



LSCB Policies and Procedures Supplementary Guidance

Trafficked and Unaccompanied Children Procedures

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Supporting Documents

[Working Together to Safeguard Children 2015](#)

[Safeguarding Children who may have been Trafficked. Practice Guidance \(2011\)](#)

[Human Trafficking Practical Guidance 2013](#)

[Modern Slavery Act 2015](#)

[Care of Unaccompanied and Trafficked Children. Statutory Guidance for Local Authorities on the Care of Unaccompanied Asylum Seeking and Trafficked Children \(2014\)](#)

[Interim National Transfer Protocol for Unaccompanied Asylum Seeking Children 2016-2017](#)

More information on international and national policy and legislation guidance is included in appendix one.

Introduction

This document provides guidance to professionals and volunteers from all agencies on safeguarding and promoting the welfare of trafficked and unaccompanied children.

Trafficked and unaccompanied children are at increased risk of significant harm because they are largely invisible to the professionals and volunteers who would be in a position to assist them. The adults who traffic them take trouble to ensure the children do not come to the attention of the authorities, or disappear from contact with statutory services soon after arrival in the UK, or in a new area within the UK.

Children can be trafficked into, within and out of the UK. A child may be trafficked between several countries in the EU or globally, prior to being trafficked into/within the UK. The child may have entered the UK illegally or legally (i.e. with immigration documents), but the intention of exploitation underpins the entire process. Child victims may be UK nationals, EU nationals or from any other country outside the EU.

The National Referral Mechanism (NRM) found that between 1st April 2009 and 31st March 2011, 390 potential child victims of trafficking were referred through the NRM. In addition, evidence from successive reports from the Child Exploitation and Online Protection Centre (CEOP) indicate that there are approximately 300 child trafficking victims identified in the UK per annum (data 2009/10).

Definitions

The Council of Europe Convention on Action against Human Trafficking in Human Beings definitions for trafficking are as follows:

(a) 'trafficking in human beings' shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat 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 of benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.

(b) the consent of a victim of 'trafficking in human beings' to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used;

(c) the recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered 'trafficking in human beings' even if this does not involve any of the means set forth in paragraph (a) of this article;

(d) 'child' shall mean any person under eighteen years of age.

(e) 'victim' shall mean any natural person who is subject to trafficking in human beings as defined above.

The Department of Education Care of Unaccompanied and Trafficked Children (2014) guidance defines an unaccompanied child/unaccompanied asylum seeking child as:

a child who is under 18 years of age when the application for asylum is submitted, is applying in their own right and is separated from both parents and is not being cared for by an adult who by law or by custom has responsibility to do so.

Training and awareness

The LSCB offers training for agencies within North Lincolnshire on trafficked and unaccompanied children. For more information see the [LSCB training calendar](#).

Why do people traffic children?

Most children are trafficked for financial gain. This can include payment from or to the parents, and can involve the child in debt-bondage to the traffickers. In most cases, the trafficker also receives payment from those wanting to exploit the child once in the UK. Some trafficking is carried out by organised gangs. In other cases, individual adults or agents traffic children for their own personal

gain. The exploitation of trafficked children may be progressive. Children trafficked for domestic work may also be vulnerable to sexual exploitation or children initially trafficked for sexual exploitation may be resold.

Children may be used for:

- Sexual exploitation e.g. child sexual abuse, child abuse images
- Domestic servitude e.g. undertaking domestic chores, looking after children
- Labour exploitation e.g. working in restaurants, building sites, cleaning
- Enforced criminality e.g. cannabis cultivation, begging and pick pocketing, drug dealing/trafficking, for the purpose of benefit fraud
- Trade in human organs
- Child brides
- For dowries
- Being sold as a baby
- Illegal inter country adoption

The list above is not exhaustive and all cases should be treated on a case by case basis.

Why is trafficking possible?

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

- Poverty: poverty provides a vulnerability that the traffickers exploit
- Lack of education: School attendance has been key to protect children from traffickers. Sometimes traffickers promise to provide/pay education for children.
- Discrimination: this can be based both on gender and ethnicity. Many trafficked children come from minority communities who are discriminated against and disadvantaged.
- Cultural attitudes: traditional cultural attitudes can mean that some children are more vulnerable to trafficking than others. In some countries the rights of children are ignored, they are traded like commodities, or they already work as domestic servants.
- Grooming: trafficked children are groomed for the purposes of exploitation
- Dysfunctional families: children may leave home due to domestic abuse and neglect, or they may be forced to leave home for various reasons. They then become vulnerable to trafficking, particularly if they become destitute or homeless.

- Political conflict and economic transition: children may be left vulnerable due to the movement of large numbers of people and the erosion of economic and social protection mechanisms
- Inadequate local laws and regulations: most countries have legislation against exploitative child labour, but not all have laws specifically against trafficking. Even if they do, enforcement is often hampered by lack of prioritisation, corruption and ignorance of the law.

Recruiting and controlling children

There are three phases to the trafficking process:

1. **Recruitment** is usually either through coerced or more usually subversive methods
2. The **transit** phase usually involves travelling with a fake identity and false documents
3. at the **destination** children are controlled through a variety of means including:
 - a. Confiscation of the child's identity documents
 - b. Threats of reporting the child to the authorities
 - c. Violence, or threats of violence, towards the child and/or his/her family
 - d. Keeping the child socially isolated
 - e. Keeping the child locked up
 - f. Telling some children that they owe large sums of money and that they must work to pay this off
 - g. Depriving the child of money and,
 - h. Voodoo or witchcraft, which may be used to frighten children into thinking that they and their families will die if they tell anyone about the traffickers.

NB These controls can begin before a child travels to ensure the traffickers control continues after the child is transferred to someone else.

Entering the UK

Any port of entry into the UK might be used by traffickers. There is evidence that some children are trafficked via numerous transit countries and many travel through other EU countries before arriving in the UK.

Some may have entered the UK legitimately under any category or the Immigration Rules, such as students or visitors. Others may have entered the UK by illegitimate means believing that they were going into illegal but lucrative work. Whilst others will have residence rights as a result of being EEA or UK nationals.

Children may enter accompanied by adult/s or as unaccompanied minors.

The recent learning from Paladin through Operation Newbridge indicated that traffickers are starting to use smaller ports or regional airports, as the checks at larger ports and airports have improved in recent years.

Accompanied Children

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

However a number of children arrive in the UK accompanied by adults who are either not related to them or in circumstances which raise child protection concerns. For example, there may be little evidence of any pre-existing relationship between the child and the accompanying adult or even no knowledge about the person who will care for the child. There may be unsatisfactory accommodation in the UK, or perhaps no evidence of parental permission for the child to travel to the UK or stay with the sponsor. These irregularities may be the only indication that the child could be a victim of trafficking.

To curb illegal migration and improve children's safeguards, revised global visa regulations were introduced in February 2006. The child's photograph is now shown on the visa, together with the name and passport number of the adult/s who are travelling with the child.

Some accompanied children may be applying for asylum by claiming to have arrived in the UK accompanied, after their trafficker has told them that by doing so will be granted permission to live in the UK and be entitled to claim welfare benefits.

Unaccompanied children

More is known about groups of unaccompanied children as they often come to the notice of the United Kingdom Border Agency (UKBA). Unaccompanied children may come to the UK to seek asylum (unaccompanied asylum seeking children – UASC) or they may be here to attend school or join their family. A child may be subject of a private fostering arrangement.

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

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

It is suspected that significant numbers of children are referred to local authority children's social work services after applying for asylum and some will register at school for up to a term before disappearing again. This could be an indicator that they are a child trafficking victim and agencies should take appropriate action.

The Interim National Transfer Protocol seeks to place unaccompanied asylum seeking children (UASC) evenly amongst local authorities and all regions across the UK. It is intended to ensure that any local authority does not face an unmanageable responsibility in accommodating and looking after unaccompanied children and to ensure that appropriate services are available. The protocol was drafted by the Department of Education and the Home Office in cooperation with the Association of Directors of Children's Services and the Local Government Association and became operational from the 1st July 2016.

During the first few months, the protocol will be subject to minor amendments and will undergo a comprehensive yearly review. The protocol should be read alongside existing legislation and policy on Unaccompanied Asylum Seeking Children.

The long term objective of the transfer scheme is to achieve a fairer distribution of unaccompanied children through a scheme that is equitable and transparent, across all local authorities and regions.

It has been agreed that if a local authority has a population figure of over 0.07% of unaccompanied asylum seeking children the local authority is expected to arrange a transfer of the child through the national transfer scheme unless there are clear reasons why it would not be appropriate to transfer the child.

The transfer rules are:

- If the region in which the child first presents is under the ceiling of 0.07% then the child would be expected to be transferred to a local authority within that region.
- If the region is over the ceiling of 0.07% then the child would be expected to be transferred out of the region using the transfer protocol
- Due to the preponderance of unaccompanied children arriving in Kent, the county of Kent will be treated as a region in itself until further notice.

The central administration will decide on placements of children and make decisions regarding the appropriate region for them. It must be noted that unaccompanied looked after children who have not made a claim for asylum are not eligible to be included in the transfer scheme. The receiving local authority will become legally responsible for the child from the point that they confirm the transfer acceptance from the entry local authority under Section 69 of the Immigration Act 2016.

For more information see the [Interim National Transfer Protocol for Unaccompanied Asylum Seeking Children 2016-2017](#) and the Transfer Flow Chart in Appendix 3.

Child trafficking within the UK

Whilst the majority of child trafficking cases known about involve cross border movement, it is also known that child trafficking occurs within the UK. A number of serious case reviews involving organised child sexual exploitation and trafficking have raised this issue.

Children may be trafficked internally for a variety of reasons, many of them similar to the reasons children are trafficked between countries. Where children have been violently controlled by criminal gangs for sexual exploitation, the children may in some cases have been moved between several locations to retain control of their victims. The majority of these types of victims are girls although a number may include boys.

The impact of trafficking on children's health and welfare

All children who have been exploited will suffer some form of physical or mental harm. Usually the longer the exploitation takes place, the more health problems that will be experienced. Although in some cases, such as contracting AIDS or the extreme abuse suffered by Victoria Climbié fatal injuries can happen very quickly.

Trafficked children are not only deprived of their rights to health care and freedom from exploitation and abuse, but are also not provided with access to education. The creation of false identity and implied criminality of the children, together with the loss of family and community, may seriously undermine their sense of self worth. At the time they are found, trafficked children may not show any obvious signs of distress or imminent harm, they may be vulnerable to particular types of abuse and may continue to experience the effects of their abuse in the future.

Physical Abuse

This can include:

- Inappropriate chastisement, not receiving routine and emergency medical attention (partly through a lack of care about their welfare and partly because of the need for secrecy surrounding their circumstances)
- Physical beatings and rape
- Addiction to drugs (some trafficked children are subdued with drugs, which they then become dependent on). They are then effectively trapped within the cycle of exploitation, continuing to work in return for a supply of drugs
- Alcohol addiction
- Stress/Post traumatic stress disorder (PTSD) and related physical disorders such as skin diseases, migraine, backache etc
- Some forms of harm might be linked to spirit possession

Emotional and psychological abuse

Emotional abuse is involved in all types of maltreatment of a child, including trafficking.

Trafficked children may:

- Feel disorientated after leaving their family environment no matter how impoverished and difficult. This disorientation can be compounded for some children who have to assume a new identity or have no identity at all
- Feeling isolated from the local community in the UK by being kept away from school and because they cannot speak English
- Fear both the adults who have physical control of them and the threat that they will be reported to the authorities as immigration criminals
- Lose their trust in all adults
- Have low self esteem and feel the experience has ruined them for life socially and psychologically. They may become depressed and sometimes suicidal.
- Worry about people in their families and communities knowing what has happened to them, and become afraid to go home and
- Feel like criminals as a result of the new identity forced on them, which can have long term consequences for their adult lives.

All children who have been exploited are likely to suffer some form of mental ill health, usually the longer the exploitation, the more mental health problems that will be experienced. These can include:

- Psychological distress owing to their sense of powerlessness. In some cases involving violence and deprivation at the hands of their traffickers, which can be extreme, it may take the form of post traumatic stress disorder.
- Dependent relationships with their abusers
- Flashbacks, nightmares, anxiety attacks, irritability and other symptoms of stress, such as nervous breakdowns.
- A loss of ability to concentrate
- Becoming anti social, aggressive and angry, and/or fearful and nervous – finding it difficult to relate to others, including in the family and at work
- Fear of authorities based on past experiences or what they have been told by their traffickers

Sexual abuse

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

Neglect

Trafficking children may also suffer neglect. In particular, they may not receive routine and emergency medical attention (partly through lack of care about their welfare and partly because of the need for secrecy surrounding their circumstances). They may also be subject to physical, sensory and food deprivation. Trafficked and exploited children are deprived of their rights to health and freedom from sexual exploitation and abuse, and to education and related life opportunities.

Identifying trafficked and exploited children

Identifying trafficked children at ports of entry is likely to be difficult as they may not be showing obvious signs of distress.

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

All agencies working with children who may have been trafficked within the UK should work together to safeguard and promote their welfare, providing the same standard of care that is

available to any other child in the UK. This may be the crucial intervention which breaks the cycle of the child being vulnerable to continuing or further exploitation.

Obstacles to self identification

Children are unlikely to disclose they have been trafficked, as most do not have an awareness of what trafficking is or may believe they are coming to the UK for a better life, accepting that they have entered the country illegally. It is likely that the child will have been coached with a story to tell the authorities in the UK and warned not to disclose any detail beyond the story, as this would lead them to being deported.

Apparent collusion with the trafficker can add to confusion when attempting to identify a child as victim of trafficking. The child 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 (s/he may provide a statement to a voluntary and community agency).
- The identification and referral process may mimic aspects of what had happened during trafficking – promises of help and a good life, movement by persons the child did not know, being taken to unknown locations where ‘everything would be fine’ and ‘they would be taken care of’.
- The circumstances, even under exploitation, in the UK may compare more favourably to the child’s experiences at home.

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. If a child is in the care of a local authority, measures will need to be taken to make the placement safe for child victims of trafficking.

Possible indicators that a child may have been trafficked

Indicators are symptoms of a situation. Clusters of indicators around a child can highlight concern which triggers a systematic assessment of their circumstances and experiences.

There are a number of indicators which suggest that a child may have been trafficked into the UK, and may still be controlled by the traffickers or receiving adults. These are as follows:

At port of entry

The child:

- Has entered the country illegally;
- Has no passport or other means of identification;

- Has false documentation;
- Possesses money and goods not accounted for;
- Is malnourished;
- Is unable to confirm the name and address of the person meeting them on arrival;
- Has had their journey or visa arranged by someone other than themselves or their family;
- Is accompanied by an adult who insists on remaining with the child at all times;
- Is withdrawn and refuses to talk or appears afraid to talk to a person in authority;
- Has a prepared story very similar to those that other children have given;
- Exhibits self-assurance, maturity and self-confidence not expected to be seen in a child of such age;
- Does not appear to have money but does have a mobile phone; and/or
- Is unable or reluctant to give details of accommodation or other personal details.

The sponsor could:

- Be a community member, family member, or any other intermediary;
- Have previously made multiple visa applications for other children and/or has acted as the guarantor for other children's visa applications; and/or
- Is known to have acted as the guarantor on the visa applications for other visitors who have not returned to their countries of origin on the expiry of those visas.

Whilst resident in the UK (in addition to those listed above)

The child:

- Receives unexplained / unidentified phone calls whilst in placement / temporary accommodation;
- Shows signs of physical or sexual abuse, and/or has contracted a sexually transmitted infection or has an unwanted pregnancy;
- Has a history with missing links and unexplained moves;
- Has gone missing from local authority care;
- Is required to earn a minimum amount of money every day;
- Works in various locations;
- Has limited freedom of movement;
- Appears to be missing for periods;
- Is known to beg for money;

- Performs excessive housework chores and rarely leaves the residence;
- Is being cared for by adult/s who are not their parents and the quality of the relationship between the child and their adult carers is not good;
- Is one among a number of unrelated children found at one address;
- Has not been registered with or attended a GP practice;
- Has not been enrolled in school;
- Has to pay off an exorbitant debt (e.g. for travel costs) before having control over own earnings;
- Is permanently deprived of much of their earnings by another person; and/or
- Is excessively afraid of being deported.

Children internally trafficked within the UK

Indicators include:

- Physical symptoms (bruising indicating either physical or sexual assault);
- Prevalence of a sexually transmitted infection or unwanted pregnancy;
- Young person known to be sexually active;
- Reports from reliable sources suggesting the likelihood of involvement in sexual exploitation / the child has been seen in places known to be used for sexual exploitation;
- Evidence of drug, alcohol or substance misuse;
- Leaving home / care setting in clothing unusual for the individual child (inappropriate for age, borrowing clothing from older people);
- Phone calls or letters from adults outside the usual range of social contacts;
- Adults loitering outside the child's usual place of residence;
- Significantly older boyfriend;
- Accounts of social activities, expensive clothes, mobile phones or other possessions with no plausible explanation of the source of necessary funding;
- Persistently missing, staying out overnight or returning late with no plausible explanation;
- Returning after having been missing, looking well cared for despite having no known base;
- Placement breakdown;
- Pattern of street homelessness;
- Having keys to premises other than those known about;
- Low self-image, low self-esteem, self-harming behaviour including cutting, overdosing, eating disorder, promiscuity;

- Truancy / disengagement with education;
- Entering or leaving vehicles driven by unknown adults;
- Going missing and being found in areas where the child or young person has no known links; and/or
- Possible inappropriate use of the internet and forming on-line relationships, particularly with adults.

The indicators above should not be read as a definitive list and professionals should be aware of any other unusual factors that may suggest a child might have been trafficked. They are intended as a guide, which should be included in a wider assessment of the young person's circumstances as well as part of a trafficking assessment.

It is also important to note that trafficked children might not show obvious signs of distress or abuse and this makes identifying children who may have been trafficked difficult. Some children are unaware that they have been trafficked, while others may actively participate in hiding that they have been trafficked.

Private fostering

Private fostering is defined in section 66 of the Children Act 1989. A private fostering arrangement arises when a child under 16 years (or under 18 if disabled) is to reside for more than 28 days in the care of someone who is not a parent, close relative, or someone with parental responsibility (these close relatives are defined by the Act as grandparents, brother, sister, uncle or aunt whether of the full blood or half blood or by marriage or civil partnership or step-parent).

Many private fostering arrangements are not notified to the local authority for a variety of reasons, not all associated with a risk of serious harm. Identifying a child who is privately fostered is not the same as identifying a child who has been trafficked. Nevertheless, some children in private fostering arrangements are vulnerable to being exploited in domestic servitude, other forms of forced labour, or even to sexual exploitation. It is difficult for practitioners to identify these children and therefore to track their movements and hence monitor their welfare. It is important to consider whether a carer, whether or not they present as a relative, is maintaining a private fostering arrangement in order to exploit a child for their own gain.

Action to safeguard and promote the welfare of trafficked and unaccompanied children

If you suspect that a child has been trafficked into the country or are an unaccompanied child, you should immediately contact Children's Services, on 01724 296500 or 0800 085 3737 or Humberside Police, on 101.

You should also make an enquiry to see if the child or young person already has a Child Protection Plan.

Referral

The referrer should follow-up their phone call in writing within **48 hours**.

Once a referral has been made to Children's Services a decision will be made within 24 hours as to the course of action that is necessary.

Concerns about a child who may have been trafficked should be dealt with as with any other referral.

Children's Services should urgently:

- Obtain as much information as possible from the referrer
- Verify that the child is living at the address;
- In the case of a referral from a school, obtain the list of documentation provided at admission;
- Complete a Home Office check to clarify the status of the child/ren and the adult/s caring for them.
- Confirm what indicators suggest the child has been trafficked.

For more information on making a referral see the LSCB Helping Children and Families. Threshold Document 2016-2017 and the [LSCB Chapter One: Assessing Need and Providing Help](#).

Immediate Protection

If there is a risk to the life of the child or a likelihood of serious immediate harm, Humberside Police or Children's Services should act quickly to secure the immediate safety of a child who may have been trafficked or unaccompanied. In some cases it may be necessary to ensure either that the child remains in a safe place or is removed to a safe place. This could be on a voluntary basis, or following the making of an Emergency Protection Order (EPO). The police have powers to remove a child under Police Protection, but these powers should only be used in exceptional circumstances as they only last for a maximum of 72 hours. If, for example, there is insufficient time to seek an EPO, or for reason relating to the immediate safety of the child.

Emergency action addresses only the immediate circumstances of the child(ren). It should be followed quickly by Section 47 Enquiries. The agencies primarily involved with the child and family should then assess the needs and circumstances of the child and family, and agree action to safeguard and promote the welfare of the child in the longer term.

Where an emergency protection order applies, Children's Services must consider quickly whether to initiate care or other proceedings, or to let the order lapse and the child return home or to their

carer. Use of intelligence from the port of entry may help North Lincolnshire's Children's Services in pursuing further enquiries about the child.

Children's Services Assessment

Children's Services should undertake a Children's Services Assessment of the child's needs and circumstances, and decide whether there are any concerns about their safety and welfare. As for any child, the assessment should also cover the child's needs in relation to their health, disability, education, religious persuasion, racial origin, cultural and linguistic background. If they decide that further action is necessary, a strategy discussion should be arranged, inviting those agencies who are, or could be involved in the child's care. The process of the Children's Services Assessment will involve the social worker from Children's Services:

- Speaking to the child and any family members as appropriate. This may require the use of interpreters. A child must always have an independent interpreter to seek their views.
- Drawing together and analysing all the available information
- Involving and containing relevant information from professionals and other in contact with the child and any family they may have. Information on other professionals can be obtained via the Foreign and Commonwealth Office (0207 008 1500) or the appropriate Embassy or Consulate (for further information see the [British Foreign and Commonwealth Office website](#)).

Particular account must be taken through the assessment of any specific needs the child has, for example, because of their experiences in their country of origin (such as experience of conflict), their journey to the UK, abuse at the hands of traffickers or exploitation as a consequence of being trafficked.

Where a child has been trafficked, the Children's Services Assessment should be carried out immediately as the window for intervention is very narrow. Many trafficked children go missing from care, often within the first 48 hours. Provision may need to be made for the child to be in a safe place before any assessment takes place and for the possibility that they may not be able to disclose full information about their circumstances immediately.

No assumptions should be made about the child's language skills. Where interpreters are required, they should be appropriately trained to understand the particular issues the child may face. In particular, "trafficking" as a concept may not translate literally or easily, and may need to be expressed in a different way to ensure the child fully comprehends their situation. Care should be taken to ensure that the interpreter is not linked in anyway with those who may have been involved in their trafficking or exploitation.

During the Children's Service Assessment all documentation held by the referrer and other agencies should be checked by the social worker. This should include, if available:

- Passport (check - date of issue; length of visa; whether picture resembles child; name in passport is same as alleged mother / father, and if not why not; whether it appears to be original and take copies to ensure further checks can be made if necessary)
- Home Office papers
- Birth certificate
- Proof of guardianship
- A new or recent photograph of the child should be included in the social work file.

This is not exhaustive and all possible types of documentation should be included.

Immigration staff will be able to provide information regarding the immigration process, documentation, leaving the UK.

The Children's Services Assessment should also establish whether the child knows where they are (for example, they may have been told by their traffickers that they are in a country other than the UK) and understand the child's reasons for coming to the UK. The roles of those involved in their care should be explained. In particular, it should be made clear that border and immigration officials involved in their asylum case have a separate role from those who provide their care.

If there are no concerns, all involved agencies should continue to monitor the situation until the child is appropriately settled. The referrer should be advised of the outcome by the social worker. In each case of a child with immigration issues The United Kingdom Border Agency (UKBA) should be informed so that they can co-ordinate the immigration processes with the child's protection plan.

In accordance with the requirements of the Council of Europe Convention on Action against Trafficking in Human Beings, the UK has a National Referral Mechanism (NRM) for identifying and recording victims of trafficking and ensuring that they are provided with appropriate support wherever they are in the UK. In cases where the front line professionals suspects that a child may have been trafficked, they should refer the case to a competent authority by sending the child NRM referral form to UKHTC.

For more information on referring to the NRM, see <http://www.ecpat.org.uk/content/national-referral-mechanism> .

Referral forms are available at <http://www.gov.uk/government/publications/human-trafficking-victims-referral-and-assessment-forms> and provide a comprehensive list of indicators of children who may have been trafficked.

Decision to Interview as part of Section 47 Enquiries

Following the Children's Services Assessment, a decision will be made by Children's Services, together with the police, whether to call a Strategy Discussion, and then whether to interview as part of Section 47 Enquiries.

In such circumstances the child should not be interviewed with the parents / family. Interpreters may be required. The interview will focus on the following areas:

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

The adults in the family should be interviewed separately covering the same areas. A comparison can then be made between the answers to ensure they match.

All documentation should be seen and checked. This includes Home Office documentation, passports, visas, utility bills, tenancy agreements, and birth certificates. Particular attention should be given to the documentation presented to the school at point of admission. It is not acceptable to be told that the passport is missing or that the paperwork is missing. It is extremely unlikely that a person does not know where their paperwork/official documentation is kept and this information could be considered as an indicator that the child may have been trafficked.

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

Accessing information from abroad

A child for whom significant relevant information may be held abroad includes a child who may:

- Have been, or is suspected to have been, trafficked into or out of the UK for sexual exploitation, domestic servitude, benefit fraud etc.
- Be a recent immigrant into the UK, with or without their parents, and for whom there are concerns of harm, including through accusations of spirit possession or witchcraft.
- Be at risk of abuse or has already been abused, through, female genital mutilation.
- Threatened with forced marriage or at risk of honour based violence.

Professionals contributing to a multi-agency assessment of a child for whom relevant information is likely to be held abroad, should seek information from their respective counterpart agencies abroad (i.e. health professionals in the UK are responsible for retrieving health information from health professionals abroad etc.).

Where an assessment is required of family or relatives' circumstances abroad, Children's Services should contact [Children and uniting Families Across Borders](#).

Professionals should contact national embassies and consulates in London for the countries concerned Embassy and consulate details are available on the [Foreign and Commonwealth Office website](#).

Where local agencies abroad cannot assist in divulging information about a child and their family, UK professionals should seek assistance from International Social Services (UK).

On completion of the Section 47 enquiry

On completion of the section 47 enquiries, a meeting should be held with the social worker, their supervising manager, the referring agency as appropriate, the police and any other professionals involved to decide on future action. Further action should not be taken until this meeting has been held and multi-agency agreement obtained to the proposed plan unless emergency action is required.

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

Any law enforcement action regarding fraud, trafficking, deception and illegal entry to this country is the remit of the police. The local authority should assist in any way possible. However, the responsibility for taking legal action usually remains with the criminal justice agencies (exceptions include benefit fraud which is the responsibility of the Department of Work and Pensions).

In accordance with the requirements of the Council of Europe Convention on action against Trafficking in Human Beings the UK has a national referral mechanism for identifying and recording victims of trafficking and ensuring they are provided with appropriate support wherever they are in the UK. For an overview of this process, see appendix two.

Issues to consider when working with trafficked and unaccompanied children

The Children's Service Assessment will ascertain any particular psychological or emotional impact of experiences as a trafficked child. These experiences can be severe and traumatic. The following services are likely to be necessary to address the child's needs:

- Appropriately trained independent interpreters:
- Counselling;
- Child and adolescent mental health services (CAMHS);
- Independent legal advice;

- Medical services;
- Sexual health services;
- Education;
- Family tracing and contact (unless it is not consistent with their welfare); and
- If appropriate, repatriation.

They will also need:

- Professionals to be informed and competent in matters relating to trafficking and exploitation;
- Someone to spend time with them to build up a level of trust;
- To be interviewed separately. Children will usually stick to their account and not speak until they feel comfortable;
- A safe placement - 'safe accommodation' if they are victims of an organised trafficking operation; the placement should be away from the locality where the child was recovered in order to minimise the risk to the child and reduce the risk that the child may go missing.
- Their whereabouts to be kept confidential. This should include where necessary locking down the child's file on electronic recording systems to ensure only those working with the child can access this information;
- Legal advice about their rights and immigration status. Professionals should make every effort to assist children to benefit from independent legal advice from a solicitor with experience in child trafficking;
- Discretion and caution to be used in tracing their families;
- A risk assessment to be made of the danger the child will face if he or she is repatriated; and
- Where appropriate, accommodation under section 20 of the Children Act 1989 or on application for an interim care order.

Professionals should:

- Consider interviewing children in school as they may feel more able to talk;
- Consider talking to children using the phone, e-mail, text;
- Ensure that carers are not in the proximity; and
- Ensure that interpreters are agency approved.

Trafficked children might not initially recognise that they are victims of a crime. They may have been told that the authorities will try to put them in prison, or have been passed from one unknown adult to another. They need to know they can trust their social worker, and others involved in their care,

and that they will be able to rely on their support over time. Local authorities should prioritise trafficked children to provide the best likelihood that they will receive continuity of care and be able to build a sustained relationship with their social worker. This continuity should begin, where possible, from the Children's Services Assessment and be promoted throughout their time in care.

Determining age

Where there is concern that a child may have been trafficked or unaccompanied and an age dispute arises, the child should be given the benefit of the doubt as to their age until his/her age is verified and provided with full protection as a child victim of trafficking. This is in accordance with the Council of Europe Convention. The verification should come in the form of an age assessment.

The Association of Directors of Children's Services (ADCS) have produced a document to address the gap there has been in national guidance on age assessments. The guidance should be read alongside the [Home Office Age Assessment Joint Working Guidance \(JWG\)](#). Statutory guidance on the care of unaccompanied asylum seeking children states that age assessments should only be carried out where there is a significant reason to doubt that the claimant is a child. Age assessments should not be a routine part of a local authority's assessment of unaccompanied asylum seeking or trafficked children. Age assessments should also be used in instances where all parties accept that the young person is a child but where exact age is not clear. This is to ensure they receive the right services for their age. The assessment should be completed within 28 days.

The guidelines form as an extension of the Merton Judgment whereby local authorities are instructed to ensure that their assessments are full and comprehensive, and that the process for assessing age is clear, transparent and fair.

It is impossible to know 100% if a young person is technically a child and giving the young person the benefit of the doubt is the most appropriate path. However, social workers have to balance that against placing young adults into care with vulnerable children, when they are not children. There is additional information regarding what happens after an assessment if new evidence becomes known or available. For more information see the [ADCS Information Sharing Guidance](#).

Ultimately – in circumstances where it is determined that a young victim of trafficking is an adult, professionals must follow their local Protection of Vulnerable Adults (POVA) procedure, and also contact the UKHTC.

De briefing child victims

The purpose of de-briefing children and young people who have, or may have been trafficked, is to gain information and intelligence. Planning is essential when considering de-briefing. A child or young person may already have been interviewed by the UKBA, police or the local authority. Further interviews may not be necessary as the sharing of this information may provide the required intelligence. This would be the most favourable outcome, achieved by agencies coordinating information through an information sharing meeting.

If a further de-brief interview is required, it is best practice for professionals who already have a positive rapport with the child or young person to conduct the interview, using an interpreter where English is not the child's preferred language.

The planning for a de-brief interview must include planning for the possibility that immediate action may be required by the police or the local authority and plans should be put in place for supporting the child or young person after the interview.

The de-brief interview should be conducted within a multi-agency approach.

Supporting child witnesses

Assessing the willingness and capacity of a child victim to support criminal proceedings at the earliest stage is critical to ensure their welfare and that the most appropriate measures are in place to provide the support they may need. The UN Convention on the Rights of the Child requires that authorities should give primary consideration to the best interests of the child.

One of the key points to recognise is that the prosecution process itself, especially the trial, can be daunting and stressful for children. There are risks of re-traumatising the child or causing the child unnecessary worry and distress. While the child may not be in any danger as a witness, he/she will still be likely to suffer from stress and worry at the thought of having to give evidence in court. It is unlikely to be possible to eliminate this altogether, but steps should be taken to reduce it to a minimum.

This also applies to the process of gathering information that might support care proceedings. Like victims of domestic abuse, the child is likely to fear reprisal from their traffickers and/or the adults with whom he or she was living in the UK if they co-operate with Local Authority Children's Services or the police

For children trafficked from abroad, an additional level of anxiety may exist because of fear of reprisals against their family in their home country. They may also fear being deported, having entered the UK illegally. Trafficked children may also have been forced to commit criminal offences while they are in a coerced situation. No child should be coerced into testifying in court against a trafficker.

The recently revised Home Office Guidance "[Achieving Best Evidence in Criminal Proceedings: Guidance for Vulnerable or Intimidated Witnesses, including Children](#)" provides detailed recommended procedures for interviewing child witnesses. It considers planning interviews, decisions about whether the interview should be video recorded or a statement taken, preparing the witness for court and subsequent court appearances, pre-trial therapy and special measures. The LSCB also have training on achieving best evidence. For more information see the [LSBC training calendar](#).

Children who might agree to testify in a criminal case, fear that they will be discredited in court because they were coerced into lying on their visa applications or immigration papers. No child should be coerced into testifying in court against a trafficker.

Returning trafficked and unaccompanied children to their country of origin

In many cases, and with advice from their lawyers, trafficked children apply to the UKBA for asylum or for humanitarian protection. This is often because of the high risk they face of coming to harm if they are forced to return to their countries of origin. All such claims must be carefully considered.

Among the factors to consider if the child is deported is the risk of him or her being re-trafficked with the possibility of further exploitation and abuse. When considering the child's application it will be important for the social worker to gather information about the child's family, community and general conditions in the country of origin.

Local authorities have a duty of care towards children who are being returned, and this must include 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 thorough and adequately address the risk of re-trafficking, taking account 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.

If the child does not qualify for asylum or humanitarian protection, and adequate reception arrangements are in place in the country of origin, the child will usually have to return. The process of returning the child should be handled sensitively and will require close co-operation between the UKBA and the child's social worker. The child's social worker should ensure that the local social services department in the country of origin have been notified of the child's return.

It is important that appropriate steps are taken to minimise the possibility of the child going missing once a decision to return him or her to their country of origin has been made. Equally, the social worker may be best placed to reconcile the child to being returned, and in helping the child access the assistance with reintegration which is available through close co-operation with the social services department in the country of origin

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.uk.net). CFAB may also be able to assist with social work checks and assessments in the child's country of origin.

Potential prosecution of traffickers

Whether an alleged trafficker is being prosecuted may be of relevance but the decision to identify a victim (either preliminary or conclusively) is not dependent on a conviction of the perpetrators, or on whether or not the victim cooperates in the criminal proceedings.

Decision makers need to be aware that all deliberations will be subject to rules of disclosure in any subsequent prosecution for trafficking. Where an individual is being treated by the police as a potential witness, regardless of whether they are likely to be found to be victims or not, case owners should ensure lines of communication with the Senior Investigating Officer are kept open. The decision of whether someone is a victim is for the Competent Authority to make, but officers must be alert to the impact that the decision may have on the victim and other stakeholders in the criminal justice process.

Care Planning

The care plan that results from the Children's Services Assessment must contain a note of the child's status as a trafficked or unaccompanied child. The plan should include a description of how the child's needs in relation to their status will be met. This is to ensure that everyone involved in providing the child's care is aware of their status and enable them to provide for any needs resulting from it.

Trafficked and unaccompanied children may have need for access to specialised legal advice and support. This could be in relation to immigration and asylum proceedings. If they have been trafficked, it may also be in relation to criminal or compensation proceedings. The plan should note where legal support is required and how it will be provided. The child's social worker or carer should accompany them in all meetings with legal professionals.

As for any looked after child, a health plan and a personal education plan should be produced as part of the overall care plan. The health plan should cover the children's state of health including physical, emotional and mental health. This should include detail of how any psychological issues resulting from their experiences in their country of origin, on their journey to the UK or at the hands of traffickers will be addressed.

Traffickers may have sought to control the child by telling them that their family will come to harm if they do not co-operate. Trafficked children should be provided with on-going support to help them cope with the emotional impact of this kind of coercion. This may require referral to specialist mental health assessment and treatment. The health plan should set out the objectives, actions, timescales and responsibilities, arising from the health assessment.

The education plan should include a clear education pathway for securing high quality education provision in school or other education setting and details of particular support the child may need, for example, to learn English or where the child has a special educational need.

Particularly vulnerable groups of children

Trafficked children who are looked after

A child who may be at risk from, or has been, trafficked or are unaccompanied, may be accommodated after initial information gathering. In these circumstances, the Children's Services will care for the child as a looked after child. The child will have a care plan (which becomes the pathway plan when s/he turns 16 and s/he will be entitled to care leaving support) based on a thorough needs assessment outlining how the local authority proposes to meet their needs.

The assessment of needs to inform the care plan should cover the same dimensions of need as the assessment for any other looked after child. However in addition, for children who may have been trafficked or unaccompanied, the assessment should include:

- Establishing relevant information about the child's background;
- Understanding the reasons the child has come to the UK;
- Assessing the child's vulnerability to the continuing influence/control of his or her traffickers;
- Temporarily removing mobile phones to prevent traffickers making contact with children and putting in place other methods for the child to stay in touch with friends or family if required;
- Encouraging children to memorise a phone number, so that, if they do go missing from care but then find they are at risk, they can contact the local authority;
- Allowing access to the internet only in group settings;
- Providing 24 hours supervision whenever a child leaves their care setting for the first 8-12 weeks in care; and
- Ensuring the child's room does not allow for easy exit, for example, is on an upper floor.

Responding to this information ensures that the care plan includes a risk assessment setting out how North Lincolnshire intends to safeguard the young person so that, as far as possible, they can be protected from any trafficker to minimise any risk of traffickers being able to re-involve a child in exploitative activities. This plan should include contingency plans to be followed if the young person goes missing.

Given the circumstances in which potentially trafficked and unaccompanied young people present to local authorities it will be extremely important that any needs assessments and related risk assessments are sensitively managed. It should allow for the child's need to be in a safe place before any assessment takes place and for the possibility that they may not be able to disclose full information about their circumstances immediately as they, or their families, may have been intimidated by traffickers.

Therefore, it will be important that:

- The location of the child should not be divulged to any enquirers until they have been interviewed by a social worker and their identity and relationship / connection with the child established, if necessary with the help of police and immigration services.

- Foster carers / residential workers should be vigilant about anything unusual (e.g. waiting cars outside the premises and telephone enquiries).
- Local Authority Children's Services should continue to share information with the police. This information may emerge during the placement of a looked after child who may have been trafficked and concern potential crimes against the child, the risk to other children, or relevant immigration matters.

Where adults present in this country claiming a family connection to the child, then the local authority should take steps to verify the relationship between the child and these adults and exercise due caution in case they are a trafficker or a relative colluding with trafficking or exploitation of the child.

Anyone approaching the local authority and claiming to be a potential carer, friend, member of the family etc, of the child, should be investigated by the local authority, the police and UKBA. Normal procedures for re-uniting a child with their family should be followed. Where a child may have been trafficked it will be necessary to ensure that a risk assessment takes place prior to reunification – establishing that the adult concerned is who they say they are and is able to keep the child safe and exercise responsibility for their care.

It is important that no assumptions are made about young people's language skills and that assessments can call on the services of impartial translators with the necessary competences in responding to children.

The local authority responsible for the child should try to identify, locate and make contact with the child's parents in the country of origin, to seek their views. UKBA may be able to help with this.

Missing children

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

Children's Services seriously considers the risk that a trafficked child is likely to go missing and take this into account in planning that child's care. All placements should be given a copy of this guidance. A contingency plan could include contact details of agencies that should be notified if a potentially trafficked young person goes missing including the police and the UKBA. Where there are concerns that a trafficked child has been moved to elsewhere in the country away from their care placement, follow the [Local Safeguarding Children's Board Runaway and Missing From Home and Care Protocol](#).

Information sharing

Professionals in all agencies should be confident and competent in sharing information in line with the [LSCB Information Sharing Protocol](#).

Professionals should make all efforts to share information, where appropriate, with other professionals to avoid repetition for children.

Where a professional suspects that a child may have been trafficked and/or is at risk of being trafficked, discussing concerns with the child and his/her family or carer and seeking consent to share information will place the child at increased risk of significant harm. Consent should therefore not be sought.

Review, Advocacy and Wider Support

Case reviews chaired by the child's independent reviewing officer must include whether the needs related to their status as an unaccompanied or trafficked child are being met. A child's needs, including their protection needs, will change over time and should be kept under regular review.

All looked after children must be made aware of their entitlement to independent advocacy support. The local authority should facilitate this access where required. This entitlement is not just for when the child has a complaint, but includes where children need to make representations about their care and support. For unaccompanied and trafficked children, support from an independent specialist advocate could help overcome cultural or language barriers so that they can express their wishes and feelings.

Unaccompanied and trafficked children may require support in dealing with immigration questions or proceedings. Specialist knowledge is required to provide advice and support on these issues. Where immigration advice is required, the person providing that advice (whether an independent advocate or another person) must be a regulated solicitor or registered with the Office of the Immigration Services Commissioner (OISC)¹ to provide immigration advice to the relevant level. For example, to advise on issues such as asylum applications, out-of-time applications for leave to remain or applications for citizenship, the advisor would need to be competent to provide advice to OISC level 2.

¹ <http://oisc.homeoffice.gov.uk>

Unaccompanied and trafficked children are likely to be a long way from home and family and isolated from their peers. An independent visitor could help bridge this gap and provide informal support. The child should be offered an independent visitor, ensuring that they understand the role the independent visitor could play in providing support. If they decline this offer, their reasons for doing so should be recorded.

In addition, unaccompanied children should be informed of the availability of the Assisted Voluntary Return (AVR) scheme run by Refugee Action: Choices on behalf of the Home Office. Most unaccompanied asylum seeking children will be eligible to apply for the Assisted Voluntary Returns Families and Children (AVRFC) programme. Further information on all the schemes is available on the Choices website: <http://www.choices-avr.org.uk/choices> or via their free phone number: 0808 800 0007.

Planning Transition to Adulthood

A child's immigration status has no bearing on a local authority's duties to provide care leaving support.

A child's status as a trafficked or unaccompanied child must be considered in the assessment of needs undertaken as part of the pathway planning process, and by the independent reviewing officer in any review of the pathway plan.

Transition planning will need to consider the challenges and issues facing any care leaver, such as education or preparing for independent living. Planning for a care leaver that has recently entered the UK from overseas may need to cover additional support in understanding the institutions and systems that they will need to deal with in the UK.

Trafficked or unaccompanied children can be at particular risk of becoming isolated on leaving care. When planning for transition, the local authority must ensure that language or cultural factors are taken into account to reduce this risk. A trafficked child may still be at risk of exploitation from their traffickers on leaving care. This risk should be considered, particularly with regard to arranging accommodation.

Immigration Status and Transition Planning

Planning transition to adulthood for trafficked or unaccompanied children is a particularly complex process that needs to address their care needs in the context of wider asylum and immigration legislation and how these needs change over time. Pathway planning to support a trafficked or unaccompanied child's transition to adulthood should cover all areas that would be addressed

within all care leaver's plans as well as any additional needs arising from their specific immigration issues.

Planning may have to be based around short-term achievable goals whilst entitlement to remain in the UK is being determined. For the majority of unaccompanied children who do not have permanent immigration status, transition planning should initially take a dual or triple planning perspective, which, over time should be refined as the young person's immigration status is resolved. Planning cannot pre-empt the outcome of any immigration decision and may be based on:

- a transitional plan during the period of uncertainty when the care leaver is in the United Kingdom without permanent immigration status;
- a longer-term perspective plan should the care leaver be granted long-term permission to stay in the UK (for example through the grant of Refugee Status); or
- a return to their country of origin at any appropriate point or at the end of the immigration consideration process, should that be necessary because the care leaver decides to leave the UK or is required to do so.

Claiming asylum can be a complex process. Social workers and personal advisors should work with the care leaver's legal representative and the dedicated decision-maker at the Home Office at to ensure that the young person understands the process of claiming asylum and the possible outcomes, and to provide them with necessary support.

There are four principle possible outcomes of the asylum claim, outlined below.

1. Granted Refugee Status (i.e., granted asylum). Leave to remain for five years.
2. Refused asylum but granted Humanitarian Protection. Leave to remain for five years. This is most commonly granted when the person is at some risk of 'ill-treatment' in the particular country they left but does not meet the criteria of the Refugee Convention. This is a rare category for unaccompanied children.
3. Refused asylum but granted Unaccompanied Asylum Seeking Children (UASC) Leave. This is normally for 30 months or until the age of 17½, whichever is the shorter period. Once the child reaches 17½ years of age their case will be reviewed. UASC Leave is granted if at the time of the decision adequate care and reception arrangements are not in place in the country of origin (i.e., a return cannot be effected safely).
4. Refused asylum with no grant of leave. In this case the unaccompanied child must return to their country of origin.

Those found to require Refugee Status or, more rarely, Humanitarian Protection, are usually granted leave to remain for five years. Although it is not guaranteed that further leave to remain will be granted at the end of the five year period, it is certainly a strong likelihood and care and pathway planning should primarily focus on longer term residence in the UK, in the same way as for any other care leaver.

Planning for a return home may be difficult, but care and pathway plans should include contingencies for durable and best interest plans for unaccompanied children who are likely to have to return to their country of origin. Pathway plans should always consider the implications for the care leaver if: their application for asylum is refused without a grant of leave; or their application to extend their leave to remain, or their appeal against refusal of that application, is dismissed. In such circumstances, the person will become unlawfully present in the United Kingdom and be expected to make plans for return to the country of origin.

Assistance with plans for voluntary return can be sought from Choices. Where needed, Choices will help an applicant: obtain travel documentation; arrange and pay for return flights; arrange transport to the UK departure airport; give assistance at the departure airport; and arrange onward transport when back in the country of origin or the third country to which a person is permanently admissible (country of return).

Those who return under AVRFC are eligible for up to £2,000 worth of reintegration assistance for each person, including a £500 relocation grant in cash on departure for immediate resettlement needs. Once home, a range of reintegration assistance options are available, tailored to the returnee's individual needs. This assistance is to help returnees make an income and become financially independent. To take up this part of the reintegration assistance, returnees must contact Choices within one month of their return. All reintegration assistance is supplied within the first year of return. Reintegration assistance can be used for business set-up, education, vocational training, job placement, housing (temporary accommodation or for repair work), childcare fees, or medical and psychosocial support.

The Home Office is under a statutory duty to have regard to the need to safeguard and promote the welfare of children and relevant personal data may be shared with the Home Office in order to help it discharge its duty. The management of return arrangements will require a collaborative approach with the Home Office in order to ensure they take place as sensitively and humanely as possible.

Access to Public Funds and Welfare Benefits

Financial support for looked after unaccompanied children should reflect their needs as eligible care leavers and their immigration needs. Financial policies should highlight their entitlements and how their immigration status may impact on current and future entitlements. Pathway plans should address funding arrangements for education and training and how a young person's immigration status may limit education, training and employment opportunities.

Pathway plans should always consider the implications for the care leaver if their application to extend their leave to remain is refused, or their appeal against refusal of that application is dismissed. In such circumstances the person may become ineligible for further support and assistance because of the effect of Schedule 3 of the Nationality, Immigration and Asylum Act 2002.

In terms of access to funds from the Home Office, an UASC must meet a financial definition to be eligible for funds. They have to be an individual, who is under 18, has arrived in the UK without a responsible adult, and is not being cared for by an adult who by law or custom has responsibility to do so, is separated from both parents and has applied for asylum in the United Kingdom in his/her own right.

More information can be found at [Funding to Local Authorities – Financial Year 2016-2017](#)

Advice and Support

As for any relevant child, once an unaccompanied child leaves care or reaches the age of 18, a personal advisor must be appointed to support them. The personal advisor should have an understanding of the issues that may be facing a young migrant settling into a new country, as well as any continued risk the child may face from traffickers.

If support with immigration or asylum processes is required, the person providing this advice should be a registered solicitor or registered with the Office of the Immigration Services Commissioner (OISC).

Appendix One

Policy and Legislation

International

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

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

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

UK

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

- The Children Act 1989.
- Adoption and Children Act 2002.
- The Nationality, Immigration and Asylum Act 2002.
- The Sexual Offences Act 2003.
- The Asylum and Immigration (Treatment of Claimants etc) Act 2004.
- The Children Act 2004.
- Coroners and Justice Act 2009.
- Policing and Crime Act 2009.
- Modern Slavery Act 2015
- The Care Planning, Placement and Case Review (miscellaneous amendments) Regulations 2014
- What to do if you're worried a child is being abused (2015).
- Safeguarding Children and Young People from Sexual Exploitation (2009).
- Working Together to Safeguard Children (2015).
- Care for Unaccompanied and Trafficked Children. Statutory Guidance for Local Authorities on the care of Unaccompanied Asylum Seeking and Trafficked Children (2014)
- The Children Act 1989 Guidance and Regulations Volume 3: Planning Transition to Adulthood for Care Leavers
- Joint Statutory Guidance, DCLG and DfE 'Provision of Accommodation for 16 and 17 year old Young People who may be Homeless and/or require Accommodation (2010)
- Safeguarding Children who may have been Trafficked (2011)
- ACPO Guidance on the Management, Recording and Investigation of Missing Persons
- Missing Children and Adults Strategy (2011)
- Tackling Child Sexual Exploitation Action Plan (2011)
- Human Trafficking: The Government's Strategy (2011)
- Crown Prosecution Service Guidance on Human Trafficking, Smuggling and Slavery (2011)
- What to do if you suspect a child is being Sexually Exploited. A step by step guide for Frontline Practitioners (2012)
- Association of Directors of Children's Services Age Assessment Guidance 2015
- Home Office Age Assessment Joint Working Guidance 2015
- Home Office Funding for Local Authorities. Financial Year 2016-2017. Home Office Funding: Unaccompanied Asylum Seeking Children
- Funding to Local Authorities. Financial Year 2015-2016. Home Office Funding: Leaving Care (post 18 years age)
- Interim National Transfer Protocol for Unaccompanied Asylum Seeking Children 2016-2017

The UK Borders Act 2007 requires the Secretary of State to publish a *Code of Practice for Keeping Children Safe from Harm*, which UKBA officials are required to have regard to when dealing with children in the UK identified as being at risk of harm.

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

The Sexual Offences Act 2003, which came into force on 1 May 2004, introduced wide-ranging offences covering trafficking into, out of, or within the UK for any form of sexual offence. These carry a 14 year maximum penalty. An offence of 'trafficking for exploitation', which covers non-sexual exploitation, including trafficking for forced labour and the removal of organs was included in the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004.

The trafficking of children is included under the trafficking offences contained in the Sexual Offences Act 2003 and the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004. In addition, the Sexual Offences Act 2003 introduced new offences of abuse of children through prostitution and pornography which aim to protect children under the age of 18. These cover a range of offences, including paying for the sexual services of a child, for which the penalty ranges from seven years to life depending on the age of the child; and causing, facilitating or controlling the commercial sexual exploitation of a child in prostitution or pornography, for which the maximum penalty will be 14 years imprisonment.

The offences of people trafficking and of prostitution and child sex are included as lifestyle offences under the Proceeds of Crime Act 2002, which means that a conviction for these offences may be followed by an order for the payment of the proceeds of those crimes and assets may be seized. The Director of the Assets Recovery Agency also has powers to recover property obtained through unlawful conduct, even if that conduct took place abroad and even if there has not been a criminal prosecution.

The Policing and Crime Act 2009 created a new offence under section 53A of the Sexual Offences Act 2003 of paying for the sexual services of a prostitute subjected to force etc.

The Coroners and Justice Act 2009 created an offence of holding another person in slavery or servitude or to require another person to perform forced or compulsory labour.

Appendix Two

The National Referral Mechanism

Overview and role of the competent authority

In accordance with the requirements of the *Council of Europe Convention on action against trafficking in Human Beings* the UK has a national referral mechanism for identifying and recording victims of trafficking and ensuring that they are provided with appropriate support wherever they are in the UK.

Decisions about who is a victim of trafficking are made by trained specialists in designated 'Competent Authorities'. The UKHTC and UKBA act as the UK's Competent Authorities with

responsibility for the final decision on whether a frontline professional's grounds for believing that the child has been trafficked are founded i.e. whether the child is or not a victim of trafficking.

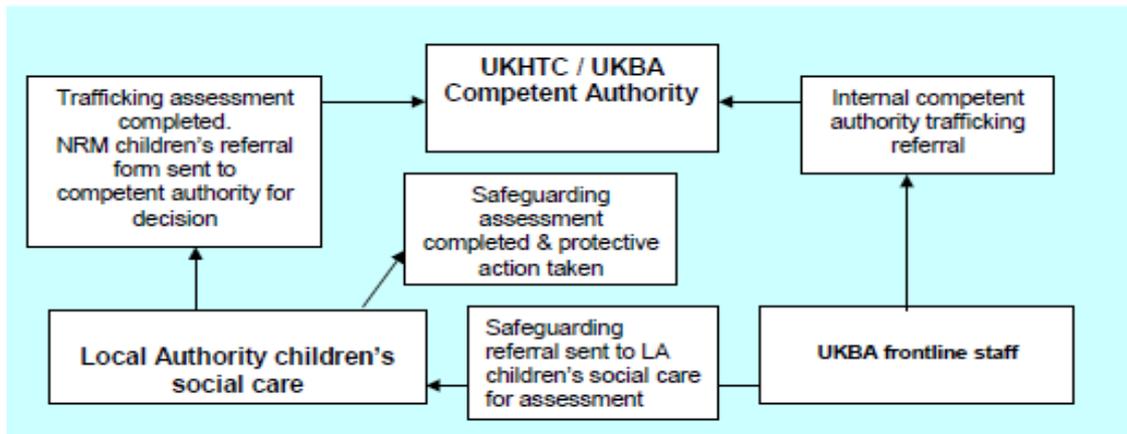
As referrals are collated through the NRM process, the build up of evidence concerning child trafficking will inform policy makers and operational staff to take the necessary decisions and actions to combat child trafficking. In this sense NRM referrals and the intelligence they provide contribute directly to UK efforts to tackle human trafficking and may ultimately lead to a reduction in the number of children who are trafficked and require safeguarding by a local authority.

Referrals into the NRM will also provide a national picture of numbers of children trafficked, as well as supporting evidence which will assist in building up intelligence such as trends, routes of travel and details which may assist in leading to the arrest and conviction of those who commit this terrible crime.

NRM referrals will also help the local authority ensure there is an appropriate response for the child by ensuring all available information is gathered and shared quickly between partners. This will allow the child's needs to be addressed and mitigating factors taken into account, such as the risk of the child going missing.

Where necessary, the Competent Authority will also assist in regularising a child's immigration status. This will assist the child in accessing particular services.

National Referral Mechanism Overview



The National Referral Mechanism comprises a four stage process for establishing formally that a child is a victim of trafficking:

Stage one – safeguarding assessment

In the first stage a frontline professional identifies that the child may be trafficked and undertakes a safeguarding assessment.

With support, as required, from the local trafficked children lead and using information from the safeguarding assessment, the professional completes the trafficking assessment tool.

Stage two – referral to a competent authority

In cases where the frontline professional suspects that a child may have been trafficked, local authority children’s social care will refer the case to a Competent Authority by sending the child NRM referral form to UKHTC. This will be in addition to acting promptly before the child goes missing and initiating an assessment of the child’s levels of need / risk of harm. Practitioners should be aware that the safeguarding of the child takes precedence and their needs should be addressed. An NRM referral should not prevent immediate safeguarding actions taking place, although information from the NRM assessment may be helpful to those considering the safeguarding response.

Stage three – ‘reasonable grounds’

Once the case has been formally referred, the Competent Authority will consider the details supplied on the First Responder Form along with any other evidence and apply a ‘reasonable grounds’ test to consider if the statement “I suspect but cannot prove” that the person is a victim of trafficking holds true. Local authority children’s social care may be required to supply further information at this stage if there is insufficient information available.

The child will be granted an extendable reflection and recovery period if the Competent Authority finds there are reasonable grounds to believe the child is a victim of trafficking. During this time UKBA will suspend removal action. This will allow for a fuller assessment of whether the child is a victim of trafficking. The 45 day period is also a period in which scope for criminal investigation can be explored.

Stage four - conclusive decision

Following a positive reasonable grounds decision, Competent Authorities are required to make a second identification decision, which is to conclusively decide if the individual is a victim of trafficking. As part of this decision, local authority children's social care will be consulted and are expected to feed in any further information that may aid the decision making process.

Local authority children's social care can at any stage consider accessing assistance with reintegration available through voluntary return schemes (which are always the preferred way of carrying out any return to the child's country of origin).

Following a negative reasonable grounds or conclusive decision the child may still have safeguarding needs especially if they are unaccompanied. Social workers should continue to make their own assessments of a child's care needs in line with the statutory duty placed on local authorities by virtue of the Children Act.

Transfer Flow Chart

