



Stoke-on-Trent & Staffordshire Safeguarding Boards

Section 4Ka/F03a

Trafficked Children Guidance

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1. Introduction

- 1.1 This document provides guidance to professionals and volunteers from all agencies in safeguarding and promoting the welfare of trafficked and exploited children.
- 1.2 Trafficked children are at increased risk of significant harm because they are largely invisible to the professionals and volunteers who would be in a position to assist them. The adults who traffic them take trouble to ensure that the children do not come to the attention of the authorities, or disappear from contact with statutory services soon after arrival in the UK, or in a new area within the UK.
- 1.3 This guidance is supplementary to, and should be used in conjunction with, the latest edition of the Local Safeguarding Children Board's child protection procedures at www.staffsscb.org.uk, or <http://www.safeguardingchildren.stoke.gov.uk>
- 1.4 This guidance is linked to the Safeguarding Trafficked Children Toolkit 2015 (referred to here as the Trafficked Children Toolkit), which includes a number of additional tools to assist professionals in both assessing the needs of the child and the continuing risks that they may face, and referring their case to the competent authority United Kingdom Border Agency (UKBA will fulfil this role for asylum cases, United Kingdom Human Trafficking Centre, UKHTC for all other cases).

2. Definitions

- 2.1 Human trafficking is defined by the UNHCR guidelines (2006) as a process that is a combination of three basic components:
 - Movement (including within the UK);
 - Control, through harm / threat of harm or fraud ¹;
 - For the purpose of exploitation.
- 2.2 The Palermo Protocol establishes children as a special case for whom there are only two components – movement and exploitation. Any child transported for exploitative reasons is considered to be a trafficking victim – whether or not s/he has been deceived, because it is not considered possible for children to give informed consent. See section 2a of the Trafficked Children Toolkit for the Palermo Protocol and other relevant international and national legislation.
- 2.3 'Child' refers to children anyone below 18 years of age.
- 2.4 A child may be trafficked between several countries in the EU or globally, prior to being trafficked into / within the UK. The child may have entered the UK illegally or legally (i.e. with immigration documents), but the intention of exploitation underpins the entire process ². Child victims may be indigenous UK nationals, European Union [EU] nationals from any country outside the EU.
- 2.5 'Parent' means parent or carer and 'professional' refers to any individual working in a voluntary, employed, professional or unqualified capacity, including foster carers and approved adopters. See section 2d of the Trafficked Children Toolkit for a glossary and acronyms.

¹ Control – to overcome or enforce consent – does not form part of the legal requirement for proof that a child has been trafficked because it is not considered possible for children to give informed consent (see the Palermo Protocol, point 2.12 in the main text).

²

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

3. Principles

3.1 The following principles should be adopted by all agencies in relation to identifying and responding to children (and unborn children) at risk of or having been trafficked:

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

4. The problem of child trafficking

4.1 Why is trafficking possible?

4.1.2 Children may be trafficked from a number of 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, and 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 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. This can be done over the internet by child sex offenders;
- **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. Parents or guardians may be killed, leaving children vulnerable to trafficking;
- **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.

4.2 The problem of child trafficking

“Child” shall mean any person under eighteen years of age.

4.2.1 Most children are trafficked for financial gain. This can include payment from or to the child’s parents, and can involve the child in debt-bondage to the traffickers. In most cases, the trafficker also receives payment from those wanting to exploit the child once in the UK. Some trafficking is carried out by organised gangs. In other cases, individual adults or agents traffic children to the UK for their own personal gain³. The exploitation of trafficked children may be progressive. Children trafficked for domestic work may also be vulnerable to sexual exploitation or children initially trafficked for sexual exploitation may be resold.

4.2.2 Children may be used for:

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

³ ‘Benefit’ in all international legal instruments can be either monetary or non-monetary

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

4.3 How are children recruited and controlled?

4.3.1 Traffickers recruit their victims using a variety of methods. Some children are abducted or kidnapped, although most children are trapped in subversive ways – eg

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

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

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

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

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

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

4.4 How are children brought to the UK?

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

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

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

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

Accompanied Children

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

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

4.4.7 To curb illegal migration and improve children's safeguards, global visa regulations have been in place since February 2006. A photograph of the child is now shown on the visa, together with the name and passport number of the adult/s who have been given permission to travel with the child.

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

Unaccompanied children

4.4.9 Groups of unaccompanied children often come to the notice of the UK Borders Agency (UKBA). Unaccompanied children may come to the UK seeking asylum (Unaccompanied Asylum Seeking Children – UASC), or they may be here to attend school or join their family. A child may be the subject of a private fostering arrangement.

- 4.4.10 If the child is unaccompanied and not travelling to his or her parent, or if there are some concerns over the legitimacy or suitability of the proposed arrangement for the child's care in the UK, s/he will be referred to LA children's social care by UKBA.
- 4.4.11 Some groups of children will avoid contact with authorities because they are instructed to do so by their traffickers. In other cases the traffickers insist that the child applies for asylum as this gives the child a legitimate right of temporary leave to remain in the UK.
- 4.4.12 It is suspected that significant numbers of children are referred to LA children's social care after applying for asylum and some even register at school for up to a term, before disappearing again. It is thought that they are trafficked internally within the UK or out of the UK to other European countries.

Trafficking within the UK

- 4.4.13 There is increasing evidence that children (both of UK and other citizenship) are being trafficked internally within the UK. The list of indicators in the risk assessment matrix of section 1b of the Trafficked Children Toolkit 2013 should help identify these children. Children may be trafficked internally for a variety of reasons, many of them similar to the reasons children are trafficked between countries. Where children have been violently controlled by criminal gangs for sexual exploitation, the children may in some cases have been removed several locations to retain control of their victims. The majority of these types of victims are girls although a number may include boys.
- 4.4.14 Whilst evidence so far generally relates to girls, boys may also be trafficked within the UK.

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

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

Physical abuse

- 4.5.3 This can include:
- Inappropriate chastisement, not receiving routine and emergency medical attention (partly through a lack of care about their welfare and partly because of the need for secrecy surrounding their circumstances);
 - Physical beatings and rape;
 - Addiction to drugs (some trafficked children are subdued with drugs, which they

then become dependent on). they are then effectively trapped within the cycle of exploitation, continuing to work in return for a supply of drugs;

- Alcohol addiction;
- Stress/post-traumatic stress (PTSD) related physical disorders such as skin diseases, migraine, backache etc.

4.5.4 Some forms of harm might be linked to a belief in spirit possession.

Emotional and psychological abuse

4.5.5 Emotional abuse is involved in all type of maltreatment of a child, including trafficking.

4.5.6 Trafficked children may:

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

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

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

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

Neglect

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

5. Identifying trafficked and exploited children

5.1 Role of all professionals

- 5.1.1 All professionals who come into contact with children in their everyday work need to be able to identify children who may have been trafficked, and be competent to act to support and protect these children from harm. They should follow the practice guidance set out below, which is in accordance with Local Safeguarding Children Board Protection Policy and Procedures.
- 5.1.2 Whenever a professional identifies that a child may have been trafficked, s/he should act promptly before the child goes missing and assess the child's levels of need/risk of harm as set out in this guidance.
- 5.1.3 Identifying trafficked children at ports of entry is likely to be difficult as they may not be showing obvious signs of distress (see section 5.2 Obstacles to self-identification, below). The ports intelligence units have developed a profile of trafficked children to assist immigration officers. Other resources readily available to all staff include the location of Paladin-type teams, and the local UKBA.
- 5.1.4 Child victims may be discovered in routine police operations to detect and disrupt trafficking networks, and during other criminal investigations both in the UK and abroad. Anyone who works with children may come into contact with a victim of trafficking.
- 5.1.5 All agencies working with children who may have been trafficked into and within the UK should work together to safeguard and promote their welfare, providing the same standard of care that is available to any other child in the UK. This may be the crucial intervention which breaks the cycle of the child being vulnerable to continuing or further exploitation.

5.2 Obstacles to self-identification

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

disclose any detail beyond the story, as this would lead them to being deported.

5.2.2 Apparent collusion with the trafficker can add to confusion when attempting to identify a child as victim of trafficking ⁶. The child may be reluctant to disclose their circumstances because:

- their experience of authority in their country of origin is such that they do not trust the police or other statutory agencies (s/he may provide a statement to a voluntary and community agency);
- The identification and referral process may mimic aspects of what had happened during trafficking – promises of help and a good life, movement by persons the child did not know, being taken to unknown locations where everything would be fine and ‘they would be taken care of’ ⁷;
- The circumstances, even under exploitation, in the UK may compare more favourably to the child’s experiences at home.

5.2.3 Disclosure from a child can take time, especially where the child is within the control of a trafficker or facilitator and relies on a relationship of trust and safety being established. If a child is in the care of a local authority, measures will need to be taken to make the placement safe for child victims of trafficking.

5.3 Possible indicators that a child may have been trafficked

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

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

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

5.3.3 The child:

- receives unexplained/unidentified phone calls whilst in placement/temporary accommodation;
- show 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;

⁶ OSCE (2007) Report on Civil Society Meeting, Warsaw, ‘The NRM Approach to Trafficking and its Application to Trafficking for Labour Exploitation’, p3

⁷ ‘Listening to Victims Experiences of identification, return and assistance in South-Eastern Europe’ ICPMD, 2007 [http://www.icmpd.org/768.html?&tx_icmpd_pi2\[document\]=593&cHash=6688569e46](http://www.icmpd.org/768.html?&tx_icmpd_pi2[document]=593&cHash=6688569e46) p60

- has limited freedom of movement;
- appears to be missing for periods;
- is known to beg for money.
- performs excessive housework chores and rarely leaves the residence;
- is being cared for by adult/s who are not their parents and the quality of the relationship between the child and their adult carers is not good;
- is one among a number of unrelated children found at one address;
- has not been registered with or attended a GP practice;
- has not been enrolled in school;
- has to pay off an exorbitant debt (e.g. for travel costs) before having control over own earnings;
- is permanently deprived of much of their earnings by another person; and/or
- is excessively afraid of being deported.

5.3.4 Children internally trafficked within the UK

Indicators include:

- Physical symptoms (bruising indicating either physical or sexual assault);
- Prevalence of a sexually transmitted infection or unwanted pregnancy;
- Young person known to be sexually active;
- Reports from reliable sources suggesting the likelihood of involvement in sexual exploitation/the child has been seen in places known to be used for sexual exploitation;
- Evidence of drug, alcohol or substance misuse;
- Leaving home/care setting in clothing unusual for the individual child (inappropriate for age, borrowing clothing from older people);
- Phone calls or letters from adults outside the usual range of social contacts;
- Adults loitering outside the child's usual place of residence;
- Significantly older boyfriend;
- Accounts of social activities, expensive clothes, mobile phones or other possessions with no plausible explanation of the source of necessary funding;
- Persistently missing, staying out overnight or returning late with no plausible explanation;

- Returning after having been missing, looking well cared for despite having no known base;
- Placement breakdown;
- Pattern of street homelessness;
- Having keys to premises other than those known about;
- Low self-image, low self-esteem, self-harming behaviour including cutting, overdosing, eating disorder, promiscuity;
- Truancy/disengagement with education;
- Entering or leaving vehicles driven by unknown adults;
- Going missing and being found in areas where the child or young person has no known links; and/or
- Possible inappropriate use of the internet and forming on-line relationships, particularly with adults.

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

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

5.4 Private Fostering

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

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

5.5 Local expertise in relation to trafficked children

5.5.1 Local authorities are recommended to nominate a local professional who can develop specialist knowledge in relation to trafficked children – a ‘local trafficked children lead’ – to act as an adviser to other professionals in cases where the concerns in relation to a child are related to trafficking. This post holder could support staff in more than one local authority area.

5.6 The trafficking risk assessment matrix

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

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

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

5.7 Information gathering

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

- The local trafficked children lead (see section 5.5 above);
- The NSPCC Child Trafficking Advice and Information Line (see Section 2b of the Trafficked Children Toolkit additional information); and
- Another local authority with expertise in responding to trafficked children.

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

- The Early Help Assessment;
- A specialist/statutory assessment (including LA children’s social care Child and Family Assessment).

5.7.3 See the Quick guide to assessments and levels of intervention in section 1g of the Trafficked Children Toolkit, according to which the four levels of need which an assessment could be indicated for a child are:

- Level 1: Universal
- Level 2: Vulnerable – Early Help
- Level 3: Complex – Early Help or LA children’s social care assessment
- Level 4: Acute – LA children’s social care assessment

5.7.4 When a professional is concerned that a child may be at risk of being trafficked, or has been trafficked, the child is likely to be vulnerable (level 2) or at risk of harm (levels 3 or 4).

6. Use of the Early Help Assessment (EHA)

- 6.1 An early help assessment should be undertaken by the service or agency which first has concerns that a child may be at risk of being trafficked. There may be a need to assess (and convene meetings) about more than one child.
- 6.2 Where there is an immediate need for a child protection assessment and response, professionals should contact LA children's social care directly and make a referral, rather than completing an EHA. See [section 7. Children at risk of or experiencing significant harm](#) for more information.
- 6.3 To assist in compiling the information required for the Early Help professionals should refer to the Trafficked Children Toolkit, particularly sections 1a) the assessment framework for trafficked children, 1b) the Risk Assessment Matrix and 1g) quick guide to assessments and levels of intervention (Level 2: Vulnerable – common assessment and Level 3: Complex – early help assessment or LA children's social care assessments).
- 6.4 If one of the conclusions from the early help assessment is that there are reasonable grounds to believe a child is trafficked (see [section 8.3](#), below), then the professional must follow [section 7. Children at risk of / or experiencing significant harm](#) and refer the child to LA children's social care.

7. Children at risk of or experiencing significant harm

7.1 Referral to LA children's social care

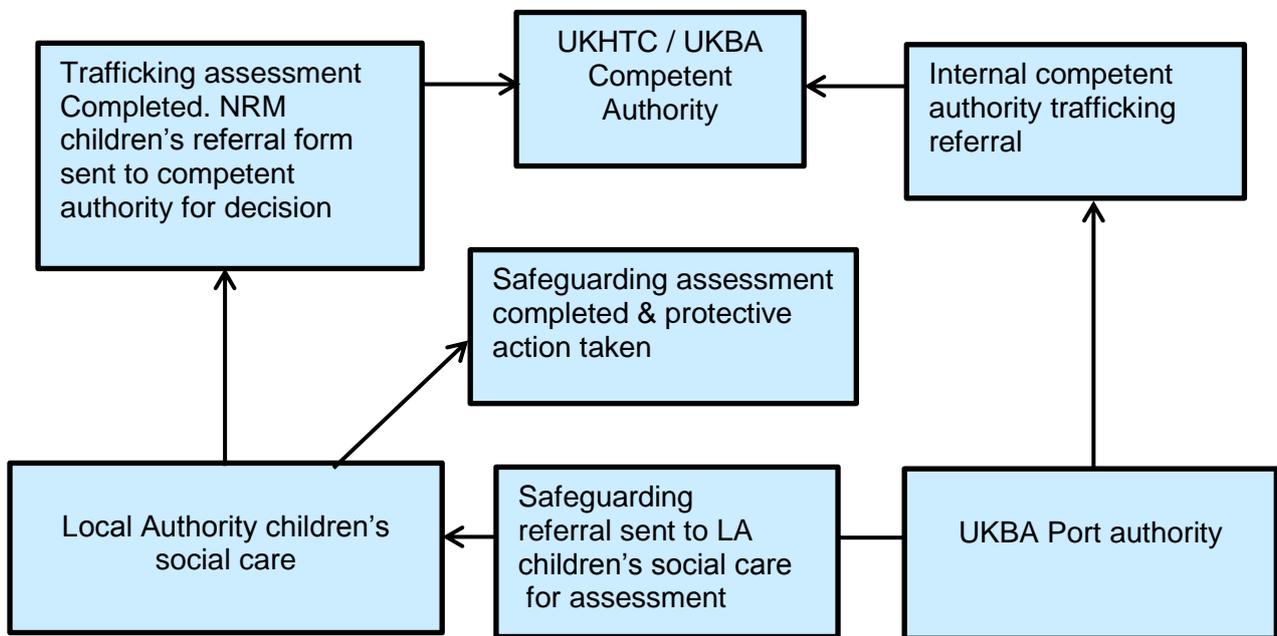
- 7.1.1 To assist in compiling the information required for a referral to LA children's social care, professionals should refer to the Trafficked Children Toolkit, particularly sections 1a) the assessment framework for trafficked children, 1b) the Risk Assessment Matrix and 1g) quick guide to assessments and levels of intervention (Level 3: Complex – LA children's social care (Child and Family) assessments and Level 4: Acute – LA children's social care (Child and Family) assessments).
- 7.1.2 If a professional is concerned that a child could be trafficked and/or at risk of significant harm, the professional should:
- act promptly before the child goes missing;
 - wherever possible consult with their agency's nominated safeguarding children adviser, their manager and, if available, the local professional with specialist knowledge in relation to trafficked children (see section 5.5 above); and

If the threshold is met at level 4 for significant harm (see section 1g. Quick guide to assessments in the Trafficked Children Toolkit), then a referral must be made to LA children's social care (ART or First Response), in line with the Local Safeguarding Children Board Policy and Procedures.

The National Referral Mechanism (NRM)

8. Overview and role of competent authority

- 8.1.1 In accordance with the requirements of the Council of Europe Convention on Action against Trafficking in Human Beings, the UK has a national referral mechanism for identifying and recording victims of trafficking and ensuring that they are provided with appropriate support wherever they are in the UK.
- 8.1.2 Decisions about who is a victim of trafficking are made by trained specialists in designated 'Competent Authorities'. The UKHTC and UKBA act as the UK's Competent Authorities with responsibility for the final decision on whether a frontline professional's grounds for believing that the child has been trafficked are founded (i.e. whether the child is or is not a victim of trafficking).
- 8.1.3 Where necessary, the Competent Authority will assist in regularising a child's immigration status, in accordance with the Council of Europe Convention on Action Against Human Trafficking.
- 8.1.4 As referrals are collated through the NRM process, the build-up of evidence concerning child trafficking will inform policy makers and operational staff to take the necessary decisions and actions to combat child trafficking. In this sense, NRM referrals and the intelligence they provide contribute directly to UK efforts to tackle human trafficking and may ultimately lead to delivery of a reduction of children trafficked and who are ultimately safeguarded by a local authority.
- 8.1.5 Referrals into the NRM will provide a national picture of numbers of children trafficked, as well as supporting evidence which will assist in building up intelligence such as trends, routes of travel and details which may assist in leading to the arrest and conviction of those who commit this terrible crime.
- 8.1.6 NRM referrals will also help the local authority focus their approach to the appropriate response for the child by ensuring all available information can be gathered and shared quickly between partners. This will allow the child's needs to be addressed as well as certain mitigating factors taken into account such as the risk of the child going missing.
- 8.1.7 In addition where necessary, the Competent Authority will assist in regularising a child's immigration status. This will assist the child in accessing particular services.
- 8.1.8 Responsibility for the care, protection and accommodation of child trafficking victims rests with local authorities under their duty to safeguard and promote the welfare of all children. Separated and vulnerable children from abroad have the same entitlements as UK born or resident children.
- 8.1.9 Where a child is assessed as in need and becomes looked after by a local authority, a social worker will be responsible for putting in place an individualised care plan covering the full range of the child's needs. The social worker will also make an assessment of the type of placement which best matches the needs of the child, including the need to safeguard them from contact with traffickers.
- 8.1.10 National Referral Mechanism overview.



For further information see Appendix III on the NRM process

9. Particularly vulnerable groups of children

9.1 Trafficked children who are looked after

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

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

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

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

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

9.1.5 Therefore, it will be important that:

- The location of the child should not be divulged to any enquirers until they have been interviewed by a social worker and their identity and relationship / connection with the child established, if necessary with the help of police and immigration services.
- Foster carers and residential workers should be vigilant about anything unusual (e.g. waiting cars outside the premises and telephone enquiries). See the additional good practice guide in part three of the Trafficked Children Toolkit for more information.

LA children's social care should continue to share information with the police. This information may emerge during the placement of a looked after child who may have been trafficked and concern potential crimes against the child, the risk to other children, or relevant immigration matters.

9.1.6 Where adults present in this country claim a family connection to the child, then the local authority should take steps to verify the relationship between the child and

these adults and exercise due caution in case they are a trafficker or a relative colluding with trafficking or exploitation of the child.

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

9.2 Missing Children

- 9.2.1 Research from ECPAT and CEOP (see section 2b of the Trafficked Children Toolkit for more information and contact details for ECPAT and CEOP) suggests that significant numbers of children who are categorised as unaccompanied asylum seeking children have also been trafficked. Some of these children go missing (back into the care of the traffickers) before being properly identified as victims of trafficking. Such cases should be urgently reported to the police.
- 9.2.2 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. All placements should be given a copy of this guidance. A contingency plan could include contact details of agencies that should be notified if a potentially trafficked young person goes missing including the police and the UKBA. Where there are concerns that a trafficked child has been moved to elsewhere in the country away from their care placement, then it may be helpful to contact Missing People (see section 2b of the Trafficked Children Toolkit for more information and contact details for Missing People).
- 9.2.3 Missing People 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.
- 9.2.4 When the police receive the notification of a missing child they should follow the following guidance: The Management, Recording and Investigation of Missing Persons.
- 9.2.5 The guidance sets out that:
- Every missing persons report should be assessed to identify the level of risk (high, medium or low) to the missing person;
 - The response should be appropriate to the level of risk;
 - The risk assessment should be continuously reviewed; and

- Children who go missing from car are vulnerable and the level of risk does not diminish because of frequency of absence.
- 9.2.6 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 safeguarding children who may have been trafficked, identifying whether there are any particular patterns of children (such as unaccompanied asylum seeking children) going missing that could provide evidence suggesting that young people are being trafficked, which might be used by a local authority to inform their analysis as to how they might better safeguard these children.
- 9.2.7 As it is recognised that children who go missing shortly after Asylum Screening Unit (ASU) screening may have been trafficked, immigration staff should follow an agreed process to inform the appropriate authorities.

10. Information Sharing

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

11. Role of Local Safeguarding Children Boards

- 11.1 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.
- 11.2 Mapping need: LSCBs should consider whether children are being trafficked into or out of their local area. Where necessary, LSCBs should undertake investigations to identify what may be a hidden problem as part of the local needs assessment and, as appropriate, make action to address this as an explicit part of the LSCB Business plan
- 11.3 Promoting prevention: LSCBs should maintain close links with community groups and have a strategy in place for promoting awareness within the local community of

the possibility that children are trafficked and exploited, and how to raise a concern. This may include public awareness work. The LSCB may publicise sources of help for child victims.

- 11.4 This Guidance: LSCBs should adopt this guidance as a means of supporting the professionals in all the agencies and the community their local area, to identify and respond appropriately to safeguard children who are or are at risk of being trafficked.
- 11.5 LSCB sub-group; LSCBs may establish a sub-group specifically to deal with trafficking issues.
- 11.6 LSCBs should ensure that local training programmes cover trafficking issues as required, either as part of safeguarding training or as additional training.

1. LA Children's social care response

Referral and information gathering

- 1.1 The social worker should obtain as much information as possible from the referrer.

The child's name, dob, address, name of carer, address if different, phone number, country of origin, home language and whether s/he speaks English, names of any siblings or other children;

A description of the indicators and circumstances which have identified the child to the referrer as being at risk of or having been trafficked into or within the UK illegally;

The social worker should verify that the child is living at the address as soon as possible;

In the case of a referral from a school or education department, the list of documentation provided at admission should also be obtained;

A Home Office check should be completed to clarify the status of the child/ren and the adult/s caring for them.

After the initial information gathering

- 1.2 See also section 1d) Flowchart for safeguarding a trafficked child in the Trafficked Children Toolkit for clarity about the child protection process once a referral has been made to LA children's social care (via ART or FR).

- 1.3 On completion of the initial information gathering, the social worker discusses the referral with their supervising manager to agree and plan one of four ways forward:

(a) An Initial assessment to decide whether:

- appropriate arrangements for the child have been made by her/his parents;
- there are grounds to accommodate the child;
- the child is in need of immediate protection;
- section 47 enquiries should be initiated (See section 7.2.13 s.47 enquiries).

(b) Accommodation of the child under s20 Children Act 1989 – there may be enough information at this stage to support a decision to accommodate the child. A child should be accommodated under s20 Children Act 1989 if:

- the child is lost or abandoned;
- there is no person with parental responsibility for the child;
- the person who has been accommodating the child is prevented, for whatever reason, from providing suitable accommodation or care.

If there is reasonable cause to believe that the child is suffering or likely to suffer significant harm, the child can be accommodated on a voluntary basis or an Emergency Protection Order (EPO) may be sought. The police also have powers to remove a child, but these powers, Police Protection Order (PPO) 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.

- (c) Instigation of child protection enquiries and a core assessment of need under s.47 Children Act 1989 (See section 7.2.13 s.47 enquiries, below); or
 - (d) No further action – if no concerns are identified, the social worker should advise the referrer within 24 hours of which plan is in place.
- 1.4 The discussion between social worker and supervising manager on completion of initial information gathering should be recorded, with tasks outlined and signed off by the manager.
- 1.5 If further action is needed, consideration should be given to involvement of the police, education, health services, the referring agency and other relevant bodies (e.g. housing, the benefits agency and immigration services). Careful consideration should be given to the effect of any action on the outcome of any investigation.
- 1.6 In undertaking any assessment and all subsequent work with the child, the social worker must ensure that they use a suitable interpreter.

Single/Child and Family Assessment

- 1.7 This 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 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.
- 1.8 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.
- 1.9 During the Single/Child and Family Assessment, a social worker should meet with the referrer and 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.

- 1.10 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.
- 1.11 Immigration staff will be able to give a clear explanation of the immigration process, different forms of documents, leave to enter the UK and opinions on a document's validity.
- 1.12 Even if there are no apparent concerns, child welfare agencies should continue to monitor the situation until a child is appropriately settled. The social worker should advise the referrer of their decision and the proposed plan. In each case of a child with immigration issues UKBA should be informed so that they can co-ordinate the immigration processes with the child's protection plan.

Strategy meeting / discussion as part of section 47 enquiries.

- 1.13 Once the relevant information has been gathered, social worker and supervising manager, together with the police, should decide whether to convene a strategy discussion.
- 1.14 LA children's social care must convene a strategy meeting within two working days of
- the child becoming looked after; or
 - arrival in the authority where intending to reside, if s.47 enquiries are appropriate.
- 1.15 The strategy meeting must:
- share information – this should involve the Police Child Abuse Investigation Unit, UKBA and the local police and any other relevant professionals, including MASH;
 - develop a plan for the child's immediate protection, including the supervision and monitoring of arrangements (for looked after children this will form part of the care plan);
 - develop a plan for the child's immediate protection, including the supervision and monitoring of arrangements (for looked after children this will form part of the care plan);

- agree what information can be given about the child to any enquirers; and
 - agree what support the child requires
- 1.16 The decision to conduct a joint interview with the child and, if necessary, with the child's carers will have been taken at the strategy meeting. The interviews must be conducted in line with the Child Protection Procedures. In particular, the child should be seen alone and in a safe environment.
- 1.17 Planning and undertaking the interview/s could involve the Police Child Abuse Investigation Unit, the UKBA and/or the local police. It may be helpful to involve immigration officials in this decision-making as outstanding immigration concerns may need resolving. In the longer-term, information gathered at an interview might help to resolve the child's immigration status. Intelligence gathered from the interview may also be helpful in preventing other children being trafficked from overseas.
- 1.18 Professional interpreters, who have been approved and DBS 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.
- 1.19 The interview should focus on the following areas:
- The child's family composition, brothers, sisters, ages;
 - The child's 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;
- 1.20 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.
- 1.21 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.
- 1.22 The interview should be conducted as fully as possible, both to ensure accuracy and to avoid intrusion into the family for a longer period than is absolutely necessary.
- On complete of section 47 enquiries.
- 1.23 On completion of the section 47 enquiries, a meeting should be held with the social worker, their supervising manager, the referring agency as appropriate, the police

and any other professionals involved to decide on future action. Further action should not be taken until this meeting has been held and multi-agency agreement obtained to the proposed plan unless emergency action is required.

- 1.24 Where it is found that the child is not a family member and is not related to any other person in this country, consideration should be given as to whether the child needs to be moved from the household and/or legal advice sought on making a separate application for immigration status.
- 1.25 Any law enforcement action regarding fraud, trafficking, deception and illegal entry to this country is the remit of the police. The local authority should assist in any way possible. However, the responsibility for taking legal action usually remains with the criminal justice agencies (exceptions include benefit fraud, held by Department of Work and Pensions).

2. The National Referral Mechanism (NRM)

Stage One – safeguarding assessment

- 2.1 In the first stage a frontline professional identifies that the child may be trafficked using the indicators in [section 5.3](#), and undertakes a safeguarding assessment in line with [section 5.7 \(information gathering\)](#).
- 2.2 With support, as required, from the local trafficked children lead (see [section 5.5](#), above), and using information from the safeguarding assessment, the professional completes the Trafficking assessment tool.

Stage Two – referral to a competent authority

- 2.3 In cases where the front line professional suspects that a child may have been trafficked, LA children’s social care will refer the case to a competent authority by sending the child NRM referral form to UKHTC. This will be in addition to acting promptly before the child goes missing and initiating an assessment of the child’s levels of need / risk of harm.
- 2.4 Practitioners should be aware that the safeguarding of the child takes precedence and their needs should be addressed. An NRM referral should not prevent immediate safeguarding actions taking place, although information from the NRM assessment may be helpful to those considering the safeguarding response.

Stage Three – ‘reasonable grounds’

- 2.5 Once the case has been formally referred, the Competent Authority will consider the details supplied on the First Responder Form along with any other evidence and apply a ‘reasonable grounds’ test to consider if the statement “I suspect but cannot prove” that the person is a victim of trafficking holds true. LA children’s social care may be required to supply further information at this stage if there is insufficient information available.
- 2.6 The child will be granted an extendable reflection and recovery period if the Competent Authority finds there are reasonable grounds to believe the child is a victim of trafficking. During this time UKBA will be asked to suspend removal action. This will allow for a fuller assessment of whether the child is a victim of trafficking. The 45 day period is also a period in which scope for criminal investigation can be explored.

Stage Four – referral to competent authority

- 2.7 Following a positive reasonable grounds decision, Competent Authorities are required to make a second identification decision which is to conclusively decide if the individual is a victim of trafficking. As part of this decision, LA children’s social care will be consulted and are expected to feed in any further information that may aid the decision making process.
- 2.8 LA children’s social care can at any stage consider accessing assistance with reintegration available through voluntary return schemes (which are always the preferred way of carrying out any return to the child’s country of origin).
- 2.9 Following a negative reasonable grounds or conclusive decision the child may still have safeguarding needs especially if they are unaccompanied. Social workers should continue to make their own assessments of a child’s care needs in line with the statutory duty placed on local authorities by virtue of the Children Act.

3. Issues to consider when working with trafficked children

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

- Appropriately trained and DBS 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.

3.2 They will also need:

- Professionals to be informed and competent in matters relating to trafficking and exploitation;
- Someone to spend time with them to build up a level of trust;
- To be interviewed separately. Children will usually stick to their account and not speak until they feel comfortable;
- A safe placement – safe accommodation if they are victims of an organised trafficking operation; the placement should be aware of the locality where the child was received in order to minimise the risk to the child and reduce their risk that the child may go missing;
- Their whereabouts to be kept confidential;
- Legal advice about their rights and immigration status. Professionals should make every effort to assist children to benefit from independent legal advice from a solicitor with experience in child trafficking;
- Discretion and caution to be used in tracing their families;
- A risk assessment to be made of the danger the children 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.

3.3 Professionals should:

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

Determining Age

- 4.1 Assessing the age of a victim of trafficking can be necessary because a child may have documents which are false, or belong to another child, in order to make them appear younger or older. Children are groomed (coerced) to lie about their age by the adults trafficking and exploiting them. Accordingly, information about a child provided by an accompanying adult / carer may not be accurate.
- 4.2 When the age of the victim is uncertain and there are reasons to believe that they are a child, either because the victim has stated they are under 18 years of age or there is documentation or information from statutory or specialist agencies that have raised concerns that they may be under 18, then s/he should be presumed to be a child and be provided with full protection as a child victim of trafficking.
- 4.3 Where there is concern that a child may have been trafficked and an age dispute arises, the child should be given the benefit of the doubt as to their age until his/her age is verified. This is in accordance with the Council of Europe Convention.
- 4.4 In circumstances where it is determined that a young victim of trafficking is an adult, professionals must follow their local Protection of Vulnerable Adults (POVA) procedure, and also contact the UKHTC.
- 4.5 See Appendix 1 [Interview as part of section 47 enquiries](#) for guidance which is also relevant for interviewing children and their families / carers outside the s47 process.

Supporting Child Witnesses

- 4.6 Assessing the willingness and capacity of a child victim to support criminal proceedings at the earliest stage is critical to ensure their welfare and that the most appropriate measures are in place to provide the support they may need. The UN Convention on the Rights of the Child requires that authorities should give primary consideration to the best interests of the child.
- 4.7 One of the key points to recognise is that the prosecution process itself, especially the trial, can be daunting and stressful for children. There are risks of re-traumatising the child or causing the child unnecessary worry and distress. While the child may not be in any danger as a witness, he/she will still be likely to suffer from stress and worry at the thought of having to give evidence in court. It is unlikely to be possible to eliminate this altogether, but steps should be taken to reduce it to a minimum.
- 4.8 This also applies to the process of gathering information that might support care proceedings. Like victims of domestic abuse, the child is likely to fear reprisal from their traffickers and/or the adults with whom he or she was living in the UK if they co-operate with LA children's social care or the police.
- 4.9 For children trafficked from abroad; an additional level of anxiety may exist because of fear of reprisals against their family in their home country. They may also fear being deported, having entered the UK illegally. Trafficked children may also have been forced to commit criminal offences while they are in a coerced situation.
- 4.10 The recently revised Home Office Guidance "Achieving Best Evidence in Criminal Proceedings: Guidance for Vulnerable or Intimidated Witnesses, including Children" 20 provides detailed recommended procedure for interviewing child witnesses. It considers planning interviews, decisions about whether the interview should be video

recorded or a statement taken, preparing the witness for court and subsequent court appearances, pre-trial therapy and special measures.

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

Returning trafficked children to their country of origin (safe returns)

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

Potential prosecution of traffickers

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

is a victim is for the Competent Authority to make, but officers must be alert to the impact that the decision may have on the victim and other stakeholders in the criminal justice process.