

# Safeguarding Children who may have been Trafficked

## Consultation Response Form

The closing date for this consultation is: 16  
August 2007

Your comments must reach us by that date.

department for  
**children, schools and families**

**THIS FORM IS NOT INTERACTIVE. If you wish to respond electronically please use the online or offline response facility available on the Department for Children, Schools and Families e-consultation website (<http://www.dcsf.gov.uk/consultations>).**

The information you provide in your response will be subject to the Freedom of Information Act 2000 and Environmental Information Regulations, which allow public access to information held by the Department. This does not necessarily mean that your response can be made available to the public as there are exemptions relating to information provided in confidence and information to which the Data Protection Act 1998 applies. You may request confidentiality by ticking the box provided, but you should note that neither this, nor an automatically-generated e-mail confidentiality statement, will necessarily exclude the public right of access.

**Please tick if you want us to keep your response confidential.**

Name

Organisation (if applicable)

Association of Directors of Children's Services & Association of Local Government

Address:

If your enquiry is related to the policy content of the consultation you can contact the team at: [trafficking-guidance.consultation@dcsf.gsi.gov.uk](mailto:trafficking-guidance.consultation@dcsf.gsi.gov.uk)

If you have a query relating to the consultation process you can contact the Consultation Unit on:

Telephone: 01928 794888

Fax: 01928 794 311

e-mail: [consultation.unit@dfes.gsi.gov.uk](mailto:consultation.unit@dfes.gsi.gov.uk)

Please insert an 'X' into one of the following boxes which best describes you as a respondent.

<input type="checkbox"/> Local Authority	<input type="checkbox"/> District Council	<input type="checkbox"/> Local Safeguarding Children Board
<input type="checkbox"/> Primary Care Trust	<input type="checkbox"/> NHS Trust	<input type="checkbox"/> Strategic Health Authority
<input type="checkbox"/> Border and Immigration Agency	<input type="checkbox"/> Police	<input type="checkbox"/> Youth Offending Team
<input type="checkbox"/> Probation	<input type="checkbox"/> Prison or other secure settings	<input type="checkbox"/> Voluntary and Community sector
<input type="checkbox"/> Faith organisation	<input type="checkbox"/> National organisation	<input type="checkbox"/> Private organisation
<input type="checkbox"/> Business or commercial	<input type="checkbox"/> School or College	<input type="checkbox"/> Connexions-Direct
<input type="checkbox"/> CAFCASS	<input type="checkbox"/> Parent	<input type="checkbox"/> Other (please specify)

Please Specify: This is a joint response from:

Association of Directors of Children's Services (on behalf of the Asylum Task Force)  
Local Government Association

This question relates to the document as a whole.

1 Having read the document do you consider it to be segmented and sequenced in such a way that aids ease of access and reference? If not please suggest alternatives.

Yes

No

X Not sure (please specify)

Comments:

The majority of the document is set out in a helpful manner that aids ease of access and reference. However, the guidance provided about trafficking issues does not sit well with the procedural section which is overly prescriptive and unacceptable to ADCS. The procedural section does not follow the format usually adopted in such instances, i.e. providing the parameters within which local procedure, practice and decision making will be undertaken and seeks to prescribe what steps and actions should be taken at each stage. Furthermore, as is acknowledged in Section 4.1.2.2, Working Together already provides guidance on the steps to be taken in referral, assessment and decision making which provides the outline of the steps to be taken where a child is thought to be at risk of significant harm. We also have concerns about some other sections of the document – these are set out in the final section of this response.

In addition, the document would benefit from the use of case studies and good practice examples, which would give a better understanding for those practitioners who are inexperienced with children who may have been trafficked. It should also be acknowledged that this guidance, however detailed, must be the pre-requisite to multi-agency training.

The next 3 questions relate to section 3.4 of the guidance.

2 Does this section provide practitioners with adequate information about the reasons why children are trafficked?

Yes

No

X Not sure (please specify)

Comments:

Yes, the sections dealing with the reasons why children may be trafficked is helpful in setting out the range of factors that may apply. What may be of assistance is greater acknowledgement that often, we do not know why any particular child has been trafficked and how there can be a congruence of motivations between the child / young person, their parents / carers and those responsible for the trafficking.

3.4.4 The language of prostitution and pimps should not be used in relation to under 18s. It is the combination of threats and violence with attention and gifts which constitutes brainwashing and holds the child in thrall.

3.5.3 and 4 Does not reflect the experience of some authorities which is that children in placement disappearing for short periods of time and reappearing with money, pregnant etc

3 Does it provide readers with adequate information as to how and why they might be abused and exploited in the UK?

Yes

No

Not sure (please specify)

Comments:

Yes – it is that this section should set out a broad range of information about how and why children and young people might be abused and exploited in the UK – by definition, trafficking is a secretive activity and there cannot be a single explanation for how and why children might be abused and exploited. This section should emphasise that situations will differ and that practitioners should be open to the possibilities of one or more factors being applicable in any particular situation.

4 If you think this section could be improved please say how.

Comments:

A greater emphasis on the need to be alert to the possibility of trafficking in a variety of circumstances and acknowledgement that there may be different combinations of factors that come into play in different situations.

This question relates to section 3.5 of the guidance.

5 Does this section provide practitioners with adequate information to alert them to the fact that trafficked children may be at risk of serious and imminent harm even though the child might show no obvious signs of distress or abuse?

Yes

No

Not sure (please specify)

Comments:

(presumably, this question relates to section 3.6 rather than 3.5?)

Section 3.5 could helpfully begin by being more explicit that whether a child is travelling alone or with an adult(s), is seeking asylum or not etc, is not in itself an indication of trafficking although certain routes and presentations may, from time to time, be such an indication).

Section 3.6 sets out a range of risk factors that may apply. Some of these are indicative of serious and imminent harm, others less so. There should be greater acknowledgement that the risk may be immediate or it may be longer term and that it will often, at the initial point of contact, to determine which is which.

The next two questions relate to section 4.1 of the document.

6 Is there adequate information at this point in the document to show practitioners how and why they need to be alert to the possibility of trafficking when in contact with vulnerable children?

Yes No Not sure (please specify)

Comments:

This section needs to stress the need to be alert to the possibility that a child may not be who they are claimed to be in a whole range of different circumstances and for many different reasons, one of which is trafficking. The link to vulnerability is not helpful, a child may or may not “appear to be vulnerable”. This section should stress the need for staff in any agency to be sure that they have verification of the identify and recent background history of the child that they are dealing with and not to accept at face value what they are told by the adult(s) accompanying the child

7 Are there other agencies or groups which should be included?

 Yes No If yes, please specify which agencies

Comments:

All agencies that provide services to children and young people should be included. Reference is made to specific local authority children’s social care services which differ according to organisational structure; it would be more helpful to refer to the range of local authority services rather than to identify specific aspects of those services in different sections. It would also be helpful to separate out schools from the education functions performed by the local authority children’s services since they are not the same and similarly to be clear about the roles that different health professionals may play (there is no mention at all of GPs) and to cross reference this list to that in Working Together.

This question relates to section 4.2 of the document

8 Does this section provide adequate information to help practitioners to identify if a child has been trafficked?

 Yes No Not sure (please specify)

Comments:

It is very difficult to be prescriptive about the circumstances in which a child may, or may not, have been trafficked. It is therefore most helpful to suggest a range of factors that should alert staff to the possibility that a child may have been trafficked in order that this possibility can be assessed and to avoid suggesting that if a range of factors apply, the child will have been trafficked so as to avoid some children being ignored if they do not appear to meet the profile.

This question relates to section 4.3 of the document.

9 The risk factors have been developed through the experience of professionals dealing with trafficked children. Are there other risk factors which your experience suggests we should include? Have we included any that you feel are not helpful?

Comments:

Our main concern is that this should not be seen as an exhaustive list – ie. to be clear that these are the risk factors that have been identified but they may not all be applicable and there may well be others.

There is a bit of a muddle of general abuse signs and symptoms, more specific exploitation signs and symptoms and specific trafficking ones. It is also too specific in some places. For example the important thing is not the fact that the child has a mobile phone but no money - the issue is that the child's relationship with the mobile phone shows that the phone is being used as a method of control - so the child may have several mobiles, may have a mobile but no money, or may become distraught when it doesn't work.

This question relates to section 4.3.8 of the document.

10 We are concerned that some trafficked children may be hidden from view within private fostering arrangements. Does this section provide adequate information to help practitioners identify this group of children? If not, please say how you think it might be improved.

Yes

No

X If no, please specify

Comments:

The information provided about private fostering is helpful. It is also another area where there is an overlap i.e. some privately fostered children may have been trafficked and visa versa but one does not necessarily lead to the other.

The section does not help practitioners identify “trafficked children who may be hidden in private fostering arrangements” – many private fostering arrangements are hidden from statutory services for a variety of reasons and the information provided helps to guide practitioners who may be dealing with a private fostering arrangement. However, identifying a child who is privately fostered is not the same as identifying a child who has been trafficked and the guidance needs to acknowledge this.

The ADCS is aware of proposals to require “pre-registration” of prospective private foster carers prior to the arrival of children in the UK – it would be helpful for the guidance to include reference to such proposals since they will assist in the monitoring of privately fostered children.

This question relates to section 4.8 of the guidance.

11 This section aims to support practitioners in safeguarding children who are already, or who may, go missing. Does it provide sufficient information to help practitioners to protect this group of children?

We would particularly welcome comments here from children’s social care and police child protection officers.

Yes

No

Not sure (please specify)

Comments:

Yes, this section is helpful in setting out the factors that should be considered if there is a risk that a young person has been trafficked and may, therefore, go missing and the actions that should be considered if a young person has gone missing. We agree that it is right to highlight the possibility that UASC who go missing **may** have been trafficked; however, there is an implication that any UASC who goes missing **will** have been trafficked when we know that there are a variety of reasons why they may go missing (immigration offences, failure of asylum application, decision to apply to a different LA for support) – it would be more helpful to stress the need to consider whether a young person has been trafficked rather than to assume that they have been.

This question relates to section 5 of the document.

12 We see LSCBs developing a key role in scoping the extent of child trafficking locally, and in the coordination of work to address this. Effective practice will need all agencies to cooperate in appropriate responses to trafficking cases. We would welcome your views on the need for a national LSCB protocol model template on trafficking. If you have already developed a local protocol on trafficking, it would be helpful if you could enclose a copy with your response to this consultation.

Comments:

We agree that LSCBs will have a key role in responding to child trafficking and in highlighting the issue within local areas. Whilst there are some merits in the development of protocols, what would be more helpful would be an additional appendix to the guidance setting out the framework within which a local protocol might be developed. Once again, a less prescriptive approach will enable LSCBs to develop protocols that are appropriate to their circumstances, i.e. local population, incidence of reports, proximity to BIA offices, volume of immigration control cases etc.

13 We would welcome any further comments/views regarding this document.

Comments:

### **Key Messages**

The ADCS and LGA welcome the opportunity to comment on this good practice Guidance. This presents a timely opportunity to discuss a broad framework of services and support that we should all expect for children who may have been the victim of trafficking. We are broadly supportive of the Guidance and would highlight the following key messages:

- It is vital that the guidance document Working Together To Safeguard Children remain central to the way all agencies approach dealing with children who may have been trafficked as that guidance sets out a model of high quality multi-agency approaches to supporting children. This is a firmly inclusive step which we feel is important to avoid potential exclusion of trafficked children from the services that we would expect for all children;
- That it is important that all Government departments have regard to this and associated guidance in future policy formation, in particular policy

around the treatment of vulnerable children and young people and criminal justice policy around prosecuting those who may be guilty of human trafficking;

- That the DCSF must review this good practice guidance at timely intervals to ensure that guidance is keeping track with evolving methods of supporting children who may have been trafficked and the methods of those who are trafficking.

### **Other Messages**

The Guidance states that Article 3 of the *Palermo Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organised Crime to the UN Convention (2000)* defines a child as “any person under eighteen years of age”. We are concerned that there is a lack of clarity around the transition age for trafficked persons as UK Government policy on some issues talks about transition at 19 and other transitions from 16 onwards, in particular young people who may be in public care, which may in some instances include children who have been taken into care to escape exploitation as a trafficked person. We urge for further thinking around correct guidance on transition issues, and for this Guidance to be clearer on such issues.

While it is pleasing that the Guidance strongly cross-references the Working Together Guidance, there is little mention of guidance around the implications for ContactPoint and, to a lesser extent, the Common Assessment Framework. We hope that this Guidance can be expanded to deal in more detail with the implications for ContactPoint and CAF of responding to incidents of trafficking or suspected trafficking, either in this document or through more explicit cross-referencing with other appropriate guidance.

The Guidance notes at paragraph 4.2.7 that “it is incumbent on all agencies to work together to safeguard and promote the welfare of children trafficked into and within the UK, to provide the same standard of care as that available to any other child in the UK”. We feel that this statement is key to understanding the duty that is shared by all agencies and as such feel that this particular paragraph should be given much greater prominence within the document.

Similarly, while 4.2.7 enshrines perfectly the spirit of this Guidance, we feel that there is too little reference made to the Every Child Matters Vision. Paragraph 4.2.7 is implicit about the importance of all agencies working towards helping trafficked children achieve their ECM outcomes, but we feel that is essential that this is made explicit as part of this Guidance, perhaps clearly set out within the Ministerial foreword.

We would like to draw attention to the response by the National Consortia Coordinating Group, in particular comments around:

- The greater need for joining up Guidance between the national and local and regional policy and service;
- Concern around transitional issues; and
- Concern around the lack of detailed Guidance on “Action against traffickers”.

### **Further Detailed Comments**

**Section 3.3.1** – whilst a failure to register a child in school is of concern, children attending school may also have been trafficked.

**Sections 4.1.5.2, 4.1.5.3 & 4.3.6.10** makes reference to the establishment, operation and planned development of NRUC. ADCS does not accept that NRUC was established in the manner described, that it fulfils the purposes described nor has there been any agreement that it should be developed for the purposes outlined within the consultation document. Whilst NRUC has the potential to provide a record of all children and young people entering the UK, there are a range of issues to be considered before it could be extended in the manner suggested.

**Section 4.3.5** describes the establishment of the NSPCC Child Trafficking Advice Line to provide practitioners with further advice on how to meet the immediate needs of children who may have been trafficked. Careful consideration needs to be given to the status of the advice provided and the expectations on agencies taking up that advice. Such a service could be of assistance to authorities with little experience of trafficked children; however, it is important that the basis of such advice is made clear.

**Section 4.3.6.2** deals with liaison with BIA. The arrangements for liaison with the single point of contact and NAM caseworkers needs to be explicit for all authorities, not just those who deal with significant numbers of UASC. BIA should acknowledge that it is unable to provide representation to all LSCBs and to be explicit about which LSCBs it will attend and on what basis.

**Section 4.4** deals with referral, assessment and the actions that may follow, including the consideration of whether or not a child should be taken into care. The ADCS cannot support guidance to local authorities that is written in such a prescriptive manner. National regulation and guidance normally provides a framework within which local services may determine how best to act to protect children according to individual circumstances. The majority of the document acknowledges the difficulties of identifying children who have been trafficked because of the variety of different factors that may apply. It is then inconsistent to suggest that there can be standard responses to individual cases that are always applicable. The practice guidance needs to provide a framework within which practitioners can refer, assess and plan according to individual

circumstance.

**Please note** that it appears that the third subsection of Section 20 of the Children Act has been re-written in the main body of the text (4.4.2.1(b)) although it is accurately reproduced in the appendix dealing with the legislative context (Appendix 1, 1.3, 2) – there is an important difference in that the original wording, as set out in the appendix, is part of a duty to provide a service cooperatively whilst the amended version, as set out in the main body of the text, contains a degree of coercion that is not supported within the Children Act and where there are legal powers to enforce.

Appendix 1 1.2 Has missed out the Child Abduction Act for under 16s

Thank you for taking the time to let us have your views. We do not intend to acknowledge individual responses unless you place an 'X' in the box below.

**Please acknowledge this reply X**

Here at the Department for Children, Schools and Families we carry out our research on many different topics and consultations. As your views are valuable to us, would it be alright if we were to contact you again from time to time either for research or to send through consultation documents?

X	Yes	<input type="checkbox"/>	No
---	-----	--------------------------	----

All UK national public consultations are required to conform to the following standards:

1. Consult widely throughout the process, allowing a minimum of 12 weeks for written consultation at least once during the development of the policy.
2. Be clear about what your proposals are, who may be affected, what questions are being asked and the timescale for responses.
3. Ensure that your consultation is clear, concise and widely accessible.
4. Give feedback regarding the responses received and how the consultation process influenced the policy.
5. Monitor your department's effectiveness at consultation, including through the use of a designated consultation co-ordinator.
6. Ensure your consultation follows better regulation best practice, including carrying out a Regulatory Impact Assessment if appropriate.

Further information on the Code of Practice can be accessed through the Cabinet Office Website: <http://www.cabinetoffice.gov.uk/regulation/consultation-guidance/content/introduction/index.asp>

**Thank you for taking time to respond to this consultation.**

Completed questionnaires and other responses should be sent to the address shown below by 16 August 2007

Send by post to: Consultation on Trafficking Guidance, Children's Safeguards Policy Unit, Department for Children, Schools and Families, Level 2C Caxton House, Tothill Street, London, SW1H 9NA

Send by e-mail to: [trafficking-guidance.consultation@dcsf.gsi.gov.uk](mailto:trafficking-guidance.consultation@dcsf.gsi.gov.uk)