

# **Safeguarding Children in Scotland who may have been Trafficked**

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## 1. Introduction

On 23 March 2007 the Home Secretary, on behalf of the UK Government, signed the *Council of Europe Convention on Action Against Trafficking in Human Beings* (the Convention). On the same day the Home Office and the then Scottish Executive published the *UK Action Plan on Tackling Human Trafficking* (the UK Action Plan)<sup>1</sup> (2007). Implementation of the Convention forms part of the UK Action Plan. The Convention was ratified on 17 December 2008. This will mean that the UK becomes bound by the Convention on 1 April 2009. The purpose of the Convention is to prevent and combat trafficking in human beings, to identify and protect the victims of trafficking and to safeguard their rights; and to promote international co-operation against trafficking.

The UK Action Plan has a dedicated chapter on proposals to combat the abuse and exploitation of children by criminal human traffickers. One of the key commitments in the action plan is to provide targeted guidance to meet the particular needs of children who may have been trafficked. *Safeguarding children who may have been trafficked*<sup>2</sup> was published by the UK Government in December 2007 and provides guidance to all professionals and volunteers working or in contact with children. That version was designed to be used in conjunction with *Working Together to Safeguard Children: A guide to interagency working to safeguard and promote the welfare of children*<sup>3</sup> (2006).

This is a Scottish version, adapted to apply within current Scottish legislation, policy and structures. It is intended to supplement local interagency child protection procedures (and where appropriate, adult protection procedures) and it should be applied with reference to relevant national guidance<sup>4,5</sup> and the principles set out in the Scottish framework for child protection standards<sup>6</sup>. Local authorities already have a general duty under the Children (Scotland) Act 1995 (the 1995 Act) to safeguard and promote the welfare of children and young people in need in their area. The safety and well-being of all children are central to *Getting it right for every child*<sup>7</sup>, a policy intended to underpin practice, systemic and cultural developments not just within public services but between all relevant agencies. The Scottish Government also fully supports the provisions of the UN Convention on Rights of the Child. The practice guidance in this document relates primarily to investigation and child protection. However, such guidance must fit within an approach which looks beyond safety and criminal investigation and which ensures that there is efficient and co-operative assessment and planning to promote and support the rights of children and to identify and address the range of needs for any child who has been trafficked.

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

<sup>2</sup>

<http://publications.everychildmatters.gov.uk/default.aspx?PageFunction=productdetails&PageMode=publication&ProductId=HMG-00994-2007&>

<sup>3</sup> <http://www.everychildmatters.gov.uk/resources-and-practice/IG00060/>

<sup>4</sup> <http://www.scotland.gov.uk/library/documents-w3/pch-00.htm>

<sup>5</sup> [www.scotland.gov.uk/Publications/2005/02/20675/52303](http://www.scotland.gov.uk/Publications/2005/02/20675/52303)

<sup>6</sup> <http://www.scotland.gov.uk/Publications/2004/03/19102/34605>

<sup>7</sup> <http://www.scotland.gov.uk/Topics/People/Young-People/childrenservices/girfec>

## 2. Definitions

The two most common terms used for the illegal movement of people - 'smuggling' and 'trafficking' - have very different meanings. In human smuggling, immigrants and asylum seekers pay people to help them enter the country illegally, after which there is no longer a relationship. Trafficked victims are coerced or deceived by the person arranging their relocation. On arrival in the country of destination, the trafficked victim is forced into exploitation by the trafficker or person into whose control they are delivered or sold.

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

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

*The Palermo Protocol* establishes children as a special case. Any child transported for exploitative reasons is considered to be a trafficking victim, whether or not they have been deceived. This is partly because it is not considered possible for children to give informed consent. Even when a child understands what has happened, they may still appear to submit willingly to what they believe to be the will of their parents or accompanying adults. It is important that these children are still protected.

In this document the term 'children' is used to mean 'children and young people'. Part 1 of the Children (Scotland) Act 1995 (the 1995 Act), also defines a child as a person under 18 years of age, although the legal definition is variable, according to context, and in relation to the role of the Reporter and the Children's Hearings system, the definition of a child under Section 93.2 of the 1995 Act applies.

For the appropriate response and protection of vulnerable adults in Scotland, guidance on the Adult support and Protection (Scotland) Act 2007 is available<sup>8</sup>.

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<sup>8</sup> <http://www.scotland.gov.uk/Topics/Health/care/VAUnit/ProtectingVA>

Some children and some adults have additional needs and vulnerabilities through disability, mental ill health or learning development. This guidance is prefaced by an expectation that professionals involved in safeguarding and protecting such individuals are mindful of their additional support and communication needs.

### 3. The problem of child trafficking

#### What evidence is there of child trafficking?

The trafficking of children is a clandestine activity and, therefore, it has been difficult to identify and record the number of trafficked children, although some data does exist. This is not specific to Scotland. Recent research reported in *Missing Out*<sup>9</sup> (2007) by End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes (ECPAT UK) into missing children and data collected by the Child Exploitation Online Protection Centre (CEOP) in its scoping report provides evidence of child trafficking into and within the UK.

The CEOP report, *A Scoping Project on Child Trafficking in the UK*<sup>10</sup> (2007), identified 330 children as potential trafficking cases when using the child trafficking profile developed by the London Safeguarding Children Board. The *UK Action Plan on Tackling Human Trafficking* (2007) describes how the United Kingdom Human Trafficking Centre<sup>11</sup> (UKHTC) will become the central focus for all intelligence and data collection of human trafficking.

During Operation Pentameter, a national, police led anti trafficking operation in 2006 targeting off street sexual exploitation, officers found 12 child victims of trafficking who had been sexually exploited in the UK during the period of 21 February – 31 May 2006. During Operation Pentameter 2, officers found 13 victims of child trafficking in the UK.

#### Why do people traffic children?

Most children are trafficked for financial gain. This can include payment from or to the child's parents. In most cases, the trafficker also receives payment from those wanting to exploit the child once in the UK. Some trafficking is carried out by organised gangs. In other cases, individual adults or agents traffic children to the UK for their own personal gain. For example, these children may be used for:

- sexual exploitation;
- domestic servitude;
- sweatshop, restaurant and other catering work;
- credit card fraud;
- begging or pick pocketing or other forms of petty criminal activity;
- agricultural labour, including tending plants in illegal cannabis farms;
- benefit fraud;
- drug mules, drug dealing or decoys for adult drug traffickers; and,
- illegal intercountry adoption.

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<sup>9</sup> [www.ecpat.org.uk/publications.html](http://www.ecpat.org.uk/publications.html)

<sup>10</sup> [www.ceop.gov.uk](http://www.ceop.gov.uk)

<sup>11</sup> [www.ukhtc.org](http://www.ukhtc.org)

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

### Why is trafficking possible?

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

- **Poverty:** in general, this is the root cause of vulnerability to exploitation. The recruiter's promises of work or income are seen by families as a possible escape route from impoverished circumstances. At the very least a child's departure means one less mouth to feed.
- **Lack of education:** attendance at school has proven 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.
- **Families with complex or multiple problems:** children may choose to leave home as a result of domestic abuse and neglect, or they may be forced to leave home for a number of reasons. They then become vulnerable to trafficking, particularly if they become destitute or homeless.



- **Political conflict and economic transition:** these often lead to movements of large numbers of people and the erosion of economic and social protection mechanisms, leaving children vulnerable.
- **Inadequate local laws and regulations:** trafficking involves many different events and processes, and legislation has been slow to keep pace. Most countries have legislation against exploitative child labour, but not all have laws specifically against trafficking. Even where there is appropriate legislation, enforcement is often hampered by lack of prioritisation, corruption and ignorance of the law.

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

### How are children recruited and controlled?

There are three phases in the trafficking process: the recruitment phase, the transit phase and the destination phase. The traffickers might be part of a well organised criminal network, or they might be individuals involved in only one of the various stages of the operation, such as the provision of false documentation, transport, or places where the child's presence can be concealed.

Traffickers recruit their victims using a variety of methods. Some children are subject to coercion, which could take the form of abduction or kidnapping. However, most children are trapped in subversive ways. For example:

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

Many children travel on false documents. Even those whose documents are genuine may not have access to them. One way that traffickers exert control over trafficked children is to retain their passports and threaten children that should they escape, they will be deported. The creation of a false identity for a child can give a trafficker direct control over every aspect of a child's life, for example, by claiming to be a parent or guardian.

Even before they travel, children may be subjected to various forms of abuse and exploitation to ensure that the trafficker's control over the child continues after the child is transferred to someone else's care. Methods that are used include:

- confiscation of the child's identity documents;
- threats of reporting the child to the authorities;
- violence, or threats of violence, towards the child;
- threats of violence towards members of the child's family;
- keeping the child socially isolated;
- keeping the child locked up;

- telling some children that they owe large sums of money and that they must work to pay this off;
- depriving the child of money; and,
- voodoo or witchcraft, which may be used to frighten children for example into thinking that if they tell anyone about the traffickers, they and their families will die.

## **How are children brought to the UK?**

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.

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

### **Accompanied children**

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

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.

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

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**

More is known about separated children as they often come to the notice of agencies such as local authorities, the police, the Scottish Refugee Council or UK Border Agency (UKBA). Separated children may come to the UK seeking asylum (Unaccompanied Asylum Seeking Children - UASC), or they may be here to attend school or join family. A child may be the subject of a private fostering arrangement.

If the child is separated and not travelling to his or her customary care giver, or if there are some concerns over the legitimacy or suitability of the proposed arrangement for the child's care in the UK, they should be referred to local authority children's services by UKBA.

Some groups of children will avoid contact with authorities as they are instructed to do so by their traffickers. In other cases, the traffickers insist that the child applies for asylum as this gives the child a legitimate right of temporary leave to remain in the UK.

It is suspected that significant numbers of children are referred to local authority children's services 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.

Local authorities have the same duties to separated children as they would have to any other children in their area. So they are eligible for support under the Children (Scotland) Act 1995 and other provisions.

Note: The arrangements for supporting unaccompanied asylum seeker children are likely to change. The UK Border Agency announced proposals for improving the care of UASCs in January 2008, for example it is proposed to establish a number of "specialist authorities" (to which UASCs will be dispersed), in order to concentrate resources, expertise and experience. Some Scottish local authorities have been involved in discussions about becoming specialist authorities.

Separately, the Scottish Government is working with the Scottish Refugee Council, Glasgow City Council and others to consider the roles and responsibilities of key professionals and agencies in promoting and supporting the rights of these young people and what can be done to improve the help and support they receive. It is not yet clear exactly how the new arrangements will work in Scotland or when they will begin.

## **Internal Trafficking**

There is significant evidence that children (both of UK and other citizenship) are being trafficked internally within the UK. In fact, this is increasingly being regarded as a more common form of trafficking in the UK. This guidance focuses mainly on trafficking from abroad, but many sections of this practice guidance will help practitioners and their managers who are concerned that a child may have been trafficked internally. The list of indicators in section 7 should also help practitioners identify these children. Children may be trafficked internally for a variety of reasons, many of them similar to those outlined above. This includes where foreign children and young people are initially brought into the UK and then further internally trafficked around the UK, as well as where UK national or resident children and young people are groomed, recruited, transported and exploited around the UK. Further information about internal trafficking can also be found in the forthcoming CEOP Report of Child Trafficking, due to be published shortly.

There are documented cases of teenage girls, born in the UK, being targeted for internal trafficking between towns and cities for sexual exploitation. Such cases are

highlighted by the Coalition for the Removal of Pimping (CROP) in its paper, *Trafficking in Our Midst*<sup>12</sup>(Annual Review 2005/06). It describes how girls are targeted, groomed and lured away from their families and carers into a social networks of boys and men. The grooming tactics are similar to those used by child sex offenders, where relationships of coercion are build on “trust” and dependence. Often these gangs may be involved in other areas of criminality, such as drugs and arms dealing. Older boys are usually involved in the initial grooming process and become “boyfriends” to girls. As the emotional attachment is secured, the boys will begin manipulating the girls into giving sexual favours to other men. There is often the involvement of drugs and alcohol and over a period of time various methods of control are used. The traffickers exerted strong control over the girls and in some cases it has been found that they have no means of communicating with family or friends and often had no idea where they were in the UK. The girls complied with the sexual demands to avoid being further assaulted or their family or friends threatened.

The UKHTC is currently compiling evidence of such cases and this will help to build a better understanding of the nature and spread of internal trafficking of children across the UK. Whilst evidence so far relates to girls, there may be cases of boys being trafficked within the UK.

There is also information to show that foreign national children and young people who enter the UK and find themselves in exploitative situations are often trafficked internally. For example, young people have been found being trafficked around the country in sexual exploitation.

### **The impact of trafficking on children’s health and welfare**

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**

This can include:

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

#### **Emotional and psychological abuse**

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

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<sup>12</sup> <http://www.crop1.org.uk/>

Trafficked children may feel:

- disorientated, after leaving their family environment, no matter how impoverished and difficult. This disorientation can be compounded for some children who have to assume a new identity or have no identity at all; and
- isolated from the local community in the UK by being kept away from school and because they cannot speak English.

They may:

- fear both the adults who have physical control of them and the threat that they will be reported to the authorities as immigration criminals;
- lose their trust in all adults;
- have low self-esteem and believe that the experience has ruined them for life psychologically and socially. They may become depressed, and sometimes suicidal;
- worry about people in their families and communities knowing what has happened to them, and become afraid to go home; and
- feel like criminals as a result of the new identity forced on them, which can have long term consequences for their adult lives.

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**

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

## **Neglect**

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.

It should be kept in mind that there may be children who may have been victims of trafficking who do not show obvious signs of distress or disturbance.

## 4. Role of Child Protection Committees and public agencies

### Child Protection Committees

The role of Child Protection Committees is to co-ordinate, at a strategic level, what is done by their members to safeguard and promote the welfare of children in their local area and to ensure the effectiveness of that work. That will include addressing potential cases of trafficking. Local child protection committees should maintain links with community groups and have a strategy in place for raising awareness within the local community of the possibility that children are trafficked and exploited, and how to raise a concern. Local child protection committees should consider whether there is a need to develop inter-agency protocols to guide action where there are concerns that a child has been trafficked, including sharing concerns about a child's safety. A draft protocol will be developed by the Scottish Government and made available to local areas shortly. The protocols should be consistent with relevant national guidance<sup>13, 14</sup> and the framework for standards for child protection<sup>15</sup>. They should also be consistent with local procedures for safeguarding and promoting the welfare of children, with procedures for working with children in need, and with relevant aspects of youth justice processes. The identification of a child who has been trafficked, or is at risk of being trafficked, should always trigger the agreed local procedures to ensure the child's safety and welfare, and to enable the police to gather evidence about abusers and coercers.

### Role of specific agencies and services

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

It is the responsibility of all those who work with or are in contact with children to work together to safeguard and promote the rights and welfare of children. This includes trafficked children.

It is a principle of *Getting it right for every child* that all relevant agencies should be alert to the needs of children with whom they have contact and should take appropriate steps to improve their situation. It is recommended that there should be a "lead professional" who will co-ordinate and monitor implementation of each child's plan and be a single point of reference for child and family when different agencies (or different services within single agencies) are involved. (Note: In Glasgow, there is also the Asylum Lead Professional Team which works to provide information to UKBA on case resolution families.)

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<sup>13</sup> <http://www.scotland.gov.uk/library/documents-w3/pch-00.htm>

<sup>14</sup> [www.scotland.gov.uk/Publications/2005/02/20675/52303](http://www.scotland.gov.uk/Publications/2005/02/20675/52303)

<sup>15</sup> <http://www.scotland.gov.uk/Publications/2004/03/19102/34603>

## Local authority social work services

Under section 22 of the 1995 Act, local authorities have a duty to safeguard and promote the welfare of children in their area who are in need, regardless of their immigration status. Children “in need” (as defined in section 93.4 of the 1995 Act) are those children in need of care and attention because they are unlikely to achieve or maintain, or to have the opportunity of achieving or maintaining, a reasonable standard of health or development unless services are provided or if the child’s health or development is likely to be significantly impaired, or further impaired, unless such services are provided; or if the child is disabled; or is affected adversely by the disability of any other person in their family.

Where there are immediate concerns about the safety of a child under 16, section 57 of the 1995 Act provides for the issue of a child protection order on application to a sheriff. Such an order can require any person in a position to do so to produce the child; or authorise the removal of a child to a place of safety; or authorise the prevention of the removal of a child from any place where he/she is being accommodated; or stipulate that the location of any place of safety should not be disclosed to any person or such persons as specified in the order. Under section 58 of the same Act the sheriff can also regulate contact arrangements. When a sheriff is not available emergency action can be taken by referral to a Justice of the Peace (1995 Act, section 61). The Principal Reporter has to be given notice of the making of a CPO and, where the decision is not to discharge the child from the place of safety, shall arrange a children’s hearing.

Section 25 of the 1995 Act requires that a local authority shall provide accommodation for any child who, residing or having been found within their area, appears to them to require such provision because no-one has parental responsibility for the child; or the child is lost or abandoned; or the person who has been caring for the child is prevented, whether or not permanently and for whatever reason, from providing the child with suitable accommodation or care. However, the local authority cannot provide accommodation under section 25 for a child if any person who has parental responsibilities in relation to him and the parental rights is willing and able either to provide, or to arrange to have provided, accommodation for him, objects; and any such person may at any time remove the child from accommodation which has been provided by the local authority under this section 25.

When information is received by a local authority which suggests that compulsory measures of supervision may be necessary, they have a duty (under section 53.1 of the 1995 Act) to cause inquiries to be made unless they are satisfied that such inquiries are not necessary, and if it appears that compulsory measures may be necessary, the local authority also has a duty to give the Principal Reporter such information about the child as they have been able to discover.

If the reporter believes that there are good reasons (grounds) to refer a child to a children’s panel, the panel will consider whether or not a child should become ‘looked after’. If so, the local authority will have a set of legal duties and responsibilities to fulfill as set out in the Children (Scotland) Act 1995 and accompanying regulations. These regulations will apply to the children and to their carers – whether or not they are looked after at home; by a kinship or foster carer or



in residential care. These regulations are currently being redrafted and will be submitted to the Scottish Parliament after Easter 2009. It is expected that they will come into force by July 2009.

The local authority will have lead responsibility for ensuring these statutory duties are fulfilled by all relevant services for children.

### **Local authority education services**

Children trafficked into the country may be registered at a school for a term or longer, before being moved to another part of the UK or abroad. This pattern of registration and de-registration may be an indicator that a child has been trafficked. This has been identified as a particular concern in schools which are situated near ports of entry, but practitioners should be alert to this possibility in all schools. However, they should also bear in mind that not all children who go missing from education have been victims of trafficking. For example, there may be instances of children from communities that move around - Gypsy, Roma, traveller or migrant families - who collectively go missing from school.

“Safe and Well: A handbook for staff, schools and education authorities<sup>16</sup> is recommended as a standard reference for education professionals in Scotland. Safe and Well specifies that each school should have a Child Protection Co-ordinator who will co-ordinate the school’s response to concerns for children and young people’s safety and wellbeing. Also, every Education Authority should have a designated officer for Child Protection who will ensure schools work effectively to keep children safe and well.

If a member of the school staff suspects that a child may have been trafficked, they should contact the police or local authority children’s services immediately. They can do this through their school’s child protection co-ordinator or head teacher. School staff, as any member of the public, may also pass information direct to local authority children’s services or the police if for any reason they do not wish to pass information to the Child Protection Co-ordinator or Headteacher. Any person, including education staff, may refer to the Reporter directly when a child may be in need of compulsory measures of supervision.

### **Local authority children missing from education**

Those responsible for local identification of children missing from education may encounter children who may have been trafficked. Where this is the case, they should contact the local authority children’s services or the police immediately. Detailed national guidance on Children Missing from Education has already been developed<sup>17</sup>.

Some children are less accessible to assessment of their needs and the risks to which they are exposed because they are being home educated. In some situations this arrangement could be a means to avoid contact with statutory agencies and Local Authority staff should be alert to this. However, it should not be assumed that

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<sup>16</sup> <http://www.scotland.gov.uk/Publications/2005/08/0191408/14093>  
<sup>17</sup> <http://www.scotland.gov.uk/Publications/2005/08/0191408/14169>

instances of exploitation are more likely to arise for children who are home educated. The Scottish Government has produced separate guidance on home education<sup>18</sup> for use by parents and local authorities.

### **Local authority youth justice teams**

Staff working in local authority Youth Justice Teams may encounter children from abroad or others who have been trafficked. Children who have been trafficked may be reluctant to disclose the circumstances of their exploitation or arrival into the UK for fear of reprisals by the trafficker, owner or pimp or misplaced loyalty to them. There are cases when trafficked children have been charged with criminal offences, for example when involved in cannabis farms.

This reluctance to disclose the real circumstances in which the child arrives into the country will have implications for the Children's Hearing System and youth justice processes. Parenting and carer assessments may be difficult as adults presenting as carers may be implicated in the trafficking process and would not be acting in the best interest of the child. In addition, age verification processes may have to be invoked and specific work may be needed to address any post traumatic stress.

### **Support from local authorities for separated children**

Local authorities provide care and support for separated children arriving in Scotland. There are however some concerns about the support and services available to them – there are, for example, no independent guardians along the lines recommended by the UN and others. As set out above, the Scottish Government is therefore working with key stakeholders to explore the support that is currently available for separated children in Scotland and the measures/steps that are required to improve things.

Most recent estimates (2006) suggest there are around 170-180 unaccompanied young people in Scotland who have sought asylum. Most are located in Glasgow and are supported by the City Council. The Glasgow Asylum Seeker Support Project provides them with help, support and advice as do GCC Children's Rights officers and the Scottish Refugee Council. An HMIE led joint inspection of services for children seeking asylum in Glasgow<sup>19</sup> was published in late 2006.

### **Local authority adult services**

Housing, community services, corporate and commercial services could all encounter children who may have been trafficked during the course of their work. Professionals working with adults who have contact with children will also have a role in looking out for the needs of the child. Housing departments (especially those dealing with homelessness and housing support) may come into contact with children who may have been trafficked. Appropriate links should be made with

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<sup>18</sup> <http://www.scotland.gov.uk/Publications/2007/12/17133313/4>

<sup>19</sup> <http://www.hmie.gov.uk/documents/publication/Final%20Report.pdf>

Domestic Abuse Forums/Multi-agency partnerships as they will have experience of providing support to women who may have been trafficked.

## Health services

This guidance applies to all health practitioners. Trafficked children may present at a wide range of health settings including Accident & Emergency, Sexual Health and primary care services, community pharmacies, minor injury units, optometrists, sexual and reproductive health clinics, the Scottish Ambulance Services, out of hours services and by school nurses. They may also be seen by health services working specifically with the homelessness population or with asylum seekers. Maternity services should also be alert to the possibility of trafficked women using their services or of adolescent women who may be pregnant.

Practitioners in the statutory, private, independent and voluntary sectors should be alert to inconsistencies in addresses, any deliberate vagueness and children or carers being unable to give details of next of kin, names, telephone numbers or other personal details. Health Visitors and Senior Nurses who may follow up visits to Accident & Emergency and doctors who provide statutory health checks and reviews on children in care, should also be alert to child trafficking concerns and aware of the action that should be taken, as outlined further in section 7. Identification of trafficked children may occur when using interpreting services and staff should therefore give consideration to how this information is elicited.

GPs, their reception staff, and other members of the primary care team should be aware of Temporary Residents who have a pattern of frequent moves. Practitioner Services Division may assist in identification of such a pattern. An inquiry should be triggered during the circulation of an NHS or child missing from Education/Missing Family Alert. Guidance on Missing Family Alerts<sup>20</sup> describes information sharing processes between police, social work services, Children Missing from Education, and NHS services, including NHS 24.

When children or their carers give addresses in other countries, stating that the child is resident outside of the UK, reception staff are advised to record the current holiday address as well as the home address in their own country. Staff should be alert to local holiday addresses, in case patterns emerge that suggest numbers of children are moving in and out of the same address or when they are presented with unusual ailments (such as genital warts or TB).

School nurses should discuss any relevant concerns with the relevant NHS designated doctor or nurse. School nurses should be added to the “Transfer of Information When Children Move Schools”.

Mental health promotion is fundamental to the vision of Scotland’s Ministers. Scottish Government policy in this area is to improve the quality and accessibility of local CAMHS, at all tiers so that services are able to provide a good response to the variety of mental health needs found in the local population (mainly school age), including the particular needs of young asylum seekers.

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<sup>20</sup> <http://www.confidentiality.scot.nhs.uk/publications/missingFamilyAlerts%20-%20July%202006.pdf>

Any child given leave to remain in the UK is regarded as ordinarily resident for the purposes of primary care, and is treated in the same way as any other UK resident. Some will have multiple health and social care problems and language barriers may mean that any consultations need planning and can be lengthy. CAMHS are organised in 4 tiers, encompassing primary care level services through to highly specialised inpatient facilities. Many of the young people with mental health needs are able to access GP and other primary care services and some will be referred on to specialist services. GPs and hospital staff should speak to their Community Health Partnerships if there are any doubts about a child's status.

Health professionals may also refer children to the Reporter (under section 53.2 of the 1995 Act.)

Policy guidance on information sharing on children at risk was provided to public authorities in 2003 in "Sharing Information about Children at Risk: A Guide to Good Practice"<sup>21</sup>

### **Children's Reporter**

A Children's Reporter is the person who decides whether to refer a child or young person to a Children's Hearing. Anyone can refer a child to the Reporter if they have concerns that suggest there is a need to intervene on a compulsory basis. The Reporter will then investigate the matter and if there is sufficient concern and evidence to support any of the conditions in section 52(2) of the Children (Scotland) Act 1995 and there is a need for compulsory measures of supervision the Reporter will refer the child to a Children's Hearing.

### **Police**

The police have powers to safeguard and promote the welfare of any child in Scotland. There are a number of specialist teams in police services across the UK who have expertise in dealing with trafficking cases. There are also joint intelligence teams in key locations across the country comprising of immigration, police and other agencies which help to identify child protection concerns. Police services should take all necessary steps to ensure that children at risk of being trafficked do not fall through the gap between operational teams.

Scottish Police forces have established the Scottish Human Trafficking Group. This is a multi-agency forum, bringing together representatives from the 8 Scottish police forces, the SCDEA, SOCA, British Transport Police, HMRC and the UK Border Agency to co-ordinate action to tackle human trafficking in Scotland. The group has played a key role in Scotland's involvement in Operation Pentameter 2 (UKTP2), which focuses principally on tackling Human Trafficking for Sexual Exploitation. It has an action plan which covers awareness training, communications strategy, intelligence co-ordination and development, enforcement and victim care. In Scotland it is the role of Divisional Family Protection Units to investigate trafficking in close co-ordination with local authority social work colleagues.

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<sup>21</sup> <http://www.scotland.gov.uk/Resource/Doc/47237/0013498.pdf>

It is important that officers investigating offences committed by children who may have been trafficked or come into contact with children within their duties are able to recognise and identify such cases. The child's welfare needs and protection should be taken into account and appropriate safeguarding processes should be followed. An oversight of trafficking into the UK and ways of preventing it is available on the Home Office crime reduction website<sup>22</sup>.

The police must refer a child to the Reporter (1995 Act s53.2) where they have cause to believe that compulsory measures of supervision may be necessary in respect of a child. For offences where the Lord Advocate's Guidelines to Chief Constables apply (in relation to offences alleged to have been committed by children)<sup>23</sup>, the child will be jointly reported to the Procurator Fiscal and the Reporter. Discussion will take place to decide who will deal with the matter. Where the circumstances of the child or the offence suggest trafficking this should be highlighted in the Police Report thereby alerting the Reporter, or Reporter and Procurator Fiscal, to cases of trafficking.

### **Voluntary organisations**

Voluntary and community organisations often play a key role in safeguarding children. They need to work effectively with statutory agencies and should make their paid and voluntary staff aware of their responsibilities for safeguarding and promoting the welfare of children, and how they should respond to child protection concerns. There are a number of voluntary organisations who are involved in this area and have produced pieces of research that may help inform practice.

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<sup>22</sup> [www.crimereduction.gov.uk/toolkits/tp01.htm](http://www.crimereduction.gov.uk/toolkits/tp01.htm)

<sup>23</sup> <http://www.crownoffice.gov.uk/Publications/2004/10/LdAdvGuidOffChild>

## 5. UK Border Agency (UKBA)

The UKBA is an executive agency of the Home Office which has assumed responsibility for managing immigration control in the UK. It may be the first official agency to have contact with child victims of trafficking. Its interventions may be triggered by the particular circumstances of the case or by international intelligence about trafficking. UKBA is likely to be a source of referrals to child welfare agencies.

The immigration officer's role, alongside considering the eligibility of the child for entry into the UK, is to be alert to the need to keep children safe from harm. They should ensure that immigration processes and decisions made in respect of children take into account their individual situation, views and welfare.

When working with children, UKBA staff must operate in accordance with the UKBA Code of Practice for Keeping Children Safe from Harm which came into force on 6 January 2009. The Code requires that immigration procedures are responsive to the needs of children and that the best interests of the child are a primary consideration when making decisions about his or her future and highlights the need to identify those who might be at risk of harm. (Further, the UKBA intends to introduce a statutory duty on its staff to safeguard and promote the welfare of children in the Borders, Citizenship and Immigration Bill which was introduced to the UK Parliament in January 2009.)

When an interview is considered necessary, every care should be taken to conduct it in the light of the child's circumstances and understanding. In most circumstances the interview will be conducted by a specially trained officer with knowledge of child protection issues. Interviewers should be aware of the guidance on Interviewing Child Witnesses in Scotland<sup>24</sup>.

It is important for all agencies concerned with protecting children who have been trafficked to develop good working arrangements with the UKBA. In addition, it is important that the UKBA establishes good contacts with local authority children's services.

Immigration officers identify children from abroad who may be at risk of being trafficked. Children who, irrespective of their immigration status, are believed to be at risk of harm, are referred to agencies with statutory responsibilities for safeguarding children's welfare, primarily the local authority children's services and/or the local police. Records for these children exist both within UKBA and with the receiving agency. In addition, when a child is interviewed every effort is made to identify sponsors and others who come to collect the child to ensure that they are legitimately able to do so, and that they do not pose a threat to the child's safety and welfare.

Applications for immigration status made on behalf of children may give rise to concerns that they are victims of trafficking. UKBA caseworkers will not only be a

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<sup>24</sup> <http://www.scotland.gov.uk/Topics/Justice/criminal/18245/12291>

source of referral to local authority children's services or the police but may assist with developing child protection and care plans.

## **6. Support services**

### **UK Human Trafficking Centre (UKHTC)**

The UKHTC<sup>25</sup> was established in October 2006, following a proposal from ACPO. It is made up of staff from various disciplines bringing a multi-agency approach to the Centre's response to trafficking both into and within the UK.

It aims to improve and co-ordinate the law enforcement response to human trafficking, working closely with its partners in delivering a diverse set of programmes. A number of these will be targeted campaigns on preventing and reducing human trafficking and improving knowledge and understanding of the problem through best practice and training. A key element in the Centre's approach to preventing and reducing human trafficking is to ensure that victims are adequately safeguarded and protected from harm.

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

The CEOP Centre is the UK's dedicated law enforcement-led response to tackling the sexual abuse and exploitation of children, with a particular emphasis on the threat posed by the use of technology. It is part of the UK policing community and applies the full powers of the law in tracking and bringing to account child sex offenders either within the UK or overseas. CEOP is divided into three main areas of work: Intelligence, including offender management; Operations, which includes Covert Investigations, Victim Identification, Financial Investigation and Operational Support; and Harm Reduction. CEOP is also part of the Virtual Global Taskforce, an international collaboration of law enforcement agencies committed to tackling sexual exploitation of children and young people. In addition, CEOP has a Child Trafficking desk, who work in support of UKHTC, police forces and international organisations to provide child focussed perspectives in tackling trafficking of human beings. CEOP produces a yearly Strategic Overview which provides an analysis of the threat from the use of technology in the sexual abuse of children and young people in the UK, as well as examining the threat posed by child sexual offenders who use both traditional and technology based techniques to access and abuse.

CEOP take a strategic role in the response to child trafficking and their main aim is to develop knowledge. Through building the national picture of the nature and scale of child trafficking in the UK, CEOP aim to develop awareness and understanding of all UK stakeholders in responding to this form of child abuse. In 2007, CEOP were commissioned by the Home Office and UK Border Agency to draw up a Scoping Report on child trafficking. This research identified 330 potentially trafficked children within an 18 month window. The next CEOP report is due to be published shortly. This knowledge informs the development of policing policy, good practice and training requirements. The involvement of a UKBA staff member seconded to CEOP will ensure that immigration issues relating to trafficked victims will be appropriately responded to by CEOP. All resources are and will be available on the CEOP website. In order for CEOP to continue providing a knowledge function at the

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<sup>25</sup> [www.ukhtc.org](http://www.ukhtc.org)



national level, the support of all child protection agencies is vital. Any information on cases can be sent to [childtraffickingunit@ceop.gov.gsi.uk](mailto:childtraffickingunit@ceop.gov.gsi.uk).

CEOP also manage the ACPO portfolio on child trafficking. This work entails the development of policy for police. In this regard, there is close collaboration with ACPOS lead on Human Trafficking. The work undertaken so far includes the development of a Best Practice guidance for Police, the promotion of Paladin team, (multi agency police lead teams safeguarding children at ports) and the drawing up of a Child Trafficking Assessment Tool, to be used by front line responders to aid the identification of child trafficking victims.

CEOP has also partnered with the NSPCC to established the Child Trafficking Advice and Information Line (see below for more information). CEOP will be seconding a police liaison officer to the service.

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

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

The advice line is available UK wide and the service is currently identifying partners across the nations to ensure the most effective and best practice response is delivered.

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

### **National Register of Unaccompanied Children**

The National Register of Unaccompanied Children<sup>26</sup> (NRUC) extends to Scotland (Telephone 02079349653). This contains information on unaccompanied asylum seeking children supported by local authorities and to which approved staff have access. The NRUC also records children whose parents have left them ("separated

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<sup>26</sup> NRUC is a partnership project involving the Home Office, DCSF, London Councils, the London Asylum Seekers Consortium, the Association of Directors of Children's Services (ADCS) and local authorities

children”) or where the child has gone missing. It should also be noted that not all Scottish local authorities who have UASCs have been part of NRUC.

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

Community groups, faith groups and voluntary organisations play an important role in identifying children who may have been trafficked. Through their reach into local communities, and their extensive knowledge and experience in working in different ways with the most vulnerable children and young people, these organisations may well be best placed to reach children who may have been trafficked. It is important that good working relationships are developed between these organisations and the statutory agencies working to safeguard and promote the welfare of children and young people.

These bodies can be trusted organisations in minority communities that may not have a high degree of trust in state sector organisations. They have access to faith and community leaders in hard to reach communities, locally and nationally. This means they have an important role to play in conveying strong messages about the need to protect children within their communities. They may help mediate and build confidence where an individual feels that a child is in trouble or may have been trafficked but does not know what to do for the best.

Building the confidence of local faith leaders to believe that the right thing will be done by the local authority, and making use of their moral leadership role, may build the confidence of the wider minority community. With established organisational and communication networks these groups can play an important role in raising public awareness of the issues around child trafficking.

Voluntary and community organisations often play a key role in safeguarding children. They need to work effectively with statutory agencies and should make their paid and voluntary staff aware of their responsibilities for safeguarding and promoting the welfare of children, and how they should respond to child protection concerns.

Community groups, faith groups and voluntary organisations may be the first to come into contact with a trafficked child. Protecting them and promoting their welfare depends on the awareness and co-operation of community groups, neighbours and the public. Where such concerns exist, these should be brought to the attention of the local authority or the police. Contact details for voluntary sector organisations that have specific experience of child trafficking can be found in Appendix 4.

### **Translation Services**

Access to suitably skilled and supported translation services is crucial in many circumstances. In 2004, the Scottish Executive endorsed good practice guidance produced by the Scottish Translation, Interpreting and Communication Forum– see link below

<http://www.scotland.gov.uk/Resource/Doc/47210/0025542.pdf> As part of compliance with the statutory duty to promote race equality, key public bodies must ensure access to the information and the services each public body provides but this should

not be taken to mean that all information is necessarily translated into a wide range of languages. A summary of the document could be translated if appropriate and alternatives such as the use of an interpreter, to provide information to a group of people, should also be considered. Public bodies meet the cost of providing translations and interpreting services from within their own budgets.

In 2006, the Scottish Government published a summary of research work entitled *Translation, Interpreting and Communication Support: A Review of Provision in Public Services in Scotland*. It examined the provision of Translation, Interpreting and Communication Support (TICS) within public services in Scotland as viewed by TICS providers and by public sector bodies in Scotland. Following this, the Translation, Interpreting and Communication Support (TICSIG) was brought together to examine these recommendations in the report and identify priorities for action and it is in the final stages of developing a national statement/action plan.

## 7. Action for services

### Identifying trafficked children

All ports of entry in the UK are potential channels for trafficking children. Identifying trafficked children at these ports of entry is likely to be difficult as they may not be showing obvious signs of distress. At this stage, the children are unlikely to see themselves as being at risk of harm from the trafficker. It is likely that the child will have been coached with a story to tell the authorities in the UK and warned not to disclose any detail beyond the story, as this may lead them to being deported.

The ports' intelligence units have developed a profile of trafficked children to assist immigration officers (see the on-line trafficking toolkit<sup>27</sup>). Other resources readily available to all staff include the location of Paladin-type teams, and the local UKBA.

Child victims may be discovered in routine police operations to detect and disrupt trafficking networks both in the UK and abroad and anyone who works with children may come into contact with a victim of trafficking.

All practitioners who come into contact with children and young people in their everyday work need to be able to recognise children who have been trafficked, and be competent to act to support and protect these children from harm. Practitioners may have to act on and respond to cases where they suspect a child might have been trafficked. The NSPCC Child Trafficking Advice and Information Line<sup>28</sup> can provide guidance to any practitioner concerned about safeguarding the welfare of a trafficked child.

All agencies working with children who may have been trafficked into and within the UK should work together to safeguard and promote their welfare, providing the same standard of care that is available to any other child in the UK. This may be the crucial intervention which breaks the cycle of the child being vulnerable to continuing or further exploitation.

### Possible indicators that a child may have been trafficked

There 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

*The child:*

- has entered the country illegally;

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<sup>27</sup> <http://www.crimereduction.gov.uk/toolkits/>

<sup>28</sup> 0800 107 7057

- 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 what other children have given;
- exhibits self-assurance, maturity and self-confidence not expected to be seen in a child of such an 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.

*The sponsor:*

- has previously made multiple visa applications for other children and/or has acted as the guarantor for other children's visa applications; and/or
- is known to have acted as the guarantor on the visa applications for other visitors who have not returned to their countries of origin on the expiry of those visas.

## **Whilst resident in the UK**

*The child:*

- does not appear to have money but does have a mobile phone;
- receives unexplained/unidentified phone calls whilst in placement/temporary accommodation;
- possesses money and goods not accounted for;
- exhibits self assurance, maturity and self-confidence not expected to be seen in a child of such age;
- has a prepared story very similar to what other children have given;
- shows signs of physical or sexual abuse, and/or has contracted a sexually transmitted infection or has an unplanned pregnancy;

- has a history with missing links and unexplained moves;
- has gone missing from local authority care;
- is required to earn a minimum amount of money every day;
- works in various locations;
- has limited freedom of movement;
- appears to be missing for periods;
- is known to beg for money;
- performs excessive housework chores and rarely leaves the residence;
- is malnourished;
- is being cared for by adult/s who are not their parents and the quality of the relationship between the child and their adult carers is not good;
- is one among a number of unrelated children found at one address;
- has not been registered with or attended a GP practice;
- has not been enrolled in school;
- has a pattern of registration and de-registration from school;
- has to pay off an exorbitant debt, e.g. for travel costs, before having control over own earnings;
- is permanently deprived of a large part of their earnings by another person; and/or
- is excessively afraid of being deported.

### **Children internally trafficked within the UK**

*Indicators include:*

- Physical symptoms (bruising indicating either physical or sexual assault);
- Prevalence of a sexually transmitted infection or unplanned pregnancy;
- Young person known to be sexually active;
- Reports from reliable sources suggesting the likelihood of involvement in sexual exploitation;
- Reports that the child has been seen in places known to be used for sexual exploitation;
- Evidence of drug, alcohol or substance misuse;
- Leaving home/care setting in clothing unusual for the individual child (inappropriate for age, borrowing clothing from older people);
- Phone calls or letters from adults outside the usual range of social contacts;
- Adults loitering outside the child's usual place of residence;

- Significantly older boyfriend;
- Accounts of social activities with no plausible explanation of the source of necessary funding;
- Persistently missing, staying out overnight or returning late with no plausible explanation;
- Returning after having been missing, looking well cared for despite having no known base;
- Missing for long periods, with no known base;
- Placement breakdown;
- Pattern of street homelessness;
- Possession of large amounts of money with no plausible explanation;
- Acquisition of expensive clothes, mobile phones or other possessions without plausible explanation;
- Having keys to premises other than those known about;
- Low self-image, low self-esteem, self-harming behaviour including cutting, overdosing, eating disorder, promiscuity;
- Truancy/disengagement with education;
- Entering or leaving vehicles driven by unknown adults;
- Going missing and being found in areas where the child or young person has no known links; and/or
- Possible inappropriate use of the internet and forming on-line relationships, particularly with adults.

The indicators above should not be read as a definitive list and practitioners should be aware of any other unusual factors that may suggest a child might have been trafficked. They are intended as a guide, which should be included in a wider assessment of the young person's circumstances. These final set of indicators are applicable to both cases of sexual exploitation and internal trafficking.

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 may have been trafficked, others may also actively participate in hiding that they may have been trafficked.

### **General principles on information sharing**

Professionals should discuss any concerns and relevant information about a child or their circumstances with those other professionals or agencies with responsibilities for the protection of children when it is in the child's best interests to do so. The needs of each child are the primary consideration when professionals decide upon the relevant and proportionate sharing of information. All decisions and reasons for them should be recorded. If the child is 'looked after', there are statutory duties

under the Children (Scotland) Act 1995 for all agencies to work together to create a plan for a child and to implement and review progress, on a regular basis.

Agencies should actively manage and support the sharing of information recognising that confidentiality does not prevent sharing information where a child is in need of protection. Professionals should take account of each child (or other data subject's) views when deciding when to share information without their consent and should provide reasons and explain to them in an age appropriate manner when they have shared information without consent. This should be done in a manner which is appropriate to their age, culture and previous experiences.

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

The purpose of this section is to highlight issues additional to the processes for managing individual children outlined in local child protection procedures and relevant national guidance<sup>29, 30</sup> and the framework for standards for child protection<sup>31</sup>. Local authorities and the police have powers to safeguard and promote the welfare of any child in Scotland.

If any agency, individual practitioner or volunteer suspects a child may have been trafficked they should immediately contact the local authority children's services or the police. They may also contact the NSPCC Child Trafficking Advice and Information Line for advice.

The local arrangements for safeguarding and promoting the welfare of trafficked children must be consistent with the approaches used for safeguarding and promoting the rights and welfare of all children.

Appendix 2 provides a model for the processes that could be followed in individual cases.

Immigration staff who are concerned that a child they suspect may have been trafficked should act quickly, following UKBA guidance. Staff should contact the child protection police officer and the local authority children's services by phone, followed by fax. As it is recognised that children who go missing shortly after asylum screening may have been trafficked, immigration staff should follow agreed protocols at all times.

### **Referral**

When a professional, or another person, contacts the local authority children's services with concerns about whether a child may have been trafficked, the local authority should decide on a course of action. In these circumstances, prompt decisions may be required in order to act before the child goes missing. These will normally follow discussions with the individual making the referral, and will also

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<sup>29</sup> <http://www.scotland.gov.uk/library/documents-w3/pch-00.htm>

<sup>30</sup> [www.scotland.gov.uk/Publications/2005/02/20675/52303](http://www.scotland.gov.uk/Publications/2005/02/20675/52303)

<sup>31</sup> <http://www.scotland.gov.uk/Publications/2004/03/19102/34603>



involve other professionals and services as necessary (including those mentioned in the section above on support services to practitioners).

This initial consideration of the child's circumstances should address, on the basis of the available evidence, whether there are concerns about the child's safety and welfare. If further action is necessary, a decision is required on when enquiries and / or intervention should begin and how best to undertake them.

### **Immediate protection**

If there is reasonable cause to believe that the child is suffering or likely to suffer significant harm, an agency with statutory child protection powers<sup>32</sup> should act quickly to secure the immediate safety of the child. In some cases it may be necessary to ensure either that the child remains in a safe place or is removed to a safe place, either on a voluntary basis, or by obtaining a child protection order (CPO). The police also have powers to remove a child (emergency protection order), but these powers should only be used in exceptional circumstances. If, for example, there is insufficient time to seek an CPO, or for reasons relating to the immediate safety of the child. If further (non-emergency) action is required, 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 service. Careful consideration should be given to the effect of any action on the outcome of any investigation. Use of intelligence from the port of entry may help local authority children's services in pursuing further enquiries about the child.

### **Specific action**

The initial assessment should be led by a qualified and experienced social worker. It should be carefully planned, with clarity about who is doing what, as well as when and what information is to be shared with parents. The planning process and decisions about the timing of the different assessment activities should be undertaken in collaboration with all those involved with the child and family where this is possible and appropriate. The process 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.

All relevant information (including historical information) should be taken into account. This includes seeking information from relevant services if the child and family have spent time abroad. Professionals from agencies such as health, local authority children's services or the police should request this information from their equivalent agencies in the country or countries in which the child have lived.

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<sup>32</sup> Agencies with statutory child protection powers are the local authority and the police.

Information about who to contact can be obtained via the Foreign and Commonwealth Office on 0207 008 1500 or the appropriate Embassy or Consulate based in London (see the London Diplomatic List (The Stationary Office), ISBN 0 11 591772 1 or the FCO website [www.fco.gov.uk](http://www.fco.gov.uk)).

During the initial assessment, a social worker, police officer or the relevant official delegated by the person(s) co-ordinating the investigation should check all the documentation held by the referrer and other relevant agencies. Documentation should include (if available), passport, Home Office papers, birth certificate and proof of guardianship. This list is not exhaustive and all possible types of documentation should be considered. A recent or new photograph of the child should be included in the social worker's file together with copies of all relevant identification documentation.

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.

Immigration staff will be able to provide a clear explanation of the immigration process, different forms of documents and leave to enter the UK and an opinion on the validity of the document.

Even if there are no immediate concerns about trafficking, the relevant agencies should consider the child's needs and develop a plan together to meet the child's needs in the manner most appropriate in each situation. Where several services or agencies are involved, it is recommended that there should be a lead professional co-ordinating and monitoring implementation of the plan. The social worker or lead professionals should advise the referrer of the proposed plan, as far as this is appropriate and if they are not already a party to the 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 recommended child's plan.

### **Decision to interview**

In Scotland, there are some variations in local child protection investigation structures (eg the extent to which specialist co-located multi disciplinary teams exist and the scope and role of such teams). However there are consistent and necessary features within initial referral and initial investigation processes, and these are described in the child protection procedures for each area. Initial concerns are placed in context through a process of initial referral discussion with the appointed

local senior officers in police, social work, child health and education (or equivalent as appropriate in local structures). If there appears to be a possibility that a child may have been trafficked, the police may well consult or alert immigration officials at this early juncture. The next steps in investigation are decided through this process of Initial Referral Discussion, and the role of each agency is agreed, and a decision is made about the need for a joint police/social work interview with the child and interviews with relevant others such as family members. Normally a child and its family should not be interviewed together but it is recognised that there may be some circumstances where family members should be present. Regard should be had to the Scottish guidance on Interviewing Child Witnesses.<sup>33</sup>

Professional interpreters should be used where English is not the child's preferred language. Depending on the circumstances specific to an interpreter's role, they may be eligible to apply for an Enhanced Disclosure. Disclosure Scotland's website (<http://www.disclosurescotland.co.uk/>) gives more information about this process. Under no circumstances should this 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.

The interview should include exploration of the following areas:

- family composition, brothers, sisters, ages of family members;
- parents' employment;
- tasks done around the house;
- length of time in this country;
- where they lived in their country of origin;
- where they went to school in their country of origin; and
- who cared for them in their country of origin.

The adults in the family should be interviewed separately covering the same areas. A comparison can then be made to identify any areas of inconsistency, irregularity or discrepancy which may require further investigation.

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.

The interview should be conducted as fully and completely as possible, both to ensure accuracy and to avoid intrusion into the family for a longer period than is absolutely necessary.

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<sup>33</sup> <http://www.scotland.gov.uk/Resource/Doc/47176/0025087.pdf>

On completion of the initial assessment, 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. Where there appears to be evidence of abuse or neglect, local procedures about child protection case conferences apply. Even when a child protection case conference is not deemed necessary, multi agency planning and agreement is necessary about any further steps required to address the child's needs.

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.

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. The Crown Office and the Procurator Fiscal Service is responsible for the prosecution of crime in Scotland.

### **Issues for professionals to consider when working with trafficked children**

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

- appropriately trained and approved 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.

They will also need:

- practitioners to be informed and competent in matters relating to trafficking and exploitation;
- someone to spend time with them to build up a level of trust;
- to be interviewed separately. Children and young people will usually stick to their account and not speak until they feel comfortable;
- a safe placement if they are victims of an organised trafficking operation;
- their whereabouts to be kept confidential;
- legal advice about their rights and immigration status;

- discretion and caution to be used in tracing their families;
- a risk assessment to be made of the danger the child will face if he or she is repatriated;
- where appropriate, accommodation or refuge under the terms of the 1995 Act.

Practitioners should:

- consider interviewing children in school as they may feel more able to talk (however, they should take account of the guidance for interviewing child witnesses in Scotland)<sup>34</sup>;
- consider talking to children and young people using the phone, e-mail, text;
- ensure that carers are not in the proximity; and
- ensure that interpreters are agency approved. Depending on the circumstances specific to an interpreter's role, they may be eligible to apply for an Enhanced Disclosure. Disclosure Scotland's website (<http://www.disclosurescotland.co.uk/>) gives more information about this process.

### Supporting child witnesses

Assessing the willingness and capacity of a child victim to testify in court against a trafficker is complicated. This also applies to the process of gathering information that might support care proceedings. Like victims of domestic abuse, the child usually fears reprisal from the traffickers and/or the adults with whom he or she was living in the UK if they co-operate with local authority children's services or the police. For children trafficked from abroad an additional level of anxiety may exist because of fear of reprisals against their family in their home country. They may also fear being deported, having entered the UK illegally. Children, who might agree to testify in a criminal case, fear that they will be discredited in court because they were coerced into lying on their visa applications or immigration papers. No child should be coerced into testifying in court against a trafficker.

Where a child is to give evidence in court, they will have access to the special measures available under the Vulnerable Witness (Scotland) Act 2004 to help them to give their best evidence. If a child requires therapeutic support before or during the court proceedings this should not be denied but care should be taken to avoid the risk of contaminating the evidence. Practitioners should follow the guidance contained in the Code of Practice to Facilitate the Provision of Therapeutic Support to Child Witnesses in Court Proceedings<sup>35</sup>. Practitioners should also have regard to the guidance on Questioning of Children in Court.

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<sup>34</sup> <http://www.scotland.gov.uk/Resource/Doc/47176/0025087.pdf>

<sup>35</sup> <http://www.scotland.gov.uk/Resource/Doc/35596/0024976.pdf>

## Returning trafficked children

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.

If the child does not qualify for asylum or humanitarian protection, and adequate reception arrangements are in place in the country of origin, the child will usually have to return. The process of returning the child should be handled sensitively and will require close cooperation between the UKBA and the child's social worker.

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).

## **8. Particularly vulnerable groups of children**

### **Intercountry adoption**

In some instances, children may be trafficked for the purposes of adoption outside their country of origin. Those involved in facilitating these arrangements may deceive the authorities responsible for the adoption process, and often benefit from significant financial gain through payments by prospective adopters who may be unaware of the true circumstances of a child's availability for adoption. This can include payment, coercion or the deception of birth parents into relinquishing a child as well as abducting children.

The UK Government allows intercountry adoption to take place if it is in the child's best interests and in accordance with the principles of international law, and where safeguards and standards equivalent to those which apply in domestic adoption are applied to protect the welfare of the child. At no point should profit be made from the process.

Practitioners who suspect that a child may have been trafficked for the purposes of adoption are encouraged to notify either the Procurator Fiscal or the police. It would then be for them to consider whether there is a case to answer and if so whether it is in the public interest to prosecute. Until the Adoption and Children (Scotland) Act 2007 comes in to force, the regulation of intercountry adoption in Scotland is currently provided for by the Adoption (Scotland) Act 1978, as amended by the Adoption (Intercountry Aspects) Act 1999. Regulations under these Acts make provision in respect of the requirements and procedures to be followed in Scotland where the United Kingdom is either the receiving State or the State of origin.

### **Private fostering**

Private fostering in Scotland is defined in the Foster Children (Scotland) Act 1984 and the Foster Children (Private Fostering) (Scotland) Regulations 1985. A private fostering arrangement arises when a child under 18 years is to reside for more than 28 days in the care of someone who is not a parent, adult relative or guardian. 'Relative' in relation to a child, means a grandparent, brother, sister, uncle or aunt whether of the full blood or half blood or by affinity. Parents have a duty to report the arrangements to the relevant local authority, who must inspect and monitor the accommodation and other aspects of the arrangements, although they do not formally assess and approve the carers as such.

The Scottish Commission for the Regulation of Care inspects local authority systems for ensuring compliance with the law about private fostering in Scotland. The checks which should be triggered by notifications are crucial for the safety and well-being of some children.

Many private fostering arrangements are not notified to the local authority for a variety of reasons, not all of them associated with a risk of serious harm. Identifying a child who is privately fostered is not the same as identifying a child who has been trafficked. Nevertheless, some children in private fostering arrangements are vulnerable to being exploited in domestic servitude or other forms of forced labour, or

even to sexual exploitation. It is difficult for practitioners to identify these children and therefore to track their movements and hence monitor their welfare. Section 7 provides information on identification which should help. However, it is important to consider what the signs are that a carer, whether or not they present as a relative, is maintaining a private fostering arrangement in order to exploit a child for gain.

Staff or volunteers in an agency who believe that a child may be privately fostered, whether or not they have suspicions or concerns about trafficking or other abuse, should contact their local authority's social work department, who can investigate under their statutory duties in relation to private fostering. Such enquiries should help identify if there are any concerns about the exploitation of the child.

In 2005, the then Scottish Executive issued information leaflets on private fostering in CD ROM format to all local authorities. As part of the recently published Strategy for Kinship and Foster Care, the Scottish Government made a commitment to update information and to work with all relevant stakeholders to remind parents of their duty to inform local authorities.

### **Trafficked children who are in need**

As indicated above, a local authority has a duty to safeguard and promote the welfare of all children in need in their area under section 22 of the 1995 Act, and in so far as is consistent with the child's welfare and promote the upbringing of such children by their families, by providing a range and level of services appropriate to the children's needs. In providing such services, a local authority must have regard as far as practicable to each child's religious persuasion, racial origin and cultural and linguistic background. While children are legally adult at the age of 16 in Scotland, although treated as a child if subject to a supervision requirement till 18, planning for each child must be based on the child's individual needs.

### **Trafficked children who are looked after**

Where a young person, such as, for example, an unaccompanied asylum seeking child (UASC), presents to a local authority as having no parent or guardian in this country, then in fulfilling its duties to assess and respond to their needs, the local authority may conclude that it should "accommodate" the young person using its powers under Section 25 of the 1995 Act. In these circumstances, the local authority will have duties towards the young person as a looked after child. Then, like other looked after children, a UASC must have a care plan (known as a "Pathway Plan" when they are aged 16+ and are entitled to care leaving support) based on a thorough needs assessment outlining how the local authority proposes to meet their needs. (The Support and Assistance of Young People Leaving Care (Scotland) Regulations 2003)

The circumstances in which the local authority may provide accommodation for a child under section 25 of the 1995 Act have been outlined above. Before providing a child with accommodation under this section, a local authority shall consider the child's views, so far as practicable, taking account of his/her age and maturity. Although young children may have clear and pertinent views, a child twelve years of age or more is usually presumed to be of sufficient age and maturity to form a view.



However, the local authority cannot provide accommodation under section 25 for a child if any person who has parental responsibilities in relation to him and the parental rights is willing and able either to provide, or to arrange to have provided, accommodation for him, objects; and any such person may at any time remove the child from accommodation which has been provided by the local authority under this section 25. As indicated above, a Child Protection Order may be sought under section 57 of the 1995 Act. Local authorities may also provide short-term refuge in approved establishments and households for children or young people who appear to be at risk of harm and who request refuge (Section 38 of the 1995 Act). Alternatively, (and rarely in current practice) a Child Assessment Order may be sought under section 55 of the 1995 Act. A sheriff may grant an Assessment Order under this section for an assessment of the state of a child's health or development, or of the way in which he has been treated, on the application of a local authority if he is satisfied that the local authority have reasonable cause to suspect that the child in respect of whom the order is sought is being so treated (or neglected) that he is suffering, or is likely to suffer, significant harm; such assessment of the child is required in order to establish whether or not there is reasonable cause to believe that the child is so treated (or neglected); and such assessment is unlikely to be carried out, or be carried out satisfactorily, unless the order is granted. Where information has been received by the Local Authority which suggests a child may be in the need of compulsory measures of supervision, after making their inquiries, if satisfied that such measures may be necessary, the Local Authority shall give to the Reporter such information as they have discovered.

The local authority must carry out an assessment of the child's needs once the child becomes looked after, if it has not already done so. The assessment of needs to inform the care plan should cover the same dimensions of need as the assessment of 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 the traffickers.

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 and 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.

Given the circumstances in which potentially trafficked young people present to local authorities, it will be extremely important that any needs assessment and related risk assessment 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.

Therefore, it will be important that:

- The location of the child must 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. Even when this has been established, divulgence of the child's whereabouts should be further predicated on an assessment of risk.
- Foster carers/residential workers must be vigilant about anything unusual e.g. waiting cars outside the premises and telephone enquiries. Recruitment and support for foster carers/residential workers should support diversity to ensure that a range of carers are in place to meet the specific needs of trafficked children. All carers who are likely to be responsible for meeting the needs of these children should receive specific training and support so that they can provide the best standard of care possible.
- The local authority should continue to share information with the police, which emerges during the placement of a looked after child who may have been trafficked, concerning potential crimes against the child, the risk to other children, or relevant immigration matters.

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.

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 reuniting 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.

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.

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, as may Foreign and Commonwealth Office (FCO) consular directorate. See appendix 4 for FCO contact details.

## **Missing children**

Research from ECPAT and CEOP suggests that significant numbers of children who are categorised as UASC have also been trafficked. Some of these children go missing (back into the care of the traffickers) before being properly identified as victims of trafficking. Such cases should be urgently reported to the police.

Local authorities should consider seriously the risk that a trafficked child is likely to go missing and take this into account in planning that child's care. A contingency plan could include contact details of agencies that should be notified if a potential trafficked young person goes missing including the police and 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 useful to contact the Missing People Helpline.

The Missing People Helpline have a team that offers support to local authorities when young people in their care go missing and this service can advise on issues such as contact with other police forces and national publicity.

Any report of a missing child will be treated very seriously by Scottish Police Forces, with the safe and swift return of all missing children a priority. Each report of a missing child will be subject of a risk assessment with the level of enquiry and resources allocated accordingly. The risk assessment grading will be subject of regular reviews. Each Force has its own Standard Operating Procedures, underpinned by the national Centrex publication, 'Guidance on the Management, Recording and Investigation of Missing Persons (2005)'.

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 must be appropriate to the level of risk;
- the risk assessment should be continuously reviewed; and
- children who go missing from care are vulnerable and the level of risk does not diminish because of frequency of absence.

There are two dimensions to a missing person enquiry: -

- Investigating the circumstances with a view to locating and ensuring the well-being of the missing person, and
- Providing appropriate support to the family of the person concerned.

Missing person reports may be received relating to persons who are believed to have gone missing as a result of the activities of criminal trafficking groups. All such reports should be recorded as Missing Persons and dealt with in accordance with this guidance. Specialist advice and assistance is available to Forces from a number of sources including the Scottish Crime and Drugs Enforcement Agency (SCDEA), the National Criminal Intelligence Service (NCIS) Kidnap and Extortion Desk and the Metropolitan Police Service SO7 Kidnap Unit. The police service in the United Kingdom also operates the national 'Missing Kids' website, which can be utilized to publish information about current and historically missing children. In addition, Scottish Forces will contact the National Policing Improvement Agency (NPIA) Missing Persons Bureau to ensure national monitoring. Where missing children come to the attention of local authority children's services or the police, a 24 hour enquiry service from the UKHTC may help in providing guidance. Additionally, to help social workers, police and other practitioners better assist children whom they suspect may have been trafficked, the NSPCC Child Trafficking Advice and Information Line (0800 107 7057) can offer support.

It is imperative that the Police proactively work in partnership with other agencies when investigating missing persons, thereby increasing the likelihood of satisfactorily concluding the enquiry. Where a child is traced, the police will carry out an interview, with the assistance of relevant professionals (e.g. interpreters, independent adult etc) where necessary, to discover the reasons for their going missing and establish their movements and events encountered whilst missing. Where evidence of criminality is discovered, a criminal enquiry will commence. In terms of trafficked children, the consideration of Joint Investigative Interviews between police and Social Work will be fundamental as part of the criminal inquiry into the circumstances, in terms of trafficking offences under the Criminal Justice (Scotland) Act 2003 section 22 and The Asylum and Immigration (Treatment of Claimants etc.) Act 2004 section 4.

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.

More widely, the Scottish Government is taking work forward on responding to the issue of young people running away. A National Multi-agency Working Group on Young Runaways was charged by Ministers back in 2007 to develop a range of recommendations for strategic action on the issue of young people running away. The group reported back to Ministers with a total of 8 recommendations in the spring of 2008 which sought to improve service provision in this area by:-

- Improving risk assessment arrangements for young runaways;
- Reviewing existing models of refuge and emergency accommodation;
- Developing training materials for police and other agencies to reflect the specific needs of young runaways;
- Facilitating a national pilot to improve practice around Return Home Welfare Interviews (which would help address the more medium- and long-term needs of the persistent runner);
- Improving processes for collation of management data on young runaways; and
- Improving awareness of the issues associated with young people running away.

Ministers accepted the recommendations in full shortly after. The Scottish Government are now working closely with their partners to implement the recommendations and intend to review the national guidance pack "Vulnerable Children & Young People" as part of this work.

## Appendix 1: Policy and Legislation

### International

International agreements and legal instruments relevant to trafficked and exploited children include:

- Council of Europe Convention on Action against Trafficking in Human Beings (2005).
- The Yokohama Global Commitment agreed at the Second World Congress on the Commercial Sexual Exploitation of Children (Yokohama, 2001).
- The United Nations Convention on the Rights of the Child (United Nations, 1989), its Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography (2000) and the Optional Protocol on the involvement on children in armed conflict (2000).
- The Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, Supplementing the United Nations Convention against Transnational Organised Crime (2000).
- International Labour Organisation (ILO) Convention 182 concerning the Elimination of the Worst Forms of Child Labour (2000).
- The Declaration and Agenda for Action agreed at the First World Congress on the Commercial Sexual Exploitation of Children (Stockholm, 1996).

In 2000 trafficking became enshrined in international law for the first time through the Palermo Protocol within the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. The Protocol defines trafficking as:

*“The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered ‘trafficking in persons’ even if this does not involve any of the means set forth [elsewhere in the Palermo Protocol]”*

### UK

UK Legislation and guidance relevant to trafficked and exploited children includes:

- The Children (Scotland) Act 1995
- Regulation of Care (Scotland) Act 2001
- The Nationality, Immigration and Asylum Act 2002
- Criminal Justice (Scotland) Act 2003
- The Asylum and Immigration (Treatment of Claimants) Act 2004
- Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005
- The UK Action Plan on Tackling Human Trafficking (2007)

The UK Borders Act 2007 will enhance current trafficking legislation in two ways. Firstly, it ensures that acts of trafficking aimed at the UK and carried out overseas, irrespective of the nationality of the offender, will be liable to prosecution. Secondly, it ensures that any acts to traffic an individual which are committed after the individual has arrived in the UK but before they have passed through passport control will be liable to prosecution. (for example, providing a child with a false passport after they have disembarked from the aircraft).

The Criminal Justice (Scotland) Act 2003 introduced a specific statutory offence of trafficking a person for the purpose of sexual exploitation. The maximum penalty on conviction on indictment is 14 years imprisonment. An offence of 'trafficking for exploitation', which covers non-sexual exploitation, including trafficking for forced labour and the removal of organs, is contained in the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004.

The trafficking offences contained in the Criminal Justice (Scotland) Act 2003 and the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 apply equally to the trafficking of children and adults. In addition, the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005 introduced new offences relating to the abuse of children through prostitution and pornography which are intended to protect children under the age of 18. These cover a range of offences, including paying for the sexual services of a child, for which the maximum penalty ranges from seven years to fourteen years imprisonment, depending on the age of the child; and causing, facilitating or controlling the commercial sexual exploitation of a child in prostitution or pornography, for which the maximum penalty is 14 years imprisonment.

The offences of trafficking for exploitation or for sexual exploitation are included as lifestyle offences under the Proceeds of Crime Act 2002, which means that a conviction for these offences may be followed by an order for the payment of the proceeds of those crimes and assets may be seized. In addition, Scottish Ministers also have powers to recover property obtained through such unlawful conduct even if there has been no criminal prosecution.

## **Relevant provisions of UK Legislation**

### **Children (Scotland) Act 1995, Section 93(4)**

A child is defined as 'in need' by Section 93(4) of Children (Scotland) Act 1995 if:

- the child is unlikely to achieve or maintain, or to have the opportunity of achieving or maintaining, a reasonable standard of health or development unless there are provided for him, under or by virtue of this Part, services by a local authority; or
- the child's health or development is likely to be significantly impaired, or further impaired, without the provision for him/her of such services; or
- The child is disabled;

- The child is adversely affected by the disability of any other person in the child's family.

### **Children (Scotland) Act 1995, Section 25**

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

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

Every local authority may provide accommodation for any person within their area who has reached the age of eighteen but not yet twenty one if they consider that to do so would safeguard or promote that person's welfare.

### **Children (Scotland) Act 1995, Section 53**

Where information is received by the Local Authority which suggests compulsory measures of supervision may be necessary in respect of a child (in accordance with section 53 of the 1995 Act), they must cause inquiries to be made.

If, after their inquiries, they are satisfied that such measures may be necessary they must pass the information to the Reporter. A person other than the Local Authority, if he is a constable, will give to the Reporter such information about the child he has been able to gather.

Any other person who has reason to believe a child may be in need of compulsory measures of supervision may give the Reporter information they have regarding the child. If the Reporter, after such investigation as they consider necessary, considers that compulsory measures are necessary, they will arrange for a children's hearing to consider the child's case. (section 56 of the 1995 Act)

### **Children (Scotland) Act 1995, Sections 93(4)(b) and 17(6)**

Sections 93(4)(b) and section 17(6) are concerned with the definition of child who is "looked after" by a local authority. Section 17(6) provides a child "looked after" by a local authority is a child

- (a) for whom the local authority are providing accommodation under section 25 of the 1995 Act;
- (b) who is subject to a supervision requirement and in respect of whom the local authority are the relevant local authority;
- (c) who is subject to an order made under, or authorisation or warrant granted, by virtue of Chapter 2, 3 or 4 of Part II of the 1995 Act, being an order, authorisation or warrant in accordance with which they have responsibilities as respects the child; or
- (d) who is subject to an order in accordance with which, by virtue of regulations made under section 33(1) of the 1995 Act, they have such responsibilities.

Section 93 defines “relevant local authority”. “relevant local authority” in relation to a child who is subject to a warrant granted under Part II of the 1995 Act or to a supervision requirement means the local authority for whose area the children’s panel from which the children’s hearing which granted the warrant or imposed the supervision requirement was formed.

**Foster Children (Scotland) Act 1984** and the Foster Children (Private Fostering) (Scotland) Regulations 1985

Under section 3 of the Foster Children (Scotland) Act 1984 a local authority is under a duty to secure the welfare of children within their area who are foster children and to ensure that such advice is given to those caring for them as appears to the authority to be needed.

A privately fostered child means a child who is under the age of sixteen

and who is cared for by someone other than:

- a parent;
- a guardian
- a relative.

A child is not a privately fostered child if the person caring for and accommodating him:

- has done so for a period of less than 28 days and
- does not intend to do so for any longer period.

A child is not a privately fostered child while:

- being looked after by a local authority;
- in the care of any person in premises in which any parent of his; person who is not a parent of his but who has parental responsibility for him; or person who is a relative of his and who has assumed responsibility for his care, is for the time being living;
- in any establishment managed by a local authority, voluntary organisation or any other person which provides residential accommodation for the purposes of the Social Work (Scotland) Act 1968 or Part II of the Children (Scotland) Act 1995 whether for reward or not;
- in any school within the meaning of the Education (Scotland) Act 1980;
- in any hospital or in any accommodation provided by a care home service registered under Part I of the Regulation of Care (Scotland) Act 2001;
- in any other home or institution maintained by a public or local authority;
- liable to be detained under the Mental Health (Care and Treatment) (Scotland) Act 2003;



- placed in the care of a person who proposes to adopt him under arrangements made by an adoption agency;
- in the care of any person in compliance with a supervision order within the meaning of the Children and Young Persons Act 1969 or a supervision requirement or a probation order.

A child who is a pupil at a school (other than a school maintained by an education authority), and lives at the school during the holidays for more than one month, is under 16 and none of the above exemptions apply is regarded as a private foster child during that time.

A carer, who is disqualified from being a private foster carer or who lives with someone else who is disqualified, cannot privately foster without the consent of the local authority.

A local authority may prevent a person from keeping foster children if they are of the opinion that:

- the carer is not a suitable person to foster a child; or
- the premises in which the child is, or will be accommodated, are not suitable; or
- it would to the child's needs to be, or continue to be, accommodated by that carer in those premises.

The local authority may also impose requirements on a carer affecting:

- The number, age and sex of the children to be fostered.
- The standard of accommodation and equipment.
- Medical arrangements to be made for protecting the health of the children.
- Specific arrangements for the children to be fostered.

The local authority must be given notice of the placement by the parent, (parent includes a guardian or relative of the child who has care and possession of the child and is proposing to place or has placed the child with a foster parent) and the carer.

The local authority must be satisfied as to the suitability of each arrangement notified to it.

Regulations prescribe the frequency that a privately fostered child should be visited.

Where a local authority is satisfied that a foster child is being kept or is about to be received by any person who is not fit to care for the child, by any person who is disqualified from keeping foster children or in any premises or environment detrimental or likely to be detrimental to the child they may apply to the sheriff for an order for the removal of the child to a place of safety until the child can be restored to a parent, relative or guardian or until other arrangements can be made with respect to the child. Where there is imminent danger to the health or well being of the child

the order may be made by a justice of the peace on the application of any person authorised to visit foster children.

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

Section 54 is intended to discourage the concept of 'benefit shopping' within Europe. It is retrospective and applies to anyone who comes within the categories set out below. This is not dependent on the length of time they have been in the UK.

The Act has the effect of preventing local authorities from providing support under certain provisions, including section 21 of the National Assistance Act and section 22 of the Children (Scotland) Act 1995) to:

- Those with refugee status in another European Economic Area state.
- Persons unlawfully present in the UK who are not asylum seekers, including those who have overstayed visa entry limit and those without confirmation of leave to remain.
- Failed asylum seekers who refuse to co-operate with removal directions.

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

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

Section 55 applies to those who have made or are intending to make an asylum claim in the UK. It prevents UKBA from providing asylum support, and local authorities from providing certain support, unless the Secretary of State is satisfied that the person applied for asylum as soon as reasonably practicable after arrival in the UK. The section does not prevent the provision of asylum support to families with dependent children, nor does it prevent the provision of support by the Secretary of State (via UKBA) to prevent a breach of human rights.

Section 55 does not apply to unaccompanied minors.

Families with minor dependents and vulnerable cases who have not yet officially lodged an asylum claim can be offered assistance with accommodation (usually overnight) and travel to a UKBA Asylum Screening Unit by social services in order to register the claim with the Home Office. Families can access asylum support via the voluntary grant funded One Stop Service once UKBA has accepted the claim and provided written confirmation of this.

### **Parental Responsibility**

The Children (Scotland) Act 1995 introduced the concept of 'parental responsibility'. Responsibility means responsibility to safeguard and promote the child's health, development and welfare, to provide in a manner appropriate to the stage of development of the child, direction and guidance to the child, to maintain personal relations and direct contact with the child on a regular basis and to act as the child's

legal representative in so far as practicable and in the interests of the child. This legal framework provides the starting point for considering who has established rights, responsibility and duties towards a child.

Children who do not have someone with parental responsibility caring for them can still attend schools, which are normally pragmatic in allowing the carer to make most decisions normally made by the parent.

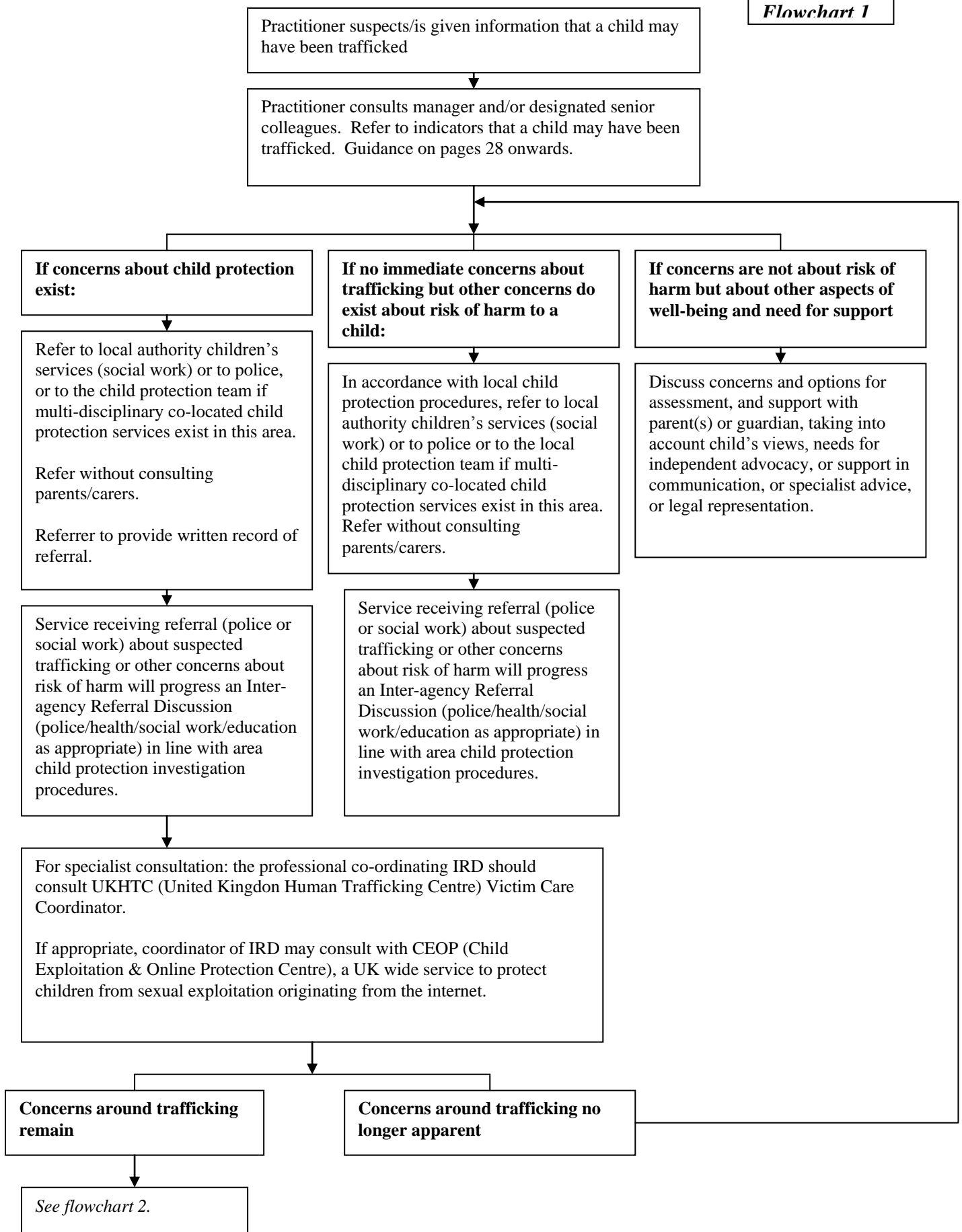
A child has the right to apply to become a patient of a GP close to where they are staying. Alternatively, an application may be made on their behalf by a parent, guardian or a person authorised by a local authority or voluntary organisation which has care of the child. Should the application be refused the child will be assigned to a practice by the health board.

GPs are required to provide immediately necessary treatment to any person in their practice area during core hours. At other times the out of hours service or an Accident and Emergency Unit would deal with the case.

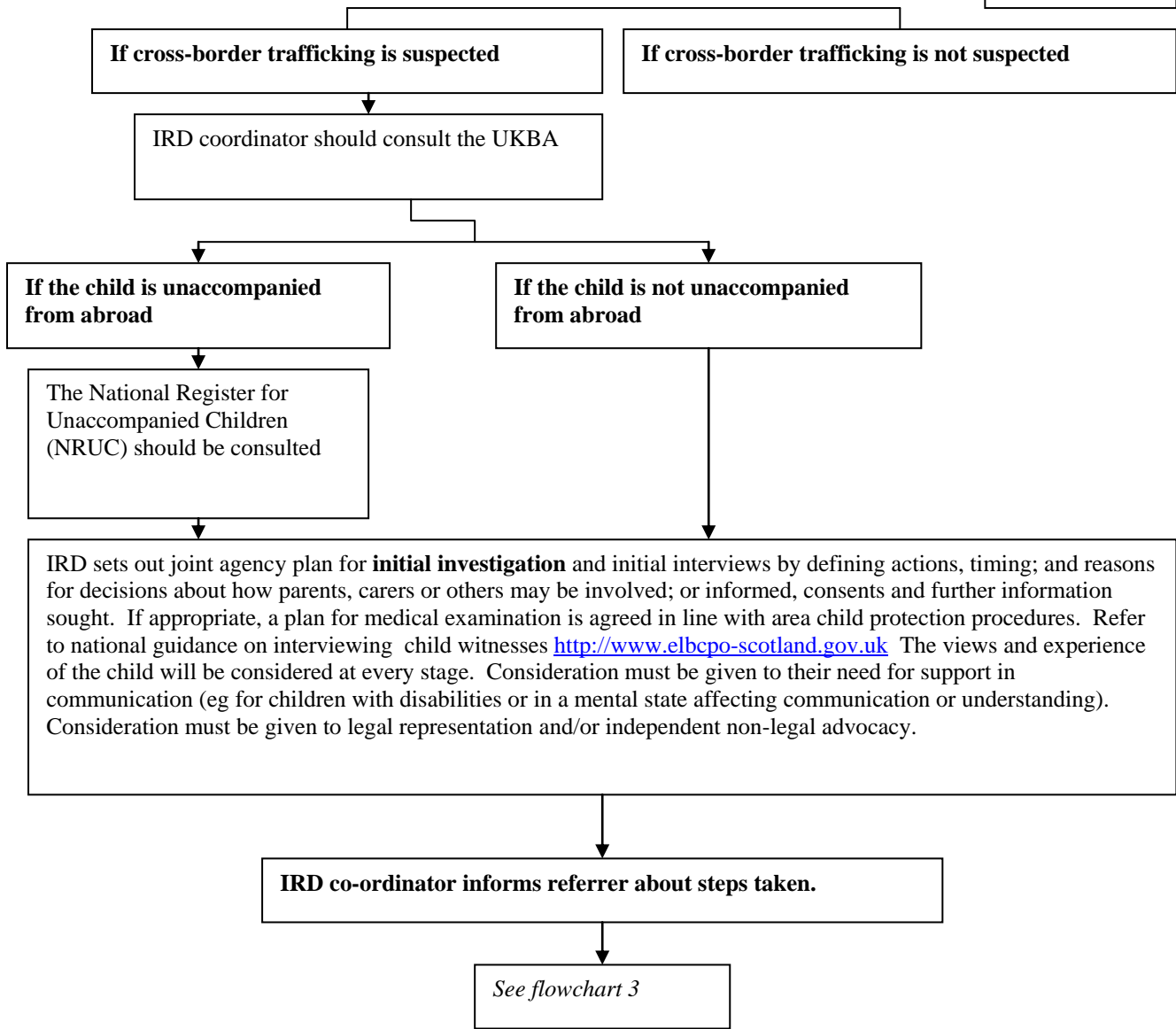
A main route for a carer to obtain parental responsibility is through obtaining an order under section 11 of the Children (Scotland) Act 1995.

## Appendix 2: Flow Chart

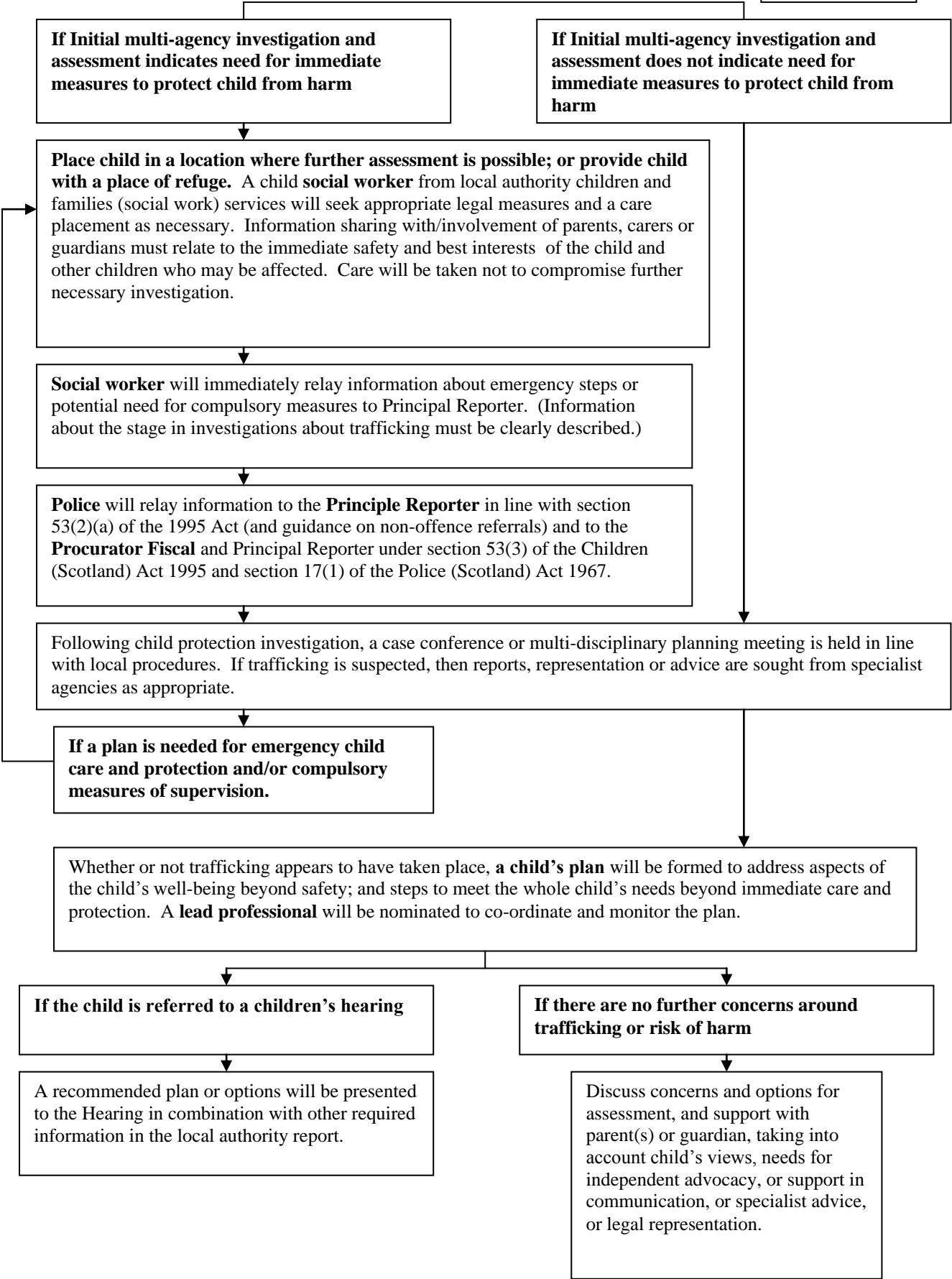
**Flowchart 1**



**Flowchart 2**



**Flowchart 3**



### Appendix 3: A guide to acronyms used in the document

ACPO	Association of Chief Police Officers
ACPOS	Association of Chief Police Officers of Scotland
ASU	Asylum Screening Units
CAMHS	Child and Adolescent Mental Health Services
CEOP	Child Exploitation Online Protection Centre
CROP	Coalition for the Removal of Pimping
CP	Child Protection
CPO	Child Protection Order
CoPFS	Crown Office and Procurator Fiscal Service
ECPAT	End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes UK
GUM	Genito-Urinary Medicine
HMRC	Her Majesty's Revenue & Customs
ILO	International Labour Organisation
LAC	Looked After Child(ren)
NRUC	National Register for Unaccompanied Children
NSPCC	National Society for the Prevention of Cruelty to Children
SCDEA	Scottish Crime & Drug Enforcement Agency
SCRA	Scottish Children's Reporter Administration
SOCA	Serious Organised Crime Agency
UAS	Unaccompanied Asylum Seeker
UASC	Unaccompanied Asylum Seeking Children
UNICEF	United Nations Children's Fund
UKBA	UK Border Agency
UKHTC	United Kingdom Human Trafficking Centre

## Appendix 4: Useful Contacts

1. NSPCC Child Trafficking Advice and Information Line  
Tel: 0800 107 7057
2. United Kingdom Human Trafficking Centre  
Tel: 0114 252 3891  
[www.ukhtc.org](http://www.ukhtc.org)
3. Children's Legal Centre  
Tel: 01206 872 466  
[www.childrenslegalcentre.com](http://www.childrenslegalcentre.com)
4. Details of the appropriate consulate or embassy in London can be found in the London Diplomatic List (ISBN 0 11 591772 1), available from the Stationary Office – Tel: 0870 600 5522.  
Or on the website – [www.fco.gov.uk](http://www.fco.gov.uk)
5. International Social Services of the UK,  
Cranmer House, 3<sup>rd</sup> Floor, 39 Brixton Road, London SW9 6DD  
Tel: 020 7735 8941/4  
[www.issuk.org.uk](http://www.issuk.org.uk)
6. Foreign and Commonwealth Office  
Tel: 020 7008 1500 [www.fco.gov.uk](http://www.fco.gov.uk)
7. CEOP  
33 Vauxhall Bridge Road, London, SW1V 2WG  
Tel: 020 7238 2320/2307  
[www.ceop.gov.uk](http://www.ceop.gov.uk)
8. ECPACT UK  
Grosvenor Gardens House, 35 – 37 Grosvenor Gardens, London, SW1W  
OBS  
Tel: 020 7233 9887  
[www.ecpat.org.uk](http://www.ecpat.org.uk) or [info@ecpat.org.uk](mailto:info@ecpat.org.uk)
9. Save the Children – Caris website  
Designed for young people seeking asylum in Scotland this website also has a practitioner portal which includes information and case studies on child trafficking.  
[http://www.savethechildren.org.uk/caris/index\\_01.html](http://www.savethechildren.org.uk/caris/index_01.html)
10. Missing People Helpline  
A specialist team within the charity is dedicated to finding children who are missing from care, liaising with the appropriate authorities.  
Tel: 0500 700 700  
<http://www.missingpeople.org.uk>



11. Scottish Refugee Council  
Offers advice, assistance and information to asylum seekers and refugees in Scotland.  
Glasgow Head Office  
5 Cadogan Square (170 Blythswood Court),  
Glasgow, G2 7PH  
Tel: 0141 248 9799 Fax: 0141 243 2499  
<http://www.scottishrefugeecouncil.org.uk>
12. Care commission  
Compass House  
11 Riverside Drive  
Dundee  
DD1 4NY  
[www.carecommission.com](http://www.carecommission.com)
13. SCRA  
Ochil House  
Springkerse Business Park  
Stirling  
FK7 7XE  
[www.scra.gov.uk](http://www.scra.gov.uk)
14. UNICEF  
Africa House, 64 – 78 Kingsway, London, WC2B 6NB  
Tel: 020 7405 5592  
[www.unicef.org.uk/contact/contact.asp](http://www.unicef.org.uk/contact/contact.asp)
15. Afruca (Africans Unite Against Child Abuse)  
Unit 3D/F Leroy House, 436 Essex Road, London N1 3QP  
Tel: 020 7704 2261  
[www.afruca.org](http://www.afruca.org)
16. Childwatch  
19 Springbank  
Hull, East Yorkshire, HU3 1AF  
Tel. 01482 325 552  
[www.childwatchorg.uk](http://www.childwatchorg.uk)
17. CROP  
34 York Road, Leeds, LS9 8TA  
Tel : 0113 240 3040  
Email : [info@cropuk.org.uk](mailto:info@cropuk.org.uk)  
Website : [www.crop1.org.uk](http://www.crop1.org.uk)