

Trafficking of Children and Adults through Luton Airport

Roles and Responsibilities of Partner Agencies



**Central Bedfordshire Safeguarding
Children Board**

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Definitions

Human Trafficking	<p>Human trafficking is defined by the UNHCR guidelines (2006) as a process that is a combination of three basic components:</p> <ul style="list-style-type: none"> • Movement (including within the UK); • Control, through harm/threat of harm or fraud; • For the purpose of exploitation <p>Evidence suggests that traffickers operate according to rational economic business principles with complex profit and loss accounts, and that they treat victims as commodities (Kelly and Regan, 2000; Salt and Stein, 1997).</p>
Child Trafficking	<p>The Palermo Protocol establishes children as a special case for which there are only two components – movement and exploitation. Any child transported for exploitative reasons is considered to be a trafficking victim – whether or not she/he has been deceived, because it is not considered possible for children to give informed consent. ‘Child’ refers to children 0 to 18 years.</p> <p>A child may be trafficked for the purpose of:</p> <ul style="list-style-type: none"> • Sexual exploitation (including child abusive acts and images) • Domestic servitude (e.g. domestic chores, looking after young children) • Labour exploitation (e.g. working in restaurants, building sites, cleaning) • Enforced criminality (e.g. cannabis cultivation, street theft, begging, drug dealing and trafficking) • Benefit/housing fraud • Illegal adoption • Female genital mutilation • Servile and underage marriage <p>A child may be trafficked between a number of countries in the EU or globally, prior to being trafficked into/within the UK. The child may have entered the UK illegally (i.e. with immigration documents).</p>
Trafficking of adults	<p>Poverty, limited opportunities at home, lack of education, unstable social and political conditions, economic imbalances, and war are seen as the key driving forces of the supply of trafficked people. These factors underscore the importance of strategic interventions that take a proactive approach to dealing with these issues in both source and transit countries</p> <p>The Association of Chief Police Officers (ACPO) Project Acumen report (Jackson <i>et al.</i>, 2010) shows that of their calculation of the 17,000 migrant women involved in prostitution in the off-street sector, 2,600 are estimated to have been trafficked, and a further 9,200 are considered to be vulnerable – they have elements of vulnerability related to trafficking, but fall short of the threshold used for concluding that they had been trafficked, and amongst whom there may be further victims of trafficking. (<i>An evidence assessment</i></p>

	<p><i>of the routes of human trafficking into the UK. Occasional paper 103. October 2010)</i></p> <p>An adult can be trafficked for the purpose of:</p> <p><u>Sexual Exploitation</u>: The scale of trafficking for sexual exploitation remains largely unknown worldwide since its very nature demands secrecy and reliable statistics are therefore not forthcoming. In the UK, there are some clues as to its scale. For example, in a recent ACPO report, 2,212 brothels were identified in London alone, and the police estimate that up to 50% of those working in the brothels may have been trafficked. Traffickers take virtually all the earnings from their 'slave' and move them around the country so they are not associated with any particular area.</p> <p><u>Domestic servitude</u>: Domestic workers are vulnerable to exploitation from employers. They work alone and are reliant on their employer for their work, accommodation and immigration status. If the employer does not respect their rights, migrant domestic workers have little bargaining power and can find themselves trapped in this invisible form of slavery. Cases of domestic servitude in the UK include both adults and children, normally migrants.</p> <p><u>Forced labour</u>: Many people trafficked into the UK to carry out hard manual work on farms or in factories for little or no pay. Their passports are confiscated by their traffickers and they are made to live in terrible conditions. This is not a phenomenon just affecting foreigners: in early 2012, several British men were rescued from a site in Bedfordshire where they had been living in squalid conditions, forced to work day and night without pay.</p> <p><u>Enforced criminality</u>: people are trafficked into the UK for illegal activities, such as shoplifting, pick-pocketing, committing benefit fraud, cannabis cultivation, drug smuggling and selling pirate CDs and DVDs on the street (see Anti-Slavery International <i>et al.</i>, 2006; Child Exploitation and Online Protection Centre, 2009a; 2009b). The UK may also be used as a transit country – a stopping off point prior to movement to other locations (see United Nations Office on Drugs and Crime, 2006; Serious Organised Crime Agency, 2009).</p>
Forced Marriage	<p>A forced marriage is where one or both people do not (or in cases of people with cognitive impairments, cannot) consent to the marriage and pressure or abuse is used. It is an appalling and indefensible practice and is recognised in the UK as a form of violence against women and men, domestic/child abuse and a serious abuse of human rights</p>

1. Introduction

Trafficked adults and 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 people who traffic them take trouble to ensure that their victims do not come to the attention of the authorities, or disappear from contact with statutory services soon after arrival in the UK. One of the first areas a relevant authority may come into contact with an adult or a child identified as trafficked is at a port of entry, for the purposes of this agreement, Luton airport.

The purpose of this document is to outline an agreed working protocol between Bedfordshire Police, Borders Force, Luton Borough Council Adult Social Care and the Children & Learning Department at Luton Borough Council in answer to the problem of trafficked adults and children through Luton Airport. Representatives of each agency have agreed inter-agency working practices.

2. Principles

The following principles should be adopted by all agencies in relation to identifying and responding to children (and unborn children) and adults at risk of, or having been trafficked:

- Trafficking causes significant harm in both the short and long term; it constitutes physical and emotional abuse to the child or adult;
- The safety and welfare of the adult / child is paramount (i.e. the nationality or immigration status is secondary and should be addressed only after their safety is assured);
- Trafficked children are provided with the same standard of care that is available to any other child in the UK;
- Trafficked adults would be subject to the same laws in relation to safeguarding of vulnerable adults, reporting requirements and the meeting of social care needs as any other adult residing in the UK.
- All decisions or plans for the child/ren and adults at risk should be based on good quality assessments and supported by multi-agency services;
- All agencies should work in partnership with members of local communities, to empower individuals and groups to develop support networks and education programmes.

The LSCB's and LSAB and partners, are committed to developing responses that keep children and adults safe, and hold perpetrators to account without stereotyping, stigmatizing or making assumptions about any given individual or community.

It is expected that all professionals will demonstrate that seeking to protect the victims is central to the core business of tackling trafficking issues.

3. Expectations of all professionals

All agencies and professionals who work with or are in contact with children and adults at risk have a responsibility to safeguard and promote their welfare.

Safeguarding and promoting the welfare of children and adults depends on effective joint working between agencies and professionals. It is particularly important that links are established between statutory agencies and the voluntary and community sectors.

3.1 IDENTIFYING TRAFFICKED AND EXPLOITED CHILDREN AND ADULTS.

All professionals who comes into contact with children and adults in their everyday work need to be able to identify those who may have been trafficked, and be competent to act appropriately to support and protect these children and adults from harm.

Whenever a professional identifies that a child or adult may have been trafficked, s/he should act promptly before the person goes missing and assess the levels of need.

All ports of entry in the UK are potential channels for trafficking children and adults. Identifying trafficked people at these ports of entry is likely to be difficult, as they may not be showing obvious signs of distress.

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

3.2 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. Similarly adults may not understand they have been trafficked or they may be too frightened.

It is likely that the trafficked person will have been coached with a story of what to tell the authorities in the UK, and warned not to disclose any detail beyond this.

Apparent collusion with the trafficker can add to confusion when attempting to identify a person as a victim of trafficking. The child or adult may be reluctant to disclose their circumstances because:

- His or her experience of authority in their country of origin is such that they do not trust the police or other statutory agencies.
- 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 or adult 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 favourable to the experiences at home.

3.3 POSSIBLE INDICATORS THAT A CHILD OR ADULT MAY HAVE BEEN TRAFFICKED

There are a number of indicators which suggest that a child or adult may have been trafficked into the UK, and may still be controlled by the traffickers or receiving adults. These will be assessed on entry at Luton Airport by Border Force staff.

At the port of entry the child/ adult:

- Has entered the country illegally;
- Has no passport or other means of identification;
- Has false documentations;
- Possesses money and goods not accounted for;
- May be 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 a person who insists on remaining with them 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 /adults 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;
- 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 or adults and/or has acted as the guarantor for other visa applications;
- 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.

4. National Referral Mechanism¹

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.

Trained specialists make decisions about who is a victim of trafficking; they are empowered by designated 'Competent Authorities'. The UKHTC hosts one such Competent Authority.

UK Human Trafficking Centre (UKHTC) aims to improve and co-ordinate the law enforcement response to human trafficking, working closely with its partners. A key element in the UKHTC's approach to preventing and reducing human trafficking is to ensure that victims are adequately safeguarded and protected from harm. It is comprised of staff from various disciplines bringing a multi-agency approach to the Centre's response to trafficking both into and within the UK.

The UKHTC Competent Authority deals with cases referred by all external agencies such as the police and local authorities, etc. where the person is a UK or European Economic Area [EEA] national, or where there is an immigration issue but the person is not yet known to BF.

A linked but separate Competent Authority, sits in BF for situations where trafficking is raised as part of an asylum claim or in the context of another immigration process.

The National Referral Mechanism comprises of a three-stage process for establishing formally that a child is a victim of trafficking.

Stage one – Safeguarding Assessment: A frontline professional [BF] identifies that the child or adult may be trafficked using the indicators. Port authority professional who identifies that the child or adult may be trafficked should make a referral to the:

- MASH Team (01582 547653)) at Luton Borough Council Children & Learning Department;
- or Bedfordshire Police PPU Support Team (01234) 846960;
- the Luton Safeguarding Adults Team (01582 547730)

OR IF OUT OF HOURS TO EDT 01525 405109

- and to Luton Airport Police Team on: 07799861521. (If no response from Airport Team, please call Bedfordshire Police Headquarters on 101).

¹ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/510091/NRM_-_guidance_for_child_first_responders_v2.0_EXT.PDF

Stage two – ‘reasonable grounds’: with support, as required, Luton Borough Council Peoples Directorate (formerly Children & Learning Department and Luton Safeguarding Adults Team) will assist BF in assessing whether the child/person has been trafficked..

‘Reasonable grounds’ test

The ‘reasonable grounds’ test focuses firstly on the acceptability and credibility of the child’s or adult’s story and circumstances to the definition of trafficking. For cases where it is believed but not able to be proved the person has been trafficked.

Stage three – in the third stage the MASH at LBC C&L Department would refer the child’s case to the UKHTC as the competent authority. For an adult, the referral would be made by the LBC Safeguarding Adults Team.

The referral allows the competent authority to suspend immigration activity for a 45-day period. This should enable frontline professionals to complete the safeguarding assessment needed to inform the trafficking assessment tool, and clarify for the relevant council as to whether there are reasonable grounds to believe that the child or adult is a victim of trafficking.

The 45-day period is also a period in which scope for criminal investigation should be explored.

5. Issues arising in identifying trafficked children / adults

AGE ASSESSMENTS

Assessing the age of a victim of trafficking is necessary because a child may have documents, which are fake, or belong to another child, in order to make them appear younger or older. Children are groomed (coerced) to lie about their age by the adults trafficking and exploiting them. Accordingly, information about a child provided by an accompanying adult/carer may not be accurate.

When the age of the victim is uncertain and there are reasons to believe that they are a child, either because the victim has stated that they are under 18 years of age or there is documentation or information from statutory or specialist agencies that have raised concerns that they may be under 18, then s/he should be presumed to be a child and be provided with full protection as a child victim of trafficking.

Where there is concern that a child may have been trafficked 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. This is in accordance with the Council of Europe Convention.

In circumstances where it is determined that a young victim of trafficking is an adult, professionals must follow their local Safeguarding Adult Policy procedure, and also contact the UKHTC.

TRAFFICKED CHILDREN WHO ARE LOOKED AFTER

A child who may be at risk from, or has been, trafficked, may be accommodated after initial information gathering. In these circumstances, Luton Borough Council Children & Learning Department will care for the child as a looked after child. The child will have a care plan based on a thorough needs assessment outlining how the local authority proposes to meet their needs.

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, the assessment should include:

- Establishing relevant information about the child's background;
- Understanding the reasons the child has come to the UK; and
- Assessing the child's vulnerability to the continuing influence/control of his or her traffickers.

Responding to this information ensures that the care plan includes a risk assessment setting out how the local authority intends to safeguard the young person. This plan should include contingency plans to be followed if the young person goes missing.

Given the circumstances in which potentially trafficked 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 needs 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.

DIVULGING THE LOCATION OF THE CHILD OR ADULT

- The location of the child or adult 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 the police and BF.
- Foster carers/residential workers should be vigilant about anything unusual (e.g. waiting cars outside the premises/mobile phone usage/telephone enquiries).
- The Children & Learning Department 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 the UK claim 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.

The Children & Learning Department, Bedfordshire Police and BF should investigate anyone approaching the local authority and claiming to be a potential carer, friend, and member of the family, etc., of the child. 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 whom 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. Each agency will have their own lists of approved interpreters.

5.4 TRAFFICKED ADULTS AT RISK:

Adults at risk of abuse and /or harm who are 18 years of age or over, presenting at Luton Airport or anywhere in Luton are eligible for an assessment from the Luton Adult Safeguarding Team, in line with the council's statutory duty under Section 42 of the Care Act 2014.

Professionals handling any such adults at risk of abuse and / or harm are required to make a safeguarding referral by phone (Tel: 01582 547730) or by email: adultsafeguarding@luton.gov.uk

For any medical emergencies professionals are advised to contact 999 or present the local Accident and Emergency dept, Luton and Dunstable Hospital.

All referrals are processed within 24 hours through the following rapid stages:

- Screening and triage
- Risk Assessment
- Strategy discussion or meeting involving all relevant personnel involved

- Screening for any advocacy support
- Screening for mental capacity and the need for a best interest judgement, if required
- Section 42 Enquiry (investigation)

Following the strategy discussion, an urgent protection plan will be agreed and implemented which will be revised after the completion of the full Section 42 Enquiry. Depending upon the need for immediate protection, the plan may include the universal support services such as access to urgent and temporary housing and support available via third sector / voluntary services such as British Red Cross. More information at the Information Directory:

<http://directory.luton.gov.uk/kb5/luton/directory/adult.page?adultchannelnew=0>

5.5 MISSING CHILDREN

Research from End Child Prostitution, Pornography and Trafficking [ECPAT] and Child Exploitation Online Protection [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 traffickers before being properly identified as victims of trafficking. These cases should be reported to the police covering the area from which they have disappeared.

Local authority children's services should consider seriously the risk that a trafficked child is likely to go missing and take this into account in planning that child's care.

Where missing children come to the attention of LA children's social care or the police, a 24-hour enquiry service available from UKHTC may help in providing advice.

If a child goes missing local missing person procedures should be followed in each case.

6. Individual agency responsibilities Border Force

At port of entry Border Force [BF] staff will generally discover the first indicators that a child / person may have been trafficked. The lists below constitute the processes that will be completed by BF officers in accordance with their protocols in each case. BF will carry out the following procedures in line with their operational guidance.

1. On Arrival All Nationalities

Adult	Child
Obtain details of stay and sponsor from Adult with interpreter if necessary;	Obtain details of stay and sponsor from child with interpreter if necessary;
Contact sponsor to confirm above, and obtain bio data details, UK status, address, telephone no's and details of passenger's stay;	Contact sponsor to confirm above, and obtain bio data details, UK status, address, telephone no's and details of passenger's stay;
	Contact parent/guardian in home country or other location to confirm child's statements;
Carry out checks on passenger, sponsor(s) and address(es) on Home Office(HO) database, PNC, Case Information Database (CID) and UK Visas Central Reference System (CRS);	Carry out checks on passenger, sponsor(s) and address(es) on Home Office(HO) database, PNC, Case Information Database (CID) and UK Visas Central Reference System (CRS);
Contact Border Force Central Region Intelligence Duty Officer by e-mail: centralregionintelligencedutyofficer@homeoffice.gsi.gov.uk - and National Crime Agency (NCA)	Contact Border Force Central Region Intelligence Duty Officer by e-mail: centralregionintelligencedutyofficer@homeoffice.gsi.gov.uk - and National Crime Agency (NCA)
Fingerprint the adult(s) and scan (Immigration act 1971, Schedule 2, Paragraph 16);	Fingerprint any child over 5 years and scan (Immigration act 1971, Schedule 2, Paragraph 16);
Photograph (10 copies per asylum applicants)	Photograph (10 copies per asylum applicants)
	Ensure airline representative or other responsible adult is available to sit with the child
Baggage searched by Safeguarding and Trafficking Team (SAT Team) trained Border Force Officer (Immigration Act 1971, Schedule 2, Paragraph 4)	Baggage searched by Safeguarding and Trafficking Team (SAT Team) trained Border Force Officer (Immigration Act 1971, Schedule 2, Paragraph 4)

Complete baggage search pro forma	Complete baggage search pro forma

2. Further Examination European Economic Area (EEA) Nationals

Adult	Child
Telephone airport police control room on 07799861521 (If no response, contact Bedfordshire Police Headquarters on 101); record the name of the officer.	Telephone airport police control room on 07799861521 (If no response, contact Bedfordshire Police Headquarters on 101); record the name of the officer.
	Telephone the Children & Learning Department on 01582 547653 (MASH) Emergency Duty Team 01525 405109 or 0300 300 8123
Record referral in log	Record referral in log
Contact UK Human Trafficking Centre [UKHTC] on 0844 778 2406	Contact UK Human Trafficking Centre [UKHTC] on 0844 778 2406
Refer to Border Force Central [BFC] Intelligence	Refer to Border Force Central [BFC] Intelligence
	Place child in care of the Children & Learning Department and/or Bedfordshire Police; NFA required
	Complete Referral Form and fax to the Children & Learning Department, including full details of trafficking indicators, to 01582 547813
	Record details on Case Information Database [CID] and advise Children & Young Persons Team

3. Non-EEA Nationals

Adult	Child
Enter on Case Information Database [CID]	Enter on Case Information Database [CID]
Enter on Case Information Database [CID]	Enter on Case Information Database [CID]
Raise file, identify as Child and possibly Trafficking case	Raise file, identify as Child and possibly Trafficking case
Interview/screening with interpreter as soon as practicable	Interview/screening with responsible adult and interpreter as soon as practicable
	Telephone the Children & Learning Department on 01582 547653 Or out of hours: Emergency Duty Team

	01525 405109 or 0300 300 8123 Interpreter to be kept at the airport until Social Worker attends
	Complete Referral Form including full details of trafficking indicators and fax to the Rapid Intervention and Assessment Team on 01582 547813;
	Record referral in log
Contact Airport Police/Bedfordshire Police control room on 07799861521 (if no response, contact Bedfordshire Police Headquarters on 101).	Contact Airport Police/Bedfordshire Police control room on 07799861521 (if no response, contact Bedfordshire Police Headquarters on 101
Contact UKHTC	Contact UKHTC
	Higher Officer consider whether: Child to be a witness in a prosecution case: liaise with NCA
Victim should benefit from minimum reflection and recovery period	Victim should benefit from minimum reflection and recovery period
Victim should be provided with access to specialist support;	Victim should be provided with access to specialist support;
	Senior Officer (SO) to be informed
	Decision made as to whether child should be granted entry or refused If refused, SO to give authority for refusal and removal Child to be given Temporary Admission (TA) on form IS96 and placed in care of The Children & Learning Department
	Asylum case: file to be transferred to New Asylum Model [NAM]] Caseworker
	Non-Asylum case: file to be retained at port and agreement to be sought from the Children & Learning Department that they can return the child to the airport in line with the conditions of Temporary Admission [TA].

Intelligence Requirement

BF (Border Force Intelligence Service) has responsibility for gathering, handling and disseminating Intelligence in order to protect our border and national interests. Information is critical to successful harm reduction.

Section 55 of the Border Citizen Immigration [BCI] Act 2009, sets out the statutory duty to safeguard the welfare of children. The functions as specified in subsection 2 are discharged having regard to the need to safeguard and promote the welfare of children who are in the UK.

Section 42 of the Care Act 2014, provides for the safeguarding of adults who are considered to be at risk of abuse or neglect and would apply to trafficked adults just as it would to any other adult residing in the UK. It requires enquiries to be made where a local authority considers that an adult is at risk of abuse or neglect and to decide what action should be taken.

Collection

- Intelligence officers to be advised by Primary Check Point [PCP] officers of arriving passengers hitting indicators on trafficking profiles and/or with welfare concerns.
- Where a referral is made, Intelligence Officers will provide support to frontline officers by undertaking additional checks against documentation/addresses/sponsor(s) details.
- Where resources allow, an intelligence officer will accompany officers conducting baggage searches for Intelligence gathering purposes.
- An intelligence officer will debrief the event to elicit any further information of interest.

WORKING IN COLLABORATION

Border Force Intelligence officers will seek to acquire knowledge of “in country” activity, emergent trends and threats from internal and external stakeholders within Immigration Group and law enforcement partners such as Bedfordshire Police and UKHTC to reduce intelligence gaps and assist with updating on entry profiles.

Border Force Intelligence will regularly update profiles and circulate harm reduction briefings to frontline officers to aid in the identification of vulnerable children on entry.

RISK ASSESSMENT

Prior to removing a child to their country of origin it is important to determine the adequacies of the reception arrangements in place. A Ministerial commitment has been given that says:

“...any immigration decision to remove an unaccompanied child involves consideration of whether safe and adequate reception arrangements for the child can be made. We would not send an unaccompanied child to another country unless we were satisfied that arrangements had been made.”

Safe and adequate reception arrangements include return to the family or to other suitable carers.

In conjunction with the returns checklist a written risk assessment must also be completed to look at the threat that return may pose to the child in relation to issues such as trafficking or the difficulties of reintegration into the home community taking into account the age of the child and the length of time spent in the UK. The child should have access to: food; water; shelter; healthcare; basic safety and child

protection. It is considered that this is a minimum in all cases and we must ensure Article 3 standards are met.

In all cases, irrespective of age, the child should be consulted about their return and their opinion should be recorded on file. In the event of a negative response the reasons behind it should be fully explored, however it will not necessarily result in the removal being cancelled. The reasons given may be an important indicator of the risks involved in any removal.

The assessment must be attached to the removal checklist.

The following should also be considered as part of any assessment:

- Documentation
- Splitting of established family groups/units – if a family unit is split then approval must be given by an Assistant Director [AD]
- Health of child
- Any exceptional circumstances

An internal BF referral form should be completed to refer the matter to the Children & Learning Department.

7. Luton Children & Learning Department Responsibilities

The Children & Learning Department (or the Emergency Duty Team [EDT]) will take responsibility for referrals made by BF or Bedfordshire Police where an unaccompanied child or young person comes to notice at the Airport suspected of being trafficked.

The Emergency Duty Team will - on most occasions - be able to take management oversight of the duties of the Local Authority, out of hours.

BF/Bedfordshire Police (where the child or young person is being met by or escorted by a person into the UK and there is a suspicion of child trafficking) will also make referrals. A duty Social Worker will be allocated by the Children & Learning Department, who will attend the Airport as soon as is practicable in line with competing demand for service. When the referrals are out of hours the Emergency Duty Team will endeavour to provide a social worker to undertake a joint initial safeguarding assessment with the BF staff.

The Children & Learning Department will accommodate (s20 Children Act 1989) any unaccompanied minors identified at the port of entry, pending further assessment.

INTERAGENCY WORKING

BF and the duty Social Worker will agree at the point of referral whether the child or person fits the risk profile.

This risk profile will be updated by The Children & Learning Department and Luton Adult Social Care to reflect the current research on the issue of trafficking. The details obtained from BF will be noted together with any comments made by the person. BF may have taken head and shoulders photographs of the person in line with their procedures.

TRAFFICKED CHILDREN

As part of the assessment, consideration will be given to whether or not there are grounds to 'Look After the Child'/where appropriate and possible, steps will be taken to make contact with the child's parents in the country of origin, either at the terminal by BF or thereafter by a combination of Children's Service and BF, to find out what plans they have made for their child and to seek their views. It will be important to take steps to verify the relationship between the child and those thought to be their parent.

If it is not possible to reunite the child with his or her parent or a responsible adult, the Emergency Duty Team or the Children & Learning Department will have to strongly consider the need to accommodate the child under Section 20 of the Children's act 1989.

In these circumstances, the social worker will complete the remainder of the assessment airside in the presence of the Border Force Officer, the child and an interpreter if one if required and where possible an Independent person.

This will incorporate an assessment of the risks to the child of leaving the terminal building and development of a robust Care plan.

A copy of the Safeguarding/Age Screening tool, including the Care Plan will be handed to the Carer when the child is placed.

The young person will be given advice by the Social Worker explaining the meaning of child trafficking, and will be pro-actively cautioned about the dangers of trafficking and going missing from the care arranged for them by the Local Authority.

An appropriate safe placement, sourced by Luton Children & Learning Department will be found for the young person. The child will become a 'looked after child'.

A thorough needs assessment is needed that will inform the Care Plan, and should cover the same dimensions of need as the assessment for any looked after child.

In addition for children who may have been trafficked the assessment should include:

1. Establishing relevant information about the child's background.
2. Understanding the reasons the child has come to the UK and assessing the child's vulnerability to the continuing influence and control of his or her traffickers.
3. The Care Plan will include a risk assessment setting out how the Local Authority intends to safeguard the young person from any trafficking, and to minimise any risk of traffickers being able to re-involve the young person in exploitation activities. This will therefore involve a restriction on the young person's movements, contact with adults and the use of a telephone.
4. A Section 47 investigation will be commenced and a Strategy Meeting will be convened within two working days.
5. A referral to National Referral Mechanism [NRM] should be made by the Children & Learning Department and Bedfordshire Police if there are "reasonable grounds" to believe the child has been trafficked.

Any young person suspected of being trafficked should not be released to an adult claiming them at the airport until the circumstances have been investigated fully and their suitability established.

Anyone approaching the local authority and claiming to be a potential carer, friends, etc. of the young person, is to be investigated by the Social Worker, with the support of Bedfordshire Police or BF prior to any release of the young person into their care.

Luton Children & Learning Department checklist:

Interview should be conducted in the young person's first language using an approved interpreter.

1. Completion of Safeguarding/age screening assessment.
2. Accommodate under Section 20 – Safe Accommodation (Foster Care or Residential).
3. Obtain photograph from BF.
4. Risk assessment regarding leaving airport undertaken and safeguarding plan drawn up.
5. Explanation provided to the young person by the Social Worker about the dangers of trafficking and going missing from care.
6. Initial Care plan to be given to the carers when placed.
7. Section 47 Strategy Discussion arranged with Bedfordshire Police Public Protection Unit (PPU) in the area to which a child/young person is accommodated.
8. Referral to NRM (prior to age assessment).
9. Full Age assessment, if necessary, to be completed within seven days.
10. Report immediately to the Police if young person goes missing and follow "Missing from Care Protocol".

8. Luton Borough Council Adult Social Care Responsibilities

Referrals should be made to the Luton Borough Council Contact Centre. The Safeguarding Adults Team (or Emergency Duty Team) will take responsibility for referrals made by UK Border Force or Bedfordshire Police where an adult may have been a victim of trafficking. The Safeguarding Adults Team will arrange for a worker to attend the airport as soon as is practicable in line with competing demand for service.

INTERAGENCY WORKING

BF and the duty Social Worker will agree at the point of referral whether the person fits the risk profile.

This risk profile will be updated by Luton Adult Social Care to reflect the current research on the issue of trafficking. The details obtained from BF will be noted together with any comments made by the person. BF may have taken head and shoulders photographs of the person in line with their procedures.

The Emergency Duty Team (or the **Safeguarding Adults Team**) will respond to referrals and will carry out a Merton Compliant Assessment based on the available information.

If the children's social worker carries out an age assessment and determines that the person is an adult then they would contact Adult Social Care.

Where the victim is an adult there is a national system for reporting this which involves reporting the information to the NRM (National Referral Mechanism see earlier) and secondly accessing specialist help from the Salvation Army.

The Salvation Army have been commissioned by the government to provide specialist help including safe housing to adult victims. Where a victim needs assistance it is essential to access help from the Salvation Army without delay. However the Salvation Army are not empowered to assist unless a referral has already gone to the NRM. For children the support comes from children's services.

It is acknowledged that some victims may be reluctant to report to the police for all sorts of reasons e.g. because of fear and uncertainty. Reporting the matter to the NRM is not the same as reporting a crime to the police and does not result in the police becoming involved. Accessing help from the Salvation Army is also not dependent on the police being informed; it is only dependent on referral to the NRM. There is also no communication from the NRM to the local police when they receive a referral.

The trafficked person/ people should however be routinely encouraged to report to the local police. Also if the worker believes there may be other victims involved they will be obliged to inform the police because of their wider duty of care to the other potential victims. This will need explaining this to the victim. If the trafficking does not involve other victims, the worker should always promote the reporting of the matter

to the police but not at the expense of driving the victim away from receiving help. Contacting the police should be via 101 if urgent or via the PPU if not.

There is a good [advice leaflet](#) for the victim available which is in different languages and can help you reassure the victim about what help is available.

Once the NRM receive a referral (which has to be via their standard application form) they will make a provisional decision as to whether the individual is a victim of trafficking or not within 5 days. The Salvation Army will normally await this decision before providing assistance unless help is needed urgently in which case they will provide the help needed.

After making their provisional decision the NRM then undertake their own formal investigation. This is known as the "**recovery and reflection period**". They will make a final decision regarding whether there is sufficient evidence of trafficking usually after a minimum of 45 days. During this time the victim is eligible for help from the Salvation Army which includes longer term planning/advice.

Please note the following:

- A referral cannot be made to the NRM unless the adult gives informed consent to the referral. If the person does not have capacity then a referral should be made in their best interests.
- **Support is provided centrally**, not locally by the Salvation Army and its partner agencies. It includes the right to protection from retaliation, intimidation and the risk of being re-trafficked; compensation; counselling and legal advice.
- The individual should also be told that, during this 45 day period (in reality, it may be longer) no action shall be taken to remove the individual from this country.
- As previously stated the assistance to the individual shall be provided irrespective of whether the potential victim is willing to act as a witness in criminal proceedings against the alleged perpetrator.
- You should explain to the individual that if he / she, after the 45 day period has expired, is not found to be a victim of trafficking, and has no other lawful entitlement to remain, there is a risk that the individual may not be able to remain in this country.
- You must engage the services of a suitable interpreter. For example, if the individual is Roma, you must ensure that the interpreter speaks the Roma language.
- Be aware that the individual may not realise he /she is a possible victim of trafficking. For example, sex workers may believe they are in love with their trafficker; may have feelings of dependency towards the perpetrator or may be accepting of their situation. They may not realise that their treatment is abusive or, potentially, criminal.
- The alleged perpetrator may have threatened the individual (or the individual's family "back home") with violence or financial repercussions if the individual exposes the trafficking to the authorities
- It is possible for workers to challenge an NRM decision either provisional or final if they believe certain relevant factors have not been properly considered/ taken account of. It may be helpful to discuss the decision and reasons for challenging it with the NRM or Salvation Army or seek legal advice

There are a limited number of agencies who are empowered to report the victims circumstances themselves to the NRM using the standard required form. These are called **first responders** and are the following:

- SOCA / UKHTC
- Local Authorities
- UK Border agency
- Poppy project TARA project (Scotland)
- Migrant helpline
- Kalayaan
- Medaille Trust
- Salvation Army
- Gangmasters Licensing Authority
- UK police forces
- NSPCC/CTAIL
- Barnardo's

If you are employed by one of the above agencies please refer to the flowchart see appendix 2

As a first responder where do I send the NRM Referral form?

The referral form should be faxed to UKHTC

Fax: 0870 496 5534

Referral form can also be sent by

Email: UKHTC@nca.x.gsi.gov.uk

The Competent Authority (UKVI or UKHTC) shall acknowledge receipt of the referral form and allocate it to a case worker. It shall investigate whether the potential victim is, indeed, a victim of human trafficking. At the end of the "recovery and reflection" period it shall inform the individual whether or not he/she has been found to be a victim of trafficking.

CARE ACT 2014

The Care Act 2014 will apply as well as international and immigration issues. The immigration issues will have to be considered alongside any needs there might be for care and support where for example the persons have no recourse to public funds. The circumstances of each case would have to be considered and legal advice sought.

These types of cases are not straight forward as although there is an exception in the Care Act 2014 s 21 not to provide care and support to certain persons subject to immigration control merely because they become or are likely to become destitute. The circumstances of some of these trafficking cases may be such that they require the local authority to provide care and support as they might go beyond the facts normal to general destitution cases. There is also the exception where in some cases, care and support would have to be provided to avoid breaching a person's human rights or rights under the European Community Treaties. Each case will have to be looked at in it's own right, considering No Recourse to Public Funds Guidance but due to the complexity in this area, we might also have to seek specialist counsel's advice depending on the issues.

The Mental Capacity Act 2005

Reference should be made here to this act which applies to people aged 16plus.

9. Bedfordshire Police Responsibilities:

First stage referral is conducted by front line professional in BF. **When a port authority professional identifies that a child may have been trafficked they should notify Bedfordshire Police and the MASH Team at the LBC Children & Learning Department.**

On receipt of call from Border Force, Bedfordshire Police will initiate the following actions:

- Generate STORM Reference Number.
- Notify Luton Airport Sergeant/Response Patrol Sergeant
- Allocate appropriate resource to attend scene and liaise with relevant BF representative
- On arrival at scene, the nominated officer, after consultation with BF and the social worker (if appropriate) will
- Speak to the child/person in a private room
- Explain the procedure and ensure they understand all actions – using ‘language line’ or approved interpreter where appropriate. Do not use family/friends to assist with interpretation
- Obtain the following details as a minimum standard:
 - Victim’s name, Date of Birth & country of origin.
 - Are they aware of any others in the same situation as themselves?
 - If so, how many? Where are they?
- Ensure all items from the child/victim are secured and noted
- Ensure proper continuity of evidence and exhibiting of all property seized.
- Ensure all records of conversation/interview are properly recorded and retained.

Nominated officer to make referral of child to:

- Bedfordshire PPU Support Team via a Form 745
- Contact the Duty PPU Sergeant

Guidance will be provided by the relevant team as to the future welfare of the child and any subsequent criminal investigations.

10. Information Sharing

Professionals in all agencies should be confident and competent in sharing information. Professionals should make all efforts to share information, where appropriate, with other professionals to avoid repetition for the person / child.

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.

Information exchange

Information may be exchanged in line with agreed information requirements or when partners; BF, Bedfordshire Police, and Luton's Children & Learning Department Adult Social Care believe that the information would be relevant to the work of a partner to this protocol.

Information sharing refers to the processing of information on a one-off regular basis for the purpose of achieving a common set of goals. Whilst the advantages of sharing information are clear, information should not be shared purely as a matter of routine. Each case must be reviewed individually with informed decisions being made about whether to share or not.

Wherever possible, opportunities should be sought to share information to support the following purposes:

- The prevention, detection, investigation or prosecution of criminal offences.
- To protect our border and national interests, including counter-terrorism, tackling smuggling, facilitation and immigration crime.
- The administration of immigration control under immigration and Asylum Acts.
- Such other purposes as may be specified.
- Safeguarding and promoting the welfare of children and vulnerable people.
- Protection and furtherance of Human Rights.

Information can only be shared for a specific purpose which is justifiable to support one or more of the purposes above.

- Information must be adequate for the purpose for which it is being shared.
- When sharing personal information, only the minimum amount of information necessary to meet the purpose should be shared.
- The information should be relevant to the purpose for which it is being shared.

- The decision to share must be recorded and auditable at a later date.
- The record being shared must be as complete as possible.
- A risk assessment should be carried out where appropriate.

All information/intelligence requested and/or disseminated will comply with the appropriate legislation and gateways as contained within:

- Borders, Citizen and Immigration Act 2009 (Section 16)
- UK Borders Act 2007 (Sections 40 & 41a)
- Immigration, Asylum & Nationality Act 2006 (Section 36)
- Immigration and Asylum Act 1999 (Sections 20 & 21)
- Commissioners for Revenue & Customs Act 2005 (Sections 18 & 20)
- Data Protection Act 1998
- Common Law Powers of Disclosure
- The Human Rights Act 1998 (Article 8)
- Children's Act 1989 &, 2004
- The Care Act 2014
- The Mental Capacity Act 2005

Glossary of terms

(With thanks to the Manchester Safeguarding Children Board)

ACPO Association of Chief Police Officers
<p>Adult at risk - an adult who:</p> <ul style="list-style-type: none"> • has needs for care and support (whether or not the local authority is meeting any of those needs) and; • is experiencing, or at risk of, abuse or neglect; and • as a result of those care and support needs is unable to protect themselves from either the risk of, or the experience of abuse or neglect
BCI Border Citizen Immigration
BF – Border Force
C&L – Children & Learning Department
CID – Case Information Database
CRS – Visas Central Reference System
EDT – Emergency Duty Team
EEA – European Economic Area
HO – Home Office
IAFS – Immigration and Asylum Fingerprints System
IAT – Initial Assessment Team
LA – Local Authority
LBC – Luton Borough Council
LSAB – Luton Safeguarding Adults Board
LSCB – Luton Safeguarding Children’s Board
NAM – New Asylum Model
NCA – National Crime Agency
NFA – No Fixed Abode
NRM – National Referral Mechanism
Parent’ means parent or carer

Professional' refers to any individual working in a voluntary, employed, professional or unqualified capacity, including foster carers and approved adopters.

OIS - Operational Information System

PCP – Primary Check Point

'SAT Team Safeguarding and Trafficking Team

Safeguarding Adults– Safeguarding of Adults who may be at risk of abuse

SCIT – Serious Crime Investigation Team

SEA – Secondary Examination Area

SO Senior Officer

Smuggling: is characterised by illegal entry only and international movement only, either secretly or by deception (whether for profit or otherwise)There is normally little coercion/violence involved or required from those assisting in the smuggling

Smuggling is normally defined as the facilitation of entry to the UK either secretly or by deception (whether for profit or otherwise). The immigrants concerned are normally complicit in the offence so that they can remain in the UK illegally. CPS definition

TA – Temporary Admission