

The Association of Directors of Children Services (ADCS) supports the content of this document and considers it to be a good practice model, offered by way of assistance, and therefore urges all local authorities to adopt the practices described within the document to achieve better outcomes for children and young people.

**Tactical Briefing Document**

A multi-agency response to better safeguard unaccompanied migrant children





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for further information or assistanc with the document please contact:

modernslavery@devonandcornwall.pnn.police.uk

Contents

[1| Information 2](#_Toc46151083)

[2| Intention 3](#_Toc46151084)

[3| Objective 3](#_Toc46151085)

[4| Procedure 4](#_Toc46151086)

[5| Legislation 7](#_Toc46151087)

[6| Risks 9](#_Toc46151088)

[7| Communication](#_Toc46151089) 9

[8| Human Rights 10](#_Toc46151090)

[Annex A 10](#_Toc46151091)

# 1| Information

In 2016, Op Innerste was developed as a multi-agency response to the complex issues surrounding missing unaccompanied migrant children.

The ECPAT (Every Child Protected against Trafficking) report[[1]](#footnote-1) “Heading back into harm” recommended establishing early rapport building with children by authorities to turn them away from traffickers, and significantly reduce their influence. The first 72 hours following the initial encounter with a child is critical; creation of a relationship of trust between the professional and the child is an effective measure in preventing the minor going missing.

Led by Devon & Cornwall Police, Immigration Enforcement worked in collaboration with police forces, NGO’s, Home Office Children’s Champion, Border Force and Association of Children’s Directors to design an enhanced process whereby the first responder (usually the police) engage in conversation with the child to build early rapport. It provides the child with a safe environment to express their needs and concerns, and the opportunity for authorities to explain the support, services and protection entitled to them. The creation of a relationship of trust between the professional and the child is intended to reduce the influence of traffickers and prevent them from absconding and going missing.

As part of the process, the first responder completes an initial welfare / safeguarding form, obtains fingerprints and photographs using immigration and Common Law powers which are passed on to the National Command and Control Unit (NCCU) for uploading on to immigration systems. Capturing fingerprints & photographs is essential to allow the police and immigration departments to identify children later if they go missing, commit crime, are trafficked or are found in distressing circumstances.

##

## 2| Intention

The intention of Operation Innerste is to:

* Safeguard unaccompanied migrant children.
* Standardise a national operating response for all 43 Police forces, Local Authorities’ Children’s Social Care, Immigration Enforcement and UKVI.
* Streamline the conflicting processes of different agencies into one agreed protocol in order to minimise exposure of the child to further trauma through unnecessary intrusiveness.
* Build early rapport and reassurance to gain trust and provide a safe environment for the child to prevent the child from absconding or going missing.
* Prevent reconnection with traffickers and re-trafficking/exploitation of child.
* Agree a protocol by all agencies for the collection of fingerprints & photographs and submission to Immigration Enforcement (compliant with data protection legislation and Information Assurance).
* To ensure consistency of NRM submissions for all children following national

guidance [[2]](#footnote-2).

* Improve the sharing of multi-agency information to support a risk assessment being completed for placement in accommodation, and protect other children residing there.
* Protect unaccompanied migrant children and other children from harm; using information obtained to identify potential offenders and persons likely to expose the children to harm.
* Identify appropriate legislation when dealing with the unaccompanied migrant children.

# 3| objective

Creation of a multi-agency safeguarding response upon identification of an unaccompanied migrant child. The process will be supported by legislation and will clearly detail the roles and responsibilities of all agencies, namely police, children’s social care, immigration enforcement and child trafficked guardians.

This is a welfare procedure, there will be no questions about asylum claims, or any other immigration applications. It is to allow agencies to build trust and rapport with the child to maximise the safeguarding opportunities to prevent the child going missing and prevent further harm, re-trafficking and re-exploitation.

Develop clear protocols to allow continuous communication between all agencies to ensure the ongoing safety and welfare of the child.

# 4| procedure

* On first contact with (identification of) migrant children (under 18 years old) the officer should explain that the Police are here to keep them safe and look after them. Remember that some migrant children will not be aware that they are in the UK and may not be aware that the services provided to them within the UK are free. In developing early rapport, it is important that officers emphasise these points explaining that the child is not in trouble and the officer wants to help.

\*\* Use language line at this stage if necessary \*\*.

* As routine, speak to the child alone and without other travel companions present (including other children) to avoid adverse influence/coercion from others. Initial proportionate questioning can be done without an appropriate adult for the purpose of establishing language and necessary information for immediate safeguarding purposes.
* Police to invoke Police Protection Powers (Section 46(1) of the Children Act 1989) as the primary response. Arrest for immigration offences only where PPP are insufficient to safeguard the child and the conditions under s.24 PACE have been met.
* The Children Act legislation implies the power to use reasonable force in appropriate circumstance to take a child into police protection or to keep them there.
* There is no specific power to search the child (unless the child is under arrest) however officers should consider searching the individual for public and personal safety in line with the National Decision-Making Model (NDM), see legislation section below (Protocol 1, Article 1).
* Assess for any injuries or medical concerns and prioritise these above all else. If the child requires immediate medical attention, then this must be facilitated with Police accompanying the child to hospital to prevent further harm.
* The child will not be treated as a suspect and agencies will start from the premise that the child has not committed a crime.
* If the individual claims to be under 18 years of age, they must be treated by agencies as a child under the children’s act, unless there is credible evidence to show they are clearly over 18 years of age.
* Children should be taken to a place of safety, this should never be to police custody, however, a police station is only acceptable if there is no other alternative.
* Call National Command & Control Unit (NCCU) on tel: 03000 134 999, to inform them of the encounter with a child and obtain a unique reference number. This unique reference number should be included on the welfare form, the Fingerprint Form (IFB1) and any other correspondence between the force and NCCU with regards to the case. The reference number will be in this format CCU/\*\*\*\*\*\*.
* Obtain Op Innerste pack. NCCU can send the pack (with the exception of the fingerprint form) by email if required. NCCU will ask the officer if they require the pack when the call is logged with them. Alternatively follow the local force procedure (some forces have grab packs at designated locations). The pack will contain:

1) Op Order

2) [Process map](#_Annex_A)

3) [Unaccompanied child welfare form](#_Annex_A)

***\*\*Please note\*\* Fingerprint form IFB1 needs to be completed using wet ink in original hard copy format. Supplies of both of these forms will need to be obtained from NCCU. Due to this requirement this cannot be done in real time. Officer will need to identify where IFB1 forms are stored in force. (In force area where grab packs have been created, IFB1 forms and ink should be contained within these packs)***

* Children’s Social Care to be contacted immediately.
* Local multi-agency safeguarding referrals (e.g MASH) to be submitted (this is a mandatory action).
* Contact accredited interpreters/force language line to assist with communication, do not use other adults or persons travelling with the child/family. This is because other adults could have been complicit in the facilitation of the child and there is potential that these other adults could have exploited them.
* Complete welfare form ([Annex](#_Annex_A)).
* Basic communications/initial safeguarding and evidence gathering can be done without an appropriate adult (AA). It is not necessary to capture an evidential video recorded interview, however, be sure to record all questions and answers for transparency and disclosure purposes on the welfare form. Use of body worn camera is recommended for immediate dynamic interaction.
* Obtain fingerprints and photograph. Fingerprints should be taken using wet ink and on Home Office (HO) form IFB1. *Officers are not to use police forms or Ident/1 machine as these are not compatible with Immigration database and the child is not a suspect or being dealt with under PACE.* NCCU can only upload the fingerprints to IABS (the Immigration fingerprint database) when they are received on an IFB1 in original hard copy format. Photographs can be taken by any available digital device and emailed to NCCU (IEVulnerabilityTeam@homeoffice.gov.uk).
* Fingerprints & photographs should be captured using Children’s Social Care as an Appropriate Adult for children under 16 years of age, no appropriate adult is required if child is over 16 years of age. The power to obtain the fingerprints comes from Section 141, Immigration & Asylum Act 1999, whilst the power to obtain photographs comes from paragraph 18, Schedule 2, Immigration Act 1971 and Common Law Powers.
* S141:

*(12)  An authorised person may not take fingerprints from a person under the age of sixteen unless his decision to take them has been confirmed—*

* *(a)  if he is a constable, by a person designated for the purpose by the chief constable of his police force;*
* *The Chiefs must ensure that their inspectors have been designated for the purpose of confirming the decision to take fingerprints \*\*see sec 141 (12)* *Immigration & Asylum Act 1999 in ‘Legislation’ below.*
* Emergency strategy discussion to be held which must include Police & Children’s Social Care however please also include Immigration Enforcement via the NCCU

24-hour line 03000 134 999.

* At the earliest opportunity following the child being placed with Children’s Social Care a full strategy meeting should be held to consider the need for a Section 47 investigation under the Children Act 1989. This should include the following; Police, Children’s Services, Education, Health but it is imperative that a representative of Immigration Enforcement is part of that discussion and decision making – specific point of contact will be National Command & Control Unit (NCCU) – 03000 134 999 or email CommandandControlUnit@homeoffice.gov.uk
* Submission of NRM referral, where appropriate, using the national guidance [[3]](#footnote-3) should be agreed in the strategy meeting.
* Op Innerste pack welfare form and photograph to be sent to NCCU via email.
* Data protection legislation categorises biometric data (fingerprints) as Special Category Data the originating force holds the information assurance liability until such a time as it is received by Immigration Enforcement NCCU, this data should therefore be sent at the earliest opportunity and no later than **24 hours** from being obtained.
* As per the Home Office information assurance policy **all documentation** must be sent to NCCU. In order to be data protection legislation & Information Assurance compliant use double envelopes with the information placed in the inner envelope marked as **Official Sensitive**, include a return address on the outer envelope, do not mark the outer envelope as official sensitive. Send using registered Royal Mail service, tracked or recorded delivery, or a commercial courier track and trace service to:

**National Command & Control Unit, 4th Floor, Boiler House,**

**Soapworks, Colgate Lane, Salford, M5 3LZ.**

* If the child makes criminal allegations of any nature then they must be prioritised with full evidence gathering completed as per normal force procedures (think golden hour, forensics & fast track actions).
* Children’s Social Care to take responsibility for welfare and safeguarding of the child.
* Full information to be recorded appropriately on all agency systems to safeguard the child.
* Crime recording - Consider that any persons identified as having entered the UK by a clandestine method will commit an offence under section 24(1)(a) of the Immigration Act 1971. If professionals suspect the child is a victim of Modern Slavery or Human Trafficking, then they should record a crime under this offence with the child as a victim. Officers must also consider recording any other offences committed against the child on route to the UK and must be aware of the NPCC guidance *(*[*Annex*](#_Annex_A)*),* which states that where a person reporting a crime is also a person without leave to remain or to enter the UK the police must and foremost treat them as a victim.

# 5| legislation

Powers of detention and seizure;

* Consent from the child (should they have an acceptable level of capacity and cognitive ability).
* Section 141, Immigration & Asylum Act 1999 – Permits the police to act under Immigration powers to take fingerprints from a person who upon arrival in the UK would be required to produce proof of identity and nationality (over 6yrs).

Section 141, Immigration & Asylum Act 1999 (12) An authorised person may not take fingerprints from a person under the age of sixteen unless his decision to take them has been confirmed —

1. if he is a constable, by a person designated for the purpose by the chief constable of his police force;

*\*\* Where a child is under 16 the officer should liaise with an Inspector in order to authorise the discharging of powers to obtain fingerprints under s141 of the Immigration & Asylum Act 1999. The Chiefs must ensure that their inspectors have been designated for the purpose of confirming the decision to take fingerprints*

* The power to obtain photographs for the purpose of establishing identity comes from paragraph 18, Schedule 2, Immigration Act 1971 (where applicable) and Common Law Powers.
* Information sharing with Immigration Enforcement - Sec 20 of the Immigration and Asylum Act 1999 gives the police powers to supply information to the Secretary of State for immigration purposes when required.
* Police Protection Powers under Section 46 Children’s Act 1989 is an emergency power to allow police to protect a child (under 18 yrs.) if they have reasonable cause to believe that a child is at risk of significant harm.
* As a final resort where PPP is not suitable, or the child is wholly non-compliant consider powers of arrest under section 24 (5) PACE in order to:

*(a) to enable the name of the person in question to be ascertained (in the case where the constable does not know, and cannot readily ascertain, the person's name, or has reasonable grounds for doubting whether a name given by the person as his name is his real name);*

*(b) correspondingly as regards the person's address;*

*(c) to prevent the person in question—*

*(i)causing physical injury to himself or any other person;*

*(ii)suffering physical injury;*

*(iii)causing loss of or damage to property;*

*(iv) committing an offence against public decency (subject to subsection (6)); or*

*(v) causing an unlawful obstruction of the highway;*

*(d) to protect a child or other vulnerable person from the person in question;*

*(e) to allow the prompt and effective investigation of the offence or of the conduct of the person in question;*

*(f) to prevent any prosecution for the offence from being hindered by the disappearance of the person in question.[[4]](#footnote-4)*

* ECHR Protocol 1, Article 1: The Protection of property

There will be an interference with this Article where items found on the child / young person could be used to harm either themselves or someone else.

There would be no breach of this Article in these circumstances where the decision to remove the property is lawful and necessary for the public interest, in furtherance of ECHR Article 2: The Right to Life of the individual or other parties.

**Only police constables, including special constables are legally permitted to exercise these powers. Other civilian police staff, including detention officers and outsourced contractors are not permitted to act under these powers.**

# 6| Risks

**Risk to Police organisation**

Not invoking OP INNERSTE could lead to inconsistencies in practice, insufficient safeguarding of vulnerable children and non-identification of a child who subsequently goes missing causing further resourcing demand on policing and children’s social care, increased investigation time and potential for reputational damage.

Misunderstanding of immigration offences and safeguarding powers could lead to an inadvertent breach of police powers.

Police must follow process to submit fingerprints & photographs to IE in order to be data protection and Information Assurance compliant.

Op Innerste will improve the recording and reporting of relevant offences and compliance with Home Office counting rules to further safeguard children.

The forces Data Protection Officers must ensure that Op Innerste is implemented lawfully.

**Risk to Child**

Inconsistent and insufficient safeguarding practices could lead to re-trafficking or exploitation and breed a lack of confidence and trust of agencies, resulting in the child being exposed to further harm if they subsequently go missing and cannot be easily traced or identified.

Treating the child as a suspect rather than a victim, can breed mistrust and disengagement with agencies by the child, undermining supportive services that should be available to them.

This process will guide and advise officers to ask the right questions to identify other offences which may take primacy against immigration criminality. This will allow police to identify and respond appropriately to offences committed against the child in the UK or on route to UK.

# 7| Communication

Any urgent actionable intelligence is to be submitted via the usual force processes, clearly marked as ***Operation INNERSTE***.

Any general questions about the operation are to be directed to the Modern Slavery Police Transformation Unit via modernslavery@devonandcornwall.pnn.police.uk marked as ***Operation INNERSTE***.

# 8| Human Rights

The Modern Slavery Police Transformation Unit shall implement these procedures in a manner that protects individual rights under the European Convention of Human Rights, as provided by the Human Rights Act 1998.

Rights relevant to the execution of Operation Innerste include:

* Article 1 (property rights)
* Article 2 (right to life);
* Article 4 (prohibition of servitude, slavery);
* Article 5 (liberty and security)
* Article 8 (privacy)

Forces should have particular regard to Article 2 and Article 4, which create legal obligations on the public authorities to take active measures (such as those specified in Operation Innerste) to prevent infringements of these rights.

# Annex A

**Welfare form:**



**Process Map:**



**NPCC Guidance**



1. <https://www.ecpat.org.uk/heading-back-to-harm-a-study-on-trafficked-and-unaccompanied-children-going-missing-from-care-in-the-uk> [↑](#footnote-ref-1)
2. <https://www.gov.uk/government/publications/human-trafficking-victims-referral-and-assessment-forms> [↑](#footnote-ref-2)
3. <https://www.gov.uk/government/publications/human-trafficking-victims-referral-and-assessment-forms> [↑](#footnote-ref-3)
4. For example, the unaccompanied migrant child may be at risk of physical harm from a third party suspected of trafficking or exploiting them, or an arrest would allow the prompt and effective investigation of an offence. Section 24 Immigration Act 1971 criminalises the act of illegal entry into the UK. [↑](#footnote-ref-4)