5.17 Safeguarding Children who may have been Trafficked

**RELEVANT GUIDANCE**

[**UK Border Agency: Statutory Duty to Safeguard and Promote the Welfare of Children (2009)**](http://webarchive.nationalarchives.gov.uk/20130925160031/http%3A/www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/legislation/bci-act1/)

[**National Contacts details for contact numbers and addresses**](http://trixresources.proceduresonline.com/nat_cont/index.htm)

[**UK Briefing Paper on Child Trafficking - Begging and Organised Crime (ECPAT, September 2010)**](https://lincolnshirescb.proceduresonline.com/files/ecpat_child_traf_beg_and_org_crime.pdf)

[**Safeguarding Trafficked Roma Children and Families (London LSCP, September 2010)**](https://lincolnshirescb.proceduresonline.com/files/sg_traffic_roma_child.pdf)

[**Borders, Citizenship and Immigration Act 2009**](http://www.legislation.gov.uk/ukpga/2009/11/contents)

[**DfE, Care of Unaccompanied Migrant Children and Child Victims of Modern Slavery: Statutory Guidance for Local Authorities (November 2017)**](https://www.gov.uk/government/publications/care-of-unaccompanied-and-trafficked-children)

[**Home Officer Circular (2015), Modern Slavery Act 2015**](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/443797/Circular_242015Final_1_.pdf)

[**GOV.UK Modern Slavery Duty to Notify**](https://www.gov.uk/government/publications/modern-slavery-duty-to-notify)

**RELATED CHAPTERS**

[**Safeguarding Children and Young People at Risk of Sexual Exploitation Policy**](https://lincolnshirescb.proceduresonline.com/p_yp_child_sex_ex.htm)

[**LSCP Joint Protocol for Missing Children and Young People**](https://lincolnshirescb.proceduresonline.com/pr_joint_miss.html)

[**Children from Abroad**](https://lincolnshirescb.proceduresonline.com/p_child_abroad.htm)

[**Modern Slavery**](https://lincolnshirescb.proceduresonline.com/p_modern_slavery.html)

**AMENDMENT**

This chapter was amended in April 2022 to include additional information documents in the [**Appendices**](https://lincolnshirescb.proceduresonline.com/p_sg_child_traff.html#Appendices).

**1. Introduction**

The organised crime of child trafficking into the UK has become an issue of considerable concern to all professionals with responsibility for the care and protection of children. Any form of trafficking children is a crime Children are coerced, deceived or forced into the control of others who seek to profit from their exploitation and suffering.

It is essential that professionals working across social care, education, health, immigration and law enforcement develop an awareness of this activity and an ability to identify trafficked children.

This guidance provides information about trafficking, the roles and functions of relevant agencies and the procedures practitioners should follow to ensure the safety and well-being of children who it is suspected have been trafficked.

**2. Definitions and Principles of Working**

The definition of trafficking contained in the 'Palermo Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children' (ratified by the UK in 2006) is as follows:

*"Trafficking of persons" shall mean the recruitment, transportation, transfer, harbouring or receipt of person, by means of the threat of or use*

* *Of force or other forms of coercion;*
* *Of abduction;*
* *Of fraud;*
* *Of deception;*
* *Of the abuse of power or of a position of vulnerability; or*
* *Of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.*

*Exploitation shall include, at a minimum sexual, criminal, forced labour, domestic servitude, organ harvesting.*

A child is defined according to the Children Acts 1989 and 2004 as anyone who has not yet reached their 18th birthday.

Any child transported for exploitative reasons is considered to be a trafficking victim. This is partly because it is not considered possible for children in this situation to give informed consent. It is unlikely that a child will understand what is happening when they are a victim of trafficking. Professionals should be aware of how a child is presenting, see [**Section 4.2, Possible indicators**](https://lincolnshirescb.proceduresonline.com/p_sg_child_traff.html#poss_ind). They should also be aware that the parents may be complicit in the exploitation or the parents themselves may be a victim of trafficking.

(See also [**Home Officer Circular (2015), Modern Slavery Act 2015**](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/950690/January_2021_-_Modern_Slavery_Statutory_Guidance__E_W__Non-Statutory_Guidance__S_NI__v2.pdf)).

Principles of working

Children who have been trafficking may find it difficult to talk about their experiences, tell anyone what has happened to them or identify themselves as victims. Trafficking may greatly effect children's emotional, physical and overall psychological development. As part of any assessments and on-going intervention, CS practitioners will need to be professionally curious and explore the child's situation fully to enable the risk to be identified, understood and responded to appropriately.

CS practitioners, with the support from specialist organisations such as Barnardos Independent Child Trafficking Guardianship Service (ICTGS), must ensure that the support and intervention in place for any child who has been trafficked, takes into consideration the short and long term needs of the child to enable them to break away and keep them safe from their abusers in addition to supporting them to recover from the trauma of their experiences.

Trafficked children need:

* Professionals to be informed and competent in matters relating to trafficking and exploitation;
* Someone to spend sufficient time with them to build up a level of trust;
* Separate interviews - at no stage should adults purporting to be the child's parent, sponsor or carer be present at interviews or at meetings with the child to discuss future action;
* Safe placements if children are victims of organised trafficking operations and for their whereabouts to be kept confidential;
* Legal advice about their rights and immigration status;
* Discretion and caution to be used in tracing their families;
* Risk assessments to be made of the danger if he or she is repatriated;
and
* Where appropriate, accommodation under Section 20 of the Children Act 1989 or an application of an Interim Care Order.

**3. Important Information about Trafficking**

Most children are trafficked for financial gain. This can include payment from or to the child's parents. In most cases, the trafficker also receives payment from those wanting to exploit the child once in the UK. Trafficking can be carried out by anyone.

Trafficked children are abused through; Sexual exploitation;

* Domestic servitude;
* Sweatshop,(retail or manufacturing industries). Forced Labour for example restaurants and other catering work;
* Credit card fraud and bank account money laundering;
* Criminal Exploitation through begging,theft, pick pocketing or other forms of petty criminal activity. Begging or pick pocketing or other forms of petty criminal activity theft;
* Agricultural labour, Is classed as criminal exploitation including criminal exploitation through forced labour in cannabis farms;
* Benefit fraud;
* Drug distribution;
* Illegal inter-country adoptions.

Children may be trafficked from any country for a variety of different reasons. Factors which can make children vulnerable to trafficking are varied and include such things as poverty, lack of education, discrimination and disadvantage, political conflict and economic transition, inadequate local laws and regulations. It is also true that whilst there is a demand for children within the UK, trafficking will continue to be a problem.

In order to recruit children, a variety of coercive methods are used such as abduction or kidnapping as well as more subversive ways such as the promise of education, respectable employment or a better life.

Many children travel to the UK on false documents. The creation of a false identity for a child can give a trafficker direct control over every aspect of the child's life. Even before they travel to the UK, children may be subject to various forms of abuse and exploitation to ensure that the trafficker's control over the child continues after the child is transferred to someone else's care.

Any port of entry into the UK may be used by traffickers via air, rail and sea and as checks on main entry points are increased, evidence suggests that traffickers are using more local entry points.

There is increasing evidence that children of both UK and other citizenship are being trafficked internally within the UK for very similar reasons to those outlined above. There is evidence of teenage girls and boys born in the UK being targeted for internal trafficking between towns and cities for sexual exploitation Teenage boys are being targeted however this is more hidden due to stereotyping. (see [**Safeguarding Children and Young People at Risk of Sexual Exploitation Policy**](https://lincolnshirescb.proceduresonline.com/p_yp_child_sex_ex.htm)).

Trafficked children are victims of serious crime and this will impact on their health and welfare. In order to coerce and control, they are commonly subject to physical abuse including use of drugs and alcohol, emotional and psychological abuse, sexual abuse and neglect as a result of a lack of care about their welfare and the need for secrecy surrounding their circumstances.

**4. Managing Individual Situations**

4.1 Identification of Trafficked Children

All practitioners who come into contact with children and young people in their everyday work need to be able to recognise children who have been trafficked, and be competent to act to support and protect these children from harm.

The nationality or immigration status of the child does not affect any agency's statutory responsibilities to safeguard and promote the welfare of children. Nationality and immigration issues should be discussed with the Border and Immigration Agency (BIA) only when the child's need for protection from harm has been addressed and should not hold up action to protect the child.

4.2 Possible indicators

Identification of trafficked children may be difficult as they might not show obvious signs of distress or abuse. Some children are unaware that they have been trafficked.

The following indicators are not a definitive list and are intended as a guide to be included in a wider assessment of the child's circumstances.

At port of entry, the child:

* Has entered the country illegally, has no passport or means of identification or has false documentation;
* Is unable to confirm the name and address of the person meeting them on arrival;
* Has had their journey or visa arranged by someone other than themselves or their family;
* Is accompanied by an adult who insists on remaining with the child at all times;
* Is withdrawn and refuses to talk or appears afraid to talk to a person in authority;
* Has a prepared story similar to those that other children have given;
* Is unable or is reluctant to give details of accommodation or other personal details.

Whilst resident in the UK, the child:

* Does not appear to have money but does have a mobile phone;
* Receives unexplained/unidentified phone calls whilst in placement / temporary accommodation;
* Has a history of missing links and unexplained moves;
* Is required to earn a minimum amount of money every day, works in various locations, has limited amount of movement, is known to beg for money;
* Is being cared for by adult/s who are not their parents and the quality of the relationship between the child and their adult carers is not good;
* Is one among a number of unrelated children found at one address;
* Has not been registered with or attended a GP practice; has not been enrolled in school.

For children internally trafficked in the UK, indicators include:

* Physical symptoms indicating physical or sexual assault;
* Behaviour indicating sexual exploitation;
* Phone calls, text messages, emails or social media messaging being received by the child from adults outside the usual range of contacts;
* The child persistently going missing; missing for long periods; returning looking well cared for despite having no known base;
* The child possessing large amounts of money; acquiring expensive clothes/mobile phones without plausible explanation;
* Low self-image, low self-esteem, self-harming behaviour, truancy and disengagement with education.

4.3 Referrals

National Referral Mechanism (NRM)

Agencies have a Duty to Notify the Home Office about any potential victims of Modern Day Slavery (MDS), which encompasses trafficking. For potential victims, under 18, this Duty is satisfied through the completion of the NRM. A child does not have to consent for an NRM referral to be made (see [**National referral mechanism guidance: adult (England and Wales)**](https://www.gov.uk/government/publications/human-trafficking-victims-referral-and-assessment-forms/guidance-on-the-national-referral-mechanism-for-potential-adult-victims-of-modern-slavery-england-and-wales#the-components-of-modern-slavery) sections 5.1 & 5.2).

If the victim of MDS/ trafficking is under 18, this is child abuse and exploitation. The completion of the NRM does not replace organisations statutory safeguarding duties under *Working Together to Safeguard Children 2018*. If professionals are concerned that a child is a victim of MDS/trafficking, they must report and/or escalate concerns following their organisations safeguarding a procedure, which includes referral to Lincolnshire County Council (LCC), Children Services (see [**Safeguarding Referrals Procedure**](https://lincolnshirescb.proceduresonline.com/p_refer_proce.html)).

This referral mechanism can be used to provide additional safeguarding support to CSE victims and children exploited for criminal offences such as county lines, pickpocketing or cannabis cultivation may also be victims of modern slavery including human trafficking. An NRM referral must be made for any CSE or CCE victim where there are reasonable grounds to believe that they may be a victim of modern slavery (including slavery or human trafficking). A first responder can make a referral where it is 'suspected but cannot [be] prove[n]' the identified child is a victim of slavery or human trafficking.

Where it is known that a child is seeking asylum from Vietnam, Albania or Sudan an immediate NRM must be made. See:

* [**Appendix 3: Who-is-Who Vietnamese**](https://lincolnshirescb.proceduresonline.com/files/app2_who_vietnamese.pdf);
* [**Appendix 4: Who-is-Who Albanian**](https://lincolnshirescb.proceduresonline.com/files/app3_who_albanian.pdf);
* [**Appendix 5: Who-is-Who Romanian**](https://lincolnshirescb.proceduresonline.com/files/app4_who_romanian.pdf).

Further information can be found via [**National referral mechanism guidance (England and Wales)**](https://www.gov.uk/government/publications/human-trafficking-victims-referral-and-assessment-forms/guidance-on-the-national-referral-mechanism-for-potential-adult-victims-of-modern-slavery-england-and-wales).

[**Click here to access the National Referral Mechanism, Report Modern Slavery form**](https://www.modernslavery.gov.uk/start).

Any agency or individual practitioner or volunteer who has a concern regarding the possible trafficking of a child should immediately make a referral under [**Safeguarding Referrals Procedure**](https://lincolnshirescb.proceduresonline.com/p_refer_proce.html). Practitioners should not do anything which would heighten the risk of harm or abduction to the child.

Prompt decisions are needed when the concerns relate to a child who may be trafficked in order to act before the child goes missing.

Decision-making following the receipt of a referral will normally follow discussions with the Police, the person making the referral and may involve other professionals and services - see those identified in [**Section 10, Support Services and Useful Contacts**](https://lincolnshirescb.proceduresonline.com/p_sg_child_traff.html#supp_contact).

Lincolnshire's Multi Agency Child Exploitation Model (MACE) Model's key objective is to identify, manage and tackle child exploitation in Lincolnshire. The weekly MACE business is determined by information submitted on the Child Exploitation Screening Tool, intelligence submitted through Operation Insignia, missing person's reports, National Referral Mechanisms and case management systems. These key sources of information contribute to the understanding and response to child exploitation within Lincolnshire.

NRMs which have been completed in regards to MDS / Trafficking concerns in Lincolnshire are shared from the Home Office to Lincolnshire Police who are responsible for determining the necessary crime investigations. When the potential victim is under 18 years old, these will be discussed at the weekly MACE meetings, to ensure that agencies are aware of the concerns and that these are responded to appropriately.

See also: [**Appendix 1: Lincolnshire MACE and NRM Process Chart**](https://lincolnshirescb.proceduresonline.com/files/app1_mace_nrm_process_chart.pdf).

4.4 Social Work Assessment

Specific action during the Social Work Assessment of a child who is possibly trafficked or a victim of compulsory labour, servitude and slavery should include:

* Seeing and speaking with the child and family members as appropriate - **the adult purporting to be the child's parent, sponsor or carer should not be present at interviews with the child, or at meetings to discuss future actions**;
* Drawing together and analysing information from a range of sources, including relevant information from the country or countries in which the child has lived. All agencies involved should request this information from their counterparts overseas. Information about who to contact can be obtained via the [**Foreign and Commonwealth Office website**](http://www.fco.gov.uk/en/) or the appropriate Embassy or Consulate in London;
* Checking all documentation held by child, the family, the referrer and other agencies. Copies of all relevant documentation should be taken and together with a photograph of the child be included in the social worker's file.

**Note**: if there is a concern with regards to exploitation or trafficking, a referral into the National Referral Mechanism should be made (see - [**GOV.UK, Human trafficking/modern slavery victims: referral and assessment forms**](https://www.gov.uk/government/publications/human-trafficking-victims-referral-and-assessment-forms)) by a first responder. This is a legal requirement under the "Duty to notify" under section 52 of the Modern Slavery Act.

Even if there are no apparent concerns, child welfare agencies should continue to monitor the situation until the child is appropriately settled.

4.5 Strategy Discussion and Section 47 Enquiries

The Strategy Discussion should decide whether to conduct a joint interview with the child and, if necessary, with the family or carers. Under no circumstances should the child and their family members or carers be interviewed together.

Professional interpreters, who have been approved and DBS checked, should be used where English is not the child's preferred language. **Under no circumstances should the interpreter be the sponsor or another adult purporting to be the parent, guardian or relative**.

4.6 Multi-Agency Meeting

On completion of a Section 47 Enquiry a multi-agency meeting should be held convened by the social worker, and involving the social worker's supervising manager, the referring agency if appropriate, the Police and other relevant professionals to decide on future action. Further action should not be taken until this meeting has been held and multi-agency agreement obtained to the proposed plan, including the need for a Child Protection Conference and possible Child Protection Plan.

Where it is found that the child is not a member of the family with whom he or she is living and is not related to any other person in this country, consideration should be given to whether the child needs to be moved from the household and/or legal advice sought on making a separate application for immigration status.

Any law enforcement action regarding fraud, trafficking, deception and illegal entry to this country is the remit of the Police and the local authority should assist in any way possible.

**5. What Trafficked Children Need**

Trafficked children need:

* Professionals to be informed and competent in matters relating to trafficking and exploitation;
* Someone to spend sufficient time with them to build up a level of trust;
* Separate interviews - at no stage should adults purporting to be the child's parent, sponsor or carer be present at interviews or at meetings with the child to discuss future action;
* Safe placements if children are victims of organised trafficking operations and for their whereabouts to be kept confidential;
* Legal advice about their rights and immigration status;
* Discretion and caution to be used in tracing their families;
* Risk assessments to be made of the danger if he or she is repatriated;
and
* Where appropriate, accommodation under Section 20 of the Children Act 1989 or an application of an Interim Care Order.

**6. Returning Trafficked Children to their Country of Origin**

In many cases, trafficked children apply to the Border and Immigration Agency (BIA) for asylum or for humanitarian protection. For some, returning to their country of origin presents a high risk of being re-trafficked, further exploitation and abuse.

If a child does not qualify for asylum or humanitarian protection and adequate reception arrangements are in place in the country of origin, the child will usually have to return. It is important that this is handled sensitively and with assistance with reintegration which is available through voluntary return schemes.

**7. Trafficked Children who are Looked After**

Trafficked children identified as Unaccompanied Asylum Seeking Children (UASC) may be accommodated by the local authority under Section 20 of the Children Act 1989.

The assessment of their needs to inform their Care Plan should include a risk assessment of how the local authority intends to protect them from any trafficker being able to re-involve the child in exploitative activities. This plan should include contingency plans to be followed if the child goes missing.

Whilst the child is Looked After, residential and foster carers should be vigilant about, for example, waiting cars outside the premises, telephone enquiries etc.

The local authority should continue to share with the Police any information which emerges during the placement of a child who may have been trafficked, concerning potential crimes against the child, risk to other children or relevant immigration matters.

**8. Trafficked Children who are Missing**

Significant numbers of children who are categorised as UASC have also been trafficked. Some of these children go missing before they are properly identified as victims of trafficking. Such cases should be urgently reported to the Police. Local authorities should consider seriously the risk that a trafficked child is likely to go missing. Professionals should read the [**LSCP Joint Protocol for Missing Children and Young People**](https://lincolnshirescb.proceduresonline.com/pr_joint_miss.html).

**9. International and UK Legislation**

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

* Council Of Europe Convention on Action against Trafficking Human Beings (2005);
* The Yokohama Global Commitment on the Commercial Exploitation of Children (Yokohama 2001);
* UN Convention on Rights of the Child (UN 1989) and its protocols on Sale of Children, Child Prostitution and Child Pornography (2000) and Involvement of Children in Armed Conflict (2000);
* Declaration and Agenda for Action on Commercial Exploitation of Children (Stockholm,1996).

In 2000, trafficking became enshrined in international law for the first time through the Palermo Protocol.

UK legislation and guidance relevant to trafficked and exploited children include:

* Children Act 1989 - Sections 47, 67 (Private Fostering);
* Children Act 2004;
* The Nationality, Immigration and Asylum Act 2002 - Sections 54 & 55;
* (Section 55 does not apply to unaccompanied minors);
* Sexual Offences Act 2003 - covers trafficking into, out of, or within the UK for any form of sexual offence. It also introduced new offences of abuse of children through prostitution and pornography\*;
* The Asylum and Immigration (Treatment of Claimants etc.) Act 2004 - includes the offence of 'trafficking for exploitation' which covers trafficking for forced labour and the removal of organs;
* UK Borders Act 2007 - requires the Secretary of State to publish a Code of Practice, 'Keeping Children Safe from Harm' which BIA officials are required to follow when dealing with children in the UK;
* The UK Action Plan on Tackling Human Trafficking (2007);
* Borders, Citizenship and Immigration Act 2009;
* Modern Slavery Act 2015.

\*The Sexual Offences Act 2003 introduced new wide-ranging offences covering trafficking into, out of or within the UK for any form of sexual offence, which carries a 14 year maximum penalty. It introduced a range of new offences covering the commercial sexual exploitation of a child, protecting children up to 18. These include buying the sexual services of a child (for which the penalty ranges from 7 years to life depending on the age of the child); and causing or inciting, arranging or facilitating and controlling the commercial sexual exploitation of a child in prostitution or pornography, for which the maximum penalty is 14 years imprisonment.

**10. Support Services and Useful Contacts**

|  |
| --- |
| **UK Human Trafficking Centre (UKHTC)** |
| **Tel**: 0844 778 2406[**UK Human Trafficking Centre, NCA website**](https://www.nationalcrimeagency.gov.uk/what-we-do/crime-threats/modern-slavery-and-human-trafficking) |
| **CEOP - Child Exploitation and Online Protection Centre** |
| **Tel**: 020 7238 2320[**CEOP website**](http://www.ceop.police.uk/) |
| **NSPCC Child Trafficking Advice and Information Line** |
| An advice and information service for professionals available since October 2007, a case consultancy service is also available by appointment.**Tel**: 0800 107 7057 |
| **Refugee Council Children's Panel** |
| Provides support to unaccompanied asylum-seeking children.[**Refugee Council website**](https://www.refugeecouncil.org.uk/) |
| **ECPAT UK** |
| UK children's rights organisation campaigning to protect children from commercial sexual exploitation**Tel**: 020 7233 9887[**ECPAT website**](http://www.ecpat.org.uk/) |
| **UNICEF** |
| **Tel**: 020 7405 5592[**UNICEF website**](http://www.unicef.org.uk/) |
| **Afruca (Africans Unite Against Child Abuse)** |
| Promotes the welfare of African children in the UK and is concerned about cruelty against African children**Tel**: 020 7704 2261[**Afruca website**](http://www.afruca.org/) |
| **PACE** |
| A voluntary organisation working to end the sexual exploitation of children and young people by pimps and traffickers**Tel**: 0113 240 5226[**PACE website**](http://paceuk.info/about-pace/our-story/) |
| **Foreign and Commonwealth Office** |
| **Tel**: 0207 008 1500[**Foreign and Commonwealth Office website**](http://www.fco.gov.uk/en/) |
| **The Trafficking Toolkit** |
| [**The Trafficking Toolkit website**](http://webarchive.nationalarchives.gov.uk/20100920143917/http%3A/frontline.cjsonline.gov.uk/_includes/downloads/guidance/victims-and-witnesses/trafficking-of-people/20091015_Trafficking_Toolkit_contents.pdf) |
| **The Missing People Helpline** |
| **Tel**: 0500 700 700[**The Missing People Helpline website**](http://www.missingpeople.org.uk/)National Register of Unaccompanied Children (NRUC) |
| **Barnados** |
| [**Barnados Website**](https://www.barnardos.org.uk/what-we-do/protecting-children/trafficked-children) |

**Appendices**

[**Appendix 1: Lincolnshire MACE and NRM Process Chart**](https://lincolnshirescb.proceduresonline.com/files/app1_mace_nrm_process_chart.pdf)

[**Appendix 2: Lincolnshire MACE and NRM Guidance**](https://lincolnshirescb.proceduresonline.com/files/app2_mace_nrm_guid.pdf)

[**Appendix 3: Who-is-Who Vietnamese**](https://lincolnshirescb.proceduresonline.com/files/app2_who_vietnamese.pdf)

[**Appendix 4: Who-is-Who Albanian**](https://lincolnshirescb.proceduresonline.com/files/app3_who_albanian.pdf)

[**Appendix 5: Who-is-Who Romanian**](https://lincolnshirescb.proceduresonline.com/files/app4_who_romanian.pdf)