harm

- 6.2.8 Emergency action addresses only the immediate circumstances of the child(ren). It should be followed quickly by section 47 enquiries.

Specific action during an initial assessment

- 6.2.9 The initial assessment should be led by a qualified and experienced social worker. All relevant information (including historical information) should be taken into account. This includes seeking information from relevant services if the child and family have spent time abroad. Professionals from agencies such as health, local authority children's social care or the police should request this information from their equivalent agencies in the country or countries in which the child has lived. Information about who to contact can be obtained via the Foreign and Commonwealth Office on 0207 008 1500 or the appropriate Embassy or Consulate based in London (see the London Diplomatic List (The Stationery Office), ISBN 9780115917967 or the FCO website www.fco.gov.uk).
- 6.2.10 The initial assessment should be led by a qualified and experienced social worker. All relevant information (including historical information) should be taken into account. This includes seeking information from relevant services if the child and family have spent time abroad. Professionals from agencies such as health, local authority children's social care or the police should request this information from their equivalent agencies in the country or countries in which the child has lived. Information about who to contact can be obtained via the Foreign and Commonwealth Office on 0207 008 1500 or the appropriate Embassy or Consulate based in London (see the London Diplomatic List (The Stationery Office), ISBN 9780115917967 or the FCO website www.fco.gov.uk).
- 6.2.11 During the initial assessment, the social worker should check all the documentation held by the referrer and other relevant agencies. Documentation should include (if available), passport, Home Office papers, birth certificate and proof of guardianship. This list is not exhaustive and all possible types of documentation should be considered. A recent or new photograph of the child should be included in the social worker's file together with copies of all relevant identification documentation.
- 6.2.12 When assessing any documentation attention should be given to the details. If a passport is being checked the official should: • verify the date of issue; • check the length of the visa; • check whether the picture resembles the child; • check whether the name in the passport is the same as the alleged mother/father, and if not, why not; and • check whether it appears to be original and take copies to ensure further checks can be made if necessary.
- 6.2.13 Immigration staff will be able to provide a clear explanation of the immigration process, documentation needed, leave to enter the UK and give an opinion on the validity of particular documents.
- 6.2.14 Even if there are no apparent concerns, child welfare agencies should continue to monitor the situation until a child is appropriately settled. The social worker should advise the referrer of their decision and the proposed plan. In each case of a child with immigration issues, UKBA

should be informed so that they can coordinate the immigration processes with the child's protection plan.

Decision to interview as part of section 47 enquiries

- 6.2.15 Once the relevant information has been gathered, the social worker and their supervising manager, together with the police, should decide whether to convene a strategy discussion and then whether to conduct a joint interview, safeguarding children who may have been trafficked with the child and if necessary, with the family or carers. The discussion could involve the UKBA and an appropriately trained police officer. It may be helpful to involve immigration officials in this decision as outstanding immigration concerns may need to be resolved.
- 6.2.16 In the longer-term, information gathered at an interview might help to resolve the child's immigration status. Intelligence gathered from the interview could also stop others being trafficked from overseas.
- 6.2.17 Where it is decided that the child and family should be visited and interviewed, the child should be seen by the lead social worker together with any other interviewer, without his or her caregivers present when appropriate, within a timescale which is appropriate to the nature of the concerns, according to the agreed plan. Children who are being trafficked will usually stick to their account and not speak until they feel safe and comfortable and therefore it is preferable for the child to be interviewed in a safe environment, without the carers being nearby. Interpreters should be used where English is not the child's preferred language. Under no circumstances should the interpreter be the sponsor or another adult purporting to be a parent, guardian or relative.
- 6.2.18 The interview should focus on the following areas:
- family composition, brothers, sisters, ages;
 - parents' employment;
 - tasks done around the house;
 - length of time in the UK;
 - where they lived in their country of origin;
 - where they went to school in their country of origin; and
 - who cared for them in their country of origin.
- 6.2.19 The adults in the family should be interviewed separately covering the same areas. A comparison can then be made between the answers to ensure they match.
- 6.2.20 All documentation should be seen and checked. This includes Home Office documentation, passports, visas, utility bills, tenancy agreements, and birth certificates. Particular attention should be given to the documentation presented to the school at point of admission. It is not acceptable to be told that the passport is missing or that the paperwork is missing. It is extremely unlikely that a person does not know where their paperwork/official documentation is kept and this information could be considered as an indicator that the child may have been trafficked.
- 6.2.21 The interview should be conducted as fully and completely as possible, both to ensure accuracy and to avoid intrusion into the family for a longer period than is absolutely necessary.
- 6.2.22 Child trafficking victims are particularly vulnerable and the experiences they may have encountered are likely to have been traumatic. All agencies involved in supporting and protecting these vulnerable children will have their best interests at heart, but it is critical that

the processes used by agencies including local authorities, the police and UKBA contribute to a streamlined approach to gathering information on the child's needs and experiences. The Government are committed to minimising the impact on child victims and to ensuring that child victims are not unnecessarily asked to recount their experiences to different agencies. The NRM provides a valuable and useful tool for agencies to gather and share information on potential victims. Current work aimed at raising the awareness of the NRM will help ensure agencies coordinate and share information to ensure the needs of child victims are appropriately assessed and met. Through referrals the NRM is also building an important picture of the scale and nature of child trafficking.

On completion of section 47 enquiries

- 6.2.23 On completion of the section 47 enquiries, a meeting should be held with the social worker, their supervising manager, the referring agency as appropriate, the police and any other professionals involved to decide on future action. Further action should not be taken until this meeting has been held and multi-agency agreement obtained to the proposed plan unless emergency action is required.
- 6.2.24 Where it is found that the child is not a family member and is not related to any other person in this country, consideration should be given as to whether the child needs to be moved from the household and/or legal advice sought on making a separate application for immigration status.
- 6.2.25 Any law enforcement action regarding fraud, trafficking, deception and illegal entry to this country is the remit of the police. The local authority should assist in any way possible. However, the responsibility for taking legal action usually remains with the criminal justice agencies (exceptions include benefit fraud which is the responsibility of the Department of Work and Pensions).

Issues for professionals to consider when working with trafficked children

- 6.2.26 The following services are likely to be necessary to address the child's needs:
- appropriately trained and CRB checked independent interpreters;
 - counselling;
 - child and adolescent mental health services (CAMHS);
 - independent legal advice;
 - medical services;
 - sexual health services;
 - education;
 - family tracing and contact (unless it is not consistent with their welfare); and if appropriate, repatriation.
- 6.2.27 The child will also need:
- someone to spend time with them to build up a level of trust;
 - to be interviewed separately. Children and young people will usually stick to their account and not speak until they feel comfortable;
 - a safe placement if they are victims of an organised trafficking operation;
 - their whereabouts to be kept confidential;
 - legal advice about their rights and immigration status;
 - discretion and caution to be used in tracing their families;
 - a risk assessment to be made of the danger the child will face if he or she is repatriated; and

- where appropriate, accommodation under section 20 of the Children Act 1989 or on application of an interim care order.

6.2.28 Practitioners should:

- consider interviewing children in school as they may feel more able to talk;
- consider contacting children and young people by phone, email or text;
- ensure that carers are not nearby; and
- ensure that interpreters are agency approved and are CRB checked.

On completion of section 47 enquiries

6.2.29 On completion of the section 47 enquiries, a meeting should be held with the social worker, their supervising manager, the referring agency as appropriate, the police and any other professionals involved to decide on future action. Further action should not be taken until this meeting has been held and multi agency agreement obtained to the proposed plan unless emergency action is required.

6.2.30 Where it is found that the child is not a family member and is not related to any other person in this country, consideration should be given as to whether the child needs to be moved from the household and/or legal advice sought on making a separate application for immigration status.

6.2.31 Any law enforcement action regarding fraud, trafficking, deception and illegal entry to this country is the remit of the police. The local authority should assist in any way possible. However, the responsibility for taking legal action usually remains with the criminal justice agencies (exceptions include benefit fraud, held by Department of Work and Pensions).

7. The National Referral Mechanism (NRM)

7.1 Overview and role of competent authority

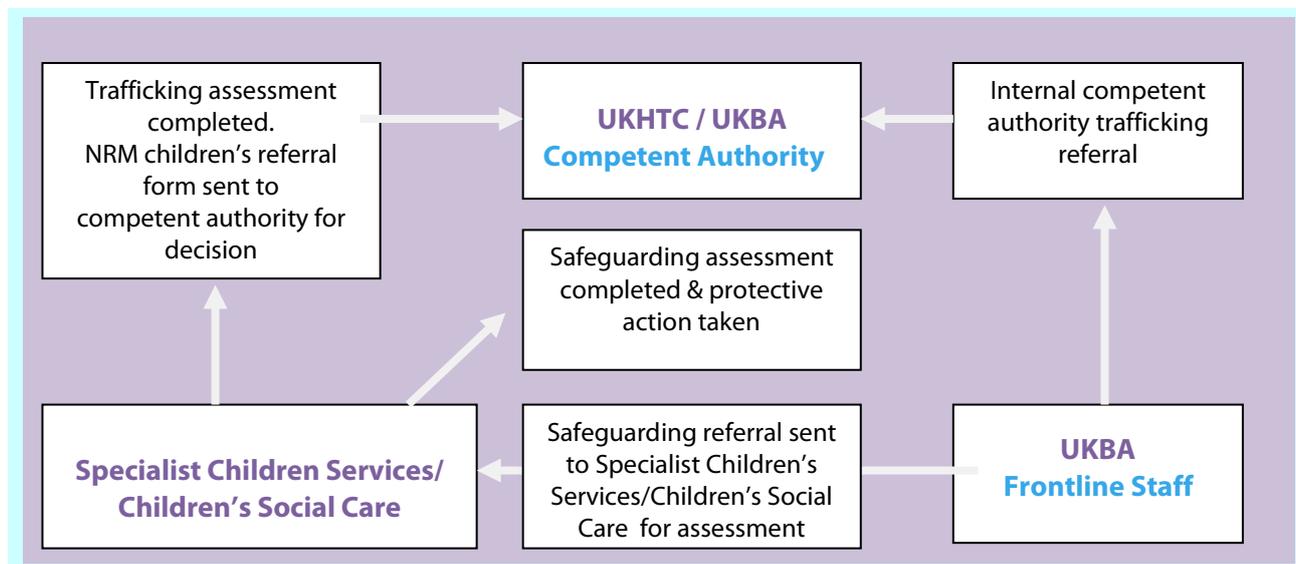
7.1.1 In accordance with the requirements of the *Council of Europe Convention on Action against Trafficking in Human Beings*, the UK has a national referral mechanism for identifying and recording victims of trafficking and ensuring that they are provided with appropriate support wherever they are in the UK.

7.1.2 Decisions about who is a victim of trafficking are made by trained specialists in designated 'Competent Authorities'. The UKHTC and UKBA act as the UK's Competent Authorities with responsibility for the final decision on whether a frontline professional's grounds for believing that the child has been trafficked are founded (i.e. whether the child is or is not a victim of trafficking).

7.1.3 Where necessary, the Competent Authority will assist in regularising a child's immigration status, in accordance with the Council of Europe Convention on Action Against Human Trafficking.

7.1.4 As referrals are collated through the NRM process, the build up of evidence concerning child trafficking will inform policy makers and operational staff to take the necessary decisions and actions to combat child trafficking. In this sense, NRM referrals and the intelligence they provide contribute directly to UK efforts to tackle human trafficking and may ultimately lead to delivery of a reduction of children trafficked and who are ultimately safeguarded by a local authority.

- 7.1.5 Referrals into the NRM will provide a national picture of numbers of children trafficked, as well as supporting evidence which will assist in building up intelligence such as trends, routes of travel and details which may assist in leading to the arrest and conviction of those who commit this terrible crime.
- 7.1.6 NRM referrals will also help the local authority focus their approach to the appropriate response for the child by ensuring all available information can be gathered and shared quickly between partners. This will allow the child's needs to be addressed as well as certain mitigating factors taken into account such as the risk of the child going missing.
- 7.1.7 In addition where necessary, the Competent Authority will assist in regularising a child's immigration status. This will assist the child in accessing particular services.
- 7.1.8 Responsibility for the care, protection and accommodation of child trafficking victims rests with local authorities under their duty to safeguard and promote the welfare of all children. Separated and vulnerable children from abroad have the same entitlements as UK born or resident children.
- 7.1.9 Where a child is assessed as in need and becomes looked after by a local authority, a social worker will be responsible for putting in place an individualised care plan covering the full range of the child's needs. The social worker will also make an assessment of the type of placement which best matches the needs of the child, including the need to safeguard them from contact with traffickers.
- 7.1.10 National referral mechanism overview:



- 7.1.11 The national referral mechanism comprises a four stage process for establishing formally that a child is a victim of trafficking:

7.2 Stage one – safeguarding assessment

- 7.2.1 In the first stage a frontline professional identifies that the child may be trafficked using the indicators in [section 5.3](#), and undertakes a safeguarding assessment in line with [section 5.7 \(information gathering\)](#).

7.2.2 With support, as required, from the local trafficked children lead (see [section 5.5](#), above), and using information from the safeguarding assessment, the professional completes the Trafficking assessment tool (section 1j in the *Trafficked Children Toolkit*).

7.3 Stage two – referral to a competent authority

7.3.1 In cases where the front line professional suspects that a child may have been trafficked, Specialist Children Services will refer the case to a competent authority by sending the child NRM referral form to UKHTC. This will be in addition to acting promptly before the child goes missing and initiating an assessment of the child's levels of need / risk of harm.

7.3.2 Practitioners should be aware that the safeguarding of the child takes precedence and their needs should be addressed. An NRM referral should not prevent immediate safeguarding actions taking place, although information from the NRM assessment may be helpful to those considering the safeguarding response.

7.4 Stage three – 'reasonable grounds'

7.4.1 Once the case has been formally referred, the Competent Authority will consider the details supplied on the First Responder Form along with any other evidence and apply a 'reasonable grounds' test to consider if the statement "I suspect but cannot prove" that the person is a victim of trafficking holds true. Specialist Children Services /Children's Social Care may be required to supply further information at this stage if there is insufficient information available.

7.4.2 The child will be granted an extendable reflection and recovery period if the Competent Authority finds there are reasonable grounds to believe the child is a victim of trafficking. During this time UKBA will be asked to suspend removal action. This will allow for a fuller assessment of whether the child is a victim of trafficking. The 45 day period is also a period in which scope for criminal investigation can be explored.

7.5 Stage four – referral to competent authority

7.5.1 Following a positive reasonable grounds decision, Competent Authorities are required to make a second identification decision which is to conclusively decide if the individual is a victim of trafficking. As part of this decision, Specialist Children Services/Children's Social Care will be consulted and are expected to feed in any further information that may aid the decision making process.

7.5.2 Specialist Children Services / Children's Social Care can at any stage consider accessing assistance with reintegration available through voluntary return schemes (which are always the preferred way of carrying out any return to the child's country of origin).

7.5.3 Following a negative reasonable grounds or conclusive decision the child may still have safeguarding needs especially if they are unaccompanied. Social workers should continue to make their own assessments of a child's care needs in line with the statutory duty placed on local authorities by virtue of the Children act.

8. Issues to consider when working with trafficked children

8.1 The following services are likely to be necessary to address the child's needs:

- Appropriately trained and CRB checked independent interpreters;

- Counselling;
- Child and adolescent mental health services (CAMHS);
- Independent legal advice;
- Medical services;
- Sexual health services;
- Education;
- Family tracing and contact (unless it is not consistent with their welfare); and
- If appropriate, repatriation.

8.2 They will also need:

- Professionals to be informed and competent in matters relating to trafficking and exploitation;
- Someone to spend time with them to build up a level of trust;
- To be interviewed separately. Children will usually stick to their account and not speak until they feel comfortable;
- A safe placement - 'safe accommodation' if they are victims of an organised trafficking operation; the placement should be away from the locality where the child was recovered in order to minimise the risk to the child and reduce the risk that the child may go missing. See the Harrow Council good practice guide referenced at part three of the *Trafficked Children Toolkit* for more information.
- Their whereabouts to be kept confidential;
- Legal advice about their rights and immigration status. Professionals should make every effort to assist children to benefit from independent legal advice from a solicitor with experience in child trafficking;
- Discretion and caution to be used in tracing their families;
- A risk assessment to be made of the danger the child will face if he or she is repatriated; and
- Where appropriate, accommodation under section 20 of the children act 1989 or on application for an interim care order.

8.3 Professionals should:

- Consider interviewing children in school as they may feel more able to talk;
- Consider talking to children using the phone, e-mail, text;
- Ensure that carers are not in the proximity; and
- Ensure that interpreters are agency approved and are CRB checked.

Determining age

8.4 Young people may have no identifying information on them, their documents may be false or they may have been told to lie about their age to evade attention from the authorities. Some victims may claim to be children when they are in fact over 18 years of age. Children are groomed (coerced) to lie about their age by the adults trafficking and exploiting them. Accordingly, information about a child provided by an accompanying adult / carer may not be accurate.

8.5 Where it is not clear whether the young person is a child (i.e. under 18 years of age) then, in accordance with the *United Nations Convention of the Rights of the Child*, the young person should be treated as a child and be provided with full protection as a child victim of trafficking.

This approach is also adopted by the *Council of Europe Convention on Action against Trafficking in Human Beings*

- 8.6 Where there is uncertainty about a suspected victim's age, children's services will be responsible for assessing their age. The local authority in whose area the victim has been rescued will have responsibility for the care of the child as required by the Children Act 1989. The process by which a child's age is assessed is known as a 'Merton Compliant' Age Assessment, following the principles laid down in a 2003 case involving Merton Council (B v London Borough of Merton (2003) EWHC 1689 (Admin)).
- 8.7 The court should consider any evidence of age that is available, which may include documentary evidence such as a passport, school records or a Police National Computer (PNC) printout verified by fingerprints as well as oral evidence from people who know the child.
- 8.8 For further reference on age assessment, refer to [R \(on the application of A\) v London Borough of Croydon \(2009\)](#); [R \(M\) v London Borough Lambeth \(2009\)](#).. In this case, the Supreme Court held that the local authority must make a decision as to the child's age in the first instance, and that if there is a dispute thereafter, it is for the court to decide whether the young person is a child.

Supporting child witnesses

- 8.9 Assessing the willingness and capacity of a child victim to support criminal proceedings at the earliest stage is critical to ensure their welfare and that the most appropriate measures are in place to provide the support they may need. The UN Convention on the Rights of the Child requires that authorities should give primary consideration to the best interests of the child.
- 8.10 One of the key points to recognise is that the prosecution process itself, especially the trial, can be daunting and stressful for children. There are risks of re-traumatising the child or causing the child unnecessary worry and distress. While the child may not be in any danger as a witness, he/she will still be likely to suffer from stress and worry at the thought of having to give evidence in court. It is unlikely to be possible to eliminate this altogether, but steps should be taken to reduce it to a minimum.
- 8.11 This also applies to the process of gathering information that might support care proceedings. Like victims of domestic abuse, the child is likely to fear reprisal from their traffickers and/or the adults with whom he or she was living in the UK if they co-operate with Specialist Children Services/ Children's Social Care or the police.
- 8.12 For children trafficked from abroad, an additional level of anxiety may exist because of fear of reprisals against their family in their home country. They may also fear being deported, having entered the UK illegally. Trafficked children may also have been forced to commit criminal offences while they are in a coerced situation.
- 8.13 The recently revised Home Office Guidance "*Achieving Best Evidence in Criminal Proceedings: Guidance for Vulnerable or Intimidated Witnesses, including Children*"¹¹ provides detailed recommended procedure for interviewing child witnesses. It considers planning interviews, decisions about whether the interview should be video recorded or a statement taken, preparing the witness for court and subsequent court appearances, pre-trial therapy and special measures.

¹¹ Revised November 2007

<http://www.homeoffice.gov.uk/documents/achieving-best-evidence/guidance-witnesses.pdf>

- 8.14 Children who might agree to testify in a criminal case, fear that they will be discredited in court because they were coerced into lying on their visa applications or immigration papers. No child should be coerced into testifying in court against a trafficker.

Returning trafficked children to their country of origin [safe returns]

- 8.15 In many cases, and with advice from their lawyers, trafficked children apply to the UKBA for asylum or for humanitarian protection. This is often because of the high risk they face of coming to harm if they are forced to return to their countries of origin. All such claims must be carefully considered.
- 8.16 Among the factors to consider if the child is deported is the risk of him or her being re-trafficked with the possibility of further exploitation and abuse. When considering the child's application it will be important for the social worker to gather information about the child's family, community and general conditions in the country of origin.
- 8.17 Local authorities have a duty of care towards children who are being returned, and this must include adequate social work checks and assessments in the country of origin to ensure that the child will be safeguarded upon their return. It is crucial that these checks are thorough and adequately address the risk of re-trafficking, taking account of specific factors relevant to the child – whether their town or village is known for trafficking children, for example, and the likelihood of the child's family allowing them to be re-trafficked.
- 8.18 If the child does not qualify for asylum or humanitarian protection, and adequate reception arrangements are in place in the country of origin, the child will usually have to return. The process of returning the child should be handled sensitively and will require close co-operation between the UKBA and the child's social worker. The child's social worker should ensure that the local social services department in the country of origin have been notified of the child's return.
- 8.19 It is important that appropriate steps are taken to minimise the possibility of the child going missing once a decision to return him or her to their country of origin has been made. Equally, the social worker may be best placed to reconcile the child to being returned, and in helping the child access the assistance with reintegration which is available through close co-operation with the social services department in the country of origin (see point 9.20, below)
- 8.20 Most countries have some form of reintegration support for victims of trafficking and separated children, taking account of education, health, accommodation and psychological support, details of which can be accessed through Children and Families Across Borders (CFAB, www.cfab.uk.net). CFAB may also be able to assist with social work checks and assessments in the child's country of origin - see section 2c of the *Trafficked Children Toolkit* for more information and contact details.

Potential prosecution of traffickers

- 8.21 Whether an alleged trafficker is being prosecuted may be of relevance but the decision to identify a victim (either preliminary or conclusively) is not dependent on a conviction of the perpetrators, or on whether or not the victim cooperates in the criminal proceedings.
- 8.22 Decision makers need to be aware that all deliberations will be subject to rules of disclosure in any subsequent prosecution for trafficking. Where an individual is being treated by the police as a potential witness, regardless of whether they are likely to be found to be victims or not, case owners should ensure lines of communication with the Senior Investigating Officer are kept open. The decision of whether someone is a victim is for the Competent Authority to make, but

officers must be alert to the impact that the decision may have on the victim and other stakeholders in the criminal justice process.

9. Particularly vulnerable groups of children

9.1 Trafficked children who are looked after

A child who may be at risk from, or has been, trafficked, may be accommodated after initial information gathering (see [section 7.2.1](#)). In these circumstances, Specialist Children Services /Children's Social Care will care for the child as a looked after child. The child will have a care plan (which becomes the pathway plan when s/he turns 16 and s/he will be entitled to care leaving support) based on a thorough needs assessment outlining how the local authority proposes to meet their needs.

9.1.2 The assessment of needs to inform the care plan should cover the same dimensions of need as the assessment for any other looked after child. However in addition, for children who may have been trafficked, the assessment should include:

- Establishing relevant information about the child's background;
- Understanding the reasons the child has come to the UK; and
- Assessing the child's vulnerability to the continuing influence / control of his or her traffickers.

9.1.3 Responding to this information ensures that the care plan includes a risk assessment setting out how the local authority intends to safeguard the young person so that, as far as possible, they can be protected from any trafficker to minimise any risk of traffickers being able to re-involve a child in exploitative activities. This plan should include contingency plans to be followed if the young person goes missing.

9.1.4 Given the circumstances in which potentially trafficked young people present to local authorities it will be extremely important that any needs assessments and related risk assessments are sensitively managed. It should allow for the child's need to be in a safe place before any assessment takes place and for the possibility that they may not be able to disclose full information about their circumstances immediately as they, or their families, may have been intimidated by traffickers.

9.1.5 Therefore, it will be important that:

- The location of the child should not be divulged to any enquirers until they have been interviewed by a social worker and their identity and relationship / connection with the child established, if necessary with the help of police and immigration services.
- Foster carers / residential workers should be vigilant about anything unusual (e.g. waiting cars outside the premises and telephone enquiries). See the additional good practice guide in part three of the *Trafficked Children Toolkit* for more information.
- Specialist Children Services / Children's Social Care should continue to share information with the police. This information may emerge during the placement of a looked after child who may have been trafficked and concern potential crimes against the child, the risk to other children, or relevant immigration matters.

9.1.6 Where adults present in this country claim a family connection to the child, then the local authority should take steps to verify the relationship between the child and these adults and exercise due caution in case they are a trafficker or a relative colluding with trafficking or exploitation of the child.

- 9.1.7 Anyone approaching the local authority and claiming to be a potential carer, friend, member of the family etc, of the child, should be investigated by the local authority, the police and UKBA. Normal procedures for re-uniting a child with their family should be followed. Where a child may have been trafficked it will be necessary to ensure that a risk assessment takes place prior to reunification – establishing that the adult concerned is who they say they are and is able to keep the child safe and exercise responsibility for their care.
- 9.1.8 It is important that no assumptions are made about young people’s language skills and that assessments can call on the services of impartial translators with the necessary competences in responding to children.
- 9.1.9 Specialist Children Services if, responsible for the child, should try to identify, locate and make contact with the child’s parents in the country of origin, to seek their views¹². UKBA may be able to help with this¹³

9.2 Missing children¹⁴

- 9.2.1 Research from ECPAT and CEOP (see section 2c of the *Trafficked Children Toolkit* for more information and contact details for ECPAT and CEOP) suggests that significant numbers of children who are categorised as unaccompanied asylum seeking children have also been trafficked. Some of these children go missing (back into the care of the traffickers) before being properly identified as victims of trafficking. Such cases should be urgently reported to the police.
- 9.2.2 CEOP took on national responsibility for missing children on 1 July 2011. They work in partnership with Kent police, non-governmental organisations and the wider child protection community.
- 9.2.3 Kent Specialist Children Services and Medway Children’s Social Care should consider seriously the risk that a trafficked child is likely to go missing and take this into account in planning that child’s care in accordance with the Kent/ Medway Missing Children Procedures, and all placements should be given a copy of this guidance. A contingency plan could include contact details of agencies that should be notified if a potentially trafficked young person goes missing including the police and the UKBA. Where there are concerns that a trafficked child has been moved to elsewhere in the country away from their care placement, then it may be helpful to contact Missing People (see section 2c of the *Trafficked Children Toolkit* for more information and contact details for Missing People).
- 9.2.4 When the police receive the notification of a missing child they should follow their internal guidance: *The Management, Recording and Investigation of Missing Persons*.
- 9.2.5 The guidance sets out that:
- Every missing persons report should be assessed to identify the level of risk (high, medium or low) to the missing person;
 - The response should be appropriate to the level of risk;
 - The risk assessment should be continuously reviewed; and
 - Children who go missing from care are vulnerable and the level of risk does not diminish because of frequency of absence.

¹² See also the section on accessing information from abroad in the *Kent & Medway safeguarding Children Procedures 2011*

¹³ Information about who to contact can also be obtained via the Foreign and Commonwealth Office on 0207 008 1500

¹⁴ If a child does go missing, professionals should follow the Kent procedure for [Safeguarding children missing from care, home and education \(Kent Safeguarding Children Board, 2011\)](#).

- 9.2.6 Kent County Council and Medway Council each have appointed a designated manager with responsibility for monitoring missing from care incidents (based in the Safeguarding Children Unit, Kent and the Attendance Advisory Service, Medway), so that trends can be identified and action taken in conjunction with the relevant Safeguarding Children Board to respond to the problem. Trends will also be shared with the KSCB / MSCB. The designated manager has the potential to take an important strategic role in safeguarding children who may have been trafficked, identifying whether there are any particular patterns of children (such as unaccompanied asylum seeking children) going missing that could provide evidence suggesting that young people are being trafficked, which might be used by KCC and Medway Council to inform their analysis as to how they might better safeguard these children.
- 9.2.7 As it is recognised that children who go missing shortly after Asylum Screening Unit (ASU) screening may have been trafficked, immigration staff should follow an agreed process to inform the appropriate authorities.

10. Information sharing

- 10.1 Professionals in all agencies should be confident and competent in sharing information in line with the [Kent & Medway Safeguarding Children Procedures 2011](#).
- 10.2 Professionals should make all efforts to share information, where appropriate, with other professionals to avoid repetition for children.
- 10.3 Where a professional suspects that a child may have been trafficked and/or is at risk of being trafficked, discussing concerns with the child and his/her family or carer and seeking consent to share information will place the child at increased risk of significant harm. Consent should therefore not be sought.
- 10.4 Professionals should talk to their agency's nominated child protection adviser, if possible, and share information with (make a referral to) Specialist Children Services /Children's Social Care in line with [section 7. Children at risk of / or experiencing significant harm](#).
- 10.5 All agencies are empowered to share information without permission for the purpose of crime prevention under section 115 of the *Crime and Disorder Act 1998*.

11. Role of the Kent and Medway Safeguarding Children Boards

- 11.1 The objective of both the Kent and Medway Safeguarding Children Boards is to co-ordinate what is done by its members to safeguard and promote the welfare of children in the local area and to ensure the effectiveness of that work. This includes addressing trafficking as well as other forms of maltreatment. Both the KSCB and MSCB will identify a trafficking coordinator who can ensure a coordinated campaign of information sharing to support the safeguarding agenda between KCC, Police and the NRM Competent Authorities to ensure a full picture is provided on child NRM referrals and secure the best safeguarding outcome for the child.
- 11.2 **Mapping need:** KSCB and MSCB will consider whether children are being trafficked into or out of the County and, as appropriate, make action to address this an explicit part of the KSCB and MSCB business plans (which may in turn be part of the Joint Commissioning Plan).
- 11.3 **Promoting prevention:** KSCB and MSCB will maintain close links with community groups and have a strategy in place for promoting awareness within the local community of the possibility

that children are trafficked and exploited, and how to raise a concern. This may include public awareness work.

- 11.4 **This Guidance** is a means of supporting the professionals in all the agencies and the community in Kent and Medway, to identify and respond appropriately to safeguard children who are or are at risk of being trafficked.
- 11.5 Joint **KSCB & MSCB Trafficking and Sexual Exploitation Subgroup**: specifically to deal with trafficking issues
- 11.6 **Training**: KSCB & MSCB will also ensure that local training programmes cover trafficking issues as required, either as part of single agency safeguarding training or additionally as Multi-agency training by the Boards.

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