

WORKING ARRANGEMENTS FOR THE WELFARE AND SAFEGUARDING OF CHILD VICTIMS AND POTENTIAL CHILD VICTIMS OF HUMAN TRAFFICKING AND MODERN SLAVERY

Guidance issued by

The Health and Social Care Board

and

The Police Service for Northern Ireland



Keeping People Safe



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Terms

A Child

A person under the age of 18 years.

Achieving Best Evidence in Criminal Proceedings

Guidance on interviewing victims and witnesses, the use of special measures, and the provision of pre-trial therapy has been developed by the Department of Justice Northern Ireland¹. The guidance is primarily aimed at police officers conducting visually recorded interviews with vulnerable and intimidated witnesses, those tasked with preparing and supporting such witnesses during the criminal justice process and those involved at the trial, both in supporting and questioning the witness in court.

Age Assessment

Age assessment is the process used to determine the age of a child/young person whose age is indeterminate or in dispute. Social Workers and others contributing to the age assessment process should comply with the ADCS "Age Assessment Guidance; Guidance to assist social workers and their managers in undertaking age assessments in England" [October 2015]² (See Merton-compliant age assessment).

Exploitation for purposes of trafficking

For the purposes of the human trafficking offence, exploitation can take a number of forms which are set out in section 3 of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 ("the HT Act")³. These cover slavery, servitude and forced or compulsory labour; sexual exploitation; removal of organs etc.; securing services by force, threats or deception; and securing services from children, having chosen them on the grounds that they are a child and that another person who was not a child would be likely to refuse to be used for that purpose. Such services could include forced begging or criminal activities.

Child Smuggling

Child smuggling, also called facilitation under UK law, is an arrangement whereby somebody, either secretly or by deception (whether for profit or otherwise) assists a child to

¹ <https://www.justice-ni.gov.uk/sites/default/files/publications/doj/achieving-best-evidence-a-practitioner-guide.pdf>

² http://adcs.org.uk/assets/documentation/Age_Assessment_Guidance_2015_Final.pdf

³ <http://www.legislation.gov.uk/nia/2015/2/contents/enacted>

enter the country illegally. Once the child enters the UK the relationship between the child and smuggler ends. The immigrants concerned are normally complicit in the offence so that they can remain in the UK illegally.

A number of factors help distinguish between smuggling and trafficking:

- Smuggling is characterised by illegal entry only and international movement only, either secretly or by deception (whether for profit or otherwise)
- There is normally no coercion/violence involved or required from those assisting in the smuggling.

Child trafficking

The offence of human trafficking is set out in section 2 of the HT Act. Child trafficking involves arranging or facilitating the travel of a child with a view to them being exploited.

This will involve recruiting or transporting or transferring the child; harbouring or receiving them; or transferring or exchanging control over them. Travel will involve either arriving in or entering any country; departing from any country or travelling within any country. It is irrelevant whether the child consents to any element that forms part of the offence, including the exploitation. Internal Child Trafficking also occurs in Northern Ireland when a child is transported from A to B within Northern Ireland to be exploited.

Competent Authorities (CA)

The role of the Competent Authorities (CA) within the United Kingdom is to identify victims of human trafficking and modern slavery under the National Referral Mechanism (NRM). Once a referral to the NRM has been made, trained decision makers in the CA will assess the case and make a decision on whether an individual is a victim of trafficking or modern slavery. There are currently two stages to the decision-making process: first, the CA will decide if there are *reasonable grounds* to believe the individual is a victim of trafficking (the Reasonable Grounds (RG) decision); once a person receives a positive RG decision the CA will consider their case in more detail until a Conclusive Determination (CD) can be made.

In the UK the two Competent Authorities are:

- The UK Modern Slavery Human Trafficking Unit (MSHTU), which is part of the National Crime Agency (NCA) and which deals with referrals from the police, local authorities, and NGOs where there are no associated immigration issues (generally where the individual is an EEA national, a British citizen or a third country nationals who has extant leave to enter or remain in the UK); and
- The Home Office Visas and Immigration (UKVI), which deals with referrals which have been identified during the immigration process, for example, where trafficking or modern slavery may be raised as an issue in the course of an asylum claim (generally where the individual is a non-EEA national who does not have extant leave to enter or remain in the UK).

The NRM structures and processes were subject to review in 2014. The Home Secretary has launched two pilots in England to test alternative structures and arrangements. Subject to the outcome of these ongoing pilots, the NRM structures and arrangements applying in Northern Ireland may be subject to change in due course.

European Economic Area (EEA) national

For the purpose of this guidance this means a citizen of one of the countries that make up the EEA i.e. Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and Switzerland. Although the latter is not a member of the EEA, Swiss citizens have rights, which are similar to those of EEA nationals.

First Responder in the National Referral Mechanism (NRM) Process

First Responders are responsible for completing and submitting NRM referral forms in cases where an individual is suspected to be a potential victim of human trafficking or modern slavery. In the case of adults, the individual must consent to a referral being made. Where the suspected victim is a child, however, the First Responder must complete and submit an NRM referral form for assessment.

The First Responder organisations in Northern Ireland who may make NRM referrals are:

- Police Service for Northern Ireland (PSNI);
- the Health and Social Care Trusts (Trusts);
- Gangmasters Licensing Authority;
- UK Border Force;
- UK Visas and Immigration

In the case of children, the First Responder will normally be either a UKBF officer (if the child is recovered at a port of entry) or a Trust social worker. Other persons who encounter suspected child victims of trafficking or modern slavery should inform PSNI and the HSCT Gateway Team.

Gateway Teams

Teams of social workers established in each Trust's area to receive information, provide advice and guidance and respond to requests for assessment and assistance in matters to do with the safety, welfare and well-being of children. (Contact details for Trust Gateway Teams are included in *Annex A*)

Guardian ad Litem

The guardian ad litem is an independent officer of the Court who is experienced in working with children and families.

Article 60 of the Children (Northern Ireland) Order 1995⁴ provides that, in any case involving specified proceedings [specified proceedings are defined in Article 60(6) of the Order], the Court shall appoint a Guardian Ad Litem for the child concerned unless satisfied that it is not necessary to do so in order to safeguard his or her interest. The Guardian Ad Litem is appointed in accordance with rules of Court and has a duty to safeguard the interests of the child in the manner prescribed by such rules.

Health & Social Care Board (the HSCB)

HSCB is responsible for commissioning, performance managing and quality assuring the health and social care services provided by Health and Social Care Trusts in Northern Ireland. This includes ensuring that the Trusts comply with all legislative functions delegated to them, including those for the safeguarding and protection of children and young people. HSCB reports annually to DoH in respect of the Trusts performance in respect of delegated statutory functions.

Health & Social Care Trust (Trust)

There are 5 Health and Social Care Trusts in Northern Ireland. Trusts deliver a range of health and social care services to improving the health and social well-being of the population within their geographical areas. Trusts have responsibility for provision of services to children, young people and families and specific responsibilities for safeguarding children and child protection.

Human Trafficking

The offence of human trafficking is set out in section 2 of the HT Act and the types of exploitation relevant to this offence are set out in section 3 of the Act.

Human Trafficking involves arranging or facilitating the travel of another person with a view to them being exploited.

This will involve recruiting or transporting or transferring the victim; harbouring or receiving them; or transferring or exchanging control over them. Travel will involve either arriving in or entering any country; departing from any country or travelling within any country. It is irrelevant whether the victim consents to any element that forms part of the offence, including the exploitation. Internal Trafficking also occurs in Northern Ireland when a victim is transported from A to B within Northern Ireland to be exploited.

⁴ <http://www.legislation.gov.uk/nisi/1995/755/article/60>

Independent Guardian

Section 21 of the HT Act⁵ made provisions to make arrangements for the appointment of an Independent Guardian to assist, represent and support a child where there are reasonable grounds to believe that the child is a victim of trafficking in human beings or the child is a separated or unaccompanied child.

Internal Trafficking

Internal trafficking is the movement of people within the UK for the purposes of exploitation.

Joint Protocol

The Police Service for Northern Ireland and Health and Social Care Trusts' Children's Services Social Work Teams are required to follow the guidance contained in the **Protocol For Joint Investigation By Social Workers And Police Officers Of Alleged And Suspected Cases Of Child Abuse – Northern Ireland**.

<http://www.hscboard.hscni.net/download/PUBLICATIONS/policies-protocols-and-guidelines/Protocol-for-joint-investigation-by-social-workers-and-police-officers-of-alleged-and-suspected-cases-of-child-abuse-NI.pdf>

Merton-Compliant Age Assessment

'Merton-compliant' is a term used to describe a local authority age assessment that has been conducted in accordance with the case law on age assessments and is therefore fair and lawful. The term derives from the Merton judgment of 2003 [*The Queen on the application of B v London Borough of Merton [2003] EWHC 1689 (Admin) (14 July 2003)*]⁶ which gives guidance as to the requirements of a lawful assessment by a local authority of the age of a young asylum seeker claiming to be under the age of 18 years.

The judgment of the Supreme Court in *R (on the application of A) (FC) (Appellant) v London Borough of Croydon*⁷ held that, although age assessments remained the responsibility of local authorities, in the event of a challenge by judicial review, it would be for the Court itself to determine, as a matter of judicial fact, whether the person is a child and how old he or she is. As a consequence, when a local authority's age assessment is judicially reviewed, the central question is no longer whether its decision was rational. Instead, the Administrative Court or Upper Tribunal steps in as a primary decision maker in relation to the child's age. It will conduct a fact-finding hearing and review all the evidence, including the assessment reached by any social worker. Local authorities must still conduct lawful assessments, but

⁵ <http://www.legislation.gov.uk/nia/2015/2/section/21/enacted>

⁶ http://www.asylumlawdatabase.eu/sites/www.asylumlawdatabase.eu/files/aldfiles/UK_060%20Judgment.pdf

⁷ <http://www.familylawweek.co.uk/site.aspx?i=ed46085>

can no longer rely on merely establishing that they have done so, as, if the case goes to Court, the local authority's assessment will be just one of a number of pieces of evidence which the Administrative Court and the Upper Tribunal will ultimately have to consider.

Modern Slavery

Modern slavery is an umbrella term that is used to describe slavery, servitude and forced or compulsory labour (which is an offence under section 1 of the HT Act) and human trafficking (an offence under section 2). Both offences involve exploitation of, or the intent to exploit, a victim. In the case of human trafficking, the offence will also involve an element of movement, or arranging / facilitating movement, with the intent to exploit. Victims of either offence are eligible for support under the National Referral Mechanism (NRM).

National Referral Mechanism (NRM)

The National Referral Mechanism (NRM) is the United Kingdom's framework for identifying victims of human trafficking or modern slavery and ensuring they receive the appropriate support. Once a referral to the NRM has been made, trained decision makers in the Competent Authority (CA) will assess the case and make a decision on whether an individual is a victim of trafficking or modern slavery.

The NRM mechanism is currently also used to collect data about victims. This information contributes to building a clearer picture about the nature and scale of human trafficking and modern slavery in the UK. NRM statistics are published on a quarterly basis on the National Crime Agency's website and are available at:

<http://www.nationalcrimeagency.gov.uk/publications/national-referral-mechanism-statistics>

The NRM was subject to review, which reported on 11 November 2014. The Review Team recommended that the support system for identifying and supporting victims of human trafficking should be overhauled. The full report is available at:

<https://www.gov.uk/government/publications/review-of-the-national-referral-mechanism-for-victims-of-human-trafficking>

Following the review, the Home Secretary has launched two pilots in England to test alternative structures and arrangements. Subject to the outcome of these ongoing pilots, the NRM structures and arrangements applying in Northern Ireland may be subject to change in due course.

Private Fostering

An arrangement whereby a child under 16 (or under 18, if disabled) receives care and accommodation continuously for 28 days or more by someone who is not a parent, does not have legal parental responsibility and is not a close relative. Close relatives are defined by the Children (NI) Order 1995 as parents, step-parents, grandparents, siblings, aunts or uncles. Such arrangements must be notified and supervised by a Health and Social Care

Trust under the Children (Private Arrangements for Fostering) Regulations (Northern Ireland) 1996⁸.

PSNI Central Referral Unit (CRU) and Public Protection Unit (PPU)

The method by which police hear about many concerns about children is from Health and Social Care Trusts (HSCT), any other agency, or member of the public to the PSNI's Central Referral Unit (CRU). CRU will screen each referral and assign to the appropriate PPU, Human Trafficking Unit, or other relevant District, Department or Branch, if it is determined, following assessment, that an investigation is required. PPU's are aligned to the 5 Health & Social Care Trusts.

PSNI Modern Slavery Human Trafficking Unit (MSHTU)

A dedicated PSNI Modern Slavery Human Trafficking Unit (MSHTU) was created on 1st April 2015, which sits within C2 Serious Crime Branch. The role and remit of the PSNI MSHTU is to Investigate Organised Crime involving human exploitation, assist in the identification and protection of victims of Human Trafficking and Modern Slavery. Develop and enhance new investigative tactics and proactive operations to *prevent* trafficking and *detect* offenders, to work in collaboration with national and international law enforcement and statutory agencies and to provide guidance and support for localised district investigations.

Third Country national

For the purpose of this guidance, this means a person who does not hold British citizenship or the citizenship of an EEA country.

United Kingdom Modern Slavery Human Trafficking Unit (MSHTU)

The UK Modern Slavery Human Trafficking Unit (MSHTU) is a dedicated, NCA-led, multi-agency centre based in Birmingham, which works in partnership with other agencies in the UK and abroad.

As one of the UK's Competent Authorities, it is the role of MSHTU to assess the cases of potential victims of human trafficking who are British citizens, EEA or third country nationals who have extant leave to enter or remain in the UK - and who have been referred into the NRM – in order to reach a Conclusive Determination as to whether they are victims of trafficking and to record them as such.

MSHTU is also available to provide 24/7 tactical advice to law enforcement bodies in respect of potential trafficking and modern slavery cases.

⁸ <http://www.legislation.gov.uk/nisr/1996/452/contents/made>

United Kingdom Immigration Enforcement

Immigration Enforcement is an operational unit within the Home Office, which provides some of the functions of the former UK Border Agency. It is responsible for tackling the full range of immigration criminality, tackling and disrupting organised immigration crime and removing the most harmful individuals and those with no right to be here from the UK. Immigration Enforcement officers may encounter potential victims of human trafficking during the course of their operational duties. In all instances where UKIE Officers encounter an individual whom they believe or suspect to be a trafficked child, a referral should be made to the PSNI CRU to enable a full response to be made including, as necessary, a criminal investigation.

United Kingdom Visas and Immigration

On 1 April 2013, the former UK Border Agency was split into two separate operation units within the Home Office.

- Border Force (BF)

Border Force (BF) was formed on 1 March 2012 as a law enforcement command within the Home Office. It secures the UK border by carrying out immigration and customs controls for people and goods entering the UK.

It is responsible for:

- checking the immigration status of people arriving in and departing the UK;
- searching baggage, vehicles and cargo for illicit goods or illegal immigrants;
- patrolling the UK coastline and searching vessels;
- gathering intelligence;
- alerting the police and security services to people of interest; and
- reporting all concerns in relation to child victims/potential victims of human trafficking to enable a full investigation to be made of that child's circumstances.

BF is a First Responder organisation for potential victims of trafficking and modern slavery. It works closely with Competent Authorities: the MSHTU and UKVI as well as Immigration Enforcement based at Drumkeen House in Belfast.

- UK Visas and Immigration (UKVI)

UKVI provides some of the functions of the former UK Border Agency and is responsible for handling visa applications to come to the UK, applications to extend a stay in the UK on a temporary and permanent basis, applications for asylum, appeals, correspondence and sponsor management.

As one of the UK's Competent Authorities, UKVI is responsible for assessing and making NRM Conclusive Determinations in cases where an asylum application is being dealt with through the NRM (i.e. generally where the individual is a non-EEA national who does not have extant leave to enter or remain in the UK).

UNOCINI Assessment Framework

UNOCINI stands for “Understanding the Needs of Children in Northern Ireland”. It is a standardised framework to support professionals in assessment and planning to better meet the needs of children and their families. The quality of the UNOCINI assessment is central to children needs being comprehensively understood across agencies and ensuring that the most appropriate responses and services are provided to meet children’s and young people’s needs, including their need for protection.

UNOCINI guidance may be accessed on the following website:

<http://www.hscboard.hscni.net/publications/policies-protocols-guidelines>

1. INTRODUCTION

This guidance is issued by the Health and Social Care Board and the Police Service of Northern Ireland (PSNI). It has been developed and informed in consultation with the Department of Justice (DOJ) and the Department of Health (DoH).

It is intended to provide information on human trafficking and modern slavery and the arrangements that are in place to identify and support child victims and potential victims of these offences. In particular, it sets out the working arrangements that should be followed by Trust staff and PSNI when they encounter a child who they suspect may be a victim of human trafficking or modern slavery.

It should be read in conjunction with existing national legislation (the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 (the HT Act) and Modern Slavery Act 2015 and the Children (Northern Ireland) Order 1995 (the Children Order).

Child trafficking is child abuse.

Any child or young person who is known or suspected to be a victim of Human Trafficking or Modern Slavery is by definition a child in need of protection and should be subject of an investigation under the provisions of Article 66 of the Children Order (a child protection investigation). Such investigations must be carried out in compliance with Co-operating to Safeguard Children and Young People in Northern Ireland 2016, the Regional Child Protection Policy and Procedures⁹ and the Protocol for Joint Investigation by Social Workers and Police Officers of Alleged and Suspected Cases of Child Abuse – Northern Ireland.¹⁰

What is Modern Slavery?

- 1.1 Modern slavery is an umbrella term that covers the offence of slavery, servitude and forced or compulsory labour and the offence of human trafficking. It is organised crime that may often have an international dimension. Both offences involve exploitation of, or the intent to exploit, a victim. In the case of human trafficking, the offence will also involve an element of movement, or arranging / facilitating movement, with the intent to exploit. Victims of either offence are eligible for support under the National Referral Mechanism (NRM).

⁹ <http://www.safeguardingni.org/sites/default/files/sites/default/files/imce/REGIONAL%20POLICY%20AND%20PROCEDURES.pdf>

¹⁰ <http://www.hscboard.hscni.net/download/PUBLICATIONS/policies-protocols-and-guidelines/Protocol-for-joint-investigation-by-social-workers-and-police-officers-of-alleged-and-suspected-cases-of-child-abuse-NI.pdf>

Child trafficking

- 1.2 Child victims are more commonly associated with human trafficking, than with other modern slavery offences. The offence of human trafficking is set out in section 2 of the HT Act. A list of key indicators of human trafficking is set out at Chapter 3.

Most children are trafficked for financial gain, which 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.

This will involve recruiting or transporting or transferring the child; harboring or receiving them; or transferring or exchanging control over them. Travel will involve either arriving in or entering any country; departing from any country or travelling within any country. It is irrelevant whether the child consents to any element that forms part of the offence, including the exploitation. Internal Child Trafficking also occurs in Northern Ireland when a child is transported from A to B within Northern Ireland to be exploited. It is irrelevant whether the child consents to any element that forms part of the offence, including the exploitation itself.

- 1.3 Children and young people who accompany or have been found in the care of parents or carers who have been trafficked may not necessarily be victims of **exploitation** themselves; however, in such instances the needs of children should be rigorously assessed as they are vulnerable children who may be in need of protection; in such instances **the relevant Trust must always conduct enquiries under its Article 66 Duty to Investigate and complete a child protection investigation into the circumstances of such children/young people.**

- 1.4 In human trafficking cases, exploitation can take a number of forms, which are set out in section 3 of the HT Act. For example, this could entail:

- slavery, servitude and forced or compulsory labour (for example forced sweatshop or other forced labour for little or no wages);
- sexual exploitation;
- removal of organs etc.;
- securing services etc. by force, threats or deception; and
- securing services from children, having chosen them on the grounds that they are a child and that another person who was not a child would be likely to refuse to be used for that purpose.

Securing services for exploitation could include forced begging or criminal activities (for example, cannabis cultivation, street crime, illegal adoption, underage servile, forced marriage or benefit fraud).

- 1.5 In many cases victims may be coerced, deceived, manipulated or forced into the control of others who seek to profit from their exploitation and suffering. Many children are reluctant to disclose their plight either out of fear of reprisal or due to a misplaced loyalty to their traffickers. In some cases they may not understand, or even be aware that they have been trafficked. In other cases the exploitation may not yet have taken place or the child or young person may hold a belief that their trafficking is a preferable situation to that which they have been trafficked from. Further information on the obstacles to self-identification by child victims is provided at Chapter 4. As noted, where the victim is a child, it is irrelevant whether the child has consented to

any element of the offence, including the exploitation, or believes it to be of benefit to her/him; they are still a victim of trafficking and a victim of child abuse.

- 1.6 Some trafficked children may be brought into the UK via numerous transit countries and may travel through other European Economic Area (EEA) countries before arriving in Northern Ireland. **In addition to trafficking across international borders, children may also be trafficked within the UK, including within Northern Ireland.**

Apart from the children who are identified at ports and elsewhere in Northern Ireland, trafficked children may also be recovered during planned, formal operations and/or investigations. Children, including those in the care of unsuitable adults, who are recovered in such situations, may be found in circumstances strongly evidential of having been exploited. Children in such situations may have suffered abuse and significant harm and may have been victims of or witnesses to criminal activity.

- 1.7 Trafficked children are likely to have experienced neglect and sexual abuse as well as threat, coercion, manipulation, exploitation and emotional, psychological and physical abuse. It should be borne in mind that some trafficked children may not show obvious signs of distress or disturbance. The negative impact on their health, wellbeing and development as a result of being trafficked is however likely to be significant.

In such circumstances, trafficked children cannot give informed consent to arrangements that may necessarily need to be made to ensure their protection and well-being.

All children and young people who are suspected of having been trafficked should therefore be referred to the relevant Trust and be considered by the Trust to be children in need of care and protection under the provisions of Children Order. In these circumstances the Trust will undertake an Article 66 investigation and make an immediate child protection response.

International commitments on modern slavery

- 1.8 Our response to modern slavery is informed and governed by a number of international instruments that the UK has signed up to. In particular, these include the Council of Europe Convention on Action Against Trafficking in Human Beings (2007) and EU Directive 2011/36/EU on Preventing and Combatting Human Trafficking. Together these instruments have set minimum standards that we are required to implement in respect of preventing trafficking, pursuing perpetrators and identifying and supporting victims.

Northern Ireland strategic response

- 1.9 In Northern Ireland the lead responsibility for implementing the Convention & Directive primarily falls to the DOJ, although other Executive Departments and statutory agencies also have important responsibilities.
- DOJ is the lead Department responsible for developing and maintaining the policy, strategic and legislative frameworks in Northern Ireland in respect of tackling human trafficking and modern slavery. In addition, DOJ funds the provision of assistance and support to adult potential victims of human trafficking and modern slavery whose cases have been referred to the NRM for assessment and who are awaiting a Conclusive Determination.
 - DoH has the lead responsibility amongst government departments for safeguarding and protecting children.

- The Police Service for Northern Ireland (PSNI) PSNI, and Health and Social Care Trusts (HSCTs) and the Health and Social Care Board (HSCB) also have key roles, particularly in respect of prevention and the recovery, support and safeguarding of victims. PSNI and HSCTs have operational responsibility for the investigation of all forms of child abuse, including human trafficking, and ensuring the effective protection of children and young people from abuse.

- 1.10 Other statutory agencies have roles and responsibilities to recognise and respond effectively to child victims and potential child victims of human trafficking and are required, commensurate with their own roles and functions, to co-operate with PSNI and HSCTs to ensure a timely and effective response is made to protect and support child victims and suspected child victims of human trafficking.
- 1.11 The HSCB also has a contribution to make by overseeing the implementation of this guidance in so far as it relates to the duties and obligations of Trusts as regards the care and support of children.
- 1.12 The HT Act is the key piece of legislation applying to Northern Ireland relating to modern slavery. Amongst other things, the HT Act makes provision for:
- the offences of slavery, servitude, forced and compulsory labour, human trafficking and the sentencing framework that applies to these offences;
 - the confiscation of criminal assets and provides a range of measures to support victims and potential victims and to protect them within the criminal justice system;
 - a number of measures that are intended to enhance the response of law enforcement and wider statutory authorities to addressing modern slavery. These include powers for courts to restrict potentially harmful behaviour by perpetrators, obligations in respect of reporting suspected cases, and a requirement for DOJ to publish an annual strategy to raise awareness of and tackle human trafficking and slavery.
- 1.13 The **Northern Ireland Human Trafficking and Modern Slavery Strategy** is a multi-agency strategy, published by the DOJ, which sets out strategic objectives for Northern Ireland, under the priorities of Pursue; Protect and Support; Prevent, and Partnership. The strategy is subject to renewal on an annual basis and may be viewed on the Organised Crime Task Force website.
www.octf.gov.uk
- 1.14 Complementing the provisions in the HT Act, in November 2014 the Home Secretary appointed a UK-wide Independent Anti-Slavery Commissioner, to spearhead the UK's fight against modern slavery, with a concerted focus on strengthening law enforcement efforts in the UK and internationally and helping to ensure that public authorities identify and support slavery victims effectively.

Under the Modern Slavery Act 2015, the Commissioner's role and remit also extend to Northern Ireland.

The protection of children and young people in Northern Ireland is of the highest and most immediate priority and Government is committed to ensuring the safety and well-being of all children.

- 1.15 Whilst the Convention affords protection and support to the victims of trafficking, all forms of child trafficking must first and foremost be recognised as **child abuse**.

- 1.16 In this respect Northern Ireland's current child protection framework is fully compliant with the Convention. The working relationships between the PSNI and Trusts which are set out in the *Working Arrangements For The Welfare And Safeguarding Of Child Victims And Potential Child Victims Of Human Trafficking and Modern Slavery* reflect the principles of the Children (Northern Ireland) Order 1995, Co-operating to Safeguard Children and Young People in Northern Ireland (DoH March 2016)¹¹ and the Regional Child Protection Committees' Policy and Procedures¹².

Some additions to the normal child protection procedural arrangements have, however, been necessary to take account of the requirements under the Convention, nationally agreed processes with particular reference to the NRM and the special circumstances of children who are trafficked.

- 1.17 The United Nations Convention on the Rights of the Child (UNCRC) was passed by the UN General Assembly in 1989 and ratified by the UK in 1991. Ratification commits the UK to bringing its law, policy and practice into line with the UNCRC. In 2008 the UK Government lifted its reservation on Article 22 of the UNCRC concerning the rights of children who are refugees and asylum seekers. All public authorities in the UK therefore have a duty to uphold the UNCRC rights afforded to such children. In particular, Article 3 of the UNCRC commits public authorities to ensuring that in all actions concerning children *"the best interests of the child shall be a primary consideration"* and that the child will be afforded *"such protection and care as is necessary for his or her well-being"*.
- 1.18 The Children (Northern Ireland) Order 1995 (the Children Order) provides the main statutory framework for agencies to respond effectively to children and young people's needs, including their need for protection. The Order outlines arrangements for children and young people who are accommodated and Looked After by Trusts including arrangements for Leaving Care and their Aftercare.
- 1.19 Any other organisation, agency or practitioner who has reasonable cause or suspicion to believe that a child or young person is a victim or potential victim of human trafficking or modern slavery should refer the matter immediately to the PSNI or local Trust.

This guidance may be amended from time to time to reflect changes to legislation or policy and procedures in relation to child victims of human trafficking and modern slavery.

¹¹ <https://www.health-ni.gov.uk/publications/co-operating-safeguard-children-and-young-people-northern-ireland>

¹² <http://www.safeguardingni.org/sites/default/files/sites/default/files/imce/REGIONAL%20POLICY%20AND%20PROCEDURES.pdf>

2. PRINCIPLES

General Principles

These principles shall be taken into account during all stages of caring for and protecting trafficked children and in cases of internal trafficking.

Rights of the Child

- 2.1 All actions undertaken in relation to child victims shall be guided by applicable human rights standards and in particular by the principles of protection and respect for children's rights as set out in the United Nations Convention on the Rights of the Child (UNCRC). All Articles of the Convention have equal standing and are interdependent.

State obligations under the UNCRC apply to each child within the State's territory and to all other children subject to its jurisdiction; the enjoyment of rights stipulated in the Convention is not limited to children who are citizens of a State, but must also be available to all children including trafficked children – irrespective of their nationality, immigration status or statelessness.

The state is required not only to refrain from taking actions that infringe on children's rights, but also to proactively take positive measures to ensure the enjoyment of these rights without discrimination.

Right to be protected

- 2.2 Child victims and potential child victims of human trafficking¹³ and modern slavery are entitled to special protection measures, both as victims and as children, in accordance with their specific rights and needs.

The state is obliged to protect and assist child victims and to ensure their safety.

Where there are indications that a child victim or potential child victim of human trafficking cannot return to his/her country or place of origin due to a well-founded fear of persecution, refugee status determination and the granting or corresponding status will be the most appropriate avenue to pursue.

All decisions regarding child victims and potential child victims need for protection must be taken expeditiously.

The involvement of a child victim or potential child victim in criminal activities shall not undermine their status as both a child and a victim, or their related rights to special protection.

The HT Act provides clear protections for those children and young people who are forced to commit crimes as part of their trafficking and/or modern slavery.

Right to Survival and Development

All child victims and potential child victims of human trafficking and modern day slavery have the right to life and the right to seek international protection. The denial of a child's rights and the abuse of a child are never acceptable. A child victim or potential child victim must be provided with protection and assistance to ensure

¹³ Those children trafficked into the jurisdiction, internally within the jurisdiction and those trafficked out of the jurisdiction and those whom others attempt to traffic out of the jurisdiction

that they are adequately fed, clothed and accommodated and that their physical, mental, spiritual and emotional health needs are met. A child victim or potential child victim of human trafficking or modern day slavery must be given opportunities to develop, learn and thrive and they must be supported and encouraged to achieve their full potential.

Best Interests of the Child

- 2.3 In all decision and actions concerning child victims and potential child victims, the best interests of the child shall be a primary consideration.

Right to Non-Discrimination

- 2.4 Child victims and potential child victims have the right to protection, whether they are non-nationals, nationals or residents of the country in which they find themselves. They must be considered as children first and foremost.

Every child shall have, without discrimination of any kind as to race, sex, language, religion, ethnic or social origin, birth, or other status, including immigration status, the right to such measures of protection as are required by his or her status as a minor.

Respect for the Views of the Child

- 2.5 A child victim or potential child victim who is capable of forming his or her own views has the right to express those views freely in all matters affecting him or her.

Respect for the views of the child must be maintained in relation to the legal process, interim care and protection, and the identification and implementation of a durable solution, particularly in decisions concerning the child's possible return to the family, country or region of origin.

The views of the child victim and potential child victim must be sought, recorded and given due weight in accordance with his/her age, maturity and capacity.

The child shall be provided the opportunity to be heard in any judicial and administrative proceedings affecting him or her, either directly, or through a representative or an appropriate body, in a manner consistent with procedural rules of national law.

Right to Information

- 2.6 Child victims and potential child victims shall be provided with age appropriate and accessible information regarding their situation and their rights, including protection mechanisms, other available services, and the immigration process, making an asylum claim and processes of family reunification and/or repatriation.

Information shall be provided in a language and format that the child victim is able to understand. Suitable interpreters shall be provided whenever a child victim is questioned or interviewed, or whenever she or he requests it.

Right to Confidentiality

- 2.7 All necessary measures shall be taken to protect the privacy and identity of child victims to ensure the safety and security of the victim or potential child victim and his/her family.

Information that could lead to the identification of the child victim or his or her family members and/or their whereabouts shall not be revealed to the public or media¹⁴.

For some child victims or potential child victims of trafficking, contacting the authorities of the country or place of origin should be done with caution, to avoid increasing the child's risk and/or the risk of his or her family being targeted by the authorities.

Organisations must ensure the permanent preservation of their records in such a manner as guarantees confidentiality. They may decide to centralise their records under responsibility of a competent authority.

Right to information and support in relation to Immigration Status and Asylum Claims

2.8 All trafficked children should be properly informed of;

- their right to seek and enjoy asylum;
- their right to make application for leave to remain in the UK.

Staff Training

All those working with a child victim or potential child victim of human trafficking or modern slavery must receive appropriate and ongoing training. Such training should focus specifically on the rights and needs of these children, but also on cultural factors and the appropriate skills for communicating with them. Training should also be given to ensure that those working with a child victim or potential child victim of human trafficking or modern slavery are culturally and gender sensitive and understand intercultural communication.

Durability

Decisions that are taken regarding a child victim or potential child victim of human trafficking or modern day slavery must take into account, to the greatest possible extent, the long-term best interest of the child. Solutions should be concrete, secure and sustainable.

Timeliness

All decisions regarding a child victim or potential child victim of human trafficking or modern day slavery must be taken in a timely fashion taking into account the child's perception of time. Whilst all decisions should be given thorough consideration, delay shall be presumed to be prejudicial to the child. Perceptions that a child is merely in transit should not affect the duty of officials to take appropriate steps to start and actively progress any relevant procedures and processes. Timely decisions are in the interests of all concerned parties.

¹⁴ Exceptions may be made, with the informed consent of the child/young person, in circumstances such as to facilitate the tracing of family members or otherwise secure the well-being and protection of the child. Information about a child victim that could endanger the child or the child's family members shall not be disclosed in any case. The PSNI will take the lead role and provide appropriate advice and guidance to other agencies/organisations to facilitate decision-making and action.

3. UNITED NATIONS HUMAN TRAFFICKING INDICATORS

The link to the list of the United Nations Human Trafficking Indicators can be found at the following link;

https://www.unodc.org/pdf/HT_indicators_E_LOWRES.pdf



UNITED NATIONS – HUMAN TRAFFICKING INDICATORS

Not all the indicators listed below are present in all situations involving trafficking in humans. Although the presence or absence of any of the indicators neither proves nor disproves that human trafficking is taking place, their presence should lead to investigation. Victims of trafficking in humans can be found in a variety of situations. You can play a role in identifying such victims.

GENERAL INDICATORS

People who have been trafficked may:

- Believe that they must work against their will
- Be unable to leave their work environment
- Show signs that their movements are being controlled
- Feel that they cannot leave
- Show fear or anxiety
- Be subjected to violence or threats of violence against themselves or their against family members and loved ones
- Suffer injuries that appear to be the result of an assault
- Suffer injuries or impairments typical of certain jobs or control measures
- Suffer injuries that appear to be the result of the application of control measures
- Be distrustful of the authorities
- Be threatened with being handed over to the authorities
- Be afraid of revealing their immigration status
- Not be in possession of their passports or other travel or identity documents, as those documents are being held by someone else
- Have false identity or travel documents
- Be found in or connected to a type of location likely to be used for exploiting people
- Be unfamiliar with the local language
- Not knowing their home or work address
- Allow others to speak for them when addressed directly
- Act as if they were instructed by someone else
- Be forced to work under certain conditions
- Be disciplined through punishment
- Be unable to negotiate working conditions
- Receive little or no payment
- Have no access to their earnings
- Work excessively long hours over long periods
- Not have any days off
- Live in poor or substandard accommodations
- Have no access to medical care
- Have limited or no social interaction
- Have limited contact with their families or with people outside of their immediate environment
- Be unable to communicate freely with others
- Be under the perception that they are bonded by debt
- Be in a situation of dependence
- Come from a place known to be a source of human trafficking
- Have had the fees for their transport to the country of destination paid for by facilitators, whom they must pay back by working or providing services in the destination
- Have acted on the basis of false promises

CHILDREN

Children who have been trafficked may:

- Have no access to their parents or guardians
- Look intimidated and behave in a way that does not correspond with behaviour typical of children their age
- Have no friends of their own age outside of work
- Have no access to education
- Have no time for playing
- Live apart from other children and in substandard accommodations
- Eat apart from other members of the “family”
- Be given only leftovers to eat
- Be engaged in work that is not suitable for children
- Travel unaccompanied by adults
- Travel in groups with persons who are not relatives

The following might also indicate that children have been trafficked:

- The presence of child-sized clothing typically worn for doing manual or sex work
- The presence of toys, beds and children’s clothing in inappropriate places such as brothels and factories
- The claim made by an adult that he or she has “found” an unaccompanied child
- The finding of unaccompanied children carrying telephone numbers for calling taxis
- The discovery of cases involving illegal adoption

DOMESTIC SERVITUDE

People who have been trafficked for the purpose of domestic servitude may:

- Live with a family
- Not eat with the rest of the family
- Have no private space
- Sleep in a shared or inappropriate space
- Be reported missing by their employer even though they are still living in their employer’s house
- Never or rarely leave the house for social reasons
- Never leave the house without their employer
- Be given only leftovers to eat
- Be subjected to insults, abuse, threats or violence

SEXUAL EXPLOITATION

People who have been trafficked for the purpose of sexual exploitation may:

- Be of any age, although the age may vary according to the location and the market
- Move from one brothel to the next or work in various locations
- Be escorted whenever they go to and return from work and other outside activities
- Have tattoos or other marks indicating "ownership" by their exploiters
- Work long hours or have few if any days off
- Sleep where they work
- Live or travel in a group, sometimes with other women who do not speak the same language
- Have very few items of clothing
- Have clothes that are mostly the kind typically worn for doing sex work
- Only know how to say sex-related words in the local language or in the language of the client group
- Have no cash of their own
- Be unable to show an identity document

The following might also indicate that children have been trafficked:

- There is evidence that suspected victims have had unprotected and/or violent sex
- There is evidence that suspected victims cannot refuse unprotected and/or violent sex
- There is evidence that a person has been bought and sold
- There is evidence that groups of women are under the control of others
- Advertisements are placed for brothels or similar places offering the services of women of a particular ethnicity or nationality
- It is reported that sex workers provide services to a clientele of a particular ethnicity or nationality
- It is reported by clients that sex workers do not smile

LABOUR EXPLOITATION

People who have been trafficked for the purpose of labour exploitation are typically made to work in sectors such as the following: agriculture, construction, entertainment, service industry and manufacturing (in sweatshops).

People who have been trafficked for labour exploitation may:

- Live in groups in the same place where they work and leave those premises infrequently, if at all
- Live in degraded, unsuitable places, such as in agricultural or industrial buildings
- Not be dressed adequately for the work they do: for example, they may lack protective equipment or warm clothing
- Be given only leftovers to eat
- Have no access to their earnings
- Have no labour contract
- Work excessively long hours
- Depend on their employer for a number of services, including work, transportation and accommodation

- Have no choice of accommodation
- Never leave the work premises without their employers
- Be unable to move freely
- Be subject to security measures designed to keep them on the work premises
- Be disciplined through fines
- Be subjected to insults, abuse, threats or violence
- Lack basic training and professional licences

The following might also indicate that people have been trafficked for labour exploitation:

- Notices have been posted in languages other than the local language.
- There are no health and safety notices.
- The employer or manager is unable to show the documents required for employing workers from other countries.
- The employer or manager is unable to show records of wages paid to workers.
- The health and safety equipment is of poor quality or is missing.
- Equipment is designed or has been modified so that it can be operated by children.
- There is evidence that labour laws are being breached.
- There is evidence that workers must pay for tools, food or accommodation or that those costs are being deducted from their wages.

BEGGING AND PETTY CRIME

People who have been trafficked for the purpose of begging or committing petty crimes may:

- Be children, elderly persons or disabled migrants who tend to beg in public places and on public transport
- Be children carrying and/or selling illicit drugs
- Have physical impairments that appear to be the result of mutilation
- Be children of the same nationality or ethnicity who move in large groups with only a few adults
- Be unaccompanied minors who have been "found" by an adult of the same nationality or ethnicity
- Move in groups while travelling on public transport: for example, they may walk up and down the length of trains
- Participate in the activities of organised criminal gangs
- Be part of large groups of children who have the same adult guardian
- Be punished if they do not collect or steal enough
- Live with members of their gang
- Travel with members of their gang to the country of destination
- Live, as gang members, with adults who are not their parents
- Move daily in large groups and over considerable distances
- The following might also indicate that people have been trafficked for begging or for committing petty crimes:
 - New forms of gang-related crime appear.
 - There is evidence that the group of suspected victims has moved, over a period of time, through a number of countries. There is evidence that suspected victims have been involved in begging or in committing petty crimes in another country

4. OBSTACLES TO SELF-IDENTIFICATION BY CHILD VICTIMS AND POTENTIAL CHILD VICTIMS OF HUMAN TRAFFICKING

- 4.1 Some children and young people may be unlikely to disclose that they have been trafficked. In many cases they may not have an awareness of what trafficking is, or that they have been trafficked into the country or have been trafficked internally. They may believe they are coming to the UK for a better life, accepting that they have entered the country illegally. Sometimes exploitation may not have yet occurred and so the child may be wholly unaware that they are being trafficked.
- 4.2 Children and young people who have been trafficked into the country may have been coached with a story to tell the authorities in the UK and warned not to disclose any detail beyond the story, as this would lead to them being deported. Similarly, children and young people who have been internally trafficked may feel under threat, been coached and 'groomed' and may have an inappropriate loyalty to their trafficker(s). Similarly, they may be reluctant to give information in relation to their family of origin because of perceived or real threat to their family. They may be unlikely to trust professionals.
- 4.3 The apparent collusion by the child or young person with their trafficker can add to confusion when attempting to identify a child as a victim of trafficking into or within a jurisdiction.
- 4.4 Those who encounter child victims and potential child victims of human trafficking should always consider that the child or young person may be reluctant to disclose their circumstances because;
- their experience of authority in their country of origin is such that they do not trust the police or other statutory agencies;
 - the identification and referral process may mimic aspects of what had happened during trafficking – promises of help and support and of a 'better life', movement by persons the child does not know being taken to unknown locations and/or being 'taken care of';
 - their circumstances, even under exploitation, in the UK may compare more favourably to the child's experiences at home;
 - they are under threat or duress.
- 4.5 It is important that all working with child victims and potential child victims of human trafficking remember that disclosure from a child can take time, especially where the child is within the control of a trafficker or facilitator and relies on a relationship of trust and safety being established.
- 4.6 Disclosure can be a progressive process wherein the child or young person will disclose information gradually and in response to the reaction, the child/young person perceives him/herself to receive as he/she discloses information.

5. THE NATIONAL REFERRAL MECHANISM (NRM) AND THE DECISION MAKING PROCESS

The NRM referral and report

- 5.1 All member states, which are signatories to the Convention, are required to establish a national referral mechanism.
- 5.2 **The National Referral Mechanism (NRM) is the United Kingdom's framework for identifying victims of human trafficking or modern slavery and ensuring they receive the appropriate support.** Once a referral to the NRM has been made, trained decision makers in the Competent Authority will assess the case and make a decision on whether an individual is a victim of trafficking or modern slavery.
- 5.3 Within the UK, the NRM mechanism is currently also used to collect data about victims. This information contributes to building a clearer picture about the nature and scale of human trafficking and modern slavery in the UK. NRM statistics are published on a quarterly basis on the National Crime Agency's website and are available at: <http://www.nationalcrimeagency.gov.uk/publications/national-referral-mechanism-statistics>

Future changes to the NRM

- 5.4 The NRM was subject to a national review, which reported on 11 November 2014. The Review Team recommended that the support system for identifying and supporting victims of human trafficking should be overhauled. The Home Secretary has subsequently launched two pilots in England to test alternative structures and arrangements. Subject to the outcome of these ongoing pilots the NRM structures and arrangements applying in Northern Ireland may be subject to change in due course.

Overview of NRM Process

- 5.5 In brief, the NRM process is set out below:
- **Potential victim identified**
 - **Referral to NRM by First Responder (target - 48 hours)**
 - **Case considered by a Competent Authority**
 - **"Reasonable Grounds" decision (target - within 5 days of referral)**
 - **Recovery and reflection period for the victim (target – 45 days)**
 - **Conclusive Determination (target - within 45 days of referral)**

A flowchart of the NRM mechanism is included at *Annex B*.

How the NRM works: role of First Responders

- 5.6 First Responders are responsible for completing and submitting NRM referral forms in cases where an individual is suspected to be a victim of human trafficking or modern slavery. In the case of adults the individual must consent to a referral being made. Where the suspected victim is a child, however, the First Responder **must** complete and submit a NRM referral form for assessment.
- 5.7 The First Responder organisations in Northern Ireland who may make NRM referrals are:

- PSNI;
- The Health and Social Care Trusts;
- Gangmasters Licensing Authority;
- UK Border Force;
- UK Visas and Immigration

5.8 The Home Office has advised that Children's Social Services Departments within each of the four UK national territories should normally be responsible for initiating the NRM in respect of child victims. In the case of Northern Ireland therefore, **the Trust in whose area the child is recovered will be the lead agency for the purposes of completing and returning the child's NRM report to the MSHTU for a decision or referral to the competent authority.**

5.9 Other persons who encounter suspected child victims of trafficking or modern slavery (including the PSNI) should alert the relevant Trust's Gateway Team in order to ensure that an NRM referral is made.

5.10 There is a specific NRM referral form for child potential victims recovered in Northern Ireland. It is available, and should be completed online by the child's social worker at:

<https://www.gov.uk/government/publications/human-trafficking-victims-referral-and-assessment-forms>

The completed NRM should be returned to the MSHTU Competent Authority via e-mail at nrm@nca.x.gsi.gov.uk or by fax to **0870 496 5534**.

5.11 The target timescale for the initial submission of the NRM referral form is 48 hours from the identification of the child as a potential victim of trafficking or modern slavery. Whilst in some cases actual trafficking or modern slavery may be instantly evident the identification of a child as a potential victim of trafficking or modern slavery may not be immediate and may only become evident once fuller and more complete information and intelligence becomes available. In such cases, the initial multi-agency planning meeting and / or the first Looked After Review of the child / young person must fully address, discuss and identify the Human Trafficking Indicators that give rise to a suspicion of trafficking/modern slavery or actual trafficking/modern slavery. The outcome should inform the decision to submit a NRM and should assist with comprehensive completion of the NRM. Additional information may be submitted at a later stage. The relevant Competent Authority will normally contact the First Responder in advance of making the conclusive determination to check if there is any additional information to be considered. However, the child's social worker and independent guardian should be proactive and follow up the progress of the NRM Referral with the Competent Authority. It is important that all pertinent information available is provided and that the Competent Authority is made aware that additional information will be provided in time. The Competent Authority should be kept informed of progress, including progress in relation to any age assessment process.

5.12 In tandem with the NRM referral, a separate immigration or asylum application claim may be initiated. It is essential therefore that a solicitor is engaged for the child at the earliest possible opportunity. The child's social worker and Independent guardian should ensure this is done.

5.13 UK Visas and Immigration provide guidance on trafficking and the NRM process for frontline staff.

5.14 A UNOCINI assessment should be completed by the child's/young person's social worker with input from all other relevant agencies involved. From the information obtained, the social worker should be able to present a summary of the evidence on the NRM report form.

How it works: role of the Competent Authorities

- 5.15 The role of the Competent Authorities within the United Kingdom is to identify victims of human trafficking or modern slavery under the National Referral Mechanism (NRM). Once a referral to the NRM has been made, trained decision makers in the Competent Authority will assess and make a decision on whether an individual is a victim of trafficking or modern slavery.
- 5.16 There are currently two stages to the decision-making process: first the Competent Authority will decide if, on the balance of probabilities, there are *reasonable grounds* to believe the individual is a victim of trafficking or modern slavery (the Reasonable Grounds (RG) decision); once a person receives a positive RG decision the CA will consider their case in more detail until a Conclusive Determination (CD) can be made.
- 5.17 In the UK the two Competent Authorities are:
- The UK Modern Slavery Human Trafficking Unit (MSHTU), which is part of the National Crime Agency (NCA) and which deals with referrals from the police, local authorities, and NGOs where there are no associated immigration issues (generally where the individual is an EEA national, a British citizen or a third country nationals who has extant leave to enter or remain in the UK); and
 - The Home Office Visas and Immigration (UKVI), which deals with referrals which have been identified during the immigration process, for example where trafficking or modern slavery may be raised as an issue in the course of an asylum claim (generally where the individual is a non-EEA national who does not have extant leave to enter or remain in the UK).

Recovery and reflection period

- 5.18 A recovery and reflection period of 45 days will routinely be granted to anyone who is referred into the NRM; where there are reasonable grounds to suspect that they are a victim of trafficking or modern slavery.
- 5.19 Once the NRM referral form has been received the relevant Competent Authority will determine, whether reasonable grounds and, subsequently, conclusive grounds have been established to record the child as a victim of trafficking or modern slavery.
- 5.20 Where there are 'reasonable grounds' to believe that the child is a victim of human trafficking or modern slavery he/she will be granted a 45 day extendable recovery and reflection period during which time the child will remain in the care of the Trust. If during this 45-day extendable recovery and reflection period, it is agreed that it is in the child's best interests to return to their country of origin and the child is in agreement to this, the child may be repatriated. When such decision requires to be made following a full and comprehensive assessment involving all agencies and the Independent Guardian.
- 5.21 Where the child is not a British citizen or an EEA national and has no extant leave to enter or remain in the UK the UKVI will consider separate or linked immigration and asylum issues simultaneously. NO immigration decision will be served during this period.
- 5.22 The target deadline for making a "reasonable grounds" is five working days. The child may be interviewed by the Competent Authority in order to enable the collation of information to inform the NRM Where reasonable grounds have been established, the Conclusive Determination will be served at the end of the 45 day recovery and reflection period, or where necessary, at a later date.

- 5.23 Temporary resident permits may be granted in special circumstances to regularise the child's stay in the UK. The child's social worker should maintain close liaison with the child's solicitor, the Independent Guardian¹⁵ and the investigating officer to ensure that the Competent Authority and the UKVI (where it is not the Competent Authority) have access to all relevant information and that this is considered before any decisions are made on whether the child is a victim of trafficking.

This will also assist communication and clarity regarding the child's immigration status and his/her right to remain or not to remain in the UK.

- 5.24 The Competent Authority will communicate its conclusion regarding the child's status by letter and email to the referring social worker, the Independent Guardian, the investigating officer and the child's solicitor.

Conclusive determination that a child is a victim of trafficking or modern slavery

- 5.25 Where the child is recognised as a victim of trafficking or modern slavery and has agreed to help the PSNI with its investigations, the PSNI should apply for the child to be granted leave to remain in the UK on this basis.

If the UKVI determines that this is appropriate, the child may be granted discretionary leave to remain for a period of 12 months.

- 5.26 If the child is not assisting the PSNI with inquiries but wishes to remain in the UK, the UKVI will consider whether the child qualifies for leave to remain due to his/her personal circumstances, taking account of the special personal circumstances that may pertain in relation to child victims of trafficking or modern slavery. Discretionary leave for the child to remain may then be granted in line with current immigration policy.

- 5.27 If there are no circumstances that would lead to the granting of leave, the child should be assisted by the Trust to return home. Where a child is confirmed as a victim of trafficking or modern slavery and wishes to return home, the Trust must ensure that an appropriate repatriation process is in place which takes account of all potential risks and enables the child to return in a safe manner.

The International Organisation for Migration (IOM) may be able to assist voluntary returns of children to non-EU countries.

- 5.28 If the UKVI determines that there are no circumstances that would lead to the granting of leave to remain and the child does not wish to return to his/her country of origin, normal immigration procedures will apply. However, where there are no adequate arrangements in the child's country of origin, which would enable a safe return, the child will not be returned until he/she is aged 18 years. In each situation, the social worker should liaise with the Independent Guardian, the investigating officer and the child's solicitor and the UKVI to determine next steps.

Conclusive determination that a child is not a victim of trafficking or modern slavery

- 5.29 Where the conclusion is that the child is not considered to be a victim of trafficking or modern slavery, UKVI will liaise with the PSNI, the Trust social worker, the Independent Guardian, the investigating officer and the child's solicitor to ensure that all information has been gathered and shared with UKVI. Such a decision will not conclude the PSNI criminal investigation. A thorough and robust investigation must be conducted and it must be borne in mind that a potential victim of trafficking or modern slavery may also be a victim of another criminal offence.

¹⁵ The role and function of the Independent Guardian is detailed in *Annex C*.

If there are no other circumstances that would lead to the granting of leave then UKVI will issue the conclusive decision to the child's social worker, Independent Guardian, the investigating officer and solicitor.

- 5.30 The decision will **not** be issued directly to the child.

HSC Trusts' Children's Services should ensure that a negative NRM decision does not have an adverse impact on a child's care; it does not override the statutory duty placed on HSC Trusts by the Children (Northern Ireland) Order 1995.

- 5.31 Further representations may be made if additional information becomes available following the issue of the decision in line with current UKVI immigration policy.

First responders, Independent Guardians and children's Legal Representatives can request reconsideration of negative decisions where important information seems to have been overlooked.

- 5.32 Representations regarding other reasons that the child should remain in the UK, not related to trafficking or modern slavery, should be made to UKVI in the normal way i.e. through the asylum process.

- 5.33 In line with policy, UKVI may offer assistance with the child's voluntary return. If the child does not wish to return home voluntarily, normal immigration procedures will then apply.

- 5.34 Where there are no adequate arrangements in the child's country of origin, which would enable a safe return, the child will not be returned until he/she is aged 18 years. The social worker should, in each situation liaise with the child's solicitor, the Independent Guardian, the investigating officer and UKVI to determine next steps.

Guidance and e-learning

- 5.35 UK Visas and Immigration provides guidance on trafficking and the NRM process for both frontline staff and Competent Authorities.

6. THE ROLE OF THE POLICE SERVICE OF NORTHERN IRELAND

Contact and liaison arrangements

- 6.1 In circumstances where there is firm intelligence in advance of a pre-planned police operation that trafficked / exploited children might be found in specific locations, the PSNI owning investigation team (*Annex D*) will in conjunction with the PSNI Central Referral Unit, liaise with the relevant Senior Social Worker/Gateway Team Leader as the circumstances of each investigation permit. Where possible, the PSNI should alert the relevant Trust(s) at the earliest opportunity in advance of a planned operation to enable the Trust to make any preparations it considers necessary to meet the anticipated needs of any child victims/potential child victims.

The investigation will be conducted in accordance with the 'Protocol for Joint Investigation by Social Workers and Police Officers of Alleged and Suspected Cases of Child Abuse – Northern Ireland'.

- 6.2 As part of joint working arrangements, consideration may be given for a social worker to be present during the police operation. When a child is found as part of other police operations or investigations in circumstances that are strongly indicative of child trafficking or modern slavery, the PSNI will immediately contact the duty social worker in the relevant Trust's Gateway Team or the Regional Emergency Social Work Services (RESWS) (*Annex A*) and provide details of the child's circumstances. A PSNI liaison officer should be identified as soon as possible to liaise with the Trust's / RESWS's social worker in progressing the child's case.

The UKVI must also be notified of recovered children who are third country nationals.

PSNI first responders must inform the PSNI PPU Central Referral Unit (CRU) to ensure a consistent approach to the management of all child safeguarding and protection referrals across the PSNI.

It is necessary to contact CRU when:

- There is an allegation, or reasonable cause to suspect the abuse of a child, be that physical, sexual or wilful neglect, or
- There is a clear concern for the safety of a child.

Referring the matter to CRU should not preclude Police obligations to take prompt and effective action to safeguard children at risk, preserve evidence and/or apprehend suspected offenders.

Child protection procedures

- 6.3 In all cases of suspected sexual abuse, the PSNI will accompany the recovered child, with prior arrangement, to a Sexual Assault Referral Centre, a Medical and Interviewing Suite, in accordance with the 'Protocol for Joint Investigation by Social Workers and Police Officers of Alleged and Suspected Cases of Child Abuse – Northern Ireland'.

- 6.4 Section 23 of the HT Act, requires PSNI to take steps to protect the victims of slavery and trafficking in criminal investigations, including additional requirements where the victim is a child.

The child's/young person's social worker and independent guardian shall ensure that the child/young person is fully informed about security issues, risks and criminal procedures before he or she decides whether or not to testify in criminal proceedings against persons who are known to have been or suspected of involvement in the exploitation and/or trafficking of the child.

The competent authority is required to grant a "recovery time" to trafficked children before involving them in the criminal proceedings against the trafficker.

- 6.5 The PSNI will lead investigations at this stage and should provide advice and guidance to staff from other agencies. Human trafficking and modern slavery are organised, secretive crimes and care must be taken from the outset to ensure, as far as possible, that no actions are taken or information shared which could compromise or undermine police processes of investigation.

- 6.6 All investigations must be thoroughly planned and agencies must be aware of the roles and responsibilities of other organisations. Any enquiries that are necessary to try to corroborate the information given by the child/young person should be agreed in advance between Trust staff and PSNI. There should be clear and explicit agreements about which agency will lead which particular pieces of work and forethought given to ensure that no actions, however well intentioned, result in compromise or undermine a criminal investigation.

Given the high level of risk that child victims and potential child victims of Human Trafficking and Modern Slavery may go missing, **the risk of the child going missing** should be considered by Trust staff and PSNI. At this stage the PSNI investigation officer must consider planned actions with the Trust case officer to reduce the opportunities that the child may subsequently go missing.

In the event of a recovered child victim of Modern Slavery or Human Trafficking going missing, the PSNI investigating officer of the MSHT investigation must compile a list of fast track considerations to be considered by the investigating officer into the missing child investigation to assist in locating the missing child. This list of considerations must be attached to the missing child's NICHE nominal.

On-going care and protection for a child victim of trafficking or modern slavery shall not, under any circumstances, be conditional on the child's willingness to act as a witness. Judicial procedures against those involved in trafficking shall in no way inhibit or delay family reunification or the return of the child victim to the country or region of origin if it is in the best interests of the child.

- 6.7 There is an urgent need for close cooperation, collaboration and clearly articulated plans of investigation into the child's/young person's presentation and any information he /she may impart. Practitioners must always be alert to the possibilities of deception and that when making enquiries with the child/young person they may initially be directed to an individual or group of persons who may have been active or complicit in the trafficking of the child.

Direct contact shall be avoided between the child victim and the suspected offender during the process of investigation and prosecution as well as during trial hearings.

- 6.8 Background checks to establish the veracity of documentary information or information given by the child/young person should initially be led by PSNI.

- 6.9 Young people who have been victims of human trafficking or modern slavery must be treated with sensitivity and respect at all stages of investigations and in court proceedings and must be enabled to give evidence safely.

Access to suitably skilled and supported translation services may be crucial to the investigation. Where necessary, the PSNI will make interpreting services available to assist the joint inquiry / investigation process.

- 6.10 Where a child is being interviewed by the PSNI in relation to a criminal investigation into a trafficking or modern slavery allegation, the necessary preparation for such interviews should be undertaken in consultation with the child's social worker, the child's independent guardian and legal representative to ensure that those with discreet responsibilities in respect of the child are able to fulfil all their responsibilities.

Every effort should be made to reduce the secondary trauma that victims often face in a courtroom. Law enforcement authorities, prosecutors, judges and magistrates should apply child-friendly practices that assist children and young people to maximise their opportunity to provide their evidence.

Child victims and witnesses shall have their privacy protected as a matter of primary importance. Measures should be taken to exclude the public and the media from the courtroom when a child is giving testimony.

Medical and forensic procedures and consent

- 6.11 **Medical Examination** where a crime is suspected it is the responsibility of the PSNI to seek the support of the child within the investigation into any allegation/crime committed (Child Abuse). Where the child agrees to support a criminal investigation then It is for the PSNI along with Social Services (under Joint Protocol arrangements) to agree various strategies including the provision of a 'Forensic Medical Examination'. This is organised by the PSNI as to the relevant location. If the child is a potential victim of sexual exploitation, then it is the Rowan Centre, based at Antrim Area Hospital and for physical abuse or Cruelty Including Neglect then this will be at an agreed location with the relevant Physician (which could be an interview suite medical room or Hospital or Surgery). The PSNI do not provide consent for medical examinations. It is a matter for the examining Doctor to seek/gain the relevant consent to conduct the forensic medical examination.
- 6.12 **Medical treatment** where that is required for an injury illness or similar that needs immediate treatment (including an assessment to ensure child is not suffering from same) and it is a matter for the treating physician to obtain the relevant consent from the child in the first instance and then from the person with parental responsibility, if not provided by the child (for whatever reason) and for that physician to conduct the relevant examination and/or treatment. If the child does not provide consent, then it is not a matter for the PSNI but for the Physician and/or the trust to seek permission through the relevant court order.
- 6.13 **Consent** In circumstances where Article 65 of the Children Order has been actioned then it is for Social Services to accommodate the child and take responsibility for its safeguarding. Article 65 has an immediacy to it and as such, if a case is pre-planned the Social Worker will be present. If it is not planned, the first action of the PSNI officer invoking Article 65 will be to contact the Duty Social Worker (or out of hours, the emergency Social Worker).
- 6.14 **DNA – for identification purposes** where the child is a potential victim of human trafficking or modern slavery, it is a matter for Social Services as part of the Joint Protocol working processes to lead on the safeguarding issues and where relevant (if the child is not consenting or does not have capacity etc.) to obtain whatever parental responsibilities through any appropriate court order.

In the context of victims of crime, PSNI should not be obtaining a DNA sample without either informed consent or a court order (via Social Services).

The PSNI may, for child protection purposes, also seek the child's consent to the provision of a non-invasive DNA sample in order to identify the child, in the event that he/she may go missing and be re-trafficked under another identity. The Human Tissue Act 2004 (the Human Tissue Act) requires that qualifying consent¹⁶ must be provided for the taking of a DNA sample and the use of the sample must be for a specified purpose as set out in Schedule 4 to the Human Tissue Act. Under paragraph 5(1) of Schedule 4, use of the results of the analysis of DNA is lawful where it is for the prevention or detection of crime.

The opinion of the child's social worker (with statutory responsibility), Independent Guardian and the child's legal representative should also be sought and secured **in advance** of any sample being taken.

Under paragraph 5(2) of Schedule 4, detecting crime includes establishing by whom, for what purpose, by what means and generally in what circumstances any crime was committed.

This leaves the 'dilemma' of what to do if the child/young person is 'informed' and refuses consent to the taking of the DNA sample.

Taking such a sample without being able to clearly demonstrate "informed consent" creates even bigger problems

Consideration also needs to be given here to the role and duties of the child's social worker, the Independent Guardian and the child's/young person's legal representative and any views or opinions she/he may express and the position he /she occupies in terms of representing the child's best interests.*

- 6.15 With regard to issues of consent to the above procedures, children aged 16 years or over are presumed in law to be competent to give consent for themselves for their own health and associated procedures¹⁷, including the provision of a DNA sample¹⁸. However they must also have the capacity (be competent) to take a particular decision i.e. they must be able to comprehend and retain information material to the decision, especially as to the consequences of having or not having the intervention in question. They must also be able to use and weigh up this information in the decision making process.
- 6.16 Where a child is under 16 years, the courts have decided that he/she will also be competent to give valid consent to a particular health or related intervention if he/she has "sufficient understanding and intelligence to enable him or her to understand fully what is proposed"¹⁹
- 6.17 If a child is under the age of 16 years and/or deemed not to be competent to give consent, in these circumstances consent should be sought from a person with parental responsibility. In the case of trafficked children, it is unlikely that anyone with parental responsibility will be available. It should be noted that the Trust does not have parental responsibility for a child unless an interim care order or a care order is in force*. In the absence of anyone with parental responsibility, it is lawful to provide necessary medical treatment²⁰ on the basis that it is in the child's best interests, however use of best interests for medical treatment does not cover the taking of DNA.

¹⁶ Qualifying consent is consent that fulfils the requirements of the HT Act and therefore allows DNA analysis to be carried out without committing an offence. Schedule 4 to the HT Act sets out who can give qualifying consent

¹⁷ See Good Practice in Consent – Consent for Examination, Treatment or Care, A Handbook for the HPSS, (DHSSPS 2003).

¹⁸ See Human Tissue Authority Code of Practice – Consent (HTA, 2009)

¹⁹ See Good Practice in Consent – Consent for Examination, Treatment or Care, A Handbook for the HPSS, (DHSSPS 2003).

²⁰ Taking of DNA samples DOES NOT constitute as NECESSARY MEDICAL TREATMENT

The National Referral Mechanism (NRM) assessment guidance and e-learning

- 6.18 The PSNI will provide information to assist the Trust's completion of the NRM referral and report on the child. When possible a PSNI officer should accompany the Social Worker when the NRM form is being completed with the suspected trafficked child victim and will provide advice and guidance on what is exploitation within the meaning of Section 3 of the 2015 Human Trafficking Act and to establish if there is a Trafficking element to the case.

Officers investigating a child victim or potential child victim of human trafficking or modern slavery must receive appropriate and ongoing interview training.

All PSNI First Responders should complete the Modern Slavery Human Trafficking (MSHT) e-Learning module available through NCALT. Although this training refers to the Modern Slavery Act 2015 for England and Wales, the same principles, first response and the NRM process is the same for Northern Ireland investigations.

It is the responsibility of each agency to ensure staff are appropriately trained.

- 6.19 Whilst the Trust will be the lead agency for the purpose of completing the NRM referral form for each child recovered, a named PSNI liaison officer will provide relevant information on an on-going basis as necessary to assist the Trust's social worker in this process and any subsequent assessments, including the UNOCINI assessment, to be undertaken in respect of the child.

Children who go missing

- 6.20 Children who go missing should be reported by the Trust to a PSNI Call Management Centre as per normal arrangements by dialling 101 or in an emergency dial 999.

If a child victim / potential child victim of Human Trafficking or modern slavery goes missing from the care of a Trust, the Trust and PSNI must comply with the requirements of HSCB PSNI Guidance; Missing Children Protocol Runaway and Missing from Home and Care June 2015²¹.

Where there are concerns that a trafficked child is being moved within the UK or to the Republic of Ireland, discussion **must** take place with the child's social worker, Independent Guardian and Legal representative as to whether any actions should be taken by the PSNI to alert UK police forces or the An Garda Síochána.

Given the high level of risk that child victims and potential child victims of Human Trafficking and Modern Slavery may go missing, **the risk of the child going missing** should be considered by Trust staff and PSNI. At this stage, the PSNI investigation Officer must consider planned actions with the Trust social worker to reduce the opportunities that the child may subsequently go missing.

In the event of a recovered child victim of Modern Slavery or Human Trafficking going missing, the PSNI investigating officer of the MSHT investigation must compile a list of fast track considerations to be considered by the investigating officer into the missing child investigation to assist in locating the missing child. This list of considerations must be attached to the missing child's NICHE nominal.

²¹ <http://www.hscboard.hscni.net/download/PUBLICATIONS/policies-protocols-and-guidelines/Missing-Children-Protocol-June-2015.pdf>

Social Workers should ensure compliance with the requirements of the 1996 Hague **CONVENTION ON JURISDICTION, APPLICABLE LAW, RECOGNITION, ENFORCEMENT AND CO-OPERATION IN RESPECT OF PARENTAL RESPONSIBILITY AND MEASURES FOR THE PROTECTION OF CHILDREN**²².

Border Force should also be provided with the details of any child who has gone missing in order that Border Force officers at ports of entry may be alerted.

PSNI inquiries and criminal investigations

- 6.21 The PSNI investigating officer will maintain close contact with the child's social worker, independent guardian and solicitor in relation to the progress of further relevant enquiries or criminal investigations and will provide any information and assistance necessary to assist the Trust, independent guardian and solicitor in their safeguarding responsibilities towards the child.
- 6.22 Where the child has received a positive reasonable grounds decision by the Competent Authority as a victim of trafficking or modern slavery and has agreed to help the Investigating Officer with its investigations, the Investigating Officer should apply for the child to be granted leave to remain in the UK on this basis. The flowchart at (*Annex E*) sets out the steps by the Investigating Officer and the Trust to support the child. The child's solicitor, Independent Guardian or Trust may also apply for leave to remain when the child is assisting PSNI investigations. Agreement must be made to establish who is making the application for the child to avoid duplication or a failure to apply.

²² <https://assets.hcch.net/docs/f16ebd3d-f398-4891-bf47-110866e171d4.pdf>

7. THE ROLE OF HEALTH AND SOCIAL CARE TRUSTS

Contact and liaison arrangements

- 7.1 The Children (Northern Ireland) Order 1995 imposes a general duty²³ on Trusts to safeguard and promote the welfare of children in need in their area and a specific duty²⁴ to investigate the circumstances of any child if the Trust has reasonable cause to suspect that the child is suffering, or is likely to suffer, significant harm and to take action to safeguard or promote the child's welfare.

Children who are recovered as part of police operations or come to the attention of the Trust by some other means and are suspected of being victims of trafficking or modern slavery are entitled to **support, care and protection** under the full provisions of the Children Order, regardless of their immigration status or nationality. Where a child is known or suspected to be a victim of trafficking or modern slavery, the relevant Trust **must always respond to that child's circumstances and needs in compliance with the Regional Child Protection Policy and Procedures and Joint Protocol**.

All staff in Trusts' Children's Services Teams and the Regional Emergency Duty Social Work Service should have knowledge of the United Nations Indicators of Child Trafficking (set out at Chapter 3 of this guidance) and the expected procedures under this protocol and ensure compliance with the requirements of all International Conventions, Domestic Legislation and Procedural Guidance.

- 7.2 When notified of an impending PSNI operation (section 6.1), the Trust's Assistant Director for Safeguarding will make appropriate arrangements with the PSNI to assist the operation. The Trust/RESWS and the PSNI should agree and record a strategy to plan the joint investigation and the assessment of the child's needs. Where possible, the plan should include Children's Services social workers to be on hand to arrange for recovered children to be placed as soon as possible in an appropriate placement. With regard to issues of consent that may arise during the PSNI investigations, **the Trust/RESWS should always seek legal advice**.
- 7.3 Where children are unexpectedly recovered or found in other situations by the PSNI an immediate referral should be made by the PSNI to the Trust's Children's Services Team to co-ordinate an immediate response. All suspicions of trafficking or modern slavery and all victims or potential victims of human trafficking or modern slavery should be brought to the attention of the Assistant Directors of Safeguarding within the Trust.

When any other agency encounters children who are victims or potential victims of human trafficking or modern slavery, that agency should make an immediate referral to the PSNI's PPU Central Referral Unit **and** to the local Trust's Gateway Team.

- 7.4 In the case of any child who comes to the attention of the Trust as a potential victim of trafficking or modern slavery and who is not already known to the PSNI, the Trust should immediately notify the PSNI PPU Central Referral Unit, (*Annex D*), the Independent Guardian Service and, in the case of a child who is a third country national, the UKVI (5.17).

²³ <http://www.legislation.gov.uk/nisi/1995/755/article/16/made>

²⁴ <http://www.legislation.gov.uk/nisi/1995/755/article/66/made>

- 7.5 In all instances of a child victim or potential child victim of human trafficking or modern slavery coming to the attention of a Trust, that Trust shall immediately make a referral in respect of that child to the Independent Guardian Service (see *Annex C*).

The social worker and the Independent Guardian should agree the appointment of an independent legal representative for the child.

International Legislation

- 7.6 There are two key international law instruments that apply in child protection cases, depending on the country in question and the plan for the child:
- For EU Member States local authorities must comply with Brussels IIa including Article 55 and Article 56;
 - Local authorities must also comply with requirements under the 1996 Hague Convention in relation to countries that have ratified it (known as ‘contracting states’);

Trust social workers and managers should ensure that legal advice is obtained and all obligations in international legislation are fulfilled.

- 7.7 In all cases where children are recovered as part of a PSNI operation or are identified in other circumstances as potential victims of trafficking or modern slavery, the Trust and the PSNI will conduct joint inquiries in accordance with ‘Joint Protocol’ and Achieving Best Evidence²⁵.

The PSNI will lead investigations at this stage and should provide advice and guidance to staff from other agencies. Human trafficking and modern slavery are organized, secretive crimes and care must be taken from the outset to ensure, as far as possible, that no actions are taken or information shared which could compromise or undermine police processes of investigation. (See sections 6.6 – 6.8)

As information is gathered at this initial stage the social worker to whom the case is allocated should, in conjunction with the Independent Guardian, ensure that sufficient focus is retained on the needs of the child/young person and the child’s/young person’s best interests.

Gathering of substantive information in relation to the child’s/young person’s status (and information relevant to an asylum claim or other protection) should come well after this initial information gathering stage when the child/young person has been afforded the opportunity to be settled and to articulate their views properly.

An appropriate balance must be struck between promoting the child’s young person’s welfare, assuring his/her best interests are represented and asylum/immigration control considerations.

The social worker should liaise with the child, the independent guardian and the child’s solicitor in relation to the sharing of information gained from this process and the assessment of the child’s needs with the Competent Authority.

²⁵ <https://www.justice-ni.gov.uk/sites/default/files/publications/doj/achieving-best-evidence-a-practitioner-guide.pdf>

- 7.8 Whilst **the Trust will be the lead agency for the purpose of completing the referral under the NRM for each child recovered** (see Section 5), a named PSNI liaison officer will provide relevant information to assist the Trust's social worker in this process and any subsequent assessments to be undertaken in respect of the child, including information for the completion of the UNOCINI assessment.

The responsible investigating officer should accompany the Social Worker when the NRM form is initially being completed with the suspected child victim and contribute to the completion of the NRM referral form. This will provide advice and guidance on what exploitation is within the meaning of Section 3 of the HT Act and to establish if there is a trafficking element to the case.

The Trust social worker should also advise the independent guardian, the child's solicitor, the investigating officer, Border Force and UKVI (as appropriate) that the NRM referral form has been completed and submitted.

- 7.9 Children and young people who accompany or have been found in the care of parents or carers or others who are victims of trafficking or modern slavery may not necessarily be victims of **exploitation** themselves (and therefore may not fall within the agreed definition of "trafficked"); however, in such instances the needs of children should be rigorously assessed and appropriate services must be provided if the child has suffered or is likely to suffer from significant harm. Enquiries must be made under Article 66 and investigated as they are vulnerable children who may be in need of protection; in such instances **the relevant Trust must always conduct enquiries under its Article 66 Duty to Investigate and complete a child protection investigation into the circumstances of such children/young people.**
- 7.10 A named social worker should be appointed for the child as soon as possible following the initial referral. That social worker will be responsible for providing all supports and services to the child as required by legislation, policy and procedures and, where necessary initiating an Article 66 Investigation in respect of the child/young person.
- 7.11 Children who are victims or potential victims of human trafficking or modern slavery must always be assessed by the HSC Trust as children in need of protection and all necessary action taken without delay to ensure their immediate protection, including the necessity for the Trust to secure an Emergency Protection Order/Interim Care Order and Parental Responsibility.

The Appointment of an Independent Guardian

- 7.12 The social worker appointed for the child should ensure that an Independent Guardian is appointed in respect of the child as immediately as possible (see 7.58-7.64) for all child victims/potential child victims of human trafficking and/or modern slavery, including internally trafficked children and young people for whom no one is exercising Parental Responsibility.

The Appointment of an Independent Legal Representative for the Child

- 7.13 The social worker should liaise with the Independent Guardian appointed for the child to ensure that the Independent Guardian has appointed an independent solicitor to represent the child and protect his/her best interests.

Legal issues in relation to the child's care and case management considerations

- 7.14 The Trust should **consider the legal status of the child as a matter of urgency and seek legal advice on the appropriate action necessary** to provide optimum protection to the child. The Trust should **always** give immediate consideration to the necessity to secure **Parental Responsibility** in respect of the child and obtain legal advice in relation to the securing an appropriate legal order to enable the Trust to make judicially mandated decisions to promote the child's protection, safety and welfare, and secure the child's **immediate safety**.

Each case must be examined on its own merits to determine the most appropriate legal position for the child concerned.

- 7.15 If emergency protection or care order proceedings are initiated, a guardian ad-litem will normally be appointed by the court. The guardian ad-litem will consult with the independent guardian and the child's social worker to agree appropriate legal advice for the child.

Acknowledging the confusion and anxiety that may exist for the recovered child, the unnecessary introduction of additional professionals should be avoided. Ideally, the independent guardian, the guardian ad litem and social worker should agree one legal representative to work on the child's behalf and engage in a collaborative manner with other professionals and agencies.

- 7.16 A significant number of professionals and agencies may need to be involved in the child's case within a short timescale. There is potential for this to overwhelm and be detrimental to a child who is already extremely vulnerable. The social work manager responsible for the child's case should, in collaboration with the PSNI and independent guardian and in compliance with legislative and procedural requirements, ensure a case management approach which secures effective joint working and co-operation between the various professionals and agencies involved.

This should help to ensure that all essential interviews and proceedings involving the child are planned and take place, in compliance with procedural requirements and guidance, at a pace that recognises the child's need for a measured approach.

Relevant information should be shared appropriately between agency professionals, the independent guardian and the guardian-ad-litem to avoid the child having to engage in unnecessary repetition.

The child's access to independent legal advice

- 7.17 Third country national children who are identified as victims or potential victims of trafficking or modern slavery will need to be aware of immigration issues and the provisions for seeking asylum or humanitarian protection in the UK as well as rights and other considerations, which may be pertinent to their circumstances.
- 7.18 Having explained the advantage of seeking legal advice in relation to these issues, the child's social worker should, with the child's consent and consultation with the Independent Guardian appointed, assure him/herself that the necessary and appropriate legal advice and representation have been arranged by the independent guardian on the child's behalf. A co-operative and collaborative approach should be agreed between the child's/young person's social worker and independent guardian in respect of legal representation for the child/young person.

Independent legal advice to the child/young person should include considerations in relation to the child's/young person's status as a victim/potential victim of human trafficking and/or modern slavery, care proceedings, immigration issues, asylum issues, criminal injuries compensation redress, repatriation and reunification with family if appropriate and the child's status in the context of the 1996 Hague Convention and Dublin III arrangements.

Liaison with the Immigration Authorities

7.19 Having consulted with the child's independent guardian, the child's social worker should liaise with the child's solicitor and provide information and assure him/herself that an asylum claim with appropriate representation has been lodged on the child's behalf with UKVI. The child's social worker should also ensure that the child's solicitor is aware of all impending interviews between Border Force, UKVI and/or the PSNI and the child in relation to trafficking, modern slavery, asylum and other immigration matters and should at all stages co-operate in the provision of timely information to assist the child's case.

7.20 In all interviews conducted by the UKVI, the child should be accompanied by his/her social worker unless it has been agreed beforehand that the child's independent guardian or solicitor should attend the interview as the responsible adult.

In all instances, the social worker with statutory responsibility for the child must assure him/herself that all relevant records and documentation is made available to be included on the child's case-file. The Trust retains 'corporate parenting' responsibility in respect of the child and should always be in possession of any significant information, documentation and records relevant to it meeting the child's needs in the widest sense and promoting and safeguarding his/her welfare and best interests.

7.21 Where a child is being interviewed by the PSNI in relation to a criminal investigation into a trafficking or modern slavery allegation, the necessary preparation for such interviews should be undertaken in consultation with the child's social worker, the child's independent guardian and legal representative to ensure that those with discreet responsibilities in respect of the child are able to fulfil all their responsibilities.

If appropriate, support may also be provided to the child/young person from the NSPCC's Young Witness Service and therapeutic services if the child/young person is known or believed to have suffered other abuse as part of his/her experience of being trafficked or being a victim of modern slavery. However, given the significant number of professional staff already involved with the child/young person, careful consideration should be given to the need to introduce additional personnel.

7.22 During any interview in relation to a criminal investigation into a trafficking or modern slavery allegation or offence, the recovered child should, as a matter of good practice, be accompanied by a solicitor.

7.23 Issues may arise during the course of the interview which could have implications for that child's immigration status and/or outstanding application with UKVI.

7.24 The Child's/ young person's social worker, independent guardian and legal representative should work together to ensure that a durable solution is achieved for the child/young person in the knowledge that a grant of discretionary leave to remain in the UK may not be sufficient to assure the child's/young person's rights are protected or to meet the child's/young person's longer terms needs.

The social worker should ensure that an application for a National Insurance Number for the child is made. (See Annex G)

Determining asylum claims and a child's/young person's immigration status must be sensitive to the needs and experiences of the child/young person. However investigation into the trafficking allegations must take priority over an asylum claim.

Postponing decisions in relation to a child's/young person's rights to remain in the UK can increase anxiety and emotional harm and contravene the child's/young person's best interests by taking away the safeguards offered by the UNCRC. Uncertainty and instability of discretionary leave can hamper the pathway planning process and hamper the transition into adulthood. More certainty is provided to children/young people when proper consideration is given to their future early on, with decisions informed by reports from country of origin (when appropriate), engagement with the child/young person and an evaluation of the ties they have formed in the UK.

The child's social worker should, in consultation with the independent guardian (and, where necessary, the guardian ad-litem where there are ongoing care proceedings) assure him/herself that any such issues which may have implications for that child's immigration status and/or outstanding application with UKVI are addressed in an appropriate and timely manner by the child's legal representative.

The child's/young person's social worker and independent guardian should also ensure that any records maintained by the Immigration Authority (for example, identification measures, photographs, fingerprinting, DNA, tattoos and other identifying characteristics) that can be shared are retained securely within records.

Care of the child

- 7.25 When a child/young person is accommodated and/or Looked After by the Trust under Article 21 of the Children Order the full regulatory provisions and guidance in respect of 'Looked After Children' will apply.**

The Trust should provide an appropriate, safe placement taking into account the child's individual needs and (depending on his/her age and level of maturity) the child's wishes and feelings.

The child's immediate placement will be determined by his/her needs for emergency accommodation and an initial assessment of any potential risks to the child and others. It is important that the accommodation provided to Child Victims and Potential Child Victims of Human Trafficking and Modern Slavery is appropriate to their assessed needs²⁶.

Age Assessment

- 7.26 Where there is uncertainty about the age of the victim, particularly in relation to concerns that a young person may be younger or older than stated, an age assessment (see part 7.46-7.56) should be undertaken.**

²⁶ <https://www.ecpat.org.uk/one-the-safe-side-principles-for-the-safe-accommodation-of-child-victims-of-trafficking>

Needs Assessment

- 7.27 Considering the best interests of child victims/potential child victims of Human Trafficking and/or Modern Slavery requires an effective framework for making decisions on their future, so as to allow children to develop to their maximum potential, as called for under Article 6 of the UNCRC. The UN Committee on the Rights of the Child stresses that the plans made for children must be "durable", sustainable, giving protection from harm and meeting the needs of the UNCRC.

At this stage a UNOCINI assessment of the child's needs should commence and due regard must be given to the vulnerability of the child/young person and his/her need for:

- personal safety and risk management (part 7.10-7.11);
- the protection of the court (part 7.14-7.16);
- a safe, contained environment, sufficiently compatible, as far as possible, with the child's culture and ethnicity, to help reduce his/her sense of isolation and where the child can feel sufficiently secure to provide evidence of he/she is willing to do so.(part 7.25);
- risk management (part 7.39–7.45);
- appointment of an independent visitor (part 7.65-7.66);
- ongoing independent legal advice (part 7.17-7.18);
- access to medical and health advice (part 7.29-7.33)
- appropriate linguistic, cultural and other support (part 7.34-7.35);
- education (part 7.36-7.38);
- ongoing support (part 7.69-7.71).

The child's social worker and independent guardian should share information regularly, as assessments are ongoing.

- 7.28 Where interpreting services are required during or following the initial PSNI criminal investigation process, Joint Protocol investigations and the Trust's ongoing engagement with the children or young person, the Trust must make provision for an appropriate interpreting service to assist the care and support of the child.

Health care needs

- 7.29 Promotion of health is an integral part of care planning for all children, including child victims and suspected child victims. The child's/young person's health needs should be considered in all review processes. General health care needs, i.e. registration with and access to GP services and routine treatment should be arranged at the earliest opportunity by the child's social worker. If a child has emergency medical needs, Accident and Emergency units at hospitals will provide such treatment.

As for any looked after child, an initial health assessment will be undertaken by a health visitor, school nurse or specialist nurse for looked after children. The health assessment will consider all aspects of the child's health including physical, emotional and mental health. Depending on the outcome of the assessment, an appropriate health plan will be developed and the child or young person will be referred to any other health services as deemed appropriate. This health assessment will be reviewed and updated 6 monthly for preschool children and yearly for school aged children. The health visitor, school nurse or specialist nurse for looked after children will be responsible for attending and contributing to Looked After reviews for these children whilst they continue to have a health plan in place.

- 7.30 In view of the life circumstances and experiences to which they may have been exposed, all recovered children should be offered and encouraged to avail of a full health screening, including sexual health

screening. Where the child is consenting, the social worker should make contact with the relevant services/clinic to arrange an appointment – see *Annex H* for local clinics.

- 7.31 If the child/young person does not consent to any medical examination or treatment which may be deemed necessary, further advice and guidance should be sought, including legal advice when necessary and the advice of the independent guardian as to whether health screening/treatment should be pursued. In the case of a very young child or a child who is not deemed legally competent to give valid consent to a medical investigation or the provision of a DNA sample, and no-one with parental responsibility is available to consent to a medical investigation or DNA sample, the responsible HSC Trust should seek legal advice as to an application for a Child Assessment Order or an Emergency Child Protection Order under Article 62 and 63 of the Children (NI) Order 1995 respectively.
- 7.32 The appointed social workers should accompany the child to medical appointments and provide support to the child or, if the child expresses a wish to be accompanied by the independent guardian, assure him/her that the independent guardian will do so.
- 7.33 Children and young people who are victims of trafficking or modern slavery may also have deep-seated emotional and/or mental health needs, and may experience post-traumatic stress symptoms during the recovery period and long afterwards. In such cases, LAC Therapeutic Services, Child and Adolescent Mental Health Services or other relevant counselling and support services should be sought for the child to promote the child's emotional well-being.

Cultural and Well Being Needs

- 7.34 The child's social worker, in consultation with the child/young person and the independent guardian should consider how the child's/young person's cultural and wellbeing needs can be best met. The child/young person may want to establish connections with their faith communities/cultural groups or wish to have spiritual support.
- 7.35 Consideration should always be given to how the child/young person can be assisted to address their spiritual/cultural needs in a safe way and that child victims and potential child victims of human trafficking or modern slavery may have been coerced to give oath of silence to the trafficker through ritualized violence ceremonies.

Education and Training

- 7.36 If the recovered child is under school leaving age, the Trust must consider and make provision for the child's educational needs. The social worker should explain the necessity for educational provision to the child/young person and make contact with the Educational Welfare Service. In the first instance this should be via the Chief Education Welfare Officer (EWO) or the Deputy Chief EWO for the area. Where there is a local Education Welfare Team for Looked After Children, any agreed actions or liaison arrangements should be made with the relevant staff from this team.
- 7.37 The social worker and Educational Welfare Service should involve the independent guardian in discussions and arrangements in respect of the child's educational arrangements and the child's Personal Education Plan.
- 7.38 If the recovered young person is over the statutory age for school attendance the Trust should ensure that the young person is afforded opportunities to attend further education or training as appropriate.

Risk assessment, management and children who go missing

- 7.39 Risk management of children who have been victims or are potential victims of trafficking or modern slavery should be undertaken in compliance with Protecting Looked After Children Guidance as part of each child's

ongoing care plan and will take account of risk factors identified by the PSNI. The risk assessment should also include considerations of any potential risks posed by the victim to other children.

- 7.40 **Organisations/agencies should not divulge the location of the child to any enquirers** until the PSNI has conducted relevant checks and is in a position to offer advice as to the nature of the contact. Exceptions to this provision will include the independent guardian, the child's solicitor, the guardian ad litem appointed in care proceedings or any other professional essential to the plan for the child's care.

The child's carer or social worker should immediately notify the PSNI of any persons who attempt to contact the child by presenting as relatives or friends.

Where possible in the first instance, the PSNI investigating officer should be contacted by phone. If the investigating officer or their supervisor cannot be contacted, the reporting person should email the investigating officer in non-emergency situations or in an emergency dial 999.

- 7.41 Where the child is in possession of a mobile phone, this may need to be obtained and retained by the PSNI in order to safeguard the child and/or secure evidence in the context of the investigation. In such cases, the child's use of telephone land lines and forms of electronic communication should be monitored.
- 7.42 There is high risk that those who may be victims of trafficking or modern slavery may go missing (possibly back into the care of the traffickers or exploiters) before being properly identified as victims of trafficking or modern slavery.

The Trust should seriously consider the risk that a child victim is likely to go missing and take this into account at the earliest stages in planning the child's care. Trust Care Plans should be explicit in relation to the risks that exist to the child including the risk of going missing and the actions necessary to mitigate against these risks.

The risk assessment of a child/young person who is the victim/potential victim of human trafficking and/or modern slavery going missing should **always be made jointly with the PSNI in advance of any placement being made** and should be shared with those responsible for the management of that placement.

This risk assessment can be progressively updated.

Children should also be provided with written information about how to contact the Child Trafficking Advice Centre (CTAC) (part 12.10) and the emergency services as well as those who are directly involved in or responsible for their care.

- 7.43 Recovered children who go missing should be immediately reported to the PSNI via their Call management Handling Centre by dialling 101. The independent guardian and child's solicitor should be informed as soon as possible. As both the Competent Authority and the immigration authority, the UKVI must also be notified of any third country national child who is missing.
- 7.44 In all instances the Trust and PSNI must comply with the requirements of the HSCB/PSNI guidance **"MISSING CHILDREN PROTOCOL (RUNAWAY AND MISSING FROM HOME AND CARE)"**²⁷.

²⁷ <http://www.hscboard.hscni.net/download/PUBLICATIONS/policies-protocols-and-guidelines/Missing-Children-Protocol-June-2015.pdf>

- 7.45 Where there are concerns that a trafficked child is being moved within Northern Ireland, through the rest of the UK or to the Republic of Ireland, the Trust should convene a multi-agency meeting to share information, manage the situation and ascribe tasks as appropriate to agency representatives with the intention of locating the child/young person and securing his/her earliest return.

A record of this discussion must be retained on the child's/young person's case-file. Discussion should take place with the PSNI as to whether it might be helpful for the social worker to contact the Missing People (UK) Helpline (see part 12.14) which includes persons missing from Northern Ireland. Consideration should also be given to inclusion of the child / young person on the Missing Persons system managed by the HSCB.

Actions taken by the PSNI to alert UK police forces or the An Garda Síochána should be noted on the child's file.

If the child or young person remains missing, regular reviews / discussions must take place between the relevant Trust and PSNI to assure that all necessary actions are taken.

Age disputed children and young people

- 7.46 Some recovered children and young people may not be in possession of official documentation confirming their date of birth or may have been told to lie about their age to evade attention from the authorities.

Young people under the age of 18 years, for example, may have been told by their traffickers or exploiters to state that they are adult. Other older young people may have been told to claim they are under 18 years in order to secure the protection of the Trust and the more favourable outcomes for unaccompanied children in immigration decisions.

In all cases of disputed age, a full assessment should be made of any risks posed to the young person or by the young person to any other young person.

- 7.47 Section 25(3) of the HT Act provides that, in respect of any function under that Act, **where the age of the victim is uncertain, where there is reason to believe that the victim is a child, they are to be treated as such.** This complies with the Convention.

Therefore, where there is concern that a young person who claims to be an adult is believed to be under the age of 18 years, the young person must be treated as a child and the above procedures must be followed until information to the contrary becomes available.

- 7.48 In the case of young people who are suspected of being over the age of 18 years, an age assessment must be carried out by the Trust at the earliest opportunity.

The assessment of age should be undertaken within an inter-agency and multi-disciplinary context to ensure that appropriate input is received from relevant professionals and should be 'Merton-compliant' (see below).

If such a young person is subsequently found to be over 18 years of age PSNI should be advised and the Trust and PSNI need to liaise with others to ensure that support is available to the trafficked person and reduce their future vulnerability to their traffickers. The PSNI will be responsible for arranging accommodation for any young potential victim who has been referred to the NRM and is assessed by the Trust to be aged 18 years or over. Such accommodation should be provided by Women's Aid or Migrant Helpline organisations

(part 12.6-12.7) which are contracted by DOJ to provide assistance and support to adult victims / potential victims of trafficking within the NRM.

Trusts should ensure that robust planning takes place to facilitate the transition from Children's Services into the appropriate support services and that a record is retained of the agreed exit plan and outcome from Children's Services.

Merton-compliant Age Assessment

- 7.49 When undertaking an assessment to attempt to determine a young person's age, social workers must ensure children's rights as outlined in the Articles of the United National Convention on the Rights of the Child and domestic legislation are fully protected and afforded to the young person. It is also essential that the full obligations of the primary domestic legislation, the Children (Northern Ireland) Order 1995 are complied with fully and the Trust can demonstrate full compliance with its Article 17 duty to safeguard and promote the welfare of children in its area who are in need.

Age assessment procedures should only be undertaken as a measure of last resort, not as standard or routine practice, where there are grounds for serious doubt and where other approaches, such as interviews and attempts to gather documentary evidence, have failed to establish the individual's age.

- 7.50 One of the most important areas for social workers to consider in an age assessment will be the young person's own account of their age. Social workers should always give appropriate regard and consideration to statements made by the child or young person about their age and ensure that these are recorded and documented.

When making an age assessment, individuals whose age is being assessed should be given the benefit of the doubt. Examinations must never be forced or culturally inappropriate. The least invasive option must always be followed and the individual's dignity must be respected at all times. Particular care must be taken to ensure assessments are gender appropriate and that an independent guardian has oversight of the procedure and should be present if requested to attend by the individual concerned.

- 7.51 *The Queen on the application of B v London Borough of Merton*²⁸ was the first significant case to deal with the issue of local authority duties and processes when undertaking age assessments and provided a number of issues to be considered in order to make assessments lawful, including;-
- Local authorities should not simply accept an age assessment made by the Home Office but should undertake an independent assessment of its own.
 - At the outset of the age assessment, the social workers should explain the nature and purpose of the assessment. The roles of those present should also be explained.
 - "...where an interpreter is required, it is obviously greatly preferable for him or her to be present during the interview."
 - Physical appearance is a notoriously unreliable indicator of age. Social workers should have regard to a range of factors (e.g. culture, life experience, journey, etc.) and not rely on appearance to make a decision.
 - Before the social workers have reached a final decision about the child's or young person's age, they should put any adverse findings they are minded to make to the child to enable him or her to provide any appropriate explanation or additional facts, which might counter or modify such findings.

²⁸ *R (B) v London Borough of Merton* [2003] EWHC 1689 (Admin). Available at <http://www.bailii.org/ew/cases/EWHC/Admin/2003/1689.html>

- “An untrue history, while relevant, is not necessarily indicative of a lie as to the age of the applicant. Lies may be told for reasons unconnected with the applicant’s case as to his age, for example to avoid his return to his country of origin.”
- “Cases will vary from those in which the answer is obvious to those in which it is far from being so, and the level of inquiry unnecessary in one type of case will be necessary in another.”
- Local authorities, as decision makers, have a duty to give adequate, cogent and relevant reasons for any decision.

7.52 Subsequent case law and other requirements that have become accepted case law over time elaborated on the requirements of social workers completing age assessments.

7.53 A lawful assessment will now have regard to the following:

- Trust decisions were likely to be found to be more cogent if they were as holistic as possible and assessors had drawn together multi-agency information from others who had contact with the child or young person and where social workers had considered personally observing the child interact with his or her peers;
- The assessment should be undertaken by two qualified social workers, who have received appropriate training and have experience of interviewing young vulnerable children;
- The Independent Guardian should attend age assessment interviews and should be made aware that they are there to support and assist the child being interviewed and not merely as a passive observer²⁹;
- Social workers should pay attention to the level of tiredness, trauma, bewilderment and/or anxiety of the child and provide appropriate breaks as necessary. If the child is ill then the interview should be rearranged;
- Social workers should seek to establish a rapport with the child and should ask open-ended questions;
- Social workers may hear from children who have been “coached” and others who have already been asked to recount their story several times, thereby unwittingly blurring the possible accuracy of their answers. In these situations social workers should bear in mind that even where a child may have received coaching in relation to some aspect of his or her account, this does not necessarily mean that he or she is lying about being a child;
- If an adverse decision is made then the Trust has an obligation to explain the reasons for it. It is best practice for these reasons to be provided in writing, with an explanation of how the child can challenge the decision;
- The reasons for a social worker’s decision should be internally consistent and should not exhibit any obvious error or inadequate explanation for not accepting any apparently credible and consistent answers of the child;
- The age assessment process should be inquisitorial (not adversarial) and non-hostile, allowing for the difficulties children might face giving evidence. In particular “due allowance should be made for the fact that a child might have a different way of recounting narratives and that proper regard should be paid to the fact that it was a child who was the subject of the age assessment process;
- The court was likely to find that a decision was unlawful if it failed to take into account the fact that a child’s cultural and social background would have had a significant effect on his or her ability to provide documentary evidence of his or her age or a clear chronology of his or her previous experiences.

7.54 The judgment of the Supreme Court in *R (on the application of A) (FC) (Appellant) v London Borough of Croydon*³⁰ held that, although age assessments remained the responsibility of Trusts, in the event of a

²⁹ The Independent Guardian or child’s solicitor can fulfil this role

³⁰ *R (on the application of A) (FC) (Appellant) v London Borough of Croydon* [2009] UKSC 8, at <http://www.familylawweek.co.uk/site.aspx?i=ed46085>

challenge by judicial review, **it would be for the Court itself to determine, as a matter of judicial fact, whether the person is a child and how old he or she is.**

As a consequence, when a local authority's age assessment is judicially reviewed, the central question is no longer whether its decision was rational. Instead, the Administrative Court or Upper Tribunal steps in as a primary decision maker in relation to the child's age. It will conduct a fact-finding hearing and review all the evidence, including the assessment reached by any social worker. Trusts must still conduct lawful assessments, but can no longer rely on merely establishing that they have done so, as if the case goes to Court the Trust's assessment will be just one of a number of pieces of evidence which the Administrative Court and the Upper Tribunal will ultimately have to consider in determining a decision about the applicant's age.

In short, the better the quality of the Trust's age assessment, the less likely it is that the court will depart from its conclusion.

- 7.55 Trusts should have ready access to social workers who have been trained in conducting Merton-compliant age assessment of young people. Age assessment should be undertaken by two social workers, one of whom must be Merton trained and the other preferably the child's social worker or a social worker who is familiar with the child's case. The British Association of Social Workers³¹ and the Association of Directors of Children's Services³² have produced guidance and advice for social workers who are required to undertake Merton-compliant age assessment of young people.
- 7.56 Social workers intending to undertake an age assessment in respect of a recovered child/young person should consult with the child's/young person's independent guardian and ensure that the independent guardian can participate in the age assessment process and as an "appropriate adult who is independent of the local authority" attend any interviews necessary.

Families who have been trafficked or subject to modern slavery

- 7.57 Where a child is recovered as part of a family group and the child's parent or other responsible adult with whom the child has been living has been a victim of trafficking or modern slavery, a referral should be made immediately by PSNI to the relevant HSC Trust to enable an assessment of the child's circumstances to be made. The family's immediate needs for support will be met under the Children Order provisions relating to support for children in need and their families unless doing so may prejudice the welfare or best interests of the child.

A full assessment of any such child's circumstances should always be carried out using the UNOCINI process, mindful that children of different ages can have varied and differing needs.

Any identified risks to the child may require inquiries to be carried out in compliance with Article 66 of the Children Order.

Appointment of an Independent Guardian

- 7.58 Section 21 of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 (the HT Act) imposes a requirement upon the HSCB to make arrangements to appoint an "independent guardian" to assist, represent and support any separated child/young person who comes to attention of an authority in Northern Ireland and any trafficked child in Northern Ireland in respect of whom no-

³¹ http://cdn.basw.co.uk/upload/basw_35330-3.pdf

³² http://adcs.org.uk/assets/documentation/Age_Assessment_Guidance_2015_Final.pdf

one is exercising parental responsibility. An independent guardian appointed in relation to a child must at all times act in the best interests of the child.

- 7.59 The legislation requires an Independent Guardian to be an employee of a registered charity and are required to continue to represent the child's best interest and assist, represent and support him/her until the child attains a minimum age of 18 years of age; the Independent Guardian can, with the consent of the young person, remain involved in the young person's life, assisting, representing and supporting the young person until he/she attains 21 years of age.
- 7.60 Whilst the Independent Guardian is distinguished from social workers with statutory responsibility for the child's welfare and protection and other caregivers responsible for the material needs of the child, the Independent Guardian is required to act within an integrated, systems approach to child protection and child care, interacting with other actors as deemed necessary under professional judgement and elements of the child protection and care systems, while seeking to ensure that the best interests of the child are taken into consideration in all decisions and actions affecting the child.
- 7.61 The Independent Guardian should attend and contribute to all key planning and decision-making meetings in respect of the child, providing information, support and advice as appropriate and ensure him/herself that effective actions are being taken to promote all aspects of the child's/young person's welfare. The function of the Independent Guardian is not to replace the actions of social workers who have statutory responsibilities for children's care and protection nor other children's services authorities³³ or those providing direct care for the child but to ensure coordinated collaborative action to promote the welfare of the child.
- 7.62 The Independent Guardian is required to act as a reference person for the child/young person and as a link between the child and the professionals and agencies involved in the child's life. The Independent Guardian should ensure that there is effective co-ordination in the decision-making and actions of the various service providers and that the network of support to the child functions effectively to promote the child's welfare and serve his/her best interests.
- 7.63 Independent Guardians have responsibilities for:-
- ascertaining and communicating the views of the child in relation to matters affecting the child; making representations to, and liaising with, bodies or persons who have other responsibilities for the child/young person;
 - assisting the child to obtain legal or other advice, assistance and representation and instructing the appointed legal representative;
 - consulting regularly with the child and keeping the child informed of legal and other proceedings affecting him/her;
 - contributing to a plan to safeguard and promote the future welfare of the child based on an individual assessment of that child's best interests;
 - providing a link between the child and anybody or person who may provide services to the child;
 - assisting in establishing contact with members of the child's family, where the child so wishes and it is in the child's best interests;
 - accompanying the child to meetings or on other occasions.
- 7.64 Others providing services or taking administrative decisions in relation to a child for whom an independent guardian has been appointed must recognise, and pay due regard to, the functions of the guardian. This

³³ See the Children's Services Co-operation (Northern Ireland) Act 2015 - available at <http://www.legislation.gov.uk/nia/2015/10/2015-12-10>

includes providing the guardian with access to such information relating to the child as will enable the guardian to carry out his or her functions effectively.

Appointment of an Independent visitor

- 7.65 In situations where communication or visitation between a child and his parents is infrequent, Article 31(1) of the Children Order places a duty on a Trust to appoint an independent visitor in respect of any child whom it is looking after, if it believes that this would be in a child's best interests.

The functions of independent visitors include visiting, advising and befriending children. An independent visitor who is able to build up trust will be well placed to recognise the child's needs and encourage the child to exercise his/her rights and participate in decisions. The views of the independent visitor and his/her support will also be of relevance to the child in care proceedings, in criminal proceedings if the child is asked to act as a court witness and in the child's review meetings held by the Trust.

- 7.66 Trafficked children and child victims of modern slavery are likely to be bereft of family in Northern Ireland; however the functions of an Independent Visitor can be fulfilled by the Independent Guardian.

This will be an important consideration for the care of every trafficked child or child victim of Modern Slavery accommodated by the Trust; whilst ensuring that all recovered children and young people have the right to the appointment of an Independent Visitor any unnecessary development of "professional overload" should be considered with the recovered child/young person by those already closely involved (the social worker, independent guardian and legal representative) and an informed decision made as to whether the child/young person would benefit from the introduction of another person/professional into his/her life.

Appointment of an Advocate

- 7.67 The HSCB contracts an independent advocacy service for all looked after and care experienced children and young people in Northern Ireland. Recovered children/young people may also benefit from receiving the services of an advocate but the same consideration should be given to the interface of the role of the independent guardian with that of an advocate and child-centred decisions made as to the appropriateness of an advocate being appointed when an independent guardian is already appointed to assist, represent and support a recovered child/young person.
- 7.68 In view of the important contribution independent visitors and advocates may make generally to the welfare of child victims of trafficking or modern slavery during their period in care and beyond, the Trust should ensure that any persons appointed as an independent visitor or advocate to a recovered child/young person has a full knowledge and understanding of trafficking and modern slavery issues; the trauma the child may have faced; relevant race and cultural issues and the implications of the child's immigration status.

Ongoing support and leaving care provisions

- 7.69 Planning and follow up support for children who may have been trafficked or subject to modern slavery will be led by the Trust in accordance with the care planning, leaving care and after-care procedures for Looked After Children. Such planning will form an integral part of the child's/young person's Looked After Child Review of Arrangements and Protecting Looked After Children meetings.

As part of the care plan, the Trust should also support the child in relation to matters such as family tracing, immigration issues and, where appropriate, to continue living in the UK or to co-operate with repatriation arrangements (see section 9).

- 7.70 Where the child continues to live in the UK and is an 'eligible' or 'relevant' child within the meaning of the Children (Leaving Care) Regulations (2005) he/she will be entitled to receive appropriate leaving care support in accordance with Articles 34A to 35D of the Children Order.
- 7.71 Consideration must be given by all agencies and practitioners, commensurate with their roles and responsibilities, to the young person's continuing need for protection and support as the young person makes the transition into adult life.

The flowchart at *Annex E* sets out the steps to be taken by PSNI and the Trust in relation to the child's ongoing care.

8. TRANSITIONS TO ADULT SERVICES

- 8.1 As child victims and potential child victims of human trafficking and modern slavery remain vulnerable to their traffickers and exploiters and a range of other risks and challenges, it is essential that service provision recognises the need for on-going support.

Support should begin with the end in mind and all survivors should be made aware that the support being offered is limited.

It is therefore crucial that an exit strategy and leaving care plan is devised as soon as possible in the engagement with the child/young person to ensure an appropriate level of support that assists the young person into the fullest independent adulthood possible.

The Leaving Care Plan/exit plan and Aftercare Support should only set realistic expectations.

- 8.2 It is important that on-going planning and engagement with the young person assists him/her to;-
- explore and understand all the exit options available, including repatriation if the young person has expressed a clear desire to return home based on an informed decision;
 - make safe and appropriate travel arrangements if returning to his/her country of origin;
 - move on from the service, find suitable accommodation, training or employment and financial support, and making appropriate travel arrangements;
 - contribute as fully as possible to a final assessment to identify areas where he/she has made progress and/ or needs that have not been fully met yet.
- 8.3 The continued vulnerability of young people who have been victims of human trafficking or modern slavery, as well as their potential need for on-going support to address trauma they have experienced, should inform support plans and packages to assist them and promote their independence in adult life.
- 8.4 Arrangements to support children and young people who have been victims of human trafficking or modern slavery should include an evaluation of the support they have received and consider the following areas:-
- On-going safety (including risk from traffickers or exploiters)³⁴;
 - Health Issues and on-going access to appropriate healthcare services;
 - Legal issues and immigration status;
 - Housing and finance (access to welfare, managing money and debts);
 - Living skills (readiness for independence);

³⁴ In instances where there is a concern that a young person may remain at risk from traffickers if he/she moves to another geographical area, consideration must always be given to the necessity that PSNI make a notification to the local area into which the young person has moved

- Education and work (including any entitlement to support education, employment and training up to 24 years of age);
- Social and spiritual networks (contacts with family, friends, and community agencies);
- Options in relation to future return to their country of origin;
- An on-going effective multi-agency service provision that ensures those exiting services have access to appropriate additional support;
- How young adults are best enabled to access services that are available in the local area where they are moving to;
- An adequate 'moving-on' package, including a list of useful contacts, addresses, numbers and referral forms they can use if needed;
- How young adults exiting services can be positively assisted to engage with other supportive services in advance of their departure;
- How young adults can be assisted to recognise the progress they have made and the positive outcomes in their life;
- If necessary, how any issues of drug and/or alcohol dependence or misuse will continue to be addressed.

9. REPATRIATION / REUNIFICATION / SAFE RETURNS

- 9.1 The Directive (2011/36/EU, preamble para.10) recognises that survivors of trafficking have the right to be protected against return to a country where there is a risk of the death penalty, torture or other inhuman or degrading treatment or punishment as prescribed by the Charter of Fundamental Rights of the European Union (2000/C 364/01, Art. 4 and Art 19(2)) and, if found to be a refugee in accordance with the Convention Relating to the Status of Refugees (UN, 1951), not to be returned (non-refoulement)³⁵ to a place where they fear persecution. Furthermore, Article 11(6) of the Directive requires Member States to give victims information about the "...possibility of being granted international protection...".
- 9.2 In many cases, and with advice from their lawyers, trafficked children apply to the UKVI 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 risks must be carefully considered.
- 9.3 Decisions in relation to the immigration status and/or asylum claim of a child victim or potential child victim of human trafficking or modern slavery should always remain 'child-focussed' and considerate of the child's / young person's UNCRC rights. Such decisions should be informed by consideration that the child/young person may be re-trafficked with the possibility of further exploitation and abuse if he/she is deported. When the child's/young person's application is being considered it will be important for the social worker and independent guardian to gather information about the child's family, community and general conditions in the country of origin.

The assessment of appropriateness of repatriation or reunification and safe return to the country of origin **MUST ALWAYS** involve the PSNI.

- 9.4 If the child/young person 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.
- 9.5 The process of returning the child should be handled sensitively and will require close co-operation between the PSNI, UKVI, the child's social worker and independent guardian.

It should be noted that once a child leaves NI, It may be difficult for PSNI to state if a victim is at risk of harm from their traffickers and their potential associates in their country of origin. PSNI will request full contact details are provided of the country of origin address and contact telephone number. This will enable the PSNI investigation team to make contact with the Victim to keep them updated regarding the investigation and for any other necessary reason.

- 9.6 The child's social worker and independent guardian should ensure that the local social services department in the country of origin have been notified of the child's return.
- 9.7 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.
- 9.8 Careful consideration must be given to how the decision will be communicated to the child/young person.

³⁵ Non-refoulement: the practice of not forcing refugees or asylum seekers to return to a country in which they are liable to be subject to persecution

- 9.9 The child's/young person's social worker and/or independent guardian may be best placed to reconcile the child to being returned, and in helping the child access the assistance with reintegration, which is available through close co-operation with the social services department in the country of origin.
- 9.10 Most countries have some form of reintegration support for victims of trafficking and separated children, taking account of education, health, accommodation and psychological support, details of which can be accessed through Children and Families Across Borders (CFAB, www.cfab.org.uk). CFAB may also be able to assist with social work checks and assessments in the child's country of origin.
- 9.11 When gathering information that may help inform decisions about whether a child/young person should be returned to their country, it is essential that the child's/young person's social worker and independent guardian hear the child's/young person's views and wishes and elicit as much information from the child/young person as possible to help inform decisions.

Children/young people should specifically be asked;-

- Do they want to return?
- Would they be returning to the place they were trafficked from?
- Were their family and friends involved in the trafficking?
- Will they be at risk of re-trafficking?
- Do they have support networks and specialist services they can access if they return?
- Do they believe they will be safeguarded and protected if returned?
- Do they have good prospects for a financially stable and independent life upon return?

- 9.12 However, child and young person victims of human trafficking may wish to voluntarily return to their country of origin, in which case they should be encouraged to consider whether this is a viable and safe solution for them.
- 9.13 Trusts and independent guardians have a duty of care towards children who are being returned; this includes making adequate social work checks and assessments in the country of origin to ensure that the child will be safeguarded upon their return.

It is crucial that these checks are conducted on a multiagency and interagency basis and are thorough and adequately address the risk of re-trafficking. Account should be taken of specific factors relevant to the child – whether their town or village is known for trafficking children, for example, and the likelihood of the child's family allowing them to be re-trafficked.

Each individual case should be evaluated on its own merits based on a thorough risk assessment which should consider the family circumstances in each individual case, as well as advice from independent country experts on socio-economic, cultural and gender identity issues.

- 9.14 It is essential that those who have been victims of human trafficking or modern slavery in their childhood are able to discuss and consider any risks of re-trafficking prior to their return.
- 9.15 The concept of 'abuse of a position of vulnerability', to which many survivors of trafficking are susceptible, should be borne in mind and if there are reasons to believe that return may endanger their lives and put them at risk, they should be encouraged to consider other options.
- 9.16 In cases where child and young person victims wish to return to their country of origin, it is important that every effort is made to ensure that they can do so as safely as possible.

- 9.17 If the child's/young person's family is believed to have been involved in the child's/young person's trafficking or servitude, ensure that the child's experience and the intentions to repatriate are not disclosed to them without prior informed consent of the child/young person and only if a multi-agency and multi-disciplinary assessment concludes that it is appropriate to do so; these decisions must be informed by the opinion of law enforcement agencies.
- 9.18 Ensuring the safety of such arrangements to repatriate child/young person victims of human trafficking or modern slavery or reunifying them with their families should be co-ordinated by the child's social worker and Independent Guardian collaboratively and will require;
- carrying out a multi-agency risk assessment, with parties within the UK and abroad, and ensuring as far as possible that risks of re-trafficking or reprisals are limited;
 - a thorough assessment of the family's circumstances and, where appropriate and safe, the local police should be notified of any active risk of reprisals from traffickers or witness intimidation;
 - identifying NGOs and government agencies that can support and sustain the child's / young person's social reintegration and recovery upon return, by helping them access appropriate healthcare services, realistic and progressive training opportunities, financial and housing support;
 - liaison with other UK agencies and services that might be able to share existing contacts and arrange assistance in the country of origin;
 - providing assistance to make travel arrangements on behalf of survivors, through other agencies - such as Refugee Action or the International Organisation for Migration (IOM) - or directly by using your organisation's own funds if this is possible and appropriate in the circumstances;
 - accompanying the child / young person to the relevant Embassy to collect their travel documents;
 - accompanying child / young person to the airport and arranging special assistance at the airport to ensure survivors are escorted to the plane and arrange pick up on landing (if available);
 - ensuring that a named and identifiable person from a support agency and/or a named family member, who is known to be safe and acting in the victim's best interests, picks them up at the airport;
 - where appropriate and if possible, agreeing with the child's / young person's continued contact and/or call on safe arrival (avoiding giving commitments or making promises that you will not be able to keep);
 - encouraging child / young person to agree to providing evidence either in person or via video link if they have accepted to be witnesses in criminal proceedings;
 - understanding child's / young person's plans on return – access to education, work etc. – and how to address the vulnerabilities that may remain, eliminating, so far as reasonably practicable, any vulnerability to and risks of subsequent re-trafficking.

10. SUPPORTING CHILD VICTIMS OF HUMAN TRAFFICKING OR MODERN SLAVERY TO ACCESS JUSTICE

Child victims and potential victims of human trafficking require special protection, assistance and support in order to prevent additional hardship and/or further victimisation as a result of their participation in the criminal justice process and in order to ensure that their best interests and dignity are respected.

All necessary interviews must be conducted in compliance with the requirements of the 'Joint Protocol' and 'Achieving Best Evidence' and children and young people who have been victims of human trafficking should be offered bespoke support as vulnerable witnesses and provided support to enable them to give their evidence effectively. This is in keeping with section 23 of the HT Act, which makes provision for the protection of trafficking and modern slavery victims in criminal investigations. Support should also be provided to assist the child/young person manage any trauma that involvement in justice processes may cause.

Statutory defence for victims of human trafficking and modern slavery

- 10.1 Section 22 of the HT Act creates a statutory defence for victims of human trafficking and modern slavery offences who have been compelled to commit certain offences. The defence does not apply in respect of more serious offences. A victim who is a child would be able to use the defence where the offence in question was committed as a *direct consequence* of being a victim of human trafficking or modern slavery.

Supporting Child Witnesses

- 10.2 Section 24 of the HT Act ensures that victims of human trafficking and modern slavery are entitled to apply for special measures in court. Child victims who agree to testify shall be accorded special protection measures to ensure their safety and that of their family members in the country or place of origin, transit and destination.
- 10.3 Reference should be made to a child witness's potential need of international protection and possible resettlement due to the risk of retaliation from traffickers against whom he or she has provided evidence.
- 10.4 The competent authority, law enforcement and judicial authorities shall take all necessary steps, including cooperation with authorities outside the country, to protect the child victim and his or her family members. When the victim/witness's protection cannot be ensured in either the country or place of destination or in the country or place of origin, measures should be taken to allow transfer to and resettlement in a third country.

Civil proceedings

- 10.5 The child's / young person's social worker and independent guardian should ensure the child's solicitor has advised the child/young person appropriately regarding his/her right to initiate civil proceedings against traffickers and other persons involved in their exploitation.

- 10.6 The child's/young person's social worker and independent guardian should, in co-operation with the child's solicitor ensure that appropriate action is taken within an appropriate court or tribunal, to secure appropriate redress and compensation for the child/young person.

Immigration and Asylum

- 10.7 States should further take into account that illegal entry into or stay in a country by a child may be justified according to general principles of law, where such entry or stay is the only way of preventing a violation of the child's fundamental human rights.

States should ensure that penalties are not imposed on child victims or potential child victims of human trafficking on account of their illegal entry into or presence in the country.

- 10.8 Children and young people who are victims or potential victims of human trafficking are entitled to Humanitarian Protection and the protections enshrined in International Conventions.

A child or young person who has left their country of origin and is unable to go back to their country because they fear persecution can apply for asylum.

- 10.9 Trusts, acting as 'Corporate Parents' to child victims and potential child victims of human trafficking, independent guardians and legal representatives have duties to ensure that the immigration status and asylum claims of such children and young people are resolved as quickly as possible.
- 10.10 Social Workers and independent guardians working with child victims and potential child victims of human trafficking should regularly ensure that the child's solicitor is proactively pursuing the child's asylum claim and immigration status.

Prevention of Deprivation of Liberty

- 10.11 Child victims and potential child victims of human trafficking should not, as a general rule, be detained. Detention cannot be justified solely on the basis of the child being unaccompanied or separated, of their migratory or residence status, or lack thereof. Similarly, detention cannot be justified on the basis of a 'blanket' intention to safeguard and/or protect the child/young person.

Access to Compensation

- 10.12 The Council Framework Decision 2001/220/JHA of 15 March 2001(OJ L 82, 22.3.2001, p. 1) on the standing of victims in criminal proceedings establishes a set of victims' rights in criminal proceedings, including the right to protection and compensation. According to the 'Directive' (2011/36/EU, para. 19) human trafficking survivors should be given access without delay to legal counselling and, in accordance with the role of victims in the relevant justice systems, to legal representation, including for the purpose of claiming compensation.
- 10.13 In the UK, victims of serious crimes - including human trafficking - may be eligible for compensation under the Criminal Injuries Compensation Scheme (Ministry of Justice, 2012). It is therefore important that child victims of human trafficking are made aware of their entitlements under this scheme. In order to help child victims apply for compensation, which they may qualify for if they have suffered criminal injuries, it is important that the child's social worker and independent guardian liaise and work closely with the child's solicitor to ensure compensation is pursued on the child victim's behalf.

11. DATA COLLECTION AND INFORMATION MANAGEMENT

- 11.1 Comprehensive data collection and monitoring systems are required to develop a better understanding of the issue of human trafficking of children into, within and out of Northern Ireland and children and young people who are victims of modern slavery.
- 11.2 Detailed analysis of information, patterns, statistics, methods and profiles contributes significantly to our understanding of countries and areas from which children and young people are trafficked into this jurisdiction, the routes and carrier methods used and how traffickers operate.
- 11.3 Such understanding is key to identifying children and young people who are victims and potential victims of trafficking and modern slavery and in turn contributes to improved recovery of victims and pursuit and prosecution of those who traffic and/or who enslave them.
- 11.4 HSCB has developed a robust Information Template for use by each of the 5 Trusts to ensure consistent recording and reporting of information in relation to young people who have been trafficked or are suspected of having been trafficked into the jurisdiction. The information provided is used by HSCB to inform its delegation of statutory functions to Trusts in respect of this particular area of work and to oversee Trusts performance in relation to children and young people who have been or are suspected of having been trafficked into the jurisdiction. HSCB also maintains records relating to children and young people ordinarily resident within HSC Trust areas who have been trafficked within the UK.
- 11.5 To fulfil their statutory duties and operational objectives HSCB, Trusts and PSNI share information with each other and with other organisations in respect of child victims and potential child victims of human trafficking and modern slavery.
- 11.6 The quality of information also enables HSCB, Trusts and PSNI to identify emerging trends, monitor and assess work done, outcomes achieved and learning points.
- 11.7 Sharing information between HSCB, Trusts and PSNI also helps assure the veracity of that information and quality assure its collection and collation, reporting of the scale and nature of the problem of detected and suspected trafficking of children and young people and modern slavery and, in turn, representation of that information.
- 11.8 Collated and anonymised information is shared by HSCB, Trust and PSNI with other statutory organisations and with the Safeguarding Board for Northern Ireland to contribute to the effectiveness of child safeguarding and child protection processes.
- 11.9 Given the very sensitive nature of work with child victims and potential child victims of human trafficking and modern slavery and the need to protect those victims from their traffickers and others who may exploit them, information is not shared outside operational arrangements that may identify individual child/young person victims or potential victims of human trafficking and modern slavery.
- 11.10 So that individual children and young people can have confidence and trust in those individuals and organisations who endeavour to help and protect them, it is important that individual child/young person victims or potential victims of human trafficking and modern slavery understand that their information is only shared on a very judicious 'need-to-know' basis with professionals who are contributing to their care.

12. SOURCES OF INFORMATION AND SUPPORT

Practitioners working with child victims of trafficking may find the following contacts and sources of information helpful.

FIRST RESPONDERS FOR CHILD VICTIMS OF TRAFFICKING AND MODERN SLAVERY IN NORTHERN IRELAND.

12.1 The Police Service of Northern Ireland (PSNI)

Web: <https://www.psni.police.uk/>

Telephone: **101 or in an emergency dial 999**

PSNI investigate both proactively and reactively Human Trafficking offences. We work in partnership with other stakeholders within the OCTF subgroup to ensure rescued victims are properly supported. PSNI are first responders for the purposes.

12.2 The Health and Social Care Trusts (HSCTs)

Refer to **Annex A** for each Trust's Gateway Teams.

Each Trust provides services to the public within its geographical boundaries.

12.3 United Kingdom Border Force (UKBF)

Web: <https://www.gov.uk/government/organisations/border-force>

Telephone: **0300 123 700**

UKBF is a law enforcement command within the Home Office. They secure the borders of the UK by carrying out immigration and customs control for people and goods entering the UK.

12.4 Migrant Help

Web: <http://www.migranthelpuk.org/>

Telephone: **0808 8000 630**

Migrant Help provides advice and support to vulnerable migrants in the UK. They provide support primarily for adult male³⁶ potential victims of modern slavery and human trafficking while they go through the NRM process. However if a male is accompanied by a female partner and/or children, they will all be supported by Migrant Help as a family unit. This is funded by the Department of Justice.

12.5 The NSPCC National Child Trafficking Advice Centre (CTAC)

Web: <https://www.nspcc.org.uk/services-and-resources/services-for-children-and-families/child-trafficking-advice-centre-ctac/>

Telephone: **0800 800 5000**

E-mail: help@nspcc.org.uk

An NSPCC initiative part funded by the Home Office to provide advice, information and safeguarding guidance in relation to children and young people who are suspected to have been, or who may have been, trafficked internally and across borders. CTAC also works in partnership with the Child Exploitation Online Protection Centre (CEOP) and ECPAT UK (End Child Prostitution, Pornography and Trafficking) and, where relevant, will be able to direct professional staff to other sources of support.

FIRST RESPONDER AND COMPETENT AUTHORITY

12.6 United Kingdom Visas and Immigration (UKVI)

Telephone: **9019 1030** (Competent Authority contact for Northern Ireland)

Competent Authority functions under the Convention are discharged by the local Northern Ireland Office of the UKIC.

COMPETENT AUTHORITY

12.7 The United Kingdom Modern Slavery Human Trafficking Unit (MSHTU)

Web: <http://www.nationalcrimeagency.gov.uk/about-us/what-we-do/specialist-capabilities/uk-human-trafficking-centre>

³⁶ A variation has been put into place to allow Migrant Help to provide accommodation and support to females who have accompanied their partners/husbands in order to keep the family unit together. In instances where children accompany parent(s) who have been trafficked, Migrant Help will accommodate the entire family unit. As it is not under the remit of the DoJ contract to 'support' children, a referral should be made to social services in order to assess the needs of the child. If a single female is recovered, irrespective of the type of exploitation (labour/sexual/servitude) they will be referred to BLWA.

Telephone: **0844 778 2406** (National Referral Mechanism Team)

E-mail: nrm@nca.x.gsi.gov.uk (for NRM Referral forms)

A multi-agency centre that provides a central point for the development of expertise and cooperation in relation to the trafficking of human beings. It works with other stakeholders from the governmental, non-governmental and inter-governmental sectors in the UK and abroad.

SUPPORT AGENCIES / ORGANISATIONS

12.8 The Health and Social Care Board (HSCB)

Web: <http://www.hscboard.hscni.net/>

Telephone: **0300 555 0115**

E-mail: Enquiry.hscb@hscni.net

The HSCB commissions social work and social care services for people with different individual needs who require support to live life fully and as independently as possible.

12.9 Belfast and Lisburn Women's Aid

Web address: <http://belfastwomensaid.org.uk/>

Telephone: **028 9066 6049** (9-5pm)

0808 802 1414 (24 Hour Domestic & sexual Violence Helpline)

E-mail: admin@belfastwomensaid.org.uk

Belfast & Lisburn Women's Aid primarily provides confidential support, information and emergency accommodation for women and children affected by domestic violence. They provide support for adult female potential victims who have been trafficked for the purposes of sexual exploitation while they go through the NRM process. This is funded by the Department of Justice.

12.10 Human Trafficking Foundation

Web: <http://www.humantraffickingfoundation.org/>

Telephone: **020 3773 2040**

E-mail: info@humantraffickingfoundation.org

The Human Trafficking Foundation is a UK-based charity, which grew out of the work of the All Party Parliamentary Group on Human Trafficking. HTF was created in order to support and add value to the work of the many charities and agencies operating to combat human trafficking in the UK.

12.11 **The Child Exploitation and Online Protection Centre (CEOP)**

Web: www.ceop.gov.uk

Telephone: **0870 000 3344** (Public Enquiries)

0370 496 7622 (available 24/7)

E-mail: communication@nca.x.gsi.gov.uk (General enquiries or to verify person as an NCA Officer)

CEOP delivers a multi-agency service dedicated to tackling the exploitation of children. That means building intelligence around the risks, tracking and bringing offenders to account either directly or with local and international police forces and working with children and parents to deliver the ThinkuKnow internet safety programme.

12.12 **ECPAT (UK)**

Web: www.ecpat.org.uk

Telephone: **0207 233 9887**

E-mail: info@ecpat.org.uk

ECPAT UK stands for End Child Prostitution, Child Pornography and the Trafficking of Children for Sexual Purposes. It is a children's rights organisation campaigning against the commercial sexual exploitation of children in the UK and on its international aspects. In particular, it focuses on the protection of trafficked children and children exploited in tourism and the prevention of such crimes.

12.13 **International Organisation for Migration (UK)**

Web: www.iomlondon.org

Telephone: **020 7233 0001**

0800 0121 700 (Modern Slavery Helpline)

E-mail: iomuk@iom.int

IOM UK runs two voluntary return programmes: one is for anyone who has been in the asylum system at any stage – applying, appealing, refused – (VARRP); another for irregular migrants – who have overstayed their visas or have been smuggled or trafficked into the country (AVRIM). Under both programmes IOM arranges flights and onward transportation to the home doorstep but under the scheme for asylum seekers IOM also delivers Reintegration Assistance in the country of return.

12.14 **Missing People UK**

Web: missingpeople.org.uk

Telephone: **020 8392 4527 (Missing from Care Team)**
116 000 (helpline)

Missing People is a voluntary organisation that provides support for missing children, vulnerable adults and families. It offers specialist advice and practical support as well as searching and securing publicity. Local Authorities in England fund the Missing People's Missing from Care Team that provides a specialist service to LA children's social care when any of their 'looked after' children go missing. LA children's social care professionals can contact the Missing from Care Team. They work with a number of partners across the UK to ensure that they actively refer into services, so that missing adults and children are offered independent practical and emotional support before, during and following their return.

12.15 **The Corum's Children's Legal Centre (CLC)**

Web: www.childrenslegalcentre.com

Telephone: **01206 877 910** (Administration and Publications)

08088 020 008 (Child Law Advice Line)

CLC is an independent national charity concerned with law and policy affecting children and young people. It provides a range of information and services, including the Migrant Children's Project, and aims to assist non-legal specialists and front-line professionals and carers in ensuring that the children with whom they are dealing obtain the services and assistance to which they are legally entitled. CLC has recently brought out a guide to working with separated refugee and asylum seeking children, aimed at social workers and other professionals working with these children which can be downloaded from the website.

12.16 **Voice of Young People in Care (VOYPIC)**

Web: www.voypic.org

Telephone: **9024 4888** (Belfast)

2563 2611 (Ballymena)

7137 8980 (Derry / Londonderry)

3831 3380 (Lurgan)

08450 742 942 (Advocacy Line including out of hours)

VOYPIC is an independent charity concerned with the advancement of education and general welfare of children and young people in Northern Ireland who have experience of being in care or being looked after by voluntary or statutory bodies. VOYPIC provide an Advocacy Service, which is a confidential service outside of Social Services where children and young people can get advice, information and support tailored to suit their needs.

12.17 **Bryson Charitable Group**

Web: www.brysongroup@brysongroup.org

E-mail: Assistant Director of Children and Young People's Services
dthompson@brysongroup.org

Bryson Charitable Group provides Bryson Intercultural which includes an Intercultural Asylum Advice Team for newly arrived asylum seekers, for those supported by the National Asylum Support Service (NASS) as well as successful asylum applicants who require signposting to agencies which help in accessing mainstream services and accommodation. Bryson also provides an independent advice and advocacy service. Bryson advice work covers a range of specialist topics, including access to NASS support, understanding the asylum application process, liaison with the Home Office, applying for Section 4 support, administration advocacy, and referral to external support agencies. We also advise clients facing problems such as racial harassment, domestic violence, health concerns, destitution, and those who have experienced trafficking.

The **National Asylum Support Service (NASS)** is a section of the UKVI. It is responsible for supporting and accommodating people seeking asylum while their cases are being dealt with.

NASS provides certain types of support to people seeking asylum during the time that their applications are under way, while not itself judging the asylum applications, which is a responsibility of other parts of the UKVI. The support can be support for accommodation, subsistence costs or both.

ANNEXES

- A.** Trust's Gateway Teams Contact Details
- B.** High Level NRM Mechanism Process Map
- C.** Independent Guardian
- D.** PSNI Contact Details / PPU / CRU contact details
- E.** Flow chart of Steps by PSNI and the Trust to Support the Child
- F.** International Organisations
- G.** Application for a National Insurance Number
- H.** Sexual Assault Referral Centre and Gum Clinics

TRUSTS GATEWAY TEAM CONTACTS

Northern Ireland Health and Social Care (HSC) Trusts Gateway Services for Children's Social Work

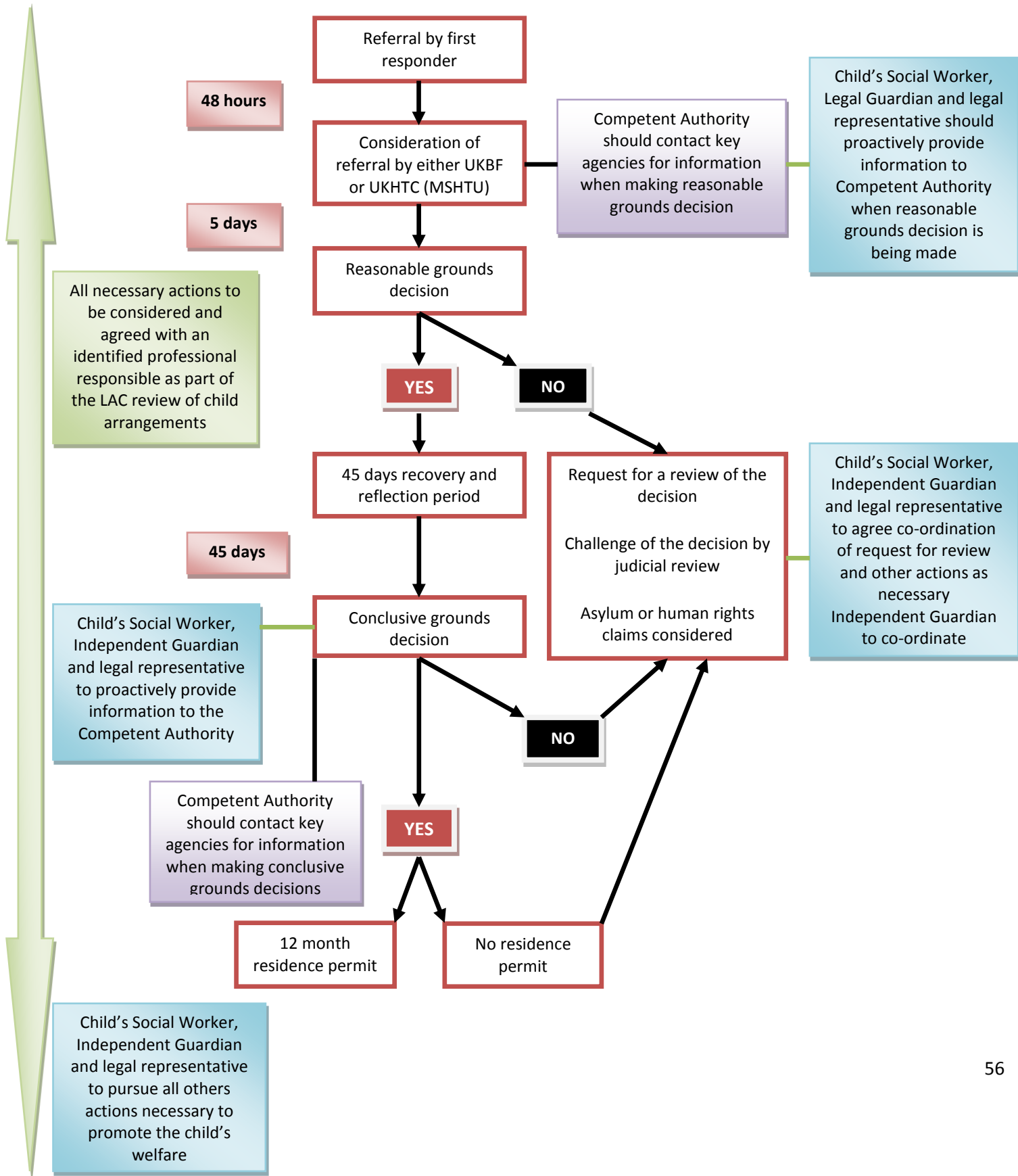
Belfast HSC Trust			
Telephone (for referral)	028 90507000		
Areas	Greater Belfast area		
Further Contact Details (for ongoing professional liaison)	 Greater Belfast Gateway Team 110 Saintfield Road Belfast BT8 6HD		
Website	http://www.belfasttrust.hscni.net/		
Out of Hours Emergency Service (after 5pm each evening at weekends, and public bank holidays)	028 95049999 (Regional number) / 028 90565444 (Belfast City Hospital Social Services number)		
South Eastern HSC Trust			
Telephone (for referral)	03001000300		
Areas	Lisburn, Dunmurry, Moira, Hillsborough, Bangor, Newtownards, Ards Peninsula, Comber, Downpatrick, Newcastle and Ballynahinch		
Further Contact Details (for ongoing professional liaison)	 Greater Lisburn Gateway Team Stewartstown Road Health Centre 212 Stewartstown Road Dunmurry Belfast, BT17 0FG Tel: 028 90602705 Fax: 028 90629827	North Down Gateway Team James Street Newtownards, BT23 4EP Tel: 028 91818518 Fax: 028 90564830	Down Gateway Team Children's Services 81 Market Street Downpatrick, BT30 6LZ Tel: 028 44613511 Fax: 028 44615734
Website	http://www.southeast-trust.hscni.net/		
Out of Hours Emergency Service (after 5pm each evening at weekends, and public bank holidays)	028 95049999 (Regional number) / 028 90565444		
Northern HSC Trust			
Telephone (for referral)	03001234333		
Areas	Antrim, Carrickfergus, Newtownabbey, Larne, Ballymena, Cookstown, Magherafelt, Ballycastle, Ballymoney, Portlough and Coleraine		
Further Contact Details (for ongoing professional liaison)	 Central Gateway Team Unit 5A, Toome Business Park Hillhead Road Toomebridge, BT41 3SF Tel: 028 7965 1020 Fax: 028 7965 1036	South Eastern Gateway Team The Beeches 76 Avondale Drive Ballyclare, BT39 9DB Tel: 028 94424377 Fax: 028 9334 2531	Northern Gateway Team Coleraine Child Care Team 7A Castlerock Road Coleraine, BT51 3HP Tel: 028 7032 5462 Fax: 028 7035 7614
Website	http://www.northern-trust.hscni.net/		
Out of Hours Emergency Service (after 5pm each evening at weekends, and public bank holidays)	028 95049999 (Regional number)		
Southern HSC Trust			
Telephone (for referral)	08007837745 (Free phone number from landlines only) / 028 37415285 (Central number)		
Areas	Craigavon, Banbridge, Dromore, Lurgan, Portadown, Gifford, Armagh, Coalisland, Dungannon, Fivemiletown, Markethill, Moy, Tandragee, Ballygawley, Newry City, Bessbrook, Annalong, Rathfriland, Warrenpoint, Crossmaglen, Killeel, Newtownhamilton		
Further Contact Details (for ongoing professional liaison)	 Craigavon/Banbridge Gateway Team Brownlow H&SS Centre 1 Leghory Centre Craigavon, BT65 5BE Tel: 028 38343011 Fax: 028 38324366	Newry/Mourne Gateway Team Dromalane House Dromalane Road Newry, BT35 8AP Tel: 028 30825000 Option 1 Fax: 028 30825016	Armagh/Dungannon Gateway Team E Floor South Tyrone Hospital Carland Road Dungannon, BT71 4AU Tel: 028 87713506 Fax: 028 87713671
Website	http://www.southern-trust.hscni.net/		
Out of Hours Emergency Service (after 5pm each evening at weekends, and public bank holidays)	028 95049999 (Regional number)		
Further Contact Details (for ongoing professional liaison)	 Central Gateway Team Lisnally House Lisnally Lane Armagh, BT61 7HW Tel: 028 37415285 Fax: 028 37522544		
Western HSC Trust			
Telephone (for referral)	028 71314090		
Areas	Derry, Limavady, Strabane, Omagh and Enniskillen		
Further Contact Details (for ongoing professional liaison)	 Derry Gateway Team Whitehill, 106 Irish Street Derry, BT47 2ND Tel: 028 71314090 Fax: 028 71314091	Omagh Gateway Team Tyrone and Fermanagh Hospital 1 Donaghane Road Omagh, BT79 0NS Tel: 028 82835156 Fax: n/a	Enniskillen Gateway Team 2 Coleshill Road Enniskillen BT74 7HG Tel: 028 66344103 Fax: n/a
Website	http://www.western-trust.hscni.net/		
Out of Hours Emergency Service (after 5pm each evening at weekends, and public bank holidays)	028 95049999 (Regional number)		

This document is available, on request, in accessible formats, including Braille, disk, audio cassette and minority languages.

Updated May 2015

FLOWCHART OF THE NATIONAL REFERRAL MECHANISM

(time estimates given here may vary depending on the case)

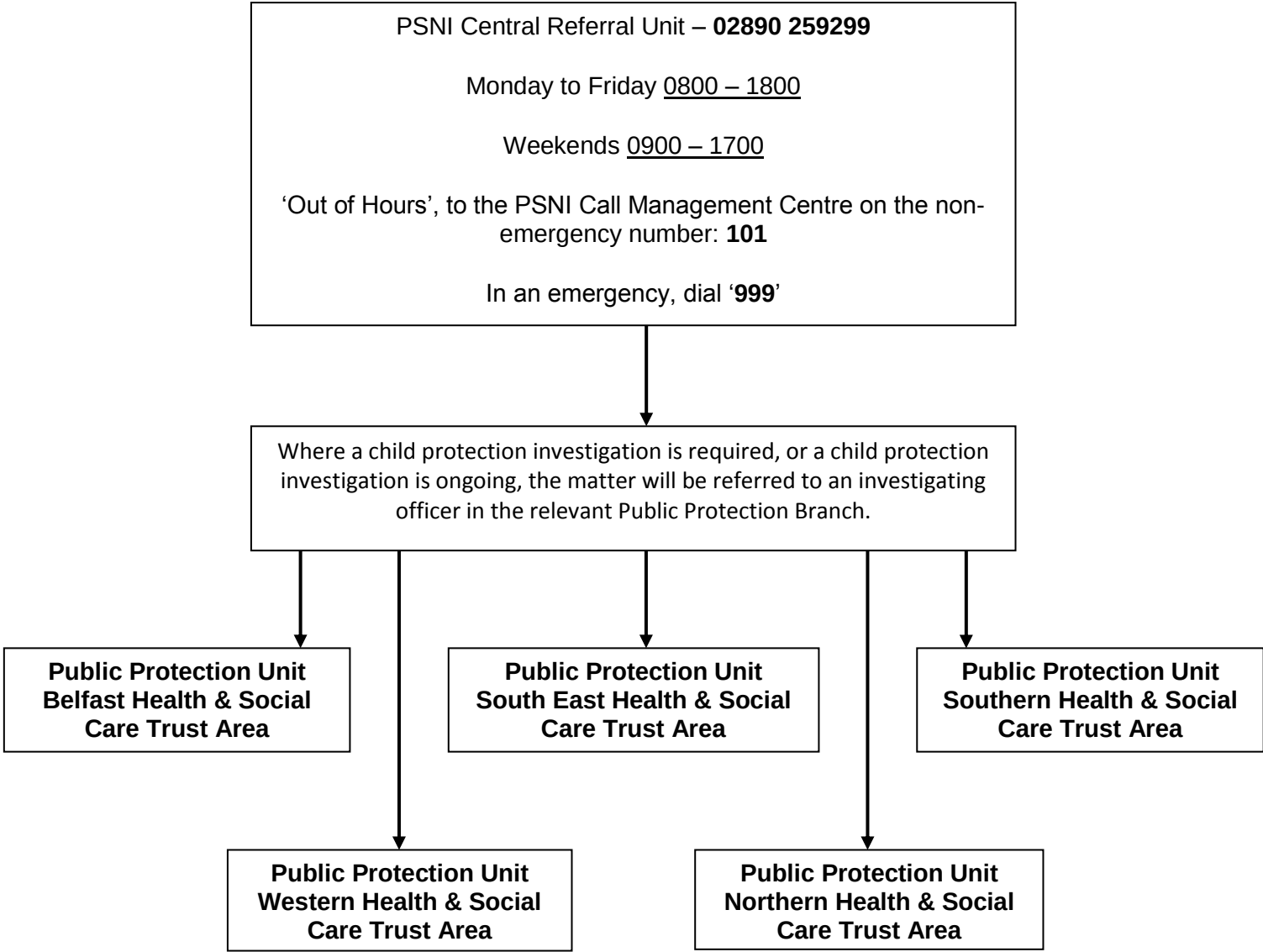


INDEPENDENT GUARDIAN

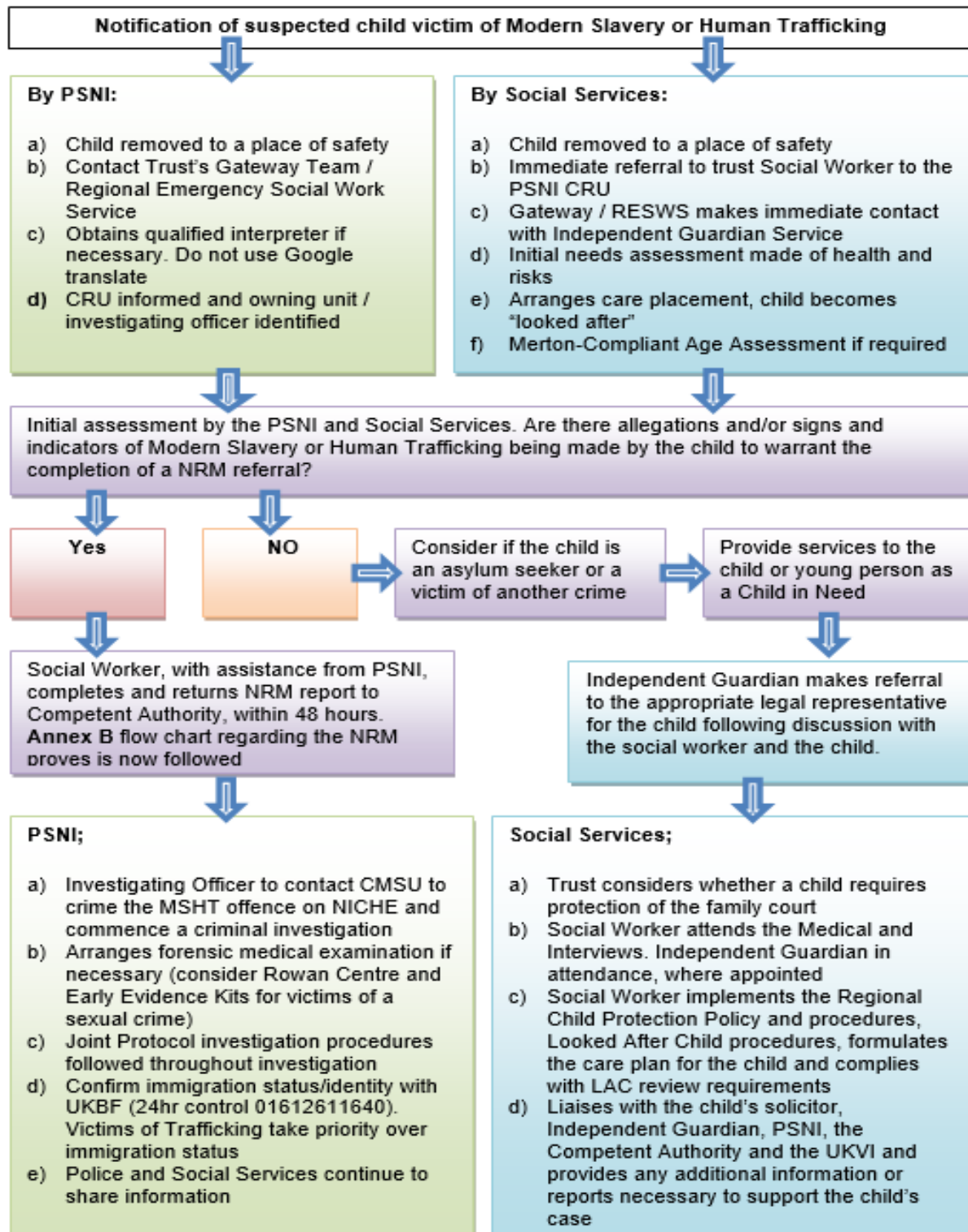
- The appointed provider for the Independent Guardian Service will develop service standards and operational policy and procedures for service delivery, in collaboration with the HSCB.
- The provider organisation is responsible for raising awareness and profiling the Independent Guardian Service to all relevant agencies and stakeholders.
- The provider organisation will maintain records of all referrals, interventions and outcomes for all separated, trafficked, victims of modern slavery referred to the service.
- Once a child victim or potential child victim of human trafficking is identified, the responsible Trust should immediately contact the employer organisation to ensure the appointment of an Independent Guardian at the earliest opportunity.
- Organisations, agencies and practitioners providing services or taking administrative decisions in relation to a child for whom an independent guardian has been appointed must recognise, and pay due regard to, the functions of the guardian and must provide the guardian with access to such information relating to the child as will enable the guardian to carry out his or her functions effectively.
- Similarly, the Independent Guardian is expected to contribute specialist knowledge, advice and support to assist other agencies to take effective decisions and actions to safeguard and promote the welfare, in the widest sense, of a child victim or potential child victim of human trafficking.

PSNI CONTACT DETAILS (Includes 24-hour contact)

Child Safeguarding Referrals



STEPS TO SUPPORT A CHILD WHO IS A SUSPECTED VICTIM OF MODERN SLAVERY AND HUMAN TRAFFICKING



INTERNATIONAL ORGANISATIONS

Children & Families Across Borders (CFAB)

Web: www.cfab.org.uk

Tel: **020 7735 8941** (Advice line)

E-mail: info@cfab.org.uk

CFAB is a NGO that protects vulnerable children who have been separated from family members as a result of divorce, forced migration, seeking asylum or those victims of trafficking as well as other vulnerable children and families. CFAB provides guidance and practical support on a range of complex international child protection issues.

International Organisation for Migration (IOM)

Web: www.iomlondon.org

Telephone: **020 7233 0001**

0800 0121 700 (Modern Slavery Helpline)

E-mail: iomuk@iom.int

IOM UK runs two voluntary return programmes: one is for anyone who has been in the asylum system at any stage – applying, appealing, refused – (VARRP); another for irregular migrants – who have overstayed their visas or have been smuggled or trafficked into the country (AVRIM). Under both programmes IOM arranges flights and onward transportation to the home doorstep but under the scheme for asylum seekers IOM also delivers Reintegration Assistance in the country of return. The IOM will also aid in the resettlement of families in the UK. The IOM will offer legal advice and travel assistance.

United High Commissioner for Refugees (UNHCR)

Web: www.unhcr.org.uk

Telephone: **020 3761 9500** (Mon – Thur 09.00-17.50, Fri 09.00-15.00)

E-mail: gbrlo@unhcr.org

The UNHCR provides guidance on refugee and asylum law and policy to UK government, legal practitioners and NGO. It will intervene in court proceedings for the protection of refugees, also providing a wide range of training to organisations that work with refugees and asylum seekers.

Northern Ireland Courts and Tribunal Service (NICTS)

Web: <https://www.courtsni.gov.uk/en-GB/Services/ChildAbduction/Pages/InternationalChildAbduction.aspx>

Telephone: **028 9049 5884**

E-mail: businessdevelopmentgroup@courtsni.gov.uk

NICTS is the Central Authority for Northern Ireland for international agreements for The Hague Convention, Brussels IIa regulations and the European Convention for child abduction matters. NICTS will offer important advice and guidance for parents and their legal representatives regarding child abductions.

How to apply a National Insurance Number for a looked after child

From: [HM Revenue & Customs](#) First published: 18 August 2014

Part of: [Tax agent and adviser guidance](#) and [Dealing with HMRC](#)

How to get a National Insurance number for a child who is being looked after by a local authority.

Children who are looked after by local authorities don't automatically get a National Insurance number.

To get a National Insurance number a social worker for a looked after child has to apply to HM Revenue and Customs (HMRC) on the child's behalf.

There may be 3 steps to get a number:

1. Register a request with HMRC

A social worker should apply for the National Insurance number after a child is 15 years and 9 months old by writing a letter to HMRC using their local authority's official letter-headed paper. The letter should say the social worker wishes to apply for a National Insurance number for a looked after child.

The letter must include:

- the child's full name
- any previous names the child has used
- the child's date of birth
- the date the child went into care
- the child's current address
- the contact details of the social worker who has written the letter

If the child is a British citizen, the letter should also include:

- any previous addresses (such as their parent's old address or the child's last address before they were taken into care)
- a photocopy of either:
 - the child's birth certificate
 - their Care Order
 - the ID page of the child's passport

If the child is an unaccompanied minor and supported by the Home Office, photocopies of the child's Home Office documents should also be included.

The letter and photocopies of any documents should be posted or faxed to:

National Insurance contributions and Employers Office
HM Revenue and Customs
BX9 1AN

Fax: 0191 225 7384

A separate letter should be written for each National Insurance number application that is made.

2. Complete a CA3530 application form

If more information is needed HMRC will issue a CA3530 'Application for a National Insurance number for a child looked after by a local authority' form to the social worker to confirm the details required.

The form should be completed and posted back to HMRC within 1 month. If it is not returned within a month, another request to register letter will have to be sent to HMRC.

3. HMRC issue a National Insurance number

Once HMRC has received the required information they will send a letter to the child confirming their National Insurance number.

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From: [HM Revenue & Customs](#)

Sexual Assault Referral Centre and Gum Clinics

The Rowan is the regional Sexual Assault Referral Centre (SARC) for Northern Ireland. Their professional team operate a range of support and services to children, young people, women and men who have been sexually abused, assaulted or raped, whether this happened in the past or more recently.

Web: <http://therowan.net/>

Tel: **0800 389 4424** (24/7, landlines only)

(Domestic and Sexual Violence Helpline)

Tel: **0800 802 1414** (24/7)

Text: TEXT SUPPORT to **07797805839**

E-mail: 24hrsupport@dvhelpline.org

Health and Social Care Trusts Contact Details for Sexual Health Screening Genito-Urinary Medicine (GUM) Clinics

Genito-Urinary Clinics offer a range of services including;

- Testing and Treating for Sexually Transmitted Infections (STIs)
- Sexual Health Information
- Help for those who have been sexually assaulted
- Referrals to specialist if needs be.

* Please note that this is not an exhaustive list.

Trust / Area	Contact for appointment	Telephone Number	Clinic Hours
Belfast	Genitourinary Medicine Level 3, Outpatients Royal Victoria Hospital Grosvenor Road, Belfast	028 9063 4050 / 4054 Call between 8.15 & 11.15 am for an appointment.	Appointment Based Only Monday, Wednesday & Friday; 9am - 12pm, 1.30 - 4.30pm (MSM Clinic 1.30 - 4.30pm, Monday only) Tuesday; 2 - 6pm Thursday; 9am - 12.30pm
Northern	Genitourinary Medicine, Outpatients Department 2 Causeway Hospital,	028 7034 6028	Walk In Tuesday: registration

	4 Newbridge Road, Coleraine		5pm Friday: registration 1.30pm Appointment Based Monday, Tuesday and Thursday; 9.30am – 12.30pm & 1.30 – 4.30pm Friday; 9.30am – 12.30pm
Southern			
Newry	Genitourinary Medicine John Mitchell Place Hill Street, Newry	028 3083 4215	Appointment Based Only Monday; 3 - 6.30pm Wednesday & Friday; 9am - 12.30pm
Portadown	Portadown Health Centre Tavanagh Avenue, Portadown	028 3083 4215	Appointment Based Only Tuesday; 5 – 8pm
Western			
Londonderry	Genitourinary Medicine, Altnagelvin Area Hospital Glenshane Road, Derry	028 7161 1269	Walk In Monday, Wednesday, Thursday & Friday; 9 – 11.30am Appointment Based Tuesday; 9 – 11.30am Wednesday; 1.30 – 3.30pm Thursday; 2 – 3.45pm
Omagh	Nurse-led Sexual Health Clinic, Tyrone County Hospital, Hospital Road, Omagh	028 7161 1269	Appointment Based Only Wednesday; 9.30am – 4.30pm

South Eastern			
Bangor	Nurse-led Sexual Health Clinic, Bangor Community Hospital, Castle Street, Bangor	028 4483 8133	Appointment Based only Friday; 9am – 12pm
Downpatrick	Sexual Health Clinic Downe Hospital, 2 Struell Road, Downpatrick	028 4483 8133	Appointment Based only Monday; 9am – 12pm Wednesday; 9am – 6pm
Lisburn	Sexual Health Clinic Lisburn Health Centre, Linenhall Street, Lisburn	028 4483 8133	Appointment Based only Monday & Thursday; 9am – 12pm