

Trafficking toolkit: Specific arrangements for social care services

CRIMINAL JUSTICE SYSTEM



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SPECIFIC ARRANGEMENTS AND ADVICE FOR SOCIAL CARE SERVICES (CHILDREN AND ADULT)

Safeguarding and promoting the welfare of children depends on effective joint working between agencies and professionals that have different roles and types of expertise. In the case of trafficked children it is particularly important that links are established between statutory agencies and the voluntary and community sectors. Local authorities have a general duty to safeguard and promote the welfare of all children in need in their area, regardless of their immigration status. They also have responsibilities for unaccompanied children, as well as those who arrive in the UK with their parents and for whom there are concerns regarding their safety and welfare.

Responsibilities of the social services

The responsibilities of Children's Services regarding child victims of trafficking may include:

- > Providing victims/potential victims with a place of safety;
- > Providing support services (eg legal advice, counselling);
- > Identifying victims/potential victims according to agreed profiles or receiving referrals from other agencies who have identified them;
- > Contributing to joint inter-agency profiling of victims/potential victims;
- > Undertaking initial interviews, including joint interviews with local police, to assess risk, harm and agreed child protection plans;
- > Providing advice on whom to contact concerning their immigration status;
- > Assisting in the identification of possible traffickers masquerading as relatives;
- > Ensuring contact with the police and providing information to the police;
- > finding of relatives in country of origin, and verifying what would be in the best interests of the child, and whether they should be able to remain in the UK or if it is safe to return home;
- > Ensuring that voluntary organisations or other support services are available if they are returned to their country of origin;
- > Monitoring of Looked After Children for signs that they are meeting the traffickers which may include monitoring phone calls;
- > Providing a supportive environment so that the victim does not leave with the trafficker. This may necessitate taking legal steps to ensure the protection of the victim.

Role of the social services in the National Referral Mechanism

The National Referral Mechanism (NRM) comprises a three stage process for establishing formally that a child is a victim of trafficking:

Stage one – Safeguarding Assessment: in the first stage a frontline professional identifies that the child may be trafficked and undertakes a safeguarding assessment, part of this assessment should clarify as far as possible whether the child has indeed been trafficked. If the child is believed to be at imminent risk of harm and is being assessed by a LA social worker, the LA's local child protection procedures need to be considered for keeping the child safe. At section J of the assessment the assessor is required to provide an analysis of the evidence recorded from the child and tick one of three outcomes – the child is a victim of trafficking, is not a victim or the case is referred to another agency. Where the child is assessed to be a victim of trafficking a referral report to the Competent Authority for a Decision needs to be completed on which the First Responder needs to outline the evidence for supporting their assessment. The referral report should be emailed to: nrm@ukhtc.pnn.police.uk. All 3 forms can be downloaded from the Home Office Crime Reduction Website: <http://www.crimereduction.homeoffice.gov.uk/humantrafficking005.htm>

Port authority: a port authority professional who identifies that the child may be trafficked should make UK Border Agency Child Welfare Referral to the appropriate LA children's social care (and the local police).

Stage two – reasonable grounds: with support, as required, from the local trafficked children lead, and using information from the safeguarding assessment in stage one, the professional completes the Trafficking Assessment. This should assist the professional to describe the safeguarding concerns in terms of *reasonable grounds* for believing – though in most cases not being able to prove – that the child has been trafficked.

Local competent authority: LA children's services, as the local competent authority, has responsibility for approving the frontline professional's decision about whether a child is trafficked, based on the *reasonable grounds* test.

Stage three: in the third stage LA children's services refers the child's case to the UKHTC as the central competent authority.

Reasons for alerting the central Competent Authority in Stage one

When LA children's services receives a referral for a child who may be a victim of trafficking and the child is subject to immigration control, in addition to acting promptly before the child gets back into the hands of the trafficker and initiating an assessment of the child's levels of need/risk of harm, the professional must notify the central Competent Authority.

This will allow the central Competent Authority to suspend enforcement 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 LA children's services whether there are reasonable grounds to believe that the child is a victim of trafficking.

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

Reasonable grounds test

The local competent authority (LA children's services) and the central competent authority (UKHTC) *reasonable grounds test* focuses firstly on the applicability and credibility of the child's story and circumstances to the definition of trafficking.

Age assessments

Assessing the age of a victim of trafficking can be 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 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 they 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 individual should be given the benefit of the doubt as to their age if there are reasons to believe they are a child 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 Protection of Vulnerable Adults (POVA) procedure, and also contact the UKHTC.

Your role in the process

Where there is concern that a person is the victim of trafficking they may be at risk of immediate harm and time is of the essence. A referral must be made in the first instance to:

- > The Children's Services Duty Officer at Intake and Assessment in accordance with Child Protection Procedures. Children's Services will notify the police as a matter of urgency to ensure there are no unnecessary delays.

Similarly *Safeguarding Children* contains guidance on the particular needs of children abused or neglected because of a belief in spirit possession. The Welsh Assembly Government is planning to issue separate guidance on this issue shortly.

Identifying victims

Local authority staff may often find themselves in contact with people who could potentially be victims. These staff include social workers, youth teams, environmental health officers and other frontline staff.

Third party referrals

The social worker to whom the referral is made should obtain as much information as possible from the referrer. This should include the victim's name, date of birth, address, name of carer/guardian (if child), address if different, phone number, country of origin, first language and whether s/he speaks English, names of any siblings or other children including whether there might be an ongoing risk of harm from the trafficker. If so, this information must be shared with the police.

The social worker should verify, as soon as possible, that the victim is living at the address provided. They should also check if the carer, guardian or other members of the household, and residential address, are known to the police or to the local authority children's services.

In the case of a referral from a school or other educational institution the documentation provided at admission should also be obtained.

A UK Border Agency check should be completed to clarify the status of the child/ren and the adult/s caring for them. It is increasingly common practice for the UK Border Agency to have a digital photograph of the child on their database and this may aid identification.

As the victim may have no documented identification, or their documents could be forgeries, it is essential that a photograph be taken and attached to their file.

Professionals who phone local authority social services to express concern that they suspect, or know that, a person has been trafficked should confirm referrals in writing within 48 hours. At the end of any discussion or dialogue, the referrer (whether a professional, member of the public, or family member) and local authority social services should be clear about any proposed action, timescales and who will be taking it, or that no further action will be taken. The decision should be recorded by local authority social services and by the referrer, if a professional in another service.

Local authority social services should acknowledge a written referral within one working day of receiving it. If the referrer has not received an acknowledgement within three working days, they should contact the local authority social services again.

Local authority social services should decide and record next steps of action within one working day. This information should be consistent with the information set out in the Referral and Information Record (Department of Health, 2002). This decision should normally follow discussion with any referring professional/service and consideration of information held in any existing records. It should also involve discussion with other professionals and services as necessary (including the police, where a criminal offence may have been committed against a child). This initial consideration of the case should address, on the basis of the available evidence, whether there are concerns about the person's health and development or actual and/or potential harm that justifies an initial assessment to establish whether this individual is possibly a person in need. Further action may also include referral to other agencies or the provision of advice or information. It might be decided that no further action is necessary.

If there is reasonable cause to believe that the individual is suffering, is likely to suffer significant harm, or is in imminent danger from the trafficker or any other person, then an Emergency Protection Order may be sought. Consideration should be given to Police Powers of Protection in an emergency.

If there is no imminent danger to the person that warrants emergency protection but there are grave concerns regarding their welfare then, in the case of children, section 47 enquiries should be initiated under section 47 of the Children Act 1989 (paragraph 36). If there is no imminent danger or need to protect the child from any other party then a child in need assessment under section 17 of the Children Act 1989 should be initiated. Even if there are no concerns child welfare agencies should continue to monitor the situation until a child is appropriately settled.

The social worker should advise the referrer of their decision regarding which plan is to be put in place. In the case of all individuals with immigration issues UK Border Agency should be informed in order that the immigration processes may be co-ordinated with the recommended protection plan.

The discussion between the social worker and their supervising manager, after completion of the initial information gathering, should be recorded, tasks outlined and signed off by the manager.

If further (non-emergency) action is required, consideration should be given to involvement of the police, education, health services, the referring agency and other relevant bodies eg housing, the benefits agency and immigration service. Careful consideration should be given to the effect of any action on the outcome of any investigation. Use of intelligence from the port of entry may help local authority social services in pursuing further enquiries about the individual.

In undertaking any assessment and all subsequent work with the individual, the social worker must ensure that they use a suitable approved interpreter. In no circumstances should this be the sponsor or another adult/child purporting to be a

parent, guardian or relative. Every individual should be given ample opportunity to disclose any worries away from the presence of the sponsor.

The social worker must check all documentation held by the referrer and other relevant agencies. Documentation should include (if available), passport, Home Office papers, birth certificate and proof of guardianship. This list is not exhaustive and all avenues should be investigated. A new or recent photograph of the individual must be included in the file, together with copies of all relevant identification documentation.

When assessing documentation, attention should be given to the details. If a passport is being checked the official should:

- > Verify the date of issue;
- > Check the length of the visa;
- > Check whether the picture resembles the individual;
- > Check whether the name in the passport is the same as the alleged mother/father. If not, why not;
- > When assessing documentation the official should check whether it appears original. If it does, the official should take copies to ensure that further checks can be made.

Immigration staff, especially through Local Safeguarding Children Boards (LSCBs), should be able to provide clear explanation of the immigration process, different forms of documents and leave to enter the UK possibly along with an opinion on the validity of a document.

Once all papers have been checked, the social worker should clarify with the referrer what his/her concerns are. They need to find out why they made the referral, what led them to believe the individual might have been trafficked or that s/he might be here illegally; and they must request that they put their concerns in writing to ensure that an accurate and clear audit trail is maintained.

Keeping records

Social Services will have specific security precautions in place for retaining client information and rules around client confidentiality. All organisations will need to institute extra safeguards for written, electronic and verbally communicated information on trafficked persons.

As trafficked persons are particularly likely to face security risks, be referred to other providers and/or transferred from the original care location (eg, internationally) or participate in one or more legal proceedings, it is especially important to follow good data management procedures to ensure the safety of each individual. Trafficking cases may involve organised criminal groups.

Central to managing information on trafficked persons are: privacy, confidentiality and security.

- > Privacy refers to the clients' right to control how they provide information, the use of this information and their access to it;
- > Confidentiality indicates the right of clients to determine who has or does not have access to their client information and for trafficked persons, suggests the importance of anonymity;
- > Security suggests the need to safeguard client files against security breaches during data collection, storage, transfer and use.

Personal information must be collected in a private setting. Both the client and the provider feel must feel safe to speak freely. It is a good idea to ask individuals if they feel comfortable and ready to discuss their case/needs. Consider, for example, whether the individual wants the door open or closed, discourage other staff from interrupting, and turn off your mobile phone.

Obtain informed consent: The fundamental element of *informed consent* is informing, by providing clear and accurate information. Social Services should offer information about the scope and purpose of the session, services that are and are not available and the measures in place to ensure client privacy and confidentiality.

Collect pertinent data. Collect only information that is required to assess and respond to victim needs, not simply for curiosity's sake. Refrain from asking trafficked persons about non-essential consequences of the trafficking process. This may put you in a risky situation and may cause the trafficked person to relive stressful experiences, which may have a negative impact on recovery. Many victims of sexual abuse feel stigmatised by their experience and by certain health problems (eg, sexually transmitted infections or psychological disorders).

Data storage

All information gathered from trafficked persons must be considered highly sensitive. In trafficking cases, it may be beneficial for all information to be classified as confidential and coded, rather than using the individual's name. Coding is a particularly useful way to protect clients, especially when data is shared.

Secure paper files. It is likely that during the course of providing support paper documents are created. All paper case files:

- > Must be kept secure and under lock and key safe from unauthorized entry at the establishment location;
- > Must never be left unattended on desks, in common areas, etc;
- > Must be disposed of by shredding or through similar disposal method when no longer needed.

Secure electronic files. In addition, electronic information files should be:

- > Stored in a secure information system;
- > Protected by individual passwords with access limited to key staff;
- > Never stored on personal computers or in such data storage devices as USB flash drives, compact discs, etc. Personal information should never be disclosed via email.

Even when coding is used, individual patients often can be readily identified by their basic data (demographic background, ethnicity, nationality, date of birth, family data, description of elements of the trafficking process, etc). Only key members of staff should have access to a client's primary case file.

Conduct a data risk analysis. Providers caring for trafficked persons may wish to undertake a data risk analysis to consider the implications of what is written in a file, the potential uses and misuses of client data and to develop strategies to avoid mishandling of data and to deal with information requests.

File information may, for example, be required by law enforcement in relation to a court case against an alleged trafficker or needed for an asylum claim. In more sinister situations, traffickers might try to obtain the trafficked person's file information to locate individuals. It is equally important to remember that personal data (name, work location, phone number, etc) of the support provider could also be misused. It is therefore important to follow well-designed data security procedures.

Confidentiality

It is important to be clear about your professional boundaries and how far your role extends. It is important to state the limits of confidentiality; if you have concerns about a risk of serious injury, self-harm or child protection risks then these issues have to be referred on to the appropriate people.

If you suspect or are informed that an individual has been trafficked, you should not contact the police or other authorities (eg, immigration staff) without the express permission of the trafficked person. Although you may be tempted to seek help or protection for individuals in your care by contacting authorities, this decision is one that should not be taken without consulting the individual.

Given adequate information and the opportunity to discuss their options, trafficked persons are generally in the best position to assess the risks and benefits of contact with others. Similarly, reporting information offered by trafficked persons to law enforcement should take place only with the consent of the trafficked person.

Information sharing

Victims will have been in situations where contact with outsiders is handled with suspicion and in some circumstances endanger the health and safety of themselves

or their loved ones. Careless handling of personal information greatly increases that risk. Inter-agency cooperation is essential in correctly identifying and sufficiently supporting victims but the data that gets transferred between agencies must be heavily protected.

You must obtain the consent of the individual before any referral is undertaken, unless there are child protection concerns or serious concerns over harm to selves or others. If you are referring the individual on to another organisation, you must specify what details you will be passing on. It must be remembered that victims could be extremely traumatised, and having to repeat information to a multitude of organisations will be detrimental to their health and well-being.

Guidelines on what to do if you suspect, or someone discloses that they have been trafficked

Staff need to maintain an active awareness of the vulnerability of the individual and their mental, emotional and psychological state when conversing with the individual and endeavour to use non-threatening body language.

Staff should work hard to establish a rapport with victims, making them feel comfortable and at ease. It is not uncommon for victims to feel both relief at having been identified and yet fear and suspicion toward an identifying member of staff. This is often linked to their fear of being returned to their trafficking situation, many having been told by their traffickers that the authorities would simply return them should they try to escape. It is also not uncommon for negative feelings (fear and suspicion) to give way to those of relief once the victim felt safe and came to trust the identifying member of staff.

Victims of trafficking may be reluctant to go into much detail about the full facts of their case. This may be because of cultural barriers, or simply due to the traumatic or humiliating nature of the treatment they have suffered. If this appears to be the case, staff should phrase their questions carefully and sympathetically. If the individual provides consent for their details to be passed on to the NRM, staff should keep in mind the need to get as full an account as they can, while at the same time taking care not to cause undue distress.

What support/advice can you offer?

Frontline staff may be the first external link that the individual has to get out of a very harmful situation. Recognising this and acting accordingly is crucial if Social Services are to play their part in combating human trafficking. Knowing and understanding

the indicators of trafficking and applying that knowledge in day to day work will be vital to identifying potential victims of trafficking, and engaging with relevant experts to refer vulnerable individuals on will ensure that the individual is securely and appropriately supported.

Staff should be open to having discussions with other agencies in relation to trafficking and should ensure that they know who within the agency can help with further queries.