

Trafficking toolkit:
Specific arrangements
for voluntary
organisations

CRIMINAL JUSTICE SYSTEM



CONTENTS

SPECIFIC ARRANGEMENTS AND ADVICE FOR THE VOLUNTARY ORGANISATIONS

Responsibilities of third sector agencies	79
Role of the voluntary sector in the National Referral Mechanism	80
Your role in the process	81
Identifying victims	81
Keeping records	82
Confidentiality	84
Information sharing	84
What support/advice can you offer?	85

SPECIFIC ARRANGEMENTS AND ADVICE FOR VOLUNTARY ORGANISATIONS

Responsibilities of third sector agencies

Third sector agencies carry out a range of activities in relation to human trafficking:

- > Provision of accommodation and support;
- > Provision of outreach and resettlement services;
- > Carry out research and awareness raising;
- > Provide training and education programmes to victims, frontline staff and the general public;
- > Work collaboratively with organisations nationally and internationally to improve services, support and profile of victims of trafficking;
- > Act as advocates for victims of trafficking; campaigning and lobbying on behalf of victims.

Many services have criteria that individuals need to have before they can access their services: ie some are gender, age and nationality specific.

It is the responsibility of all agencies to outline what services, processes and support are available for individuals who have been trafficked. It is imperative to make clear to individuals suspected of having been trafficked, that it is their decision as to whether they want to disclose that they have been, or think they have been trafficked.

Once a disclosure has been made, the following avenues open to the individual should be discussed:

Formal identification process:

- > To officially have their case considered, and be formally identified as a victim of human trafficking;
- > Being kept informed of what is happening by either the UK Border Agency or the UK Human Trafficking Centre (UKHTC) via letter and any changes to their status will be reflected in formal decision letters;
- > If their case is successful, they will be afforded the following:
 - » Longer term support for victims of trafficking;
 - » 45-day (flexible) reflection period;
 - » One-year residency permit;
 - » Access to public services eg health.
- > If the case is not successful, normal immigration procedures would continue if appropriate.

Informal support:

- > Signposted to services and agencies that may help them come to terms with their trafficking circumstances, providing support, information and advice.
 - » Services include providing accommodation, access to language classes, help to contact family/friends, and help to take control of their situation.

Assistance with police investigations:

- > Speak to the police about what has happened, which could help them prosecute the traffickers.

Assisted voluntary return:

- > They may wish to return to their home country, and contact could be made to the International Organisation of Migration (IOM), who can assist in helping people to leave the UK and provide assistance upon arrival in the home country should this be requested.

Resettlement in the UK where appropriate.

Whilst voluntary organisations can provide much needed assistance once an individual has decided to disclose their story, in order to qualify for longer-term assistance, individuals may be encouraged to co-operate with the authorities. This might entail giving information to law enforcement agencies for intelligence purposes or agreeing to be a witness in court.

Role of the voluntary sector in the National Referral Mechanism

Once informed consent has been obtained, third sector agencies should refer individuals who they suspect as having been trafficked to a first responder:

- > The Poppy project;
- > Migrant Helpline;
- > Kalayaan;
- > The TARA project;
- > The police;
- > UK Border Agency;
- > The Crown Prosecution Service;
- > Local Authority Children's Services;
- > The Gangmasters Licencing Authority;
- > Statutory Qualified Health Officials.

As much information as possible should be passed on to the first responder, including:

- > Personal details (name, date of birth, age, sex, place of birth, nationality, language, immigration status);
- > Contact details (date, place, time, initial reason, interpreter used);
- > Organisation's details (name of referrer, job title, contact details);

- > Informed consent of the individual (with signature);
- > Evidence to support reasons for referral (indicators, background information, direct disclosure);
- > Risk assessment.

It is the obligation of the first responder to keep the original referrer informed of progress, particularly as many voluntary organisations will be continuing to provide care and assistance to the individual despite having referred them to the NRM.

Your role in the process

Identifying victims

Many third sector agencies will provide support and assistance to victims of trafficking, regardless of when, where or how it occurred. It is up to each organisation to set the criteria with which it supports individuals who have been trafficked.

However, voluntary organisations must remember that in order for victims of trafficking to receive legislative assistance under the terms of the Convention, the following conditions must apply:

- > A person must be physically in the United Kingdom in order to be capable of receiving protection and assistance from a Competent Authority in the UK under the Convention;
- > The person must still be experiencing the constituent elements of trafficking, as defined in the Convention, when they present themselves to a Competent Authority.

Therefore, where a person's circumstances do not require protection or assistance at the time of assessment by a Competent Authority, the person is unlikely to be able to obtain the protection and assistance under the terms of the Convention. In making their decision, Competent Authorities consider all of the person's circumstances in the context of the general purpose of the Convention, and specifically whether:

- > the person was under the influence of traffickers at the point at which they came to the attention of the first responder;
- > the person requires a period to recover from that influence of traffickers;
- > the person has suffered physical or emotional wounds from the trafficking experience and requires time to recover from those wounds; and/or
- > the person requires a period of time in which to decide whether to co-operate with the authorities in respect of a trafficking related criminal investigation.

It is therefore essential that voluntary organisations do not give victims false hopes that they will receive the protection and assistance under the Convention. It must be communicated that whilst they may be eligible to receive short-term support and assistance from the voluntary organisation, longer-term assistance may not be available due to the restrictions above.

The benefits of referring individuals to the National Referral Mechanism can be made: where the *Competent Authority* considers that there are reasonable grounds to believe that an individual is a victim of human trafficking the client will have a period of 45 days to make informed decisions about the available options. During this time immigration removal action will be held in abeyance. The final decision on any extension of this period will be decided by the Competent Authority.

Where the Competent Authority considers it appropriate, identified victims of human trafficking may be granted a temporary residence permit (discretionary leave) for a period of one year. This may be renewable in certain circumstances. This will provide access to public funds, education and health services where appropriate (subject to eligibility under existing regulations).

Keeping records

Voluntary organisations 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 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. Voluntary providers 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 support 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 within your organisation.

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.

What support/advice can you offer?

Third sector agencies carry out a range of activities in relation to human trafficking:

- > Provision of accommodation and support;
- > Provision of outreach and resettlement services;
- > Carry out research and awareness raising;
- > Provide training and education programmes to victims, frontline staff and the general public;
- > Work collaboratively with organisations nationally and internationally to improve services, support and profile of victims of trafficking;
- > Act as advocates for victims of trafficking; campaigning and lobbying on behalf of victims.

Many services have criteria that individuals need to have before they can access their services: ie some are gender, age and nationality specific.

It is the responsibility of all agencies to outline what services, processes and support are available for individuals who have been trafficked. It is imperative to make clear to individuals suspected of having been trafficked, that it is their decision as to whether they want to disclose that they have been, or think they have been trafficked.