

Working Arrangements for the Welfare and Safeguarding of Child Victims and Potential Child Victims of Human Trafficking and Modern Slavery

Introduction:

The *“Working Arrangements for the Welfare and Safeguarding of Child Victims of Human Trafficking” DHSSPS / PSNI, 2011* has been revised and replaced with the *“Working Arrangements for the Welfare and Safeguarding of Child Victims and Potential Child Victims of Human Trafficking and Modern Slavery”, HSCB / PSNI, 2018*

This explanatory note sets out the key changes incorporated into the revised version however to ensure informed and effective practice **it is imperative that relevant managers and staff working with or encountering separated children who are victims or potential victims of human trafficking and modern slavery read the guidance document in full.**

Key Changes Contained in the Revised Guidance

- Builds upon experience and knowledge gained since 2012 in working with separated children entering Northern Ireland;
- Has been developed in partnership with the PSNI and through discussion and engagement with the Department of Health and the Department of Justice;
- Takes account of best practice from partner agencies, such as, ECPAT and FRA, the outcome of judicial decisions;
- Takes account of legislative changes emanating from the *Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015* and the *Modern Slavery Act 2015*;

Explanatory Note on Key Changes

- The introductory section provides comprehensive information on Modern Slavery and child trafficking, setting out definitively what constitutes both. Of note it sets out Trust responsibilities to families where the parents may have been trafficked but where the children may not necessarily be victims of exploitation. The introductory section also clarifies those organisations that have key roles at strategic, policy and operational levels.

- Section 2 incorporates a new set of principles that must be taken into account during all stages of caring for and protecting trafficked children, including cases of internal trafficking.
- Section 3 reiterates human trafficking indicators to support practitioners in identifying potential victims of human trafficking.
- Section 4 incorporates a new insert on obstacles to self-identification by child victims of human trafficking.
- Section 5, similar to the 2011 version, focuses on the National Referral Mechanism and the decision making process by providing an overview of the NRM process itself, the role of the first responders, the role of competent authorities, and possible outcomes. Of note, it is emphasised that the NRM decision will not be issued directly to the child / young person and furthermore the role of social workers, legal representatives and independent guardians in making representation in response to negative NRM decisions where it has been considered that information has been overlooked or additional information becomes available.
- Section 6, similar to the 2011 version, provides up to date and comprehensive information on the role of the PSNI in relation to:
 - Pre-planned police operations and the recovery of trafficked / exploited children
 - Child protection procedures
 - Measures to take where a child goes missing
 - Medical and forensic procedures and consent (this section provides greater clarity on medical examination, medical treatment, consent and DNA than the 2011 version)
 - PSNI enquiries and criminal investigations
- Section 7 makes explicit the role of Health and Social Care Trusts. Similar to the 2011 version, it reiterates the primacy of the Children (NI) Order 1995 (specifically Article 16, 66) and the entitlement to support, care and protection under the full provisions of the Children Order, regardless of immigration status or nationality. It makes explicit the role of the Trust in working collaboratively with PSNI in pre-planned operations and the requirement to respond, where a child is known or suspected to be a victim of trafficking or modern slavery, in compliance with the Regional Child Protection Policy and Procedures and Joint Protocol. Emphasis is placed on Trust responsibilities to consider the legal status of the child as a matter of urgency and to seek legal advice on the appropriate action necessary to provide optimum protection to the child.

This section highlights the social work role in: ensuring that an independent guardian is appointed to the child immediately; that an independent legal representative is appointed to represent the child and protect his / her best interests; liaison with immigration authorities; undertaking age assessment, and needs assessment with specific reference to health, culture, education; risk assessment and management, and actions required where children go missing. A substantial section is included on age assessment incorporating best practice drawing on learning and findings from judicial reviews and the core elements of lawful age assessments.

A significant addition is a section on the Independent Guardian (a new duty under Section 21 of the Human Trafficking Act) setting out key responsibilities of this role and the process for ensuring the appointment of an independent guardian. The remainder of this section, similar to the 2011 version, covers the appointment of an independent visitor, an advocate and provision of leaving care entitlements.

- Section 8 is a new addition covering transition arrangements to adult services, specifically to leaving and after care services and the areas of need to be attended to.
- Section 9 is a new addition which addresses repatriation, reunification and safe returns and sets out steps to be taken and considerations to be examined in instances where a return to country of origin and / or reunification with family is being pursued
- Section 10 is a further new section specifically on the support arrangements for child victims of human trafficking and modern slavery to access justice.
- Section 11 is a new addition on data collection and information management, highlighting the significance and importance of comprehensive data collection, monitoring and quality assurance.
- Section 12 provides up to date information on sources of support.