



TRAFFICKED AND EXPLOITED CHILDREN AND YOUNG PEOPLE May 2011

(This document provides Practice Guidance in Part 1. and the BSCB Procedures in Part 2.)

Part 1. Practice Guidance

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. Child trafficking is child abuse.

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 BSCB child protection procedures which can be accessed at www.bucks-lscb.gov.uk

2. Definitions

2.1 Human trafficking is defined by the United Nations High Commissioner for Refugees (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;
- 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.

2.3 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. Child victims may be indigenous UK nationals, European Union [EU] nationals or from any country outside the EU.

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 sexual, physical and emotional abuse and neglect;

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

4. The issues of child trafficking

4.1 Why do people traffic children?

4.1.1 Most children are trafficked for financial gain. This can include payment from or to the child's parents, and can involve the child in debt-bondage to the traffickers. In most cases, the trafficker also receives payment from those wanting to exploit the child once in the UK. Some trafficking is carried out by organised gangs. In other cases, individual adults or agents traffic children to the UK for their own personal gain. 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 re-trafficked.

4.1.2 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
 - nail bars
- **Enforced criminality** e.g.
 - cannabis cultivation
 - begging and pickpocketing
 - drug dealing / trafficking
 - for the purpose of benefit fraud
- **Trade in human organs**
- **Illegal adoption**

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

4.2 How are children recruited and controlled?

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

- Children are promised education or what is regarded as respectable work – such as in restaurants or as domestic servants.

- Parents are persuaded that their children will have a better life elsewhere.

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

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

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

Confiscation of the child's identity documents;

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

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

4.3 How are children brought to the UK?

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

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

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

4.3.4 The recent learning experience from Paladin and 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.

4.4 Trafficking within the UK

4.4.1 There is increasing evidence that children (both of UK and other citizenship) are being trafficked internally within the UK. Children may be trafficked internally for a variety of reasons, many of them similar to the reasons children are trafficked between countries. Where children have been violently controlled by criminal gangs for sexual exploitation, the children may in some cases have been moved between several locations to retain control of their victims. The majority of these types of victims are girls although a number may include boys.

4.4.2 Whilst evidence so far generally relates to girls, boys are also trafficked within the UK.

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 refer to BSCB child protection 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.

5.2 Possible indicators that a child may have been trafficked

5.2.1 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.

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

At port of entry

5.2.3 The child:

- Has entered the country illegally;
- Has no passport or other means of identification;
- Has false documentation;
- Possesses money and goods not accounted for;
- Is malnourished;
- Is unable to confirm the name and address of the person meeting them on arrival;
- 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;
- May appear happy and excited as in another Country.

5.2.4 The sponsor could:

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

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

5.2.5 The child:

- Receives unexplained / unidentified phone calls whilst in placement / temporary accommodation;
- Shows signs of physical or sexual abuse, and/or has contracted a sexually transmitted infection or has an unwanted pregnancy;
- Has a history with missing links and unexplained moves;
- Has gone missing from local authority care;
- Is required to earn a minimum amount of money every day;

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

Children internally trafficked within the UK

5.2.6 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.

5.2.7 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.

5.2.8 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 due to grooming or threats from the trafficker

5.3 Obstacles to self-identification

5.3.1 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 trafficking⁶. 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’.
- 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.

5.4 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 Informal Fostering arrangements are un-monitored, un-assessed, and unknown. Many informal 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 informally fostered is not the same as identifying a child who has been trafficked. Nevertheless, some children in informal fostering arrangements are vulnerable to being exploited in domestic servitude, other forms of forced labour, and sexual exploitation. Where indicators of child trafficking are present, a child trafficking assessment will provide a vehicle to aid in identification.

5.5 Information gathering

5.5.1 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 NSPCC Child Trafficking Advice and Information Line; and
- Another local authority with expertise in responding to trafficked children
http://www.londonscb.gov.uk/files/2010/trafficking/london_safeguarding_trafficked_children_tools_feb_2011.pdf

6. Children at risk of, or experiencing, significant harm

6.1 Children's social care response

Referral and information gathering

6.1.1 The social worker should obtain as much information as possible from the referrer, including:

- The child's name, dob, address, name of carer, address of carer 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.
- Police checks

Action after the initial information gathering

6.1.2 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 and that section 47 enquiries should be initiated

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 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.

Emergency action addresses only the immediate circumstances of the child/ren, and should be followed quickly by section 47 enquiries

There may be occasions where the child's safety can only be secured by a care order.

Initial assessment

6.1.3 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, 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 using available agencies such as Children and Families Abroad, Serious Organised Crime Agency, Europol UK Human Trafficking Centre.

6.1.4 During the initial 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. This falls within S11 children's Act 2004.

A recent or new photograph of the child should be included in the social worker's file together with copies of all relevant identification documentation.

6.1.5 When assessing any documentation, attention should be given to the details. If a passport is being checked the official should:

- Verify the date of issue;
- Check the length of the visa;
- Check whether the picture resembles the child;
- Check whether the name in the passport is the same as the alleged mother/father, and if not, why not; and
- Check whether it appears to be original and take copies to ensure further checks can be made if necessary.

6.1.6 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.

6.1.7 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 United Kingdom Border Agency (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

6.1.8 Once the relevant information has been gathered, social worker and supervising manager, together with the police, should decide whether to convene a strategy discussion.

6.1.9 Children's social care must convene a strategy meeting within two working days of:

- The child becoming looked after; or
- Arrival in the borough where intending to reside, if s.47 enquiries are appropriate.

Interview as part of section 47 enquiries

6.1.10 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 BSCB procedures; in particular, the child should be seen alone and in a safe environment.

6.1.11 Planning and undertaking the interview/s could involve the police (possibly CAIU and/or the local police.) or the UKBA 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.

6.1.12 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 relative¹⁹. Every child should be given ample opportunity to disclose any worries away from the presence of the sponsor. Trafficked young people can be very distrustful of interpreters.

6.1.13 The interview should focus on the following areas (it must be taken into account that it may take months or years for disclosure to be made):

- Family/household composition
- Parent/carer's employment
- Tasks/work undertaken in house and elsewhere
- Length of time in this country
- Where s/he lived and went to school previously, including in country of origin
- Who cared for her/him in country of origin – and subsequently
- If the family sent the child to the UK, or elsewhere
- Did the child know where they were being sent and what is her/his understanding of why they are here
- Was there a facilitator (someone who arranges the details in the country of origin)
- Did the family pay the facilitator
- Was the young person prepared with information to provide if intercepted at the port of entry
- Did anyone else travel with the child, and if so what happened to that person on arrival
- Was the child to be met at any particular airport (NB the child may have been intercepted on transit)
- What does the child want themselves
- Has the child a mobile phone or a SIM card
- Explore if the child knows anyone in the UK, or has phone number/s of friends/family (explain that it is alright to know people and it may be in her/his interests to be reunited with a genuine family member)
- Reconfirm why s/he came to the UK or left her/his country of origin.

6.1.14 The adults in the family should be interviewed separately, covering the same areas. A comparison can then be made between the answers to ensure they match.

6.1.15 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.

On completion of section 47 enquiries

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

7. The National Referral Mechanism (NRM)

7.1 Overview and role of competent authority

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

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

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

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

7.1.5 Referrals into the NRM will provide a national picture of numbers of children trafficked, as well as supporting evidence which will assist in building up intelligence such as trends, routes of travel and details which may assist in leading to the arrest and conviction of those who commit this terrible crime.

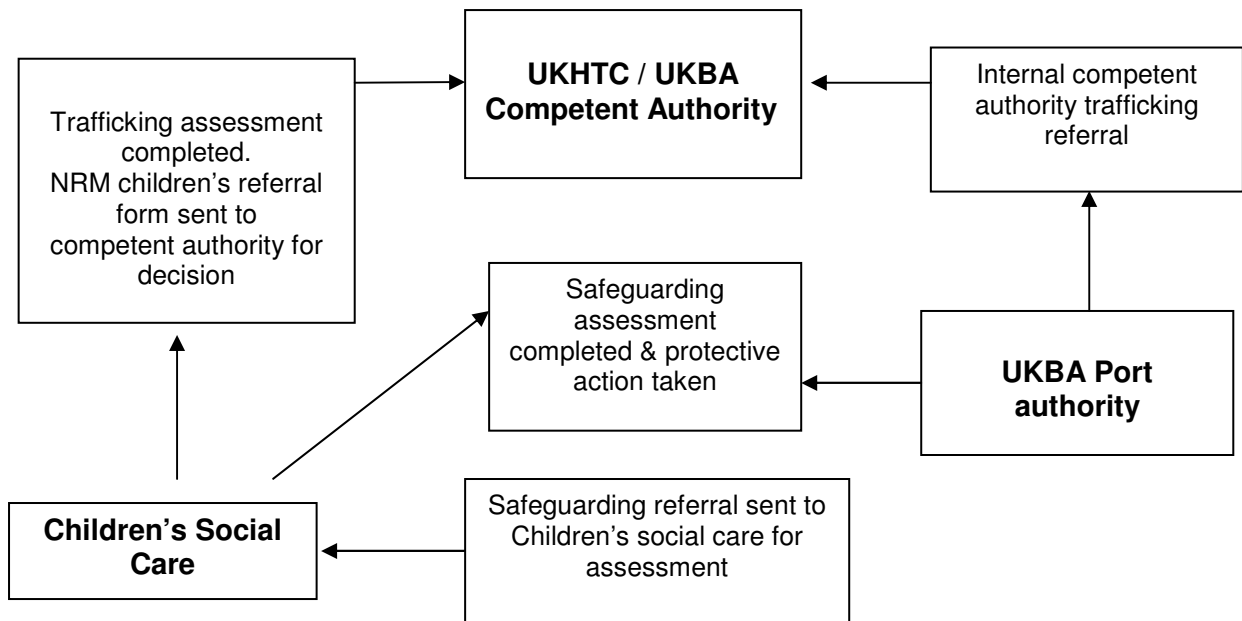
7.1.6 NRM referrals will also help the local authority focus their approach to the appropriate response for the child by ensuring all available information can be gathered and shared quickly between partners. This will allow the child's needs to be addressed as well as certain mitigating factors taken into account such as the risk of the child going missing.

7.1.7 In addition where necessary, the Competent Authority will assist in regularising a child's immigration status. This will assist the child in accessing particular services.

7.1.8 Responsibility for the care, protection and accommodation of child trafficking victims rests with local authorities under their duty to safeguard and promote the welfare of all children. Separated and vulnerable children from abroad have the same entitlements as UK born or resident children.

7.1.9 Where a child is assessed as in need and becomes looked after by a local authority, a social worker will be responsible for putting in place an individualised care plan covering the full range of the child's needs. The social worker will also make an assessment of the type of placement which best matches the needs of the child, including the need to safeguard them from contact with traffickers.

7.1.10 National referral mechanism overview:



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

7.2 Stage one – safeguarding assessment

7.2.1 In the first instance a frontline professional identifies that the child may be trafficked using the indicators in [section 5.2](#), and undertakes a safeguarding assessment in line with [section 5.6 \(information gathering\)](#).

7.3 Stage two – referral to a competent authority

7.3.1 In cases where the front line professional suspects that a child may have been trafficked, 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.

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

7.4 Stage three – 'reasonable grounds'

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

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

7.5 Stage four – referral to competent authority

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

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

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

8. Issues to consider when working with trafficked children

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

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

8.2 They will also need:

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

8.3 Professionals should:

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

Determining age

8.4 Assessing the age of a victim of trafficking can be necessary because a child may have documents which are false or forged, 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.

8.5 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.

8.6 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.

8.7 Age assessments should be Merton compliant (a term used to describe a local authority age assessment that has been conducted in accordance with the case law on age assessments and is therefore fair and lawful. The term derives from the Merton judgment of 2003 which gives 'guidance as to the requirements of a lawful assessment by a local authority of the age of a young asylum seeker claiming to be under the age of 18 years').

8.8 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.

8.9 See section 6.1.10 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

8.9 Assessing the willingness and capacity of a child victim to support criminal proceedings at the earliest stage is critical to ensure their welfare and that the most appropriate measures are in place to provide the support they may need. The UN Convention on the Rights of the Child requires that authorities should give primary consideration to the best interests of the child.

8.10 One of the key points to recognise is that the prosecution process itself, especially the trial, can be daunting and stressful for children. There are risks of re-traumatising the child or causing the child unnecessary worry and distress. While the child may not be in any danger as a witness, he/she will still be likely to suffer from stress and worry at the thought of having to give evidence in court. It is unlikely to be possible to eliminate this altogether, but steps should be taken to reduce it to a minimum.

8.11 This also applies to the process of gathering information that might support care proceedings. Like victims of domestic abuse, the child is likely to fear reprisal from their traffickers and/or the adults with whom he or she was living in the UK if they co-operate with Children's social care or the police

8.12 For children trafficked from abroad, an additional level of anxiety may exist because of fear of reprisals against their family in their home country. They may also fear being deported, having entered the UK illegally. Trafficked children may also have been forced to commit criminal offences while they are in a coerced situation.

8.13 The recently revised Home Office Guidance “*Achieving Best Evidence in Criminal Proceedings: Guidance for Vulnerable or Intimidated Witnesses, including Children*” 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.

8.14 Children, who might agree to testify in a criminal case, fear that they will be discredited in court because they were coerced into lying on their visa applications or immigration papers.

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

8.15 In many cases, and with advice from their lawyers, trafficked children apply to the UKBA for asylum or for humanitarian protection. This is often because of the high risk they face of coming to harm if they are forced to return to their countries of origin. All such claims must be carefully considered. 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. These enquiries can be assisted by Children and Families Abroad, UK Human Trafficking Centre, Europol, and Serious Organised Crime Authority.

8.16 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.

8.17 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).

Potential prosecution of traffickers

8.18 Whether an alleged trafficker is being prosecuted may be of relevance but the decision to identify a victim (either preliminary or conclusively) is not dependent on a conviction of the perpetrators, or on whether or not the victim cooperates in the criminal proceedings.

8.19 Decision makers need to be aware that all deliberations will be subject to rules of disclosure in any subsequent prosecution for trafficking. Where an individual is being treated by the police as a potential witness, regardless of whether they are likely to be found to be victims or not, case owners should ensure lines of communication with the Senior Investigating Officer are kept open. The decision of whether someone is a victim is for the Competent Authority to make, but officers must be alert to the impact that the decision may have on the victim and other stakeholders in the criminal justice process.

9. Particularly vulnerable groups of children

9.1 Trafficked children who are looked after

9.1.1 A child who may be at risk from, or has been, trafficked, may be accommodated after initial information gathering (see [section 6.1.2](#)). In these circumstances, 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 e.g. in line with operation Newbridge it would be good practice to have a photo of the young person on their file.

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

9.1.5 Therefore, it will be important that:

- The location of the child should not be divulged to any enquirers until they have been interviewed by a social worker and their identity and relationship / connection with the child established, if necessary with the help of police and immigration services.
- Foster carers / residential workers should be vigilant about anything unusual (e.g. waiting cars outside the premises and telephone enquiries).
- 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 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 (Local Authorities fund the Missing People's Missing from Care Team that provides a specialist service to LA children's social care when any of their 'looked after' children go missing. LA children's social care professionals can contact the Missing from Care Team on 020 8392 4527).

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 Thames Valley Missing Children Protocol
http://bucks.phewinternet.co.uk/sites/all/files/assets/documents/Procedures/Working_Together_Update_2010/Section_11/Missing_Children_September_2009.pdf