



# Child Trafficking & Exploitation Inter Agency Guidance

*Re-issued  
Review*

*June 2019  
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# 1. Introduction

## 1.1 Context

Glasgow Child Protection Committee (CPC) is committed to the care and protection of vulnerable children and young people. For over a decade, the CPC has prioritised work with children and young people who have been trafficked and agencies within Glasgow have gained considerable experience and knowledge in this area of work.

The purpose of this guidance is to present a strategic inter agency framework to respond to the need to protect children and young people in Glasgow who have been, or are at risk of being, trafficked

Children and young people who are at risk of and/or have been trafficked present with a range of complex needs. Therefore, those agencies involved in their protection will need to develop strategies to actively identify, protect, support and, where possible, investigate and prosecute those who exploit them.

## 1.2 The Guidance

This guidance has been developed to support front line practitioners and their managers who are working with children and young people who may be suffering significant harm or at risk of suffering harm through child trafficking and exploitation. It will enable identification and inform appropriate responses in relation to children and young people's support and protection needs.

This guidance should be read in conjunction with the West of Scotland Consortium Inter Agency Child Protection Procedures<sup>1</sup> single agency child protection procedures and Scottish Government Trafficking and Exploitation Strategy (<https://www.gov.scot/publications/trafficking-exploitation-strategy/>).

While this guidance is in respect of trafficking and exploitation, Glasgow has specific guidance relating to children at risk of sexual exploitation. Practitioners need to give consideration to all forms of exploitation when considering Trafficking.

## 1.3 Scope of Guidance

For the purposes of this guidance “**child**” means a person under the age of 18 years.<sup>2</sup>

This inter agency guidance is for all staff working in children and adult services (including voluntary sector workers) working with young people under the age of 21 years. If the young person is receiving Aftercare /Throughcare Services this guidance can be applied following agreement by the appropriate Service Manager.

Identifying and responding to trafficking is the responsibility of all professionals

This guidance also applies to children and young people 16 years and over who are not looked after and do not have the added safety net of a supervision order. These children and young people are

<sup>1</sup> West of Scotland Guidance (<https://www.proceduresonline.com/westofscotland/contents.html> )

<sup>2</sup> Children & Young Persons (Scotland) Act 2014 (<http://www.legislation.gov.uk/asp/2014/8/contents/enacted>)

equally vulnerable. This guidance supports and informs the assessment of need and risk where trafficking is suspected or known and complements the Young Person Support and Protection Procedures (YPSP).

## 2. Child Trafficking

### 2.1 Defining Trafficking

Human trafficking is defined through the Human Trafficking and Exploitation (Scotland) Act 2015 which makes human trafficking a criminal offence. Human trafficking is the process of bringing an individual (through a relevant action) into a situation of exploitation. The terms “relevant action” and “exploitation” are defined within the legislation and are set out in more detail below. It is important to note that it does not matter whether the exploitation actually took place and there is no need to cross an international border. Human trafficking is also a human rights abuse recognised under international and European law and this international framework contains further protections for trafficked persons.

<b>Legal Definitions in Scotland</b>	
<b>Human Trafficking and Exploitation ( Scotland) Act 2015</b>	
<p><u>Relevant action:</u></p> <ul style="list-style-type: none"> <li>• Recruitment of another person</li> <li>• Transportation or transfer of another person</li> <li>• Harboursing or receiving of another person</li> <li>• Harboursing or receiving of another person</li> <li>• Exchange or transfer of control over another person</li> </ul> <p>Arrangement or facilitation of any of the above</p>	<p><u>Exploitation</u></p> <ul style="list-style-type: none"> <li>• Slavery, servitude and forced or compulsory labour</li> <li>• Prostitution or sexual exploitation</li> <li>• Removal of organs</li> <li>• Securing services and benefits</li> </ul>
<p><b><u>Slavery, servitude and forced or compulsory labour offence:</u></b></p> <ul style="list-style-type: none"> <li>• Holds another person in slavery or servitude or</li> <li>• Requires another person to perform forced or compulsory labour</li> </ul> <p>Interpretation of these terms to be in accordance with Article 4 of the European Human Rights Convention.</p>	

### 2.2 Child Trafficking

Child trafficking typically exposes children to continuous risk of significant harm and it is irrelevant whether a child consented to the exploitation.

*A child victim of human trafficking or exploitation is a victim of child abuse. The range of situations in which children could be subject to trafficking and exploitation is complex and not always obvious, particularly in situations such as domestic servitude, where the child is kept unseen. Circumstances could include what appear to be legally acceptable arrangements such as private fostering, inter – country adoption. Forced marriage and other forms of child abuse may be linked to trafficking and exploitation.*

*It is also crucial to recognise that trafficking and exploitation does not only affect children from other countries and there are cases of domestic trafficking and exploitation of children who have been born and brought up in Scotland. (<sup>3</sup>Trafficking and Exploitation Strategy, 2017)*

The Human Trafficking and Exploitation (Scotland) Act 2015 also makes slavery, servitude and forced or compulsory labour an offence. These are not further defined in legislation but are terms which are defined in international labour and human rights law. (**Appendix 1**)

It will often not be initially evident which, if any, of these situations are present and this will often not become apparent until further inquiries have been made. Therefore, it is important to be able to identify potential indicators of an exploitative situation and respond following these guidelines (**Matrix Appendix 2**). The indicators are not in and of themselves an assessment of trafficking, or related risk; therefore a comprehensive assessment of risk and need will be required.

Identified forms of child trafficking and exploitation include:

- nail bar
- cannabis cultivation
- organised shoplifting
- sexual exploitation
- forced marriage
- forced or compulsory labour
- child criminal exploitation (County Lines)

#### Child Criminal Exploitation (County Lines)

The exploitation of young and vulnerable persons is a common feature in the facilitation of county lines drugs supply, whether for the storage or supply of drugs, the movement of cash, or to secure the use of dwellings held by vulnerable people in the rural marketplace (commonly referred to as cuckooing).  
(Police Scotland)

### 2.3 Additional Powers under the Human Trafficking and Exploitation (Scotland) Act 2015

The Human Trafficking and Exploitation (Scotland) Act 2015 contains preventative measures in the form of orders that can be applied to restrict the activities of those who have been suspected of or convicted of human trafficking.

#### Trafficking and Exploitation Orders (TEPOs)

TEPOs are available to the court for any accused convicted of a relevant offence.

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<sup>3</sup> Trafficking and exploitation strategy

## Trafficking and Exploitation Risk Orders (TEROs)

Section 26 of the act introduces TEROs which can be applied for by the Chief Constable only and can be made by the Sheriff where

- a) There is risk the accused may commit a trafficking or exploitation offence
- b) Each prohibition or requirement in the order is necessary for the purpose of protecting persons generally from the physical or psychological harm which would be likely to occur if the offence was committed.

The sheriff can also make an Interim Risk Order whilst consideration is being given to the granting of a risk order.

## 2.4 Child Sexual Exploitation (CSE) and Trafficking

Due to the often orchestrated nature of Child Sexual Exploitation (CSE), professionals need to be alert to the potential that victims of CSE may also be victims of trafficking.

Being recognised as a trafficked child may allow victims of CSE access to additional protections contained within the human trafficking legal framework. For instance, increased identification opportunities due to the fact that under trafficking legislation there does not have to be evidence that abuse took place, just the intent to exploit. Therefore children and young people are not required to make a disclosure of exploitation. Furthermore, the criminal sentences offences linked to human trafficking are higher. Linking an offence to human trafficking also allows the prevention measures set out at section 2.3 to be considered and applied for.

Due to the manner in which exploitation occurs, a continuum of exploitation often means that children and young people may be forced to commit crimes whilst under the control of others. The legal framework for human trafficking recognises this and where there is a link to human trafficking, children and young people may benefit from the principle of non-prosecution.<sup>4</sup>

## 2.5 Information Sharing

This guidance sits within child protection procedures and as such;

Sharing relevant information is an essential part of protecting children. Although those providing services to adults and children may be concerned about balancing their duty to protect children from harm and their general duty towards their patient or service user, **the over-riding concern must always be the safety of the child.** (National Child Protection Guidance 2014:81)

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<sup>4</sup>[http://www.copfs.gov.uk/images/Documents/Victims\\_and\\_Witnesses/HumanTrafficking/Lord%20Advocates%20Instructions%20for%20Prosecutors%20when%20considering%20Prosecution%20of%20Victims%20of%20Human%20Trafficking%20and%20Exploitation.pdf](http://www.copfs.gov.uk/images/Documents/Victims_and_Witnesses/HumanTrafficking/Lord%20Advocates%20Instructions%20for%20Prosecutors%20when%20considering%20Prosecution%20of%20Victims%20of%20Human%20Trafficking%20and%20Exploitation.pdf)

The key to good multi-agency working is information sharing which supports both the identification of victims and the development of appropriate responses. The 'Getting it right for every child' (GIRFEC) approach focuses on early intervention. If a practitioner believes a child or young person's wellbeing is at risk or they are at risk of harm, this information needs to be shared.

Guidance from the Information Commissioner's office (September 2018) on this matter states that –

"It is important that those whose work brings them into contact with children and young people continue to share child protection concerns in the same way as they did previously. The same lawful purposes are provided for in Articles 6:1(b) and 9:2(c) of the GDPR for personal and special category data so nothing has changed at that level.

Where the matter is still a child protection matter but does not meet the significant harm bar, other legal bases exist in the GDPR and the Data Protection Act 2018 that data controllers may be able to rely on depending on the circumstances of any given case."

### 3. Research context

In 2016 the United Nations Office on Drugs and Crime published its latest Global Report on Trafficking in Persons identifying that patterns of trafficking take place within and between countries. Although most detected victims are women, children account for 28% of victims worldwide. Throughout the world children are trafficked for numerous purposes within and between countries. While exploitation varies between different parts of the world children trafficked for one type of exploitation are often sold into another making simple categorisation problematic.

The United Kingdom is considered a high risk destination country for victims of human trafficking and a number of case studies and data collection exercises have documented the existence of potential child trafficking cases into and out of the country. There are no 'accurate' figures of the numbers of child trafficking victims in the UK beyond the official statistics; in 2017 these indicated that 2,118 children referred into the NRM, an increase of 66% on 2016 and 41% of the total number of referrals. Reflecting the complexities of the issues facing trafficked children responses to victims are also complex; it is widely recognised that adopting a holistic, multi-agency assessment and response, within the existing child protection process is most likely to best address risk and need.<sup>5</sup> Despite increases in knowledge and awareness there is still concern about underreporting of child victims of trafficking, and that victims once identified often go missing, although less so in Scotland.<sup>6</sup>

During 2018, 53 children were referred from Scotland to the NRM (down from 64 in 2017), with 58 being male; labour exploitation being the most common type of exploitation and Vietnamese children accounting for just over half of the total.<sup>7</sup> Unlike the rest of the UK, children from the UK represent a small proportion of the referrals to the NRM from Scotland, although work in Glasgow has identified that for 55% of young people subject to CSE there are reasonable grounds to suggest their exploitation constitutes human trafficking.

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<sup>5</sup> Rigby, P. & Whyte, B. (2014) 'The importance of children's narrative within a multi-centred, dynamic ecological framework for child trafficking assessment and planning' *British Journal of Social Work* doi:10.1093/bjsw/bct105; Rigby, P. and Ishola, P. (2016) 'Child Protection for Child Trafficking Victims' in *Human Trafficking: The Complexities of Exploitation*, Edinburgh University Press

<sup>6</sup> GRETA (2016) Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by the United Kingdom Strasbourg, Council of Europe

<sup>7</sup> National Crime Agency (2019), National Referral Mechanism Statistics – End of Year Summary 2018

### 3.1 Glasgow

The extent and nature of child trafficking in Glasgow has been tracked since 2007, with a number of publications detailing the extent of the issues and responses of professionals. This work has further identified the complexities and difficulty of identifying and working with child victims of trafficking, highlighting the complex nature of risk and protection and recognising that associated risks do not necessarily cease once a young person is identified. This evidence informed approach to practice has resulted in the 'Glasgow Model' being recognised as a good practice response to the issue of child trafficking, attempting to locate identification and responses in the established child protection system.<sup>8</sup>

The research has also acknowledged that the official referrals noted in the NRM statistics do not represent a clear picture of the situation in Glasgow - between 2016 and 2018 **76** children were referred from Glasgow to the NRM and since its inception in 2009 there have been over **287** individual children and **141** families referred to the social work child protection team.

## 4. Trauma Informed Approach to Support and Intervention

Trauma informed practice means considering the impact of trauma and making adjustments to fit with children's needs, to minimise distress and retraumatisation and maximise building trusting relationships. Trauma can impact on children's ability to engage with child protection procedures. Having an understanding of this and ways to respond can help the child or young person feel supported and safe, and help the workers to gather the required information.

The Revised Investigative Interview Protocol<sup>9</sup>, guidance on Joint Investigative Interviewing of Child Witnesses in Scotland<sup>10</sup> and the revised Joint Investigative Interview training provides guidance on conducting child protection procedures in a way that considers developmental factors, the impact of trauma and using a systemic approach to support children before, during and after required processes.

The trauma informed practice framework is organised around 5 Rs. Firstly that **Relationships matter**. Experiences of the interpersonal trauma of abuse and violence involved in child trafficking can have a lasting impact on relationships. But recovery can be helped through repeated experiences of safe, trustworthy and supportive relationships. This includes encounters with professionals through the child protection procedures. Good relationships can be healing.

Workers need to **Realise** that Trafficking can involve multiple trauma experiences and many different forms of trauma including physical violence and threats of violence, witnessing violence to others, sexual violence and rape, emotional abuse, neglect. Trauma usually involves an overwhelming sense of threat and danger alongside a significant breach of trust, coercion, lack of control, powerlessness and domination. Traffickers may also have targeted children who are already vulnerable through early childhood experiences of trauma, loss and adversity.

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<sup>8</sup> Anti Trafficking Monitoring Group (2018) Before the Harm is Done  
<sup>9</sup> Revised Investigative Interview Protocol <http://nichdprotocol.com/wp-content/uploads/2013/03/RevisedProtocolTMWH2final-1.pdf>

<sup>10</sup> Guidance on Joint Investigative Interviewing of Child Witnesses in Scotland.  
<https://www.gov.scot/Publications/2011/12/16102728/5>

Workers need to **Recognise** that traumatic experiences can have a range of impacts, Trafficking not only involves multiple trauma experiences but also the removal of children from protective factors such as family and friends, education, community, the support of reliable adults etc. Therefore children are likely to have experienced multiple traumas without the protective factors that can buffer the impact of trauma and adversity.

There can be barriers to children who have been trafficked feeling safe to disclose their experiences. This can include the traffickers grooming or threatening them leaving them too scared to talk. If other people have not been able to protect them previously, they may be reluctant to believe that staff can help them. Traumatic experiences can result in the child experiencing disconnection and confusion. They can feel isolated and stigmatised by their experiences. These factors can make them doubt that they will be believed by others. They may also feel great guilt and shame about their experiences. They will have been in positions of powerlessness. These aspects can make it hard for them to make disclosures<sup>11</sup>. Depression and the impact of trauma can interfere with memory and make it difficult for them to give an ordered coherent account.<sup>12</sup> Talking about traumatic experiences can lead to a child re-living their experiences and cause them to experience the same feelings they experienced during the abuse. They may feel overwhelmed with fear or distress which can make it hard for them to talk. They may use the same survival skills that they used at the time such as dissociation or cutting off from the experience in some way which can make it hard to speak of what has happened.

**Respond** Staff are able to listen when a child or young person speaks about their experiences and can respond to them with empathy and think about what help is needed. Staff can hold in mind that a person's behaviour or reactions might be trauma-related. This may mean making sense of a child or young person's current difficulties as survival skills. Trauma can affect children's mental health, physical health, capacity for learning and life chances. Children and young people should be supported and enabled to access services, supports and interventions to improve safety and recovery. A multi-agency response is required. This should take into account the different contexts that are relevant for the young person including: home, health, education, community. Mental health services can be contacted to assess psychological impact of trauma or other mental health concerns and provide help as required.<sup>13</sup>

**Resist re-traumatisation** by ensuring services are delivered in line with principles of: **Choice, Collaboration, Trust, Empowerment, Safety**. A process can be re-traumatising if aspects of the process by their similarity to original traumas can evoke the same feelings in the child/young person. Thus for example being shut in a room, being questioned by people in authority, seeing police in uniforms etc. Having to recall traumatic memories can also trigger re-living where the child or young person believes the trauma is happening again and experiences the same thoughts, feelings, behaviour that they did at the original time. It is important to make all procedures involving child victims of trafficking **as different as possible** from their abusive and traumatic experiences. All procedures involving children should be characterised by;

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<sup>11</sup> Working with Children. See understand and respond to child sexual abuse.

[https://www.facs.nsw.gov.au/\\_\\_data/assets/pdf\\_file/0020/415442/4.-FACS-The-Kit-Working-with-Children.pdf](https://www.facs.nsw.gov.au/__data/assets/pdf_file/0020/415442/4.-FACS-The-Kit-Working-with-Children.pdf)

<sup>12</sup>See the Centre for the study of Emotion and Law <http://www.csel.org.uk/cselpublications.html> for very helpful summaries

<sup>13</sup>Promoting psychological Recovery in Victims of Human Trafficking, Doherty, S., and Morley, R. in Human Trafficking the Complexities of Exploitation ed. By Malloch, M., and Rigby, P.

- **Safety**  
That children and young people are supported to feel safe during each aspect of child protection procedures. This could include having someone with them who helps them to feel safe in an environment that is comfortable. Encouraging the child/ young person to take breaks whenever they need them. Having an agreed way of how the child or someone who knows them well can identify when they are feeling emotionally dysregulated or overwhelmed and what will help them to cope. Making sure the best interests of the child is always paramount.

#### **Choice**

That children and young people are given opportunities for exerting some choice during child protection procedures. For example over how they will be involved, over the time of day they attend, where any meetings happen, the gender of the professional that speaks to them etc.

- **Collaboration**  
That children and young people are included in the child protection process and understand what is happening and supported to take part in whatever way they can and want to. It can again be helpful to emphasise the importance of their well-being. For example asking them what they need to help support them through the process, if they already have coping strategies that they can use.
- **Trust**  
That interactions support a child or young person being able to trust the professionals involved. For example, being consistent and reliable in your interactions. This can include how the child protection process is explained to them and being clear about your role and doing what you say you will do so that this is predictable for the child or young person. It is also being clear about when there are things that you are not able to do and explaining the reasons for this. It is important to check that the child understands what is happening. In addition, making sure the child or young person understands that you care about them and you want what is most helpful for them.
- **Empowerment**  
It is important to involve the children in all aspects of the process and listen to what they are communicating. Working with children and young people in a way that empowers them to make active decisions about the support they receive. For example, that they can put forward their views about what would be helpful and can have their interests, personal strengths and resilience factors built on.
- That all of these trauma informed principles take into account a **child's cultural background**. Staff need to be open to learn about what a child or young person's life has been like, the meaning of what has happened to them and what they would find helpful. Practical examples may include the gender of professionals, including interpreters

#### **And Remembering to Care for staff**

Staff can also be affected by regularly working with people who have experienced trauma. This can impact on staff members own health and well-being and can cause secondary traumatisation. It is

therefore important that staff are also supported with good self-care and access to formal and informal support and supervision to help them manage the impact of trauma exposure in the workplace.

## 5. Raising Concerns

### 5.1 Reporting Concerns

Any worker from any agency or organisation who is concerned that a child or young person may be the victim of Trafficking should contact Police Scotland or Social Care Direct (SCD).

The Operations Manager, Glasgow & Partners Emergency Social Work (0300 343 1505), should be consulted in the event of such concerns being raised out of hours.

SCD will process all referrals relating to young people aged 16-18 years initially via C&F services. It will be the responsibility of the C&F Team Leader to have the conversation with Adult services Team Leader to agree which service will meet the needs of the young person.

Where any practitioner has reason to believe that a young person may be a victim of trafficking this must be recorded and discussed with a supervisor, child protection adviser or equivalent at the earliest opportunity. The **trafficking matrix (Appendix 2)** should be completed by the agency identifying concern and this will assist the Initial Referral Discussion and decision making.

All referrals to social work should be followed up in writing using the single agency notification of concern form.

The local authority is the ultimate safeguarder and a referral must be made to them in the first instance.

### 5.2 National Referral Mechanism (NRM)

The NRM is a framework for identifying victims of human trafficking or modern slavery and ensuring they receive the appropriate support. The NRM is also the mechanism through which the Modern Slavery Human Trafficking Unit (MSHTU) collect data about victims. This information contributes to building a clearer picture about the scope of human trafficking and modern slavery in the UK.

The process is currently subject to review and will change in the future. Its current operation, however is set out in Home Office Victims of modern slavery- Competent Authority guidance, Version 7.0, dated 29.04.2019 available at

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/797903/victims-modern-slavery-competent-auth-v7.0-ext.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/797903/victims-modern-slavery-competent-auth-v7.0-ext.pdf)

The trafficking identification is a two stage process and only specified bodies called “First Responders” are able to refer into the process. In Scotland police and local authorities are the first responders (in addition to the Home Office) for children. In Scotland there is no legal duty to refer to the NRM, although Scottish Government policy indicates that children suspected as being victims of trafficking are referred.

For children, there is a specific referral form to complete and children do not require to consent to this referral. However, the identification and protection of children remains the responsibility of Police Scotland and the local authority and the NRM process does not supplant this responsibility.

Therefore a referral to the NRM should normally be a decision made within the child protection process. On this basis and being mindful of data protection and human rights responsibilities, it is important to remember that when completing the NRM referral only the information which is relevant to identifying whether the person is a victim of trafficking should be included.

Including everything that is known about the individual would not be considered proportionate or relevant under data protection legislation and could put the person at further risk if the information was subsequently shared; for example with a country from which the person had been fleeing persecution. If you are in any doubt as to what should be included in a NRM referral please seek support from the relevant manager in your organisation.

The NRM process will separately identify whether an individual is a victim of trafficking. In the event that a negative decision is reached and it is concluded that an individual has not been trafficked, you should seek support from the relevant manager in your organisation. This is for two reasons.

The first is that this decision should not displace any identification process made through the process outlined at section 5.4 as social services are ultimately responsible for safeguarding and protection.

The second is that as a result of any negative decision under the NRM, the local authority may also be asked to make a reconsideration request. In this case, you should contact the legal representative for the child as soon as possible.

### 5.3 Discussing the Notification of Concern with the Young Person

It is good practice to inform the young person about the notification of concern unless it is impossible to do so or would increase the risk to the young person or others. Decisions should take account of the views of the young person where appropriate.

### 5.4 Social Services Response to the Notification of Concern- The Initial Referral Discussion (IRD)

On receipt of a referral, the Children's Services/Adult Services Team Leader will consider the need to instigate an Initial Referral Discussion (IRD) with Police Scotland and Health where potential risk has been identified. All agencies will share relevant information and decisions will be taken with regard to the child/young person's safety and wellbeing. The IRD will determine the level of concern/risk and whether action is necessary under child protection procedures or young person support and protection.

The IRD will consider how the concerns about trafficking need to be investigated and will also seek to consider the immediate safe care of the young person.

Where there are concerns that the young person has been/or is at risk of trafficking an initial child protection or young person support and protection case discussion must be convened.

## 5.5 Initial Case Discussion

Child Protection or Young Person Support and Protection procedures must be followed and an initial multi agency conference (CP/YPSP) convened. If protection measures are required a child/ young person's plan will be agreed and managed through monthly core group meetings with a review conference scheduled for three months' time.

## 5.4 Other Considerations

### Age Assessment

In cases of child trafficking, questions about the age of a child can often arise. The responsibility for the assessment of age is **the local authority** where the young person is residing and is informed by legislation and guidance.

Section 12 of the Human Trafficking and Exploitation (Scotland) Act 2015 sets out a presumption regarding a child who is presumed to be trafficked. It applies where a Health Board or Local Authority has reasonable grounds to believe that a person is a victim of human trafficking and, while not certain of their age, there are reasonable grounds to think the person may be under 18. In these circumstances, the Board or Authority has to treat that person as a child in relation to certain statutory powers and obligations. They are required to do so unless the person is proven or assessed to be 18 or over. In these cases, a children's service must be provided pending an age assessment being carried out.

The Scottish government has produced guidance on age assessment linked to this section of the legislation which is contained at

<https://beta.gov.scot/publications/age-assessment-practice-guidance-scotland-good-practice-guidance-support-social/pages/3/>

### Appointment of an Independent Child Trafficking Guardian

The Human Trafficking and Exploitation (Scotland) Act 2015 (Section 11) has made provision for the appointment of an Independent Child Trafficking Guardian.

Independent child trafficking guardians are to be appointed for a child:

- whom a relevant authority has reasonable grounds to believe is or may be a victim of human trafficking;
- whom a relevant authority has reasonable grounds to believe is vulnerable to becoming a victim of human trafficking; and
- for whom no-one in the UK has parental rights or responsibilities.

Standard child protection processes and procedures will continue to be used for those children for whom someone in the UK has parental rights or responsibilities.

Section 11 places a duty to appoint an "Independent Child Trafficking Guardian" to assist, support and represent an eligible child, ensuring they are safeguarded and their rights are protected. This is intended to complement the roles and responsibilities of the existing statutory agencies. An eligible child is a child that a relevant authority determines is unaccompanied (in the sense that no person in

the UK hold parental rights or responsibilities in relation to the child) and the authority (based on reasonable grounds) determines that the child is, or may be, a victim of the offence of human trafficking; or that they are vulnerable to becoming a victim of that offence. The Act defines a 'child' as being under 18.

The Scottish Guardianship Service (SGS) currently deliver this service. A referral must be made directly by the Local Authority and further information about the service is available online:

<https://www.aberlour.org.uk/services/scottish-guardianship-service/>

### **Independent Legal advice**

Where there are concerns that a child or young person has been trafficked, consideration must be given to ensuring the child or young person has access to information and advice from a lawyer about the NRM, immigration issues if relevant ( including children from Europe), age assessment, compensation and other rights they may have under the relevant legal frameworks.

**National Referral Mechanism (NRM):** The IRD discussion should note if a referral has already been submitted. If not, there should be consideration as to whether a referral should be made. The referral should only be done following a case discussion unless there is a flight risk which would require it to be completed immediately.

## **6. Contact Details**

### **Police Scotland**

Greater Glasgow Family Protection Unit

0141 532 5588 or via 101

[GreaterGlasgowFamilyProtectionUnit@scotland.pnn.police.uk](mailto:GreaterGlasgowFamilyProtectionUnit@scotland.pnn.police.uk)

National Human Trafficking Unit

01236818745 Monday to Friday 0800 – 1600.

[Scd.humantrafficking@scotland.pnn.police.uk](mailto:Scd.humantrafficking@scotland.pnn.police.uk)

### **GHSCP Child Protection Team**

**0141 420 0077**

Child Protection Service (health)

0141 451 6605

### **JustRight Scotland**

0141 406 5350

[www.justrightscotland.org.uk](http://www.justrightscotland.org.uk)

### **Guardianship Service**

0141 445 8659

[guardianship@aberlour.org.uk](mailto:guardianship@aberlour.org.uk)

## Appendix 1

The following are working definitions of these terms:-

**Forced labour (also referred to as labour exploitation):** a victim is made to work with little or no pay, and may face violence or threats. If they are foreign nationals, their passports may be confiscated by their exploiters and they may be made to live in terrible conditions and under constant threat.

**Bonded labour (also referred to as debt bondage):** Debt bondage can be present in many forms of exploitation, and can take a range of forms. Debts may arise out of the exploitation itself, for example in relation to accommodation or travel fees, with victims having little or no control over their debt and little or no way to pay it back. Costs may be deducted from their wages, leading to further debts being accrued. A person may be forced to work to pay off the debt and it can also be used as a means of controlling a victim and keeping them enslaved.

**Slavery:** Someone is in slavery if they are:

- Forced to work through mental or physical threat
- Owned or controlled by an 'employer', usually through mental or physical abuse or the threat of abuse
- Dehumanised and treated as a commodity or bought and sold as 'property'
- Physically constrained or have restrictions placed on their freedom.

**Servitude:** Servitude is similar to slavery, in that a person is under an obligation to provide a service which is imposed on them, but there is no element of ownership. Domestic servitude involves victims working in a household where they may be ill-treated, humiliated, subjected to exhausting hours, forced to work and live under unbearable conditions or forced to work for little or no pay.

Slavery, servitude and forced or compulsory labour are therefore themselves criminal offences. This exploitation would also be classed as human trafficking if a relevant action was present.

<https://www.local.gov.uk/modern-slavery-council-guide>

## CHILD TRAFFICKING MATRIX (from NRM referral form for children in Scotland)

Exploitation	Y	S	Exploitation	Y	S	Exploitation	Y	S
Claims to have been exploited through sexual exploitation, criminality, labour exploitation or domestic servitude by another person			Required to earn a minimum amount of money every day			Located / recovered from a place of exploitation (for example brothel, cannabis farm, involved in criminality)		
Physical symptoms of exploitative abuse (For example sexual or physical)			Involved in criminality highlighting involvement of adults (for example recovered from cannabis farm / factory, street crime, petty theft, pick pocketing, begging)			Deprived of earnings by another person		
Underage marriage			Performs excessive housework chores and rarely leaves the residence			Claims to be in debt bondage or "owes" money to other persons (for example for travel costs, before having control over own earnings)		
Physical indications of working (For example overly tired in school, indications of manual labour – condition of hands/skin, backaches)			Reports from reliable sources suggest likelihood of sexual exploitation, including being seen in places known to be used for sexual exploitation			Receives unexplained / unidentified phone calls whilst in placement / temporary accommodation		
Sexually transmitted infection or unwanted pregnancy			Unusual hours / regular patterns of child leaving or returning to placement which indicates probable working			No passport or other means of identity		
Story very similar to those given by others, perhaps hinting they have been coached			Accompanied by an adult who may not be the legal guardian and insists on remaining with the child at all times			Unable or reluctant to give accommodation or other personal details		
Significantly older partner			Limited freedom of movement			False documentation or genuine documentation that has been altered or fraudulently obtained; or the child claims that their details (name, date of birth) on the documentation are incorrect		
Harbours excessive fears / anxieties (for instance about an individual, of deportation, disclosing information)			Movement into, within or out of the UK			Movement into, within or out of the UK		
Movement into, within or out of the UK			Gone missing from local authority care			Entered country illegally		
Returning after missing, looking well cared for despite no known base			Unable to confirm name or address of person meeting them on arrival			Journey or visa arranged by someone other than themselves or their family		
Claims to have been in the UK for years but hasn't learnt local language or culture			Accompanying adult previously made multiple visa applications for other children / acted as the guarantor for other children's visa applications			Registered at multiple addresses		
Other risk factors			Accompanying adult known to have acted as guarantor on visa applications for other visitors who have not returned to their countries of origin on visa expiry			Other risk factors		
Withdrawn and refuses to talk / appears afraid to talk to a person in authority			History with missing links or unexplained moves			Possible inappropriate use of the internet and forming online relationships, particularly with adults		
Shows signs of physical neglect – basic care, malnourishment, lack of attention to health needs			Pattern of street homelessness			Accounts of social activities with no plausible explanation of the source of necessary funding		
Shows signs of emotional neglect			Other risk factors			Entering or leaving vehicles driven by unknown adults		

Socially isolated – lack of positive, meaningful relationships in child's life			Unregistered private fostering arrangement			Adults loitering outside the child's usual place of residence		
Behavioural - poor concentration or memory, irritable / unsociable / aggressive behaviour			Cared for by adult/s who are not their parents and quality of relationship is not good			Leaving home / care setting in clothing unusual for the individual child (for example inappropriate for age, borrowing clothing from older people)		
Psychological – indications of trauma or numbing			Placement breakdown			Works in various locations		
Exhibits self assurance, maturity and self confidence not expected in a child of such age			Persistently missing, staying out overnight or returning late with no plausible explanation			One among a number of unrelated children found at one address		
Evidence of drug, alcohol or substance misuse			Truancy / disengagement with education			Having keys to premises other than those known about		
Low self image, low self esteem, self harming behaviour including cutting, overdosing, eating disorder, promiscuity			Appropriate adult is not an immediate family member (parent / sibling)			Going missing and being found in areas where they have no known links		
Sexually active			Appropriate adult cannot provide photographic identification for the child					
Not registered with or attended a GP practice								
Not enrolled in school								
Has money, expensive clothes, mobile phones or other possessions without plausible explanation								