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# Safeguarding children who may have been trafficked

**Acknowledgement:** The Home Office and Department for Children, Schools and Families would like to thank the London Safeguarding Children Board, End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes (ECPAT UK), UNICEF and NSPCC for allowing the use of their information.

We also acknowledge the help provided by the following: the Department of Health, Manchester City Council, Paladin Team, UNICEF, Kent County Council, Barnardos, West Sussex County Council, London Borough of Croydon, Newcastle City Council, Welsh Assembly, Refugee Council, Crown Prosecution Service (CPS), Border and Immigration Agency (BIA), United Kingdom Human Trafficking Centre (UKHTC) and the Child Exploitation and Online Protection Centre (CEOP).

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# Foreword

The organised crime of child trafficking into the UK has become an issue of considerable concern to all professionals with responsibility for the care and protection of children. Many describe it as modern-day slavery, where victims are coerced, deceived or forced into the control of others who seek to profit from their exploitation and suffering. It is clear that all forms of trafficking children are an abuse. Moreover, everyone working or in contact with children and young people has a responsibility to take steps to make sure their welfare is safeguarded and promoted.

As more cases of child trafficking come to light, with some cases involving UK-born children being trafficked within the UK, it is essential that all professionals who come into contact with children who may have been trafficked are fully aware of the background to this activity and know how to apply the procedures for safeguarding children and to meet the needs of those who have been trafficked.

It is important that professionals working across social care, education, immigration, health and law enforcement develop an awareness and an ability to identify trafficked children. Many of these children are reluctant to disclose their plight either out of fear of reprisal or due to a misplaced loyalty to their trafficker.

This practice guidance outlines the reasons for child trafficking, the methods used by traffickers, the roles and functions of relevant agencies and how practitioners should follow procedures to ensure the safety and well-being of children who it is suspected have been trafficked.

We hope that it will not only help prevent those children who are being trafficked from suffering further harm, but will also contribute to preventing future generations of children from being trafficked.



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# 1 Introduction

- 1.1 On 23 March 2007 the Home Secretary, on behalf of the UK Government, signed the *Council of Europe Convention on Action Against Trafficking in Human Beings*. On the same day the Home Office published the *UK Action Plan on Tackling Human Trafficking*<sup>1</sup>. The Action Plan has a dedicated chapter on proposals to combat the abuse and exploitation of children by criminal human traffickers. One of the key commitments in the Action Plan was to provide targeted guidance to meet the particular needs of children who may have been trafficked. This document provides good practice guidance to all professionals and volunteers working or in contact with children.
- 1.2 This practice guidance is drawn up for use by agencies in England. Its audience is those agencies which are likely to encounter, or have referred to them, children and young people who have been trafficked including:
- county and unitary level local authorities;
  - district councils;
  - NHS bodies (Strategic Health Authorities, designated Special Health Authorities, Primary Care Trusts, NHS Trusts and NHS Foundation Trusts);
  - the police (including the British Transport Police);
  - probation and prison services (under the National Offender Management structure);
  - Youth Offending Teams;
  - Secure Training Centres; and
  - Connexions.
- 1.3 It is intended to help agencies and their staff safeguard and promote the welfare of children who may have been trafficked. It is supplementary to, and should be used in conjunction with, the Government's statutory guidance *Working Together to Safeguard Children*<sup>2</sup> (2006). All local procedures developed to safeguard trafficked children should be consistent with *Working Together to Safeguard Children* (2006).

1 <http://www.homeoffice.gov.uk/documents/human-traffick-action-plan>

2 *Working Together to Safeguard Children: A guide to interagency working to safeguard and promote the welfare of children* (HM Government 2006), <http://www.everychildmatters.gov.uk/resources-and-practice/IG00060/>

## 2 Definitions

- 2.1 The two most common terms used for the illegal movement of people – ‘smuggling’ and ‘trafficking’ – have very different meanings. In human smuggling, immigrants and asylum seekers pay people to help them enter the country illegally, after which there is no longer a relationship. Trafficked victims are coerced or deceived by the person arranging their relocation. On arrival in the country of destination, the trafficked victim is forced into exploitation by the trafficker or person into whose control they are delivered or sold.
- 2.2 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 of 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 sub-paragraph (a) of this article shall be irrelevant where any of the means set forth in sub-paragraph (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*
  - (d) *“Child” shall mean any person under eighteen years of age.*
- 2.3 Throughout this document a child is defined according to the Children Acts 1989 and 2004 as anyone who has not yet reached their 18th birthday. In this document, ‘children’ therefore means ‘children and young people’. As stated in *Working Together to Safeguard Children* (2006), even though a child is older than 16, this does not change his or her status or entitlement to services or protection under the Children Act 1989.
- 2.4 *The Palermo Protocol* establishes children as a special case. Any child transported for exploitative reasons is considered to be a trafficking victim, whether or not they have been forced or deceived. This is partly because it is not considered possible for children to give informed consent. Even when a child understands what has happened, they may still appear to submit willingly to what they believe to be the will of their parents or accompanying adults. It is important that these children are protected also.



# 3 The problem of child trafficking

## What evidence is there of child trafficking?

- 3.1 The trafficking of children is a clandestine activity and, therefore, it has been difficult to identify and record the number of trafficked children, although some data does exist. Recent research reported in *Missing Out*<sup>3</sup> (2007) by End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes (ECPAT UK) into missing children and data collected by the Child Exploitation and Online Protection Centre (CEOP) in its scoping report provides evidence of child trafficking into and within the UK.
- 3.2 The CEOP report, *A Scoping Project on Child Trafficking in the UK*<sup>4</sup> (2007), identified 330 children as potential trafficking cases when using the child trafficking profile developed by the London Safeguarding Children Board. The *UK Action Plan on Tackling Human Trafficking* (2007) describes how the United Kingdom Human Trafficking Centre<sup>5</sup> (UKHTC) will become the central focus for all intelligence and data collection of human trafficking.
- 3.3 During Operation Pentameter, a national, police led anti-trafficking operation in 2006 targeting off street sexual exploitation, officers found 12 child victims of trafficking who had been sexually exploited in the UK during the period of 21 February – 31 May 2006. At the time of publication, Pentameter 2 is underway. More child victims of sexual exploitation are being located and made safe during its operation.

## Why do people traffic children?

- 3.4 Most children are trafficked for financial gain. This can include payment from or to the child's parents. 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 gain. For example, these children may be used for:
- sexual exploitation;
  - domestic servitude;
  - sweatshop, restaurant and other catering work;
  - credit card fraud;
  - begging or pick pocketing or other forms of petty criminal activity;
  - agricultural labour, including tending plants in illegal cannabis farms;

3 [www.ecpat.org.uk/publications.html](http://www.ecpat.org.uk/publications.html)

4 [www.ceop.gov.uk/pdfs/child%20Trafficking%20Report%20June%202007.pdf](http://www.ceop.gov.uk/pdfs/child%20Trafficking%20Report%20June%202007.pdf)

5 [www.ukhtc.org](http://www.ukhtc.org)

- benefit fraud;
- drug mules, drug dealing or decoys for adult drug traffickers; and
- illegal intercountry adoption.

3.5 Younger children are sometimes trafficked to become beggars and thieves or for benefit fraud. Teenagers are often trafficked for domestic servitude or sexual exploitation.

## Why is trafficking possible?

3.6 Children may be trafficked from a number of different countries for a variety of different reasons. There are a number of factors in the country of origin which might make children vulnerable to being trafficked. The factors listed below are by no means a comprehensive list.

- **Poverty:** in general, this is the root cause of vulnerability to exploitation. The recruiter's promises of work or income are seen by families as a possible escape route from impoverished circumstances. At the very least a child's departure means one less mouth to feed.
- **Lack of education:** attendance at school has proved to be a key means of protecting children from all forms of exploitation, including trafficking. Traffickers promise education for children whose parents cannot afford to pay school fees, or where schools are difficult to access or are of poor quality.
- **Discrimination:** this can be based both on gender and ethnicity. In some cultures, girls are expected to make sacrifices in terms of their education and security for the benefit of the family. They represent less of an investment for the family because their contribution to the family will end when they leave to marry (in some cases marriage itself may be too expensive for the family). Many trafficking victims are from minority communities who are socially discriminated against and disadvantaged in their own country.
- **Cultural attitudes:** traditional cultural attitudes can mean that some children are more vulnerable to trafficking than others. In some cultures the rights of children are ignored and they are seen as commodities to be traded. In some countries it is the custom for children to work as domestic servants in households. It is, therefore, possible that a child is taken abroad by a relative, or someone claiming to be a relative, to work as a domestic servant. Sometimes the child, or the family of the child is promised an education and a better life.
- **Grooming:** children are sometimes trafficked out of their country of origin after having been groomed for purposes of exploitation.
- **Dysfunctional families:** children may choose to leave home as a result of domestic abuse and neglect, or they may be forced to leave home for a variety of reasons. They then become vulnerable to trafficking, particularly if they become destitute or homeless.
- **Political conflict and economic transition:** these often lead to movements of large numbers of people and the erosion of economic and social protection mechanisms, leaving children vulnerable.

- **Inadequate local laws and regulations:** trafficking involves many different events and processes, and legislation has been slow to keep pace. Most countries have legislation against exploitative child labour, but not all have laws specifically against trafficking. Even where there is appropriate legislation, enforcement is often hampered by lack of prioritisation, corruption and ignorance of the law.

3.7 It is also true that whilst there is demand for children in the UK, trafficking will continue to be a problem.

## How are children recruited and controlled?

- 3.8 There are three phases in the trafficking process: the recruitment phase, the transit phase and the destination phase. The traffickers might be part of a well organised criminal network, or they might be individuals involved in only one of the various stages of the operation, such as the provision of false documentation, transport, or places where the child's presence can be concealed.
- 3.9 Traffickers recruit their victims using a variety of methods. Some children are subject to coercion, which could take the form of abduction or kidnapping. However, most children are trapped in subversive ways. For example:
- 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.
- 3.10 Many children travel on false documents. Even those whose documents are genuine may not have access to them. One way that traffickers exert control over trafficked 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.
- 3.11 Even before they travel, children may be subjected to various forms of abuse and exploitation to ensure that the trafficker's control over the child continues after the child is transferred to someone else's care. Methods that are used include:
- confiscation of the child's identity documents;
  - threats of reporting the child to the authorities;
  - violence, or threats of violence, towards the child;
  - threats of violence towards members of the child's 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 for example into thinking that if they tell anyone about the traffickers, they and their families will die for example.

## How are children brought to the UK?

- 3.12 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.
- 3.13 Recent experience suggests that as checks have improved at the larger ports of entry such as Heathrow and Gatwick airports, traffickers are starting to use smaller ports, as well as other regional airports. Traffickers are also known to use the Eurostar rail service and ferries to UK sea ports.

## Accompanied children

- 3.14 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 parents or carers.
- 3.15 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.
- 3.16 To curb illegal migration and improve children's safeguards, new 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.
- 3.17 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

- 3.18 More is known about the groups of unaccompanied children as they often come to the notice of the Border and Immigration Agency (BIA). 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.
- 3.19 If the child is unaccompanied and not travelling to his or her customary care giver, or if there are some concerns over the legitimacy or suitability of the proposed arrangement for the child's care in the UK, they will be referred to local authority children's social care services by the BIA.
- 3.20 Some groups of children will avoid contact with authorities as 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.

- 3.21 It is suspected that significant numbers of children are referred to local authority 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.

## Internal Trafficking

- 3.22 There is increasing evidence that children (both of UK and other citizenship) are being trafficked internally within the UK. This guidance focuses mainly on trafficking from abroad, but many sections of this practice guidance and of *Working Together to Safeguard Children* (2006), *What to do if you're worried a child is being abused*<sup>6</sup> (2006) and *Safeguarding Children involved in Prostitution*<sup>7</sup> (2000 – currently being revised) will help practitioners and their managers who are concerned that a child may have been trafficked internally. The list of indicators in Chapter 7 should also help practitioners identify these children. Children may be trafficked internally for a variety of reasons, many of them similar to those outlined above.
- 3.23 There are documented cases of teenage girls, born in the UK, being targeted for internal trafficking between towns and cities for sexual exploitation. Such cases are highlighted by Coalition for the Removal of Pimping (CROP) in its paper, *Trafficking in Our Midst*<sup>8</sup> (Annual Review 2005/06). It describes how girls have been lured away from their families to perform sexual acts with groups of older men and threatened with violence if they refuse. The traffickers exerted strong control over the girls who had no means of communicating with family or friends and often had no idea where they were in the UK. The girls complied with the sexual demands to avoid being further assaulted or their family or friends threatened<sup>9</sup>.
- 3.24 The UKHTC is currently compiling evidence of such cases and this will help to build a better understanding of the nature and spread of internal trafficking of children across the UK. Whilst evidence so far relates to girls, there may be cases of boys being trafficked within the UK.

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

- 3.25 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.

6 <http://www.everychildmatters.gov.uk/search/IG00182>

7 [www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH\\_4006037](http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_4006037)

8 <http://www.crop1.org.uk/>

9 More information about CROP and their research is available at their website: <http://www.crop1.org.uk/>

## Physical abuse

3.26 This can include:

- beatings;
- being subdued with drugs, on which victims then become dependent, thus becoming trapped within the cycle of exploitation;
- alcohol addictions; and
- physical disorders such as skin diseases, migraine, backache.

3.27 Some forms of harm might be linked to a belief in spirit possession. *Safeguarding Children from Abuse Linked to a Belief in Spirit Possession*<sup>10</sup> (2007) is intended to help practitioners and their managers address the particular needs of children abused or neglected because of a belief in spirit possession.

## Emotional and psychological abuse

3.28 Some kind of emotional abuse is involved in all types of maltreatment of a child, including trafficking.

3.29 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; and
- isolated from the local community in the UK by being kept away from school and because they cannot speak English.

3.30 They may:

- 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 believe that the experience has ruined them for life psychologically and socially. 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.

3.31 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;

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10 <http://www.everychildmatters.gov.uk/search/IG00220/>

- dependent relationships with their abusers;
- flashbacks, nightmares, anxiety attacks, irritability and other symptoms of stress, such as nervous breakdowns;
- 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.

## Sexual abuse

3.32 Children who have been trafficked 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 health.

## Neglect

3.33 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.

# 4 Role of Local Safeguarding Children Boards

- 4.1 The objective of Local Safeguarding Children Boards (LSCBs) is to co-ordinate what is done by their members to safeguard and promote the welfare of children in the local area and to ensure the effectiveness of that work. That includes addressing trafficking as well as other forms of maltreatment.
- 4.2 LSCBs will need to consider whether they should have inter-agency strategies and protocols in place for the early identification and notification to the relevant agencies of potential trafficking victims. LSCBs should maintain close links with community groups and have a strategy in place for raising 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. They may publicise sources of help for victims.
- 4.3 LSCBs should work with a range of agencies to deliver preventative measures and consider trafficking as part of the local needs assessment, where necessary making action to address this an explicit part of the LSCB business plan (which may in turn be part of the Children and Young People's Plan). LSCBs may establish a sub-group specifically to deal with trafficking issues.
- 4.4 LSCBs should also ensure that local training programmes for practitioners and other professionals cover trafficking issues as required, either as part of safeguarding training or as additional training. It should ensure that professionals can access advice on dealing with cases of trafficked children.
- 4.5 The local police force can work with other LSCB partners to build better local responses to the identification of trafficked children by using risk profiles, as well as helping to determine their welfare needs and future protection requirements.

## Development of local protocols

- 4.6 LSCBs should develop inter-agency protocols to guide action where there are concerns that a child has been trafficked, including sharing concerns about a child's safety and the recording of cases. The protocols can be part of, and in any case should be consistent with, wider LSCB policies and procedures for safeguarding and promoting the welfare of children; with procedures for working with children in need; and, with relevant aspects of youth offending protocols. The identification of a child who has been trafficked, or is at risk of being trafficked, should always trigger the agreed local procedures to ensure the child's safety and welfare, and to enable the police to gather evidence about abusers and coercers.



# 5 Role of specific agencies and services

- 5.1 Safeguarding and promoting the welfare of children depends on effective joint working between agencies and professionals that have different roles and types of expertise. In the case of trafficked children it is particularly important that links are established between statutory agencies and the voluntary and community sectors.

## All agencies

- 5.2 It is the responsibility of all those who work or are in contact with children to safeguard and promote their welfare. This includes trafficked children. The statutory duties of a range of statutory bodies and persons are explained in the Government's guidance *Making arrangements to safeguard and promote the welfare of children under section 11 of the Children Act 2004*<sup>11</sup> (2007) and *Safeguarding Children and Safer Recruitment in Education*<sup>12</sup> (2006).
- 5.3 Wherever staff or volunteers in an agency come into contact with a child who has arrived unaccompanied into the country and is not in contact with local authority children's social care, or a child who is accompanied, but for whom they have concerns regarding their safety or welfare, they should consult and follow the guidance set out in Chapter Five of *Working Together to Safeguard Children* (2006). This guidance should be followed by all practitioners and their managers.

## Local authority children's social care

- 5.4 Local authorities have a general duty to safeguard and promote the welfare of all children in need in their area, regardless of their immigration status. They also have responsibilities for unaccompanied children, as well as those who arrive in the UK with their parents and for whom there are concerns regarding their safety and welfare.
- 5.5 Where a child has been referred to the local authority because of trafficking concerns children's social care should decide within 24 hours whether to undertake an initial assessment to determine whether the child is a child in need and, where appropriate, following a strategic discussion, initiate a section 47 enquiry (*Children Act 1989*). All practitioners should comply with the processes as set out in Chapter Five of *Working Together to Safeguard Children* (2006).

11 <http://www.everychildmatters.gov.uk/resources-and-practice/IG00042/>

12 <http://publications.teachernet.gov.uk/default.aspx?PageFunction=productdetails&PageMode=spectrum&ProductId=DFES-04217-2006&>

13 NRUC is a partnership project involving the Home Office, DCSF, London Councils, the London Asylum Seekers Consortium, the Association of Directors of Children's Services (ADCS) and local authorities. The UK Action Plan on Tackling Human Trafficking explains the aim to use NRUC for tracking child trafficking cases.

- 5.6 The National Register of Unaccompanied Children<sup>13</sup> (NRUC) contains information on all unaccompanied asylum seeking children supported by local authorities in England and approved staff have access to it. Its purpose is to hold and share information between children's social care and Government departments, including the BIA.

## Local authority asylum teams

- 5.7 Many, but not all, local authorities have asylum teams who have responsibility for families, single adults and unaccompanied young people for whom there are no concerns in addition to their migrant status. Where there are specialist asylum teams, there should be a locally agreed joint protocol with other children's social care teams and relevant agencies. Some local authorities offer services to children seeking asylum within their mainstream children's social care teams.

## Local authority children missing education teams

- 5.8 In England local authorities have a statutory duty to identify children missing from education (*Statutory Guidance for local authorities in England to identify children not receiving education*<sup>14</sup> (2007)). The named contact or team responsible for identifying children missing from education should be aware of the issue of trafficking as they may encounter children who may have been trafficked. Where they have concerns about children who may have been trafficked, they should contact their social care colleagues or the police immediately following the same procedures used for all children.

## Education services

- 5.9 Children trafficked into the country may be registered at a school for a term or longer, before being moved to another part of the UK or abroad. This pattern of registration and de-registration may be an indicator that a child has been trafficked. It has been identified as a particular concern in schools which are situated near ports of entry, but practitioners should be alert to this possibility in all schools. However, practitioners should always bear in mind that not all children who go missing from education have been victims of trafficking. For example, there may be instances of children from communities that move around – Gypsy, Roma, traveller or migrant families – who collectively go missing from school.
- 5.10 If a member of the school staff suspects that a child may have been trafficked they should act immediately to inform the senior member of staff with designated responsibility for child protection and ensure that police or local authority children's social care are contacted immediately.

## Health services

- 5.11 Trafficked children may be seen at the full range of health settings – Accident & Emergency services, Walk-in Centres, minor injury units, Genito-Urinary Medicine (GUM) clinics, sexual health services, community contraceptive services, GPs, primary care trusts and by school nurses. Practitioners should be alert to potential signs of abuse and trafficking including

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<sup>14</sup> <http://www.everychildmatters.gov.uk/ete/childrenmissingeducation/>

inconsistencies in addresses, any deliberate vagueness with children or carers being unable to give details of next of kin, names, telephone numbers or other personal details.

- 5.12 When children or their carers give addresses in other countries, stating that the child is resident outside of the UK, reception staff should always record the current holiday address as well as their home address abroad. Staff should be alert to local holiday addresses, in case patterns emerge that suggest large numbers of children are moving in and out of the same address.
- 5.13 Health visitors and senior nurses who may follow up visits to Accident & Emergency and Walk-in Centres and doctors who provide statutory health checks and reviews on looked after children, should also be alert to child trafficking concerns.
- 5.14 More details relating to the role of health services in safeguarding and promoting the welfare of children can be found in *Working Together to Safeguard Children* (2006). The Department of Health will be publishing national service guidelines on identifying and responding to the needs of child victims of sexual exploitation, under the *Victims of Violence and Abuse Prevention Programme* (scheduled for publication in Spring 2008).

## Youth offending teams

- 5.15 Staff working in Youth Offending Teams (YOTs) may encounter children from abroad or others who have been trafficked. Children who have been trafficked may be reluctant to disclose the circumstances of their exploitation or arrival into the UK for fear of reprisals by the trafficker, owner or pimp or out of misplaced loyalty to them. There are cases when trafficked children have been charged with criminal offences, for example when involved in cannabis farms or pick-pocketing.
- 5.16 This reluctance to disclose the real circumstances in which the child arrives into the country will have implications for a number of youth criminal justice processes. Parenting and carer assessments may be difficult as adults presenting as carers may be implicated in the trafficking process and would not be acting in the best interests of the child. In addition, age verification processes may have to be put in place.
- 5.17 If a YOT practitioner suspects a child may have been trafficked, safeguarding procedures should be followed immediately, and the local authority children's social care and police should be contacted.

## Police

- 5.18 Under section 46 of the Children Act 1989, when the police are concerned that unless they take action the child is likely to suffer significant harm, they may use their powers to either remove a child to a safe place or prevent the child's removal from a safe place, for example a hospital. There are a number of specialist teams, which are separate from the child abuse investigation teams, in police services across the UK that have expertise in dealing with trafficking cases. There are also joint intelligence teams in key locations across the country comprising immigration, police and other agencies which help to identify child protection concerns. Police services should take all necessary steps to ensure that children at risk of being trafficked do not fall through the gap between operational teams.

- 5.19 In addition to having child abuse investigation teams, the Metropolitan Police Service leads an integrated team called Paladin. This is made up of police, immigration officers and social workers who specialise in safeguarding children issues. They are based at Heathrow Airport and Croydon: Paladin also operates at the Eurostar terminal in London.
- 5.20 The Paladin team provides a limited service to the BIA Asylum Screening Units (ASUs) in Croydon. It undertakes proactive and preventative initiatives against the trafficking of children. The team also investigates specific trafficking and migration offences, as well as providing an advisory service to child abuse investigation teams on child trafficking issues.
- 5.21 It is important that officers investigating offences committed by children who may have been trafficked are able to recognise and identify such cases. The child's welfare needs and safety should be taken into account and appropriate safeguarding processes should be followed. A designated police officer will act as a single point of contact for considering any issue related to child trafficking. The Association of Chief Police Officers<sup>15</sup> (ACPO) has issued guidance to all police services to this effect. An overview of trafficking into the UK and ways of preventing it is available on the Home Office crime reduction website<sup>16</sup>.

## Crown Prosecution Service (CPS)

- 5.22 The Code for Crown Prosecutors<sup>17</sup> issued by the CPS gives policy guidance on prosecuting cases involving children and young people as victims and witnesses of crime and, in appropriate circumstances, as defendants. It sets out CPS policy to guide prosecutors in ensuring that when they are dealing with cases involving children, the child is given appropriate support and there is consideration as to what is best for the child if a criminal prosecution proceeds.
- 5.23 There are specific provisions in the Code to ensure that young people are not inappropriately criminalised. Paragraphs 8.8 and 8.9 of the Code require the Crown prosecutor to consider the interests of a child or youth when deciding whether it is in the public interest to prosecute. Cases involving children are usually only referred to the CPS for prosecution if the child has already received a reprimand and final warning. Reprimands and final warnings are intended to prevent re-offending.
- 5.24 The use of a child in a criminal enterprise is a form of child abuse. A child who is forced into prostitution will be treated by the CPS as an abused child and a victim who needs help rather than as a defendant. Practitioners should refer to *Safeguarding children involved in prostitution* (2000, currently being revised). The same consideration will be given to those who are coerced into committing crimes or used by adults to commit offences. CPS will prosecute people who organise prostitution and who benefit financially from abusing children.
- 5.25 More detailed guidance to prosecutors expands on these provisions. In cases where there is evidence that a young person has committed an offence whilst in a coerced situation, for example when they have been trafficked, the prosecutor will have to consider whether or not the coercion amounts to a defence of duress. Where it does not amount to a defence and there is sufficient evidence for a prosecution, the prosecutor will consider the

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15 [www.acpo.police.uk](http://www.acpo.police.uk)

16 [www.crimereduction.gov.uk/toolkits/tp01.htm](http://www.crimereduction.gov.uk/toolkits/tp01.htm)

17 [www.cps.gov.uk/victims\\_witnesses/code.html/](http://www.cps.gov.uk/victims_witnesses/code.html/)

circumstances of the young person when deciding whether or not it is in the public interest to bring a prosecution.

## Border and Immigration Agency (BIA)

- 5.26 The BIA is a new executive agency of the Home Office which has assumed responsibility for managing immigration control in the UK. It may be the first official agency to have contact with child victims of trafficking. Its interventions may be triggered by the particular circumstances of the case or by international intelligence about trafficking. BIA is likely to be a source of referrals to child welfare agencies.
- 5.27 The immigration officer's role, alongside considering the eligibility of the child for entry into the UK, is to be alert to the need to keep children safe from harm. They should ensure that immigration processes and decisions made in respect of children take into account their individual situation, views and welfare.
- 5.28 When working with children, officers should operate in accordance with BIA guidance which is adapted from *Working Together to Safeguard Children* (2006). When an interview is considered necessary, every care should be taken to conduct it in the light of the child's circumstances and understanding. In most circumstances the interview will be conducted by a specially trained officer with knowledge of child protection issues.
- 5.29 It is important for all agencies concerned with protecting children who have been trafficked to develop good working arrangements with the BIA. In addition, it is important that the BIA establishes good contacts with local authority children's social care services and, where appropriate, takes part in LSCBs.
- 5.30 Immigration officers identify children from abroad who may be at risk of being trafficked. Children who, irrespective of their immigration status, are believed to be at risk of harm, are referred to agencies with statutory responsibilities for safeguarding children's welfare, primarily the local authority children's social care and/or the local police. Records for these children exist both within BIA and with the receiving agency. In addition, when a child is interviewed every effort is made to identify sponsors and others who come to collect the child to ensure that they are legitimately able to do so, and that they do not pose a threat to the child's safety and welfare.
- 5.31 Applications for immigration status made on behalf of children may give rise to concerns that they are victims of trafficking. BIA caseworkers will not only be a source of referral to children's social care or the police but may assist with developing child protection and care plans.
- 5.32 The UK Borders Act 2007 refers to Keeping Children Safe from Harm a code of practice which BIA officials are required to have regard to when dealing with any child identified as being at risk of harm at a port of entry into the UK.

## 6 Support services

### UK Human Trafficking Centre (UKHTC)

- 6.1 The UKHTC<sup>18</sup> was established in October 2006, following a proposal from ACPO. It is made up of staff from various disciplines bringing a multi-agency approach to the Centre's response to trafficking both into and within the UK.
- 6.2 It aims to improve and co-ordinate the law enforcement response to human trafficking, working closely with its partners in delivering a diverse set of programmes. A number of these will be targeted campaigns on preventing and reducing human trafficking and improving knowledge and understanding of the problem through best practice and training. A key element in the Centre's approach to preventing and reducing human trafficking is to ensure that victims are adequately safeguarded and protected from harm.

### Child Exploitation and Online Protection Centre (CEOP)

- 6.3 The Government established CEOP<sup>19</sup> in April 2006 to protect children from sexual exploitation originating from the internet. It adopts a child-centred approach to all areas of its business and has a dedicated child trafficking unit. CEOP works closely with the Serious Organised Crime Agency (SOCA), ACPO, the UKHTC and relevant statutory and non-statutory stakeholders on all issues relating to child trafficking.
- 6.4 CEOP will assess annually the nature and scale of child trafficking. This information will inform the development of policing policy, good practice and training requirements. The involvement of a BIA staff member seconded to CEOP will ensure that immigration issues relating to trafficked victims will be appropriately responded to by CEOP.
- 6.5 Part of the work of the child trafficking unit within CEOP will be to draw on examples of best practice to develop guidance for law enforcement around the identification of victims of child trafficking. Once developed this guidance will be available on the ACPO and/or CEOP websites.

### NSPCC Child Trafficking Advice and Information Line (0800 107 7057)

- 6.6 The Home Office, in partnership with NSPCC, ECPAT UK, CEOP and Comic Relief, launched the NSPCC Child Trafficking Advice and Information Line for staff on 8 October 2007. This is in response to an extensive consultation exercise which highlighted issues when identifying children and young people who may have been trafficked and the challenge to deliver an appropriate welfare approach. It offers direct assistance to professionals in statutory and non-statutory services responsible for children who show signs of having been trafficked and will offer advice on how their needs can be addressed. It also offers guidance by telephone and a case consultancy service by appointment.

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<sup>18</sup> [www.ukhtc.org](http://www.ukhtc.org)

<sup>19</sup> [www.ceop.gov.uk](http://www.ceop.gov.uk)

- 6.7 The advice line is a conduit for professionals to discuss issues and possible actions about any children who may have been trafficked or who still are being trafficked. The line supports referrals to other agencies and charities where a particular issue could be resolved by them. The service will work closely with a range of other agencies and experts on child trafficking through an advisory group in order to ensure that the advice given is up to date, relevant and useful. Trafficked children will be involved in the design and delivery of this and other connected services. Over time the service will build a knowledge base which will inform service delivery development and permit the sharing of good practice and intelligence with CEOP and the UKHTC.

## Refugee Council Children's Panel

- 6.8 The Refugee Council<sup>20</sup> Children's Panel comprises over 35 advisers who travel all over the country to support unaccompanied asylum-seeking children. The Panel offers support to children who:
- have applied for asylum on entering the UK;
  - have lived in the UK for some time before applying for asylum;
  - are abandoned by relatives, agents or friends;
  - have been picked up by the police;
  - are in detention centres or prisons; or
  - are living on the streets or are already in the care of the local authority, carers or community groups.
- 6.9 The support provided by the advisers includes:
- assisting children in accessing legal representation;
  - guiding children through the asylum procedures;
  - if necessary, accompanying children to asylum interviews, tribunal and appeal hearings, magistrates and crown court appointments;
  - building up a support network for children involving a range of statutory and non-statutory service providers; and
  - accompanying children to appointments with GPs, hospitals, local authority children's social care or other agencies.
- 6.10 The Panel also offers support to children at a drop-in advice service where they can get good quality meals, showers, second-hand clothes and help with tracing missing relatives. The nature of the work of the Children's Panel is such that they may well gather information which enables them to identify and refer children who are trafficked.

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<sup>20</sup> [www.refugeecouncil.org.uk/howwehelp/directly/children](http://www.refugeecouncil.org.uk/howwehelp/directly/children)

## Community groups, including faith groups, and the voluntary sector

- 6.11 Community groups, faith groups and voluntary organisations play an important role in identifying children who may have been trafficked. Through their reach into local communities, and their extensive knowledge and experience in working in different ways with the most vulnerable children and young people, these organisations may well be best placed to reach children who may have been trafficked. It is important that good working relationships are developed between these organisations and the statutory agencies working to safeguard and promote the welfare of children and young people.
- 6.12 These bodies can be trusted organisations in minority communities that may not have a high degree of trust in state sector organisations. They have access to faith and community leaders in hard to reach communities, locally and nationally. This means they have an important role to play in conveying strong messages about the need to protect children within their communities. They may help mediate and build confidence where an individual feels that a child is in trouble or may have been trafficked but does not know what to do for the best.
- 6.13 Building the confidence of local faith leaders to believe that the right thing will be done by the local authority, and making use of their moral leadership role, may build the confidence of the wider minority community. With established organisational and communication networks these groups can play an important role in raising public awareness of the issues around child trafficking.
- 6.14 The NSPCC is the only voluntary organisation authorised to initiate proceedings to protect children under the Children Act 1989, but other voluntary and community organisations often play a key role in safeguarding children. They need to work effectively with LSCBs and should make their paid and voluntary staff aware of their responsibilities for safeguarding and promoting the welfare of children, and how they should respond to child protection concerns in line with *Working Together to Safeguard Children* (2006) and with the guidance contained in this document.
- 6.15 Community groups, faith groups and voluntary organisations may be the first to come into contact with a trafficked child. Protecting them and promoting their welfare depends on the awareness and co-operation of community groups, neighbours and the public. Where such concerns exist, these should be brought to the attention of the local authority or the police. Contact details for voluntary sector organisations that have specific experience of child trafficking can be found in Appendix 4.



# 7 Action for services

- 7.1 The purpose of this section is to highlight issues additional to the processes for managing individual children outlined in Chapter Five of *Working Together to Safeguard Children* (2006) and in *What to do if you're worried a child is being abused* (2006). Under the Children Act 1989, local authorities, the police and the NSPCC have powers to safeguard and promote the welfare of any child in England and Wales. Appendix 2 of this guidance sets out what practitioners and volunteers in the different agencies should do when they suspect that a child may have been or is being trafficked.

## Identifying trafficked children

- 7.2 All ports of entry in the UK are potential channels for trafficking children. Identifying trafficked children at these ports of entry is likely to be difficult as they may not be showing obvious signs of distress. At this stage the children are unlikely to see themselves as being at risk of harm from the trafficker. 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.
- 7.3 The ports' intelligence units have developed a profile of trafficked children to assist immigration officers (see the on-line trafficking toolkit<sup>21</sup>). Other resources readily available to all staff include the location of Paladin-type teams, and the local BIA.
- 7.4 Child victims may be discovered in routine police operations to detect and disrupt trafficking networks both in the UK and abroad. And anyone who works with children may come into contact with a victim of trafficking.
- 7.5 All practitioners who come into contact with children and young people in their everyday work need to be able to recognise children who have been trafficked, and be competent to act to support and protect these children from harm. Practitioners may have to act on and respond to cases where they suspect a child might have been trafficked. They should follow the practice guidance set out below, which is in accordance with *Working Together to Safeguard Children* (2006). Additionally, the NSPCC Child Trafficking Advice and Information Line<sup>22</sup> can provide advice to any practitioner concerned about safeguarding a child who may have been trafficked.
- 7.6 The nationality or immigration status of the child does not affect agencies' statutory responsibilities under the 1989 or 2004 Children Acts. These issues should be addressed in discussion with the BIA **only when** the child's need for protection from harm has been addressed and should not hold up action to protect the child from harm.

21 <http://www.crimereduction.gov.uk/toolkits/>

22 0800 107 7057

- 7.7 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 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.

## Possible indicators that a child may have been trafficked

- 7.8 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

7.9 *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;
- 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.

7.10 *The sponsor:*

- has 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.

### Whilst resident in the UK

7.11 *The child:*

- does not appear to have money but does have a mobile phone;
- receives unexplained/unidentified phone calls whilst in placement/temporary accommodation;

- possesses money and goods not accounted for;
- exhibits self assurance, maturity and self-confidence not expected to be seen in a child of such age;
- has a prepared story very similar to those that other children have given;
- 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 malnourished;
- 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 a large part of their earnings by another person; and/or
- is excessively afraid of being deported.

## Children internally trafficked within the UK

### 7.12 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;
- Reports that 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 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;
- Missing for long periods, with no known base;
- Placement breakdown;
- Pattern of street homelessness;
- Possession of large amounts of money with no plausible explanation;
- Acquisition of expensive clothes, mobile phones or other possessions without plausible explanation;
- 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.

7.13 The indicators above should not be read as a definitive list and practitioners 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. The final set of indicators are applicable to both cases of sexual exploitation and internal trafficking.

7.14 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.

## Action to safeguard and promote the welfare of trafficked children

- 7.15 Any agency or individual practitioner<sup>23</sup> or volunteer who has a concern regarding the possible trafficking of a child should follow the guidance set out in *Working Together to Safeguard Children* (2006) and *What to do if you're worried a child is being abused* (2006). If they suspect a child may have been trafficked they should immediately contact the local authority children's social care or local police for the area in which the child is currently residing. They may also contact the NSPCC Child Trafficking Advice and Information Line for advice.
- 7.16 The local arrangements for safeguarding and promoting the welfare of trafficked children should be consistent with the approaches used for safeguarding and promoting the welfare of all children. The charts on pages 33–37 set out the process to be followed for individual children.
- 7.17 Immigration staff who are concerned that a child may have been trafficked should act quickly, following the BIA guidance<sup>24</sup> (which is based on *Working Together to Safeguard Children*). Staff should contact the police based in a child abuse investigation unit (CAIU) or the local authority children's social care by telephone. Trafficked children may go missing shortly after asylum screening and, therefore, they should confirm the referral to children's social care in writing within 48 hours. It may be in the child's best interests to fax the referral rather than post it. Immigration staff should act promptly, following the agreed protocol at all times.

### Referral

- 7.18 When a professional, or another person, contacts the local authority children's social care with concerns about whether a child may have been trafficked, the local authority should decide on a course of action within 24 hours (see flow chart 1 on page 33). 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).
- 7.19 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 request that they put their concerns in writing to ensure an accurate and clear audit trail is maintained. See paragraphs 5.17 – 5.36 in *Working Together to Safeguard Children* (2006)

### Initial assessment

- 7.20 An initial assessment of the child's needs and circumstances should address, on the basis of the available evidence, whether there are concerns about the child's safety and welfare (see chart 2 on page 34). If further action is necessary, decisions are required on whether a

23 BIA immigration officers will be required to follow the BIA Code of Practice – "Keeping Children Safe From Harm", once it is published.

24 <http://www.ind.homeoffice.gov.uk/documents/oemsectiond/Chapter42trafficking.pdf?view=Binary>

strategy discussion should be convened and what services should be made available to meet the child's needs. See paragraphs 5.37 – 5.47 in *Working Together to Safeguard Children* (2006).

## Immediate protection

- 7.21 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<sup>25</sup> should act quickly to secure the immediate safety of the child (see flow chart 3 on page 35). 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 following the making of an emergency protection order (EPO). The police also have powers to remove a child, but these powers should 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.
- 7.22 Emergency action addresses only the immediate circumstances of the child(ren). It should be followed quickly by section 47 enquiries. The agencies primarily involved with the child and family should then assess the needs and circumstances of the child and family, and agree action to safeguard and promote the welfare of the child in the longer term. Where an emergency protection order applies, local authority children's social care must consider quickly whether to initiate care or other proceedings, or to let the order lapse and the child return home or to their carer. Use of intelligence from the port of entry may help local authority children's social care in pursuing further enquiries about the child. See paragraphs 5.48 – 5.156 in *Working Together to Safeguard Children* (2006).

## Specific action during an initial assessment

- 7.23 The initial assessment should be led by a qualified and experienced social worker. It should be carefully planned, with clarity about who is doing what, as well as when and what information is to be shared with the parents. The planning process and decisions about the timing of the different assessment activities should be undertaken in collaboration with all those involved with the child and family. The process of initial assessment should involve:
- seeing and speaking to the child (according to their age and understanding) and family members as appropriate
  - drawing together and analysing available information from a range of sources (including existing records); and
  - involving and obtaining relevant information from professionals and others in contact with the child and family.
- 7.24 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, LA 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

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25 Agencies with statutory child protection powers are the local authority, the police and the NSPCC.

based in London (see the London Diplomatic List (The Stationery Office), ISBN 0 11 591772 1 or the FCO website [www.fco.gov.uk](http://www.fco.gov.uk)).

- 7.25 During the initial assessment, a 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.
- 7.26 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.
- 7.27 Immigration staff will be able to provide a clear explanation of the immigration process, different forms of documents and leave to enter the UK and an opinion on the validity of a document.
- 7.28 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 BIA should be informed so that they can co-ordinate the immigration processes with the child's protection plan.

### Decision to interview as part of section 47 enquiries

- 7.29 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 (see flow chart 4 page 36) and then whether to conduct a joint interview with the child and if necessary, with the family or carers (under no circumstances should the child and their family members or carers be interviewed together). These could involve the CAIU, the BIA and the local police. It may be helpful to involve immigration officials in this decision making as outstanding immigration concerns may need resolving.
- 7.30 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.
- 7.31 Where it is decided that the family should be visited and interviewed, standard social work practice should be followed. The child should be seen alone, preferably in a safe environment. The social worker should ensure that the carers are not in proximity. Children

will usually stick to their account and not speak until they feel comfortable. Professional interpreters, who have been approved and CRB checked, 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. Every child should be given ample opportunity to disclose any worries away from the presence of the sponsor.

7.32 The interview should focus on the following areas:

- family composition, brothers, sisters, ages;
- parents' employment;
- tasks done around the house;
- length of time in this country;
- 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.

7.33 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.

7.34 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 the child may have been trafficked.

7.35 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.

7.36 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.

7.37 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.

7.38 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

7.39 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.

7.40 They will also need:

- practitioners 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 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 for an interim care order.

7.41 Practitioners should:

- consider interviewing children in school as they may feel more able to talk;
- consider talking to children and young people 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.

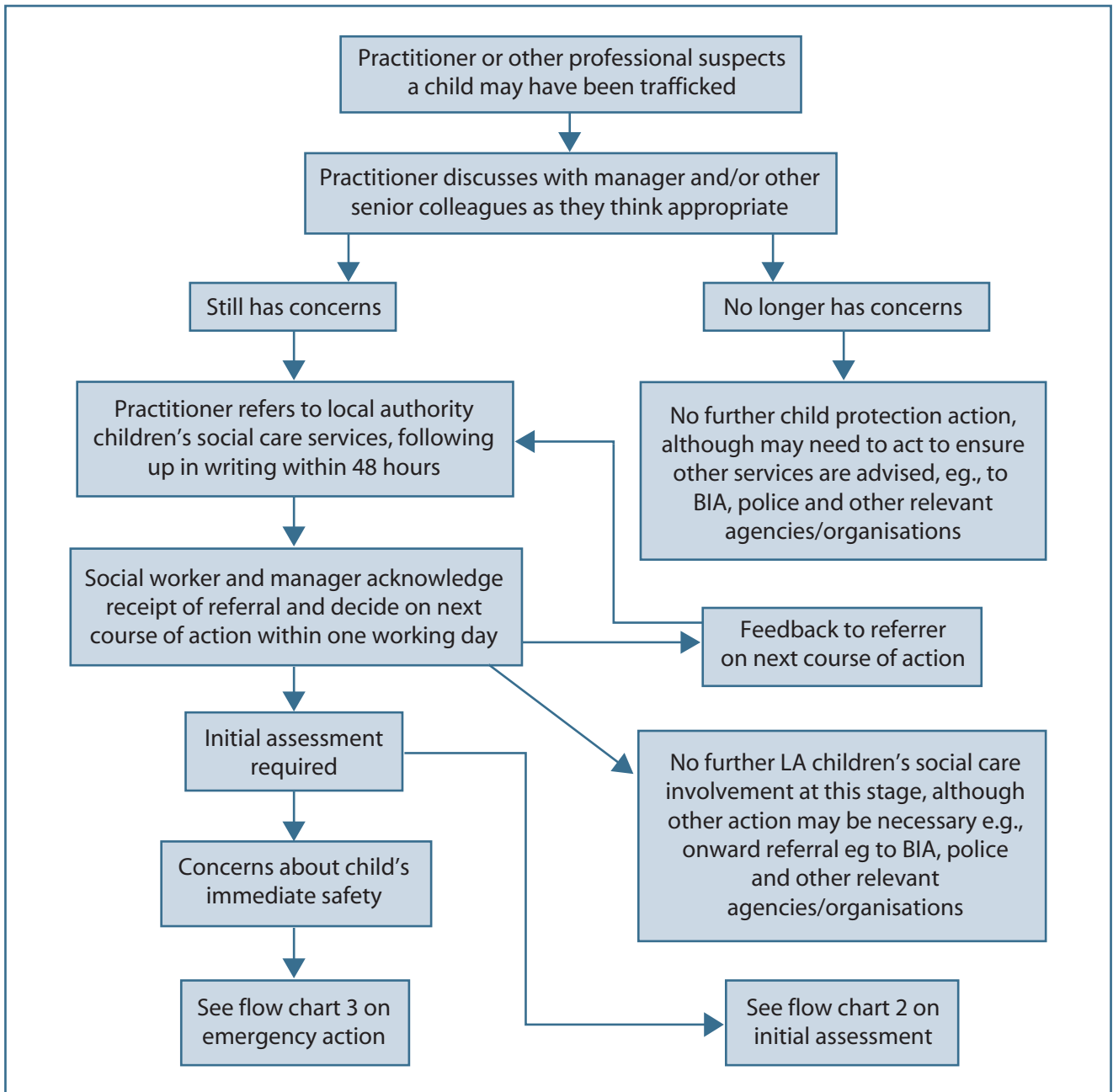
## Supporting child witnesses

7.42 Assessing the willingness and capacity of a child victim to testify in court against a trafficker is complicated. This also applies to the process of gathering information that might support care proceedings. Like victims of domestic abuse, the child usually fears reprisal from the traffickers and/or the adults with whom he or she was living in the UK if they co-operate with children's social care or the police. 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. 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

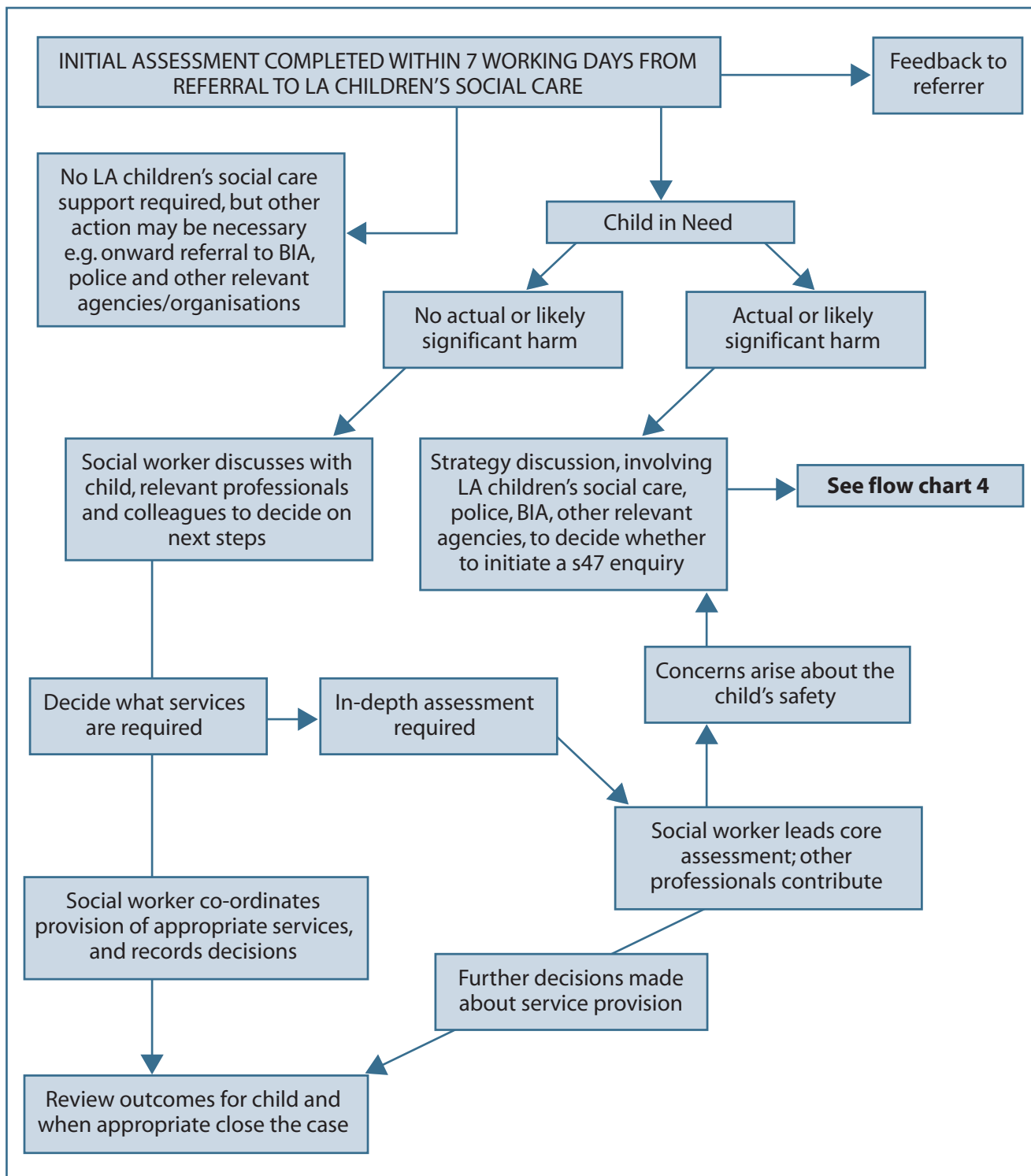
- 7.43 In many cases, and with advice from their lawyers, trafficked children apply to the BIA for asylum or for humanitarian protection. This is often because of the high risk they face of coming to harm if they are forced to return to their countries of origin. All such claims must be carefully considered. 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 to gather information about the child's family, community and general conditions in the country of origin.
- 7.44 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 cooperation between the BIA and the child's social worker.
- 7.45 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 voluntary return schemes (which are always the preferred way of carrying out any return to the child's country of origin).

**FLOW CHART 1 – REFERRAL\***



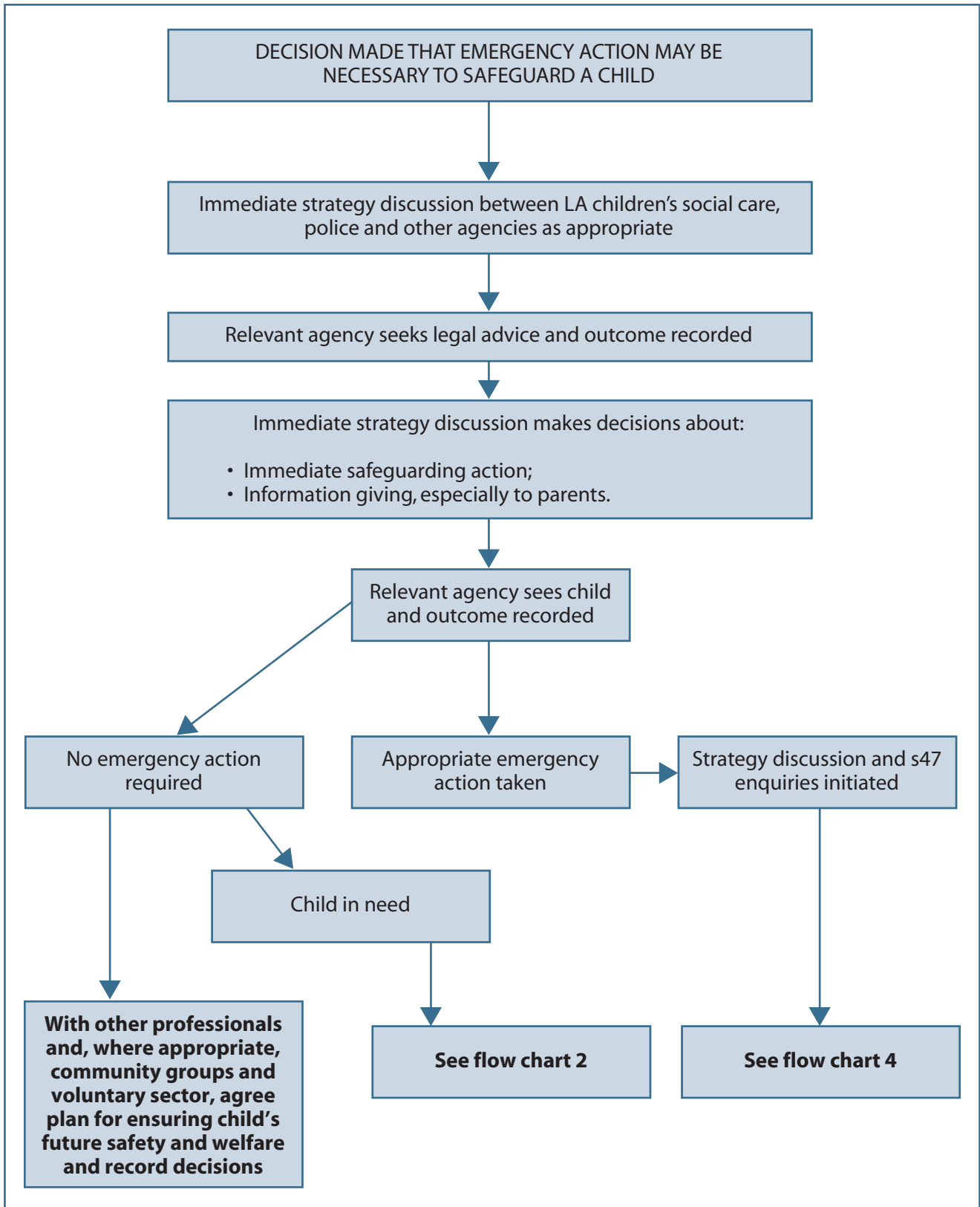
\* At no stage should the adult purporting to be the child's parent, sponsor or carer be present at interviews with the child, or at meetings to discuss future actions.

**FLOW CHART 2 – WHAT HAPPENS FOLLOWING INITIAL ASSESSMENT?\***



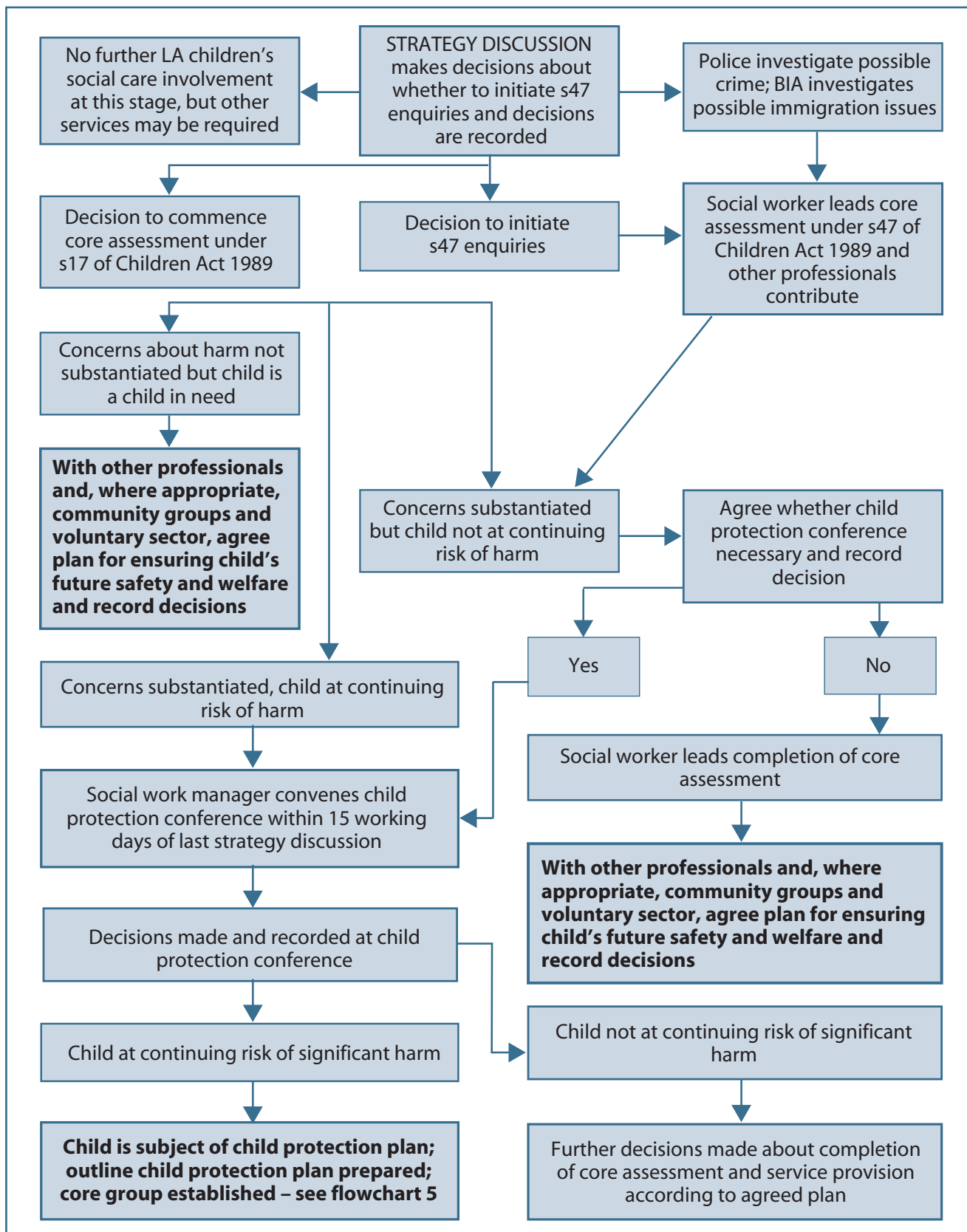
\* At no stage should the adult purporting to be the child’s parent, sponsor or carer be present at interviews with the child, or at meetings to discuss future actions.

**FLOW CHART 3 – URGENT ACTION TO SAFEGUARD CHILDREN WHO MAY HAVE BEEN TRAFFICKED\***



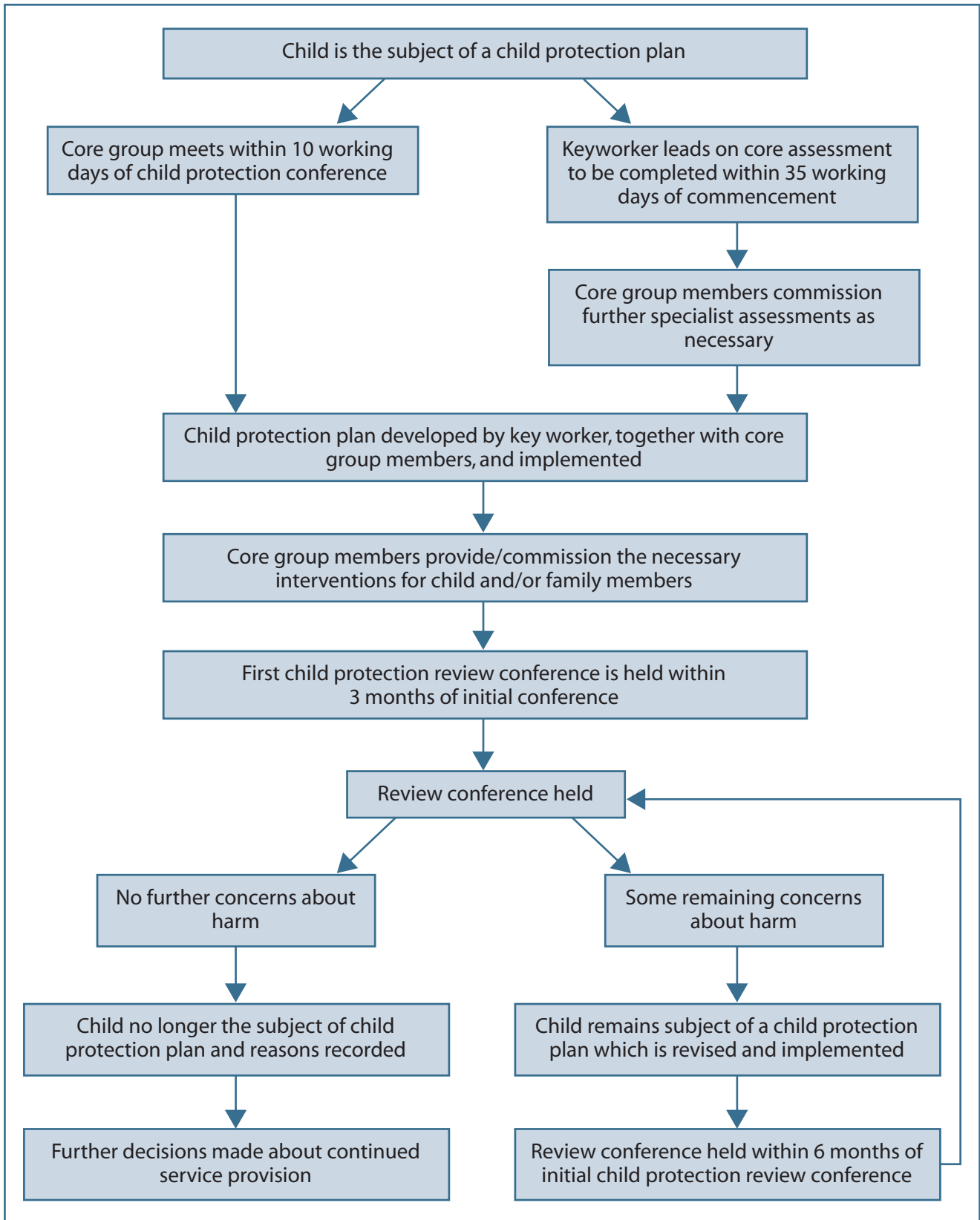
\* At no stage should the adult purporting to be the child's parent, sponsor or carer be present at interviews with the child, or at meetings to discuss future actions.

**FLOW CHART 4 – WHAT HAPPENS AFTER THE STRATEGY DISCUSSION?\***



\* At no stage should the adult purporting to be the child's parent, sponsor or carer be present at interviews with the child, or at meetings to discuss future actions.

**FLOW CHART 5 – WHAT HAPPENS AFTER THE CHILD PROTECTION CONFERENCE, INCLUDING THE REVIEW PROCESS?\***



\* At no stage should the adult purporting to be the child’s parent, sponsor or carer be present at interviews with the child, or at meetings to discuss future actions.

## Particularly vulnerable groups of children

### Intercountry adoption

- 7.46 In some instances children may be trafficked for the purposes of adoption outside their country of origin. Those involved in facilitating these arrangements may deceive the authorities responsible for the adoption process, and often benefit from significant financial gain through payments by prospective adopters who may be unaware of the true circumstances of a child's availability for adoption. This can include payment, coercion or the deception of birth parents into relinquishing a child as well as abducting children.
- 7.47 The UK Government allows intercountry adoption to take place if it is in the child's best interests and in accordance with the principles of international law, and where safeguards and standards equivalent to those which apply in domestic adoption are applied to protect the welfare of the child. At no point should profit be made from the process.
- 7.48 Practitioners who suspect that a child may have been trafficked for the purposes of adoption are encouraged to notify the police and may wish to refer to the *Statutory Guidance for the Adoption and Children Act 2002*<sup>26</sup> (2005).

### Private fostering

- 7.49 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).
- 7.50 Parents and private foster carers are required to notify the local authority of a private fostering arrangement. A person who proposes to foster a child privately must notify the appropriate local authority of the proposal at least six weeks before the private fostering arrangement is to begin; or where the private fostering arrangement is to begin within six weeks, immediately.
- 7.51 Many private fostering arrangements are not notified to the local authority for a variety of reasons, not all of them 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 are vulnerable to being exploited in domestic servitude, other forms of forced labour, or even to sexual exploitation. It is difficult for practitioners to identify these children and, therefore, to track their movements and hence monitor their welfare. The section above on identification should help (paragraphs 7.2 – 7.14). However, it is important to consider whether a carer, whether or not they present as a relative, is maintaining a private fostering arrangement in order to exploit a child for their own gain.

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26 <http://www.everychildmatters.gov.uk/resources-and-practice/ig00032/>



- 7.52 Staff or volunteers in an agency who believe that a child may be privately fostered, whether or not they have suspicions or concerns about trafficking or other forms of abuse, should contact local authority children's social care. Local authorities have the following statutory duties in relation to private fostering:
- identify private fostering arrangements;
  - visit the home and assess the suitability of the arrangement in terms of the child's welfare; and
  - visit the child regularly, and monitor and keep records of the placement.
- 7.53 Such enquiries should help practitioners be alert to signs that the child is being exploited.
- 7.54 Local authorities are required to raise awareness within their local communities of the obligations to notify them about a private fostering arrangement (paragraph 7a of section 8 of the Children Act 1989 inserted by section 44(7) of the Children Act 2004) and to ensure that staff and volunteers in all agencies encourage such notifications<sup>27</sup>.

## Trafficked children who are in care

- 7.55 Under section 17 of the Children Act 1989 the local authority has a general duty to safeguard and promote the welfare of children in their area.
- 7.56 Where a young person, such as, for example, a UASC, presents to a local authority as having no parent or guardian in this country, then in fulfilling its duties to assess and respond to their needs, the local authority may conclude that it should accommodate the young person using its powers under Section 20 of the Children Act 1989<sup>28</sup>. In these circumstances, the local authority will have duties towards the young person as a looked after child. Then, like other looked after children, a UASC must have a care plan (which becomes the pathway plan when they are aged 16+ and are entitled to care leaving support) based on a thorough needs assessment outlining how the local authority proposes to meet their needs.
- 7.57 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.

27 See UK Action Plan on Tackling Human Trafficking, page 85. <http://www.homeoffice.gov.uk/documents/human-trafficking-action-plan?view=Binary>

The Government is considering the feasibility of vetting private fostering arrangements before applications for visas are agreed.

28 Refer to Circular LAC (2003)13 Guidance on Accommodating Children in Need and their Families.

- 7.58 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.
- 7.59 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.
- 7.60 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.
  - The local authority should continue to share information with the police, which emerges during the placement of a looked after child who may have been trafficked, concerning potential crimes against the child, the risk to other children, or relevant immigration matters.
- 7.61 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.
- 7.62 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 BIA. 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.
- 7.63 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.
- 7.64 The local authority 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 views. BIA may be able to help with this, as may the Foreign and Commonwealth Office (FCO) consular directorate. See Appendix 4 for FCO contact details.

## Missing children

- 7.65 Research from ECPAT and CEOP suggests that significant numbers of children who are categorised as UASC 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.
- 7.66 Local authorities 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. 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 BIA. 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 the Missing People Helpline<sup>29</sup>.
- 7.67 The Missing People Helpline have a team that offers support to local authorities when young people in their care go missing and this service can advise on issues such as contact with other police forces and national publicity.
- 7.68 When the police receive the notification of a missing child they should follow the following guidance: *The Management, Recording and Investigation of Missing Persons*<sup>30</sup>.
- 7.69 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.
- 7.70 Where missing children come to the attention of local authority children's services or the police, a 24 hour enquiry service available from the UKHTC may help in providing guidance. Additionally, to help social workers, police and other practitioners better assist children whom they suspect may have been trafficked, the NSPCC Child Trafficking Advice and Information Help Line (0800 107 7057) can offer support.
- 7.71 In 2002 the Department of Health issued good practice guidance, *Children Missing from Home and Care*<sup>31</sup> (2002). This sets out the steps to be followed whenever any child goes missing from where they are living (either with their families, or foster carers, or a residential setting). The guidance sets out strategies and procedures for collaborative action on missing children and advises on prevention, risk assessment and providing support to carers.
- 7.72 All local authorities should appoint a designated senior manager with responsibility for monitoring missing from care incidents, so that trends can be identified and action taken in conjunction with the LSCB to respond to the problem. Trends should also be shared with the LSCB. The designated senior manager has the potential to take an important strategic role in

29 [www.missingpeople.org.uk/](http://www.missingpeople.org.uk/)

30 [www.acpo.police.uk/asp/policies/Data/missing\\_persons\\_2005\\_24x02x05.pdf](http://www.acpo.police.uk/asp/policies/Data/missing_persons_2005_24x02x05.pdf)

31 [www.dh.gov.uk/en/Publicationsandstatistics/Lettersandcirculars/LocalAuthorityCirculars/AllLocalAuthority/DH\\_4004872](http://www.dh.gov.uk/en/Publicationsandstatistics/Lettersandcirculars/LocalAuthorityCirculars/AllLocalAuthority/DH_4004872)

identifying whether there are any particular patterns of children, such as UASCs, going missing that could provide evidence suggesting that young people are being trafficked, which might be used by a local authority to inform their analysis as to how they might better safeguard these children.

- 7.73 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.

# Appendix 1: Policy and Legislation

## International

- 1.1 International agreements and legal instruments relevant to trafficked and exploited children include:
- Council of Europe Convention on Action against Trafficking in Human Beings (2005).
  - The Yokohama Global Commitment agreed at the Second World Congress on the Commercial Sexual Exploitation of Children (Yokohama, 2001).
  - The United Nations Convention on the Rights of the Child (United Nations, 1989), its Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography (2000) and the Optional Protocol on the Involvement on Children in Armed Conflict (2000).
  - The Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, Supplementing the United Nations Convention against Transnational Organised Crime (2000).
  - International Labour Organisation (ILO) Convention 182 concerning the Elimination of the Worst Forms of Child Labour (2000).
  - The Declaration and Agenda for Action agreed at the First World Congress on the Commercial Sexual Exploitation of Children (Stockholm, 1996).
- 1.2 In 2000 trafficking became enshrined in international law for the first time through the Palermo Protocol within the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. The Protocol defines trafficking as:

*“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 [elsewhere in the Palermo Protocol]”*

## UK

- 1.3 UK Legislation and guidance relevant to trafficked and exploited children includes:
- The Children Act 1989.
  - The Children Act 2004.
  - The Nationality, Immigration and Asylum Act 2002.
  - The Sexual Offences Act 2003.
  - The Asylum and Immigration (Treatment of Claimants etc) Act 2004.

- Adoption and Children Act 2002.
  - Working Together to Safeguard Children (2006).
  - What to do if you're worried a child is being abused (2006).
  - Safeguarding Children Involved in Prostitution (2000) (currently being revised).
  - The UK Action Plan on Tackling Human Trafficking (2007).
- 1.4 The UK Borders Act 2007 requires the Secretary of State to publish a Code of Practice, *Keeping children safe from harm*, which BIA officials are required to have regard to when dealing with children in the UK identified as being at risk of harm.
- 1.5 The UK Borders Act 2002 will enhance current trafficking legislation in two ways. Firstly it ensures that acts of trafficking aimed at the UK and carried out overseas, irrespective of the nationality of the offender, will be liable to prosecution. Secondly, it ensures that any acts to traffic an individual which are committed after the individual has arrived in the UK but before they have passed through passport control will be liable to prosecution (for example, providing a child with a false passport after they have disembarked from the aircraft).
- 1.6 The Sexual Offences Act 2003, which came into force on 1 May 2004, introduced wide-ranging offences covering trafficking into, out of, or within the UK for any form of sexual offence. These carry a 14 year maximum penalty. An offence of 'trafficking for exploitation', which covers non-sexual exploitation, including trafficking for forced labour and the removal of organs, was included in the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004.
- 1.7 The trafficking of children is included under the trafficking offences contained in the Sexual Offences Act 2003 and the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004. In addition, the Sexual Offences Act 2003 introduced new offences of abuse of children through prostitution and pornography which aim to protect children under the age of 18. These cover a range of offences, including paying for the sexual services of a child, for which the penalty ranges from seven years to life depending on the age of the child; and causing, facilitating or controlling the commercial sexual exploitation of a child in prostitution or pornography, for which the maximum penalty will be 14 years imprisonment.
- 1.8 The offences of people trafficking and of prostitution and child sex are included as lifestyle offences under the Proceeds of Crime Act 2002, which means that a conviction for these offences may be followed by an order for the payment of the proceeds of those crimes and assets may be seized. The Director of the Assets Recovery Agency also has powers to recover property obtained through unlawful conduct, even if that conduct took place abroad and even if there has not been a criminal prosecution.

## Relevant provisions of UK legislation

### Children Act 1989, Section 17

1.9 A child is defined as 'in need' by Section 17 of the Children Act 1989 if:

- s/he is unlikely to achieve or maintain, or to have the opportunity of achieving or maintaining, a reasonable standard of health or development without the provision for him/her of services; or
- his/her health or development is likely to be significantly impaired, or further impaired, without the provision for him/her of such services; or
- s/he is disabled.

### Children Act 1989, Section 20

1.10 Every local authority shall provide accommodation for any child in need within their area who appears to them to require accommodation as a result of:

- there being no person who has parental responsibility for him; or
- his/her being lost or having been abandoned; or
- the person who has been caring for him/her being prevented (whether or not permanently and for whatever reason) from providing him with suitable accommodation or care.

1.11 Every local authority shall provide accommodation for any child in need within their area who has reached the age of 16 and whose welfare the authority consider is likely to be seriously prejudiced if they do not provide him with accommodation.

### Children Act 1989, Section 47

1.12 Where a local authority has reasonable cause to suspect that a child who lives, or is found, in their area is suffering, or is likely to suffer, significant harm, the authority shall make, or cause to be made, such enquiries as they consider necessary to enable them to decide whether they should take any action to safeguard or promote the child's welfare.

1.13 'Harm' is defined as:

- ill treatment, which includes sexual abuse, physical abuse and forms of ill-treatment which are not physical, for example, emotional abuse;
- impairment of health (physical or mental); or
- impairment of development (physical, intellectual, emotional, social or behavioural).

1.14 This may include seeing or hearing the ill treatment of another (section 31 of the Children Act 1989 as amended by the Adoption and Children Act 2002).

### Children Act 1989, Section 67 Private Fostering

1.15 Under section 67 of the Children Act 1989 a local authority is under a duty to satisfy itself that the welfare of children who are privately fostered within their area is being satisfactorily

safeguarded and promoted and to ensure that such advice is given to those caring for them as appears to the authority to be needed.

- 1.16 A privately fostered child means a child who is under the age of 16 (18 if disabled) and who is cared for, and provided with accommodation in their own home by, someone other than:
- a parent;
  - a person who is not a parent of his but who has parental responsibility for him; or
  - a relative.
- 1.17 A child is not a privately fostered child if the person caring for and accommodating him:
- has done so for a period of less than 28 days; and
  - does not intend to do so for any longer period.
- 1.18 A child is not a privately fostered child while:
- he is being looked after by a local authority;
  - he is in the care of any person in premises in which any parent of his; person who is not a parent of his but who has parental responsibility for him; or person who is a relative of his and who has assumed responsibility for his care, is for the time being living:
    - in accommodation provided by or on behalf of any voluntary organisation;
    - in any school in which he is receiving full-time education;
    - in any health service hospital;
    - in any care home or independent hospital;
    - in any home or institution not specified above but provided, equipped and maintained by the Secretary of State; or
    - in the care of any person in compliance with an order under section 63(1) of the Powers of Criminal Courts (Sentencing) Act 2000; or a supervision requirement within the meaning of Part II of the Children (Scotland) Act 1995;
  - he is liable to be detained, or subject to guardianship, under the Mental Health Act 1983; or
  - he is placed in the care of a person who proposes to adopt him under arrangements made by an adoption agency or he is a protected child.
- 1.19 A child who is a pupil at a school, and lives at the school during the holidays for more than two weeks, is under 16 and none of the above exemptions apply is regarded as a privately fostered child during that time.
- 1.20 The usual fostering limit applies to private fostering.
- 1.21 A carer, who is disqualified from being a private foster carer or who lives with someone else who is disqualified, cannot privately foster without the consent of the local authority. There is a right of appeal against the refusal of consent.



- 1.22 A local authority is empowered to prohibit a carer from being a private foster carer if they are of the opinion that:
- the carer is not a suitable person to foster a child;
  - the premises in which the child is, or will be accommodated, are not suitable; or
  - it would be prejudicial to the welfare of the child to be, or continue to be, accommodated by that carer in those premises.
- 1.23 A prohibition may prevent the carer fostering anywhere in the area, restrict fostering to specific premises, or restrict fostering a particular child in those premises. There is a right of appeal against the imposition of a condition.
- 1.24 The local authority may also impose requirements on a carer affecting:
- The number, age and sex of the children to be fostered;
  - The standard of accommodation and equipment;
  - Health and safety arrangements; and/or
  - Specific arrangements for the children to be fostered.
- 1.25 The local authority must be given notice of the placement by both the parent and the carer and any other person involved in its arrangement.
- 1.26 The local authority must be satisfied as to the suitability of each arrangement notified to it.
- 1.27 Regulations prescribe the frequency that a privately fostered child must be visited.
- 1.28 Where a local authority is not satisfied that the welfare of a privately fostered child is being satisfactorily safeguarded or promoted it must take such steps as are reasonably practicable to secure the care of the child is undertaken by a parent, a holder of parental responsibility, or a relative (unless not in the interests of the child to do so) and consider exercising its functions under the Children Act 1989.

## Nationality, Immigration and Asylum Act 2002, Section 54

- 1.29 Section 54 is intended to discourage the concept of 'benefit shopping' within Europe. It is retrospective and applies to anyone who comes within the categories set out below. This is not dependent on the length of time they have been in the UK.
- 1.30 The Act has the effect of preventing local authorities from providing support under certain provisions, including section 21 of the National Assistance Act and section 17 of the Children Act 1989 to:
- Those with refugee status in another European Economic Area state.
  - Persons unlawfully present in the UK who are not asylum seekers, including those who have overstayed visa entry limit and those without confirmation of leave to remain.
  - Failed asylum seekers who refuse to co-operate with removal directions.

- 1.31 The Act does not, however, prevent the provision of support to children, or the exercise of a power or the performance of a duty to prevent a breach of the European Convention on Human Rights or rights under the European Community treaties.

## Nationality, Immigration and Asylum Act 2002, Section 55

- 1.32 Section 55 applies to those who have made or are intending to make an asylum claim in the UK. It prevents BIA from providing asylum support, and local authorities from providing certain support, unless the Secretary of State is satisfied that the person applied for asylum as soon as reasonably practicable after arrival in the UK. The section does not prevent the provision of asylum support to families with dependent children, nor does it prevent the provision of support by the Secretary of State (via BIA) to prevent a breach of human rights.
- 1.33 Section 55 does not apply to unaccompanied minors.
- 1.34 Families with minor dependents and vulnerable cases who have not yet officially lodged an asylum claim can be offered assistance with accommodation (usually overnight) and travel to a BIA Asylum Screening Unit by social services in order to register the claim with the Home Office. Families can access asylum support via the voluntary grant funded One Stop Service once BIA has accepted the claim and provided written confirmation of this.

## Parental Responsibility

- 1.35 The Children Act 1989 introduced the concept of 'parental responsibility', which means all the rights, duties, powers, responsibilities and authority which by law a parent of a child has in relation to the child and his property. This legal framework provides the starting point for considering who has established rights, responsibility and duties towards a child.
- 1.36 A child whose parents' whereabouts are not known has no access to parents for consent when making important choices about their life. Whilst the parents still have parental responsibility, they have no way of exercising it.
- 1.37 Children who do not have someone with parental responsibility caring for them can still attend schools, which are normally pragmatic in allowing the carer to make most decisions normally made by the parent.
- 1.38 A child in this position is entitled to health care and has a right to be registered with a GP. If there are difficulties in accessing a GP, the local Patient's Services will assist. Emergency life-saving treatment will be given if required, however, should the child need medical treatment such as surgery or invasive treatment in a non life-threatening situation, the need for consent would become an issue and legal advice would be required.
- 1.39 A main route for a carer to obtain parental responsibility is through obtaining a Residence Order, however, an adult whose immigration status is unresolved cannot apply for a Residence Order.

# Appendix 2:

## Table showing appropriate responses for safeguarding trafficked children

Staff in any of the settings or circumstances in this table may become aware, immediately or over time, of the quality of relationships, patterns of behaviour displayed, or inconsistent/contradictory information provided to them or by their clients, which raises concerns that a child has been or is being trafficked and exploited. This table provides non-exhaustive indicators of actions which should be considered and/or taken by frontline practitioners/volunteers and their supervising managers.

Setting/circumstance where a child may be identified as a trafficked child	Practitioner or volunteer who may identify a child who has been trafficked	Initial action & assessment within a single agency where there are concerns that a child may have been trafficked
<b>Schools, colleges, education</b> (Application for school place, child starts/is attending school, talks to school nurse or unexpectedly leaves school)	Teacher, school nurse, classroom assistant, other support staff, reception/administrator	<ul style="list-style-type: none"> <li>● The practitioner discusses concerns with the designated member of staff with responsibilities for safeguarding children</li> <li>● The concerns should be considered in the light of information about trafficked children in this guidance.</li> <li>● Staff should not do anything which would heighten the risk of harm or abduction to the child. They should refer the case to children’s social care or the police.</li> </ul>

Setting/circumstance where a child may be identified as a trafficked child	Practitioner or volunteer who may identify a child who has been trafficked	Initial action & assessment within a single agency where there are concerns that a child may have been trafficked
<p><b>Health services eg: GP, Primary Care Health Trusts (PCHT), A&amp;E, GUM, Community Contraceptive Services, Ambulance Service, maternity services, hospitals and specialist services</b></p> <p><i>(An adult takes a child to the GP/A&amp;E, GUM, Community Contraceptive Services, or an unaccompanied child seeks services, maternity services/health visitor talk to women and visit homes, LAC or other child sees community paediatrician, optician, dentist)</i></p>	<p>GP, practice nurse, health visitors, hospital staff, maternity staff, adult mental health and CAMHS practitioners</p>	<ul style="list-style-type: none"> <li>● Practitioner discusses concern with the named/designated doctor or nurse with safeguarding children responsibility</li> <li>● The concerns should be considered in the light of information about trafficked children in this guidance.</li> <li>● Staff should not do anything which would heighten the risk of harm or abduction to the child. They should refer the case to children’s social care or the police.</li> </ul>
<p><b>Police</b></p> <p><i>(Family or unaccompanied child comes to notice through criminal activity, illegal immigrant status, domestic violence home visits, missing persons referrals or other)</i></p>	<p>Police officer, community safety officer</p>	<ul style="list-style-type: none"> <li>● Local police complete a Coming to Notice (CTN) report and send it to the Child Abuse Investigation Team (CAIT)</li> <li>● Local police discuss case with CAIT</li> <li>● Further investigation is undertaken as appropriate</li> </ul>
<p><b>Local authority children’s social care</b></p> <p><i>(Adult(s) and child/ren or an unaccompanied child seeks help directly from the referral and assessment team, a child already receiving services or looked after is identified as being trafficked, a referral of concern is received from another agency/person)</i></p>	<p>Children’s social worker, family support worker, foster carer, reception/administrator, residential worker, children’s rights officer</p>	<ul style="list-style-type: none"> <li>● Children’s social care social worker discusses case with their supervising line manager, foster carer with the child’s social worker, children’s rights officer with the child’s social worker</li> <li>● The concerns should be considered in the light of information about trafficked children in this guidance.</li> <li>● Further checks can be made by the child’s social worker HOWEVER not if this will heighten risk of harm or abduction to the child</li> </ul>
<p><b>Local Authority Asylum Team</b></p> <p><i>(The child, accompanied or unaccompanied, has been referred by Children’s Social Care Referral and Assessment Team to their Local Authority’s asylum team who then have concerns about the child being trafficked)</i></p>	<p>Asylum team social worker</p>	<ul style="list-style-type: none"> <li>● Asylum team staff discuss case with their supervising line manager</li> <li>● The concerns should be considered in the light of information about trafficked children in this guidance.</li> <li>● Contact Children’s Social Care Referral and Assessment team in own LA</li> </ul>

Setting/circumstance where a child may be identified as a trafficked child	Practitioner or volunteer who may identify a child who has been trafficked	Initial action & assessment within a single agency where there are concerns that a child may have been trafficked
<p><b>Youth Offending Teams, youth clubs &amp; Connexions</b>  <i>(The child, accompanied or unaccompanied, commits an offence and is referred to the YOT, joins or attends a youth club, receives services from Connexions)</i></p>	<p>YOT practitioner, youth worker, youth work volunteer, Connexions Personal Advisor, reception/administrator</p>	<ul style="list-style-type: none"> <li>● YOT practitioners discuss case with their supervising line manager, youth worker and volunteer with their team leader</li> <li>● The concerns should be considered in the light of information about trafficked children in this guidance</li> <li>● Staff should not do anything which would heighten the risk of harm or abduction to the child. They should refer the case to children's social care or the police.</li> </ul>
<p><b>Immigration Service, Asylum Screening Unit, Refugee Council's Children's Panel</b>  <i>(Adult(s) and child/ren or an unaccompanied child present at port of entry or at Lunar House in Croydon after entering the UK. In the latter case they may have first made contact with another service e.g. children's social care)</i></p>	<p>Ports immigration officer, asylum screening staff at Croydon and Liverpool</p>	<ul style="list-style-type: none"> <li>● Immigration and screening staff member:             <ol style="list-style-type: none"> <li>a) considers the case in the light of information about trafficked children in this guidance</li> <li>b) makes further checks where possible</li> <li>c) discusses concern with the designated officer with safeguarding children responsibility</li> <li>d) discusses the case with children's social care and police colleagues located at the port of entry</li> </ol> </li> </ul>
<p><b>Fire Service</b>  <i>(Family or unaccompanied child comes to notice through fire-related or other accidents and incidents)</i></p>	<p>Fire Service staff</p>	<ul style="list-style-type: none"> <li>● Fire service staff member discusses concern with the designated officer with safeguarding children responsibility</li> <li>● The concerns should be considered in the light of information about trafficked children in this guidance.</li> <li>● Staff should not do anything which would heighten the risk of harm or abduction to the child. They should refer the case to children's social care or the police.</li> </ul>

Setting/circumstance where a child may be identified as a trafficked child	Practitioner or volunteer who may identify a child who has been trafficked	Initial action & assessment within a single agency where there are concerns that a child may have been trafficked
<p><b>Local Authority Housing</b> <i>(Homeless adult(s) and child/ren or an unaccompanied child apply for to be housed)</i></p>	<p>Housing officer, reception/administrator</p>	<ul style="list-style-type: none"> <li>● Housing staff member discusses case with the designated officer with safeguarding children responsibility</li> <li>● The concerns should be considered in the light of information about trafficked children in this guidance</li> <li>● Staff should not do anything which would heighten the risk of harm or abduction to the child. They should refer the case to children’s social care or the police.</li> </ul>
<p><b>Jobcentre Plus</b> <i>(Adult(s) and child/ren or an unaccompanied child apply for, or notify alterations in, benefits)</i></p>	<p>Benefits officer, assessor, reception/administrator</p>	<ul style="list-style-type: none"> <li>● Benefits service staff member discusses case with the designated officer with safeguarding children responsibility</li> <li>● The concerns should be considered in the light of information about trafficked children in this guidance</li> <li>● Staff should not do anything which would heighten the risk of harm or abduction to the child. They should refer the case to children’s social care or the police.</li> </ul>
<p><b>LA Leisure Centres, Libraries</b> <i>(Adult(s) and child/ren or an unaccompanied child use leisure centres or libraries)</i></p>	<p>Leisure centre worker, librarians, reception/administrators</p>	<ul style="list-style-type: none"> <li>● Leisure centre and libraries’ staff member discusses case with the designated officer with safeguarding children responsibility</li> <li>● The concerns should be considered in the light of information about trafficked children in this guidance.</li> <li>● Staff should not do anything which would heighten the risk of harm or abduction to the child. They should refer the case to children’s social care or the police.</li> </ul>
<p><b>Independent private &amp; voluntary agencies</b> <i>(Families and children, including unaccompanied children, receive a range of social care and other services from these agencies)</i></p>	<p>Solicitor, interpreter and others including voluntary and private agency staff coming into contact with children, young people and families</p>	<ul style="list-style-type: none"> <li>● Solicitors, interpreters and others coming into contact with children should telephone the local children’s social care services or police and discuss their concerns</li> <li>● Agree the next steps with children’s social care or the police</li> </ul>

Setting/circumstance where a child may be identified as a trafficked child	Practitioner or volunteer who may identify a child who has been trafficked	Initial action & assessment within a single agency where there are concerns that a child may have been trafficked
<p><b>Community, faith groups and others</b>  <i>(Families and children, including unaccompanied children, participate in a range of social care and other services from these agencies)</i></p>	<p>Organisers &amp; volunteers for community and private sports, music, drama, church and other activities</p>	<ul style="list-style-type: none"> <li>● Concerned adult discusses case with the designated person with safeguarding children responsibility</li> <li>● The concerns should be considered in the light of information about trafficked children in this guidance</li> <li>● HOWEVER concerned, adults should not do anything which could heighten risk of harm or abduction to the child. They should refer the case to children’s social care or police.</li> </ul>

# Appendix 3:

## A guide to acronyms used in the document

ACPO	Association of Chief Police Officers
ARC	Application Registration Card
ASUs	Asylum Screening Units
BIA	Border and Immigration Agency
CAF	Common Assessment Framework
CAIU	Child Abuse Investigation Unit
CAMHS	Child and Adolescent Mental Health Services
CEOP	Child Exploitation and Online Protection Centre
CTN	Coming To Notice
CRB	Criminal Records Bureau
CROP	Coalition for the Removal of Pimping
CPS	Crown Prosecution Service
DCSF	Department for Children, Schools and Families
DH	Department of Health
ECPAT	End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes UK
GUM	Genito-Urinary Medicine
ILO	International Labour Organisation
LAC	Looked After Child(ren)
LSCB	Local Safeguarding Children Board
NASS	National Asylum Support Services
NRUC	National Register for Unaccompanied Children
NSPCC	National Society for the Prevention of Cruelty to Children
UAS	Unaccompanied Asylum Seeker
UASC	Unaccompanied Asylum Seeking Child(ren)
UNICEF	United Nations Children's Fund
UKHTC	United Kingdom Human Trafficking Centre
YOT	Youth Offending Team



# Appendix 4:

## Useful contacts

1. NSPCC Child Trafficking Advice and Information Line  
Tel: 0800 107 7057
2. United Kingdom Human Trafficking Centre  
Tel: 0114 252 3891  
[www.ukhtc.org](http://www.ukhtc.org)
3. Children's Legal Centre  
Tel: 01206 872 466  
[www.childrenslegalcentre.com](http://www.childrenslegalcentre.com)
4. Details of the appropriate consulate or embassy in London can be found in the London Diplomatic List (ISBN 0 11 591772 1), available from the Stationary Office  
Tel: 0870 600 5522.  
Or on the website – [www.fco.gov.uk](http://www.fco.gov.uk)
5. International Social Services of the UK, Cranmer House, 3rd Floor, 39 Brixton Road, London SW9 6DD  
Tel: 020 7735 8941/4  
[www.issuk.org.uk](http://www.issuk.org.uk)
6. Foreign and Commonwealth Office  
Tel: 020 7008 1500  
[www.fco.gov.uk](http://www.fco.gov.uk)
7. CEOP  
33 Vauxhall Bridge Road,  
London SW1V 2WG  
Tel: 020 7238 2320/2307  
[www.ceop.gov.uk](http://www.ceop.gov.uk)
8. ECPAT UK  
Grosvenor Gardens House,  
35–37 Grosvenor Gardens,  
London SW1W OBS  
Tel: 020 7233 9887  
[www.ecpat.org.uk](http://www.ecpat.org.uk) or [info@ecpat.org.uk](mailto:info@ecpat.org.uk)
9. UNICEF  
Africa House, 64–78 Kingsway,  
London WC2B 6NB  
Tel: 020 7405 5592  
[www.unicef.org.uk/contact/contact.asp](http://www.unicef.org.uk/contact/contact.asp)
10. Afruca  
(Africans Unite Against Child Abuse)  
Unit 3D/F Leroy House, 436 Essex Road,  
London N1 3QP  
Tel: 020 7704 2261  
[www.afruca.org](http://www.afruca.org)
11. Childwatch  
19 Springbank  
Hull, East Yorkshire HU3 1AF  
Tel: 01482 325 552  
Fax: 01482 585 214  
[www.childwatch.org.uk](http://www.childwatch.org.uk)
12. CROP  
34 York Road, Leeds, LS9 8TA  
Tel: 0113 240 3040  
Email: [info@cropuk.org.uk](mailto:info@cropuk.org.uk)  
Website: [www.crop1.org.uk](http://www.crop1.org.uk)





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Annesley

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Tel: 0845 6022260

Fax: 0845 6033360

Please quote DCSF ref number: 00994-2007BKT

ISBN: 978-1-84775-087-7

PPCOL/D16(7383)/0108/34

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