

Trafficking of Children and Adults through Bedfordshire (especially London Luton Airport)

Roles and Responsibilities of Partner Agencies



Central Bedfordshire Safeguarding
Children Board

V1.0 October 2017

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1. Useful/Important telephone numbers

Organisation	Children	Vulnerable adult
Luton	Same contacts for both 01582 547 653 Mash@luton.gcsx.gov.uk	
Bedford Borough	Multi Agency Support Hub (MASH) on 01234 718 700 multiagency@bedford.gov.uk	Safeguarding team 01234 276 222 adult.protection@bedford.gov.uk
Central Beds	Children's' Services Access and Referral Team 0300 300 8585	Adult Safeguarding Team on 0300 300 8122 adult.protection@centralbedfordshire.gov.uk
Out of hours Emergency Duty team	Same contacts for both 0300 308 123 or professionals only line 01525 405 109	
Beds Police	PPU Support Team (01234 846 960) London Luton Airport Police Team on: 07799 861 521	
Border Force	01582 878 700	

2. 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). Trafficking can occur wholly within the UK.</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</p>

	<p>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 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 are trafficked into or within 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 poor 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 <i>Anti-Slavery International et al., 2006; Child Exploitation and Online Protection Centre, 2009a; 2009b</i>). The UK may also be used as a transit country – a stopping off point prior to movement to other locations (see <i>United Nations Office on Drugs and Crime, 2006; Serious Organised Crime Agency, 2009</i>).</p>
Forced Marriage	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

3. 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, London Luton Airport.

This document sets out an agreed working protocol between Bedfordshire Police, Border Force, Luton Borough, Central Bedfordshire and Bedford Borough councils in order to support children and adults who have been trafficked through Bedfordshire

4. 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 LSCBs, LSABs and partners, are committed to developing responses that keep children and adults safe, and hold perpetrators to account without stereotyping, stigmatising 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.

5. 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.

Identifying trafficked and exploited children and adults

All professionals who come 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 to 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.

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 to disclose.

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 favourably to the experiences at home.

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 London 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.

6. National Referral Mechanism¹ and Duty to Notify

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 (NRM) 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 Modern Slavery Human Trafficking Unit (MSHTU at National Crime Agency) hosts one such Competent Authority.

The MSHTU aims to improve and co-ordinate the law enforcement response to human trafficking, working closely with its partners. A key element in the MSHTU's approach to preventing and reducing human trafficking is to ensure that victims are adequately safeguarded and protected from harm.

The MSHTU 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 Border Force.

A linked but separate Competent Authority, sits in Border Force 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/adult is a victim of trafficking.

A frontline professional identifies that the child or adult may be trafficked using the indicators. This will be in most cases a Border Force professional. If they are clear about the concerns they would make the referral through the National Referral Mechanism.

They may require some advice/support from the relevant local authority or EDT (if out of hours see page 3) in assessing whether the child/person has been trafficked.

In some instances they may require some advice/support from the relevant local authority or EDT (if out of hours see page 3) in assessing whether the child/person has been trafficked before a decision is made to refer.

The NRM will first establish whether there are reasonable grounds to suspect that the child may have been trafficked. The NRM have five working days to reach this

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

decision and during this time no decision can be made on the child's immigration case and no removal action can be taken.

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. The test is administered by the competent authority. The first responder, whether Border Force, the LA or police, need to ensure safeguarding and proper representation of the potential victim's account.

For an adult, the referral would be made by the respective Safeguarding Adults Team.

In the event that the NRM finds there are reasonable grounds to suspect that trafficking has taken place, immigration activity is suspended for a further 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. Within this period any decision to revisit the decision for the child ie withdraw referral or to return child to county of origin, should not be made by a single agency, but should be agreed at a multi agency meeting. At the end of this time, the NRM competent authority should have made a conclusive decision as to whether or not the individual has been trafficked.

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

Note: the above will always apply to children. However, an adult with capacity must give their informed consent to enter the National Referral Mechanism (NRM). If they decline, the first responder has a statutory duty to notify the Home Office that they have encountered a person whom they suspect to be a potential victim of Modern Day Slavery & Human Trafficking (MSHTU). This is done by way of Form MS1 (see police intranet site or other signatories' library/guidance)

7. 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 MSHTU.

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, the relevant Local Authority 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 potential victim established, if necessary with the help of the police and Border Force;
- Foster carers/residential workers should be vigilant about anything unusual (e.g. waiting cars outside the premises/mobile phone usage/telephone enquiries);
- The relevant Local Authority 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 relevant Local Authority, Bedfordshire Police and Border Force 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 reuniting – establishing that the adult concerned is who 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.

Trafficked adults at risk

Adults at risk of abuse and/or harm who are 18 years of age or over, presenting at London Luton Airport or anywhere in the county of Bedfordshire, are eligible for an assessment from the respective relevant Local Authority Adult Safeguarding Team, in line with 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 phoning the relevant Safeguarding Adults team.

For any medical emergencies professionals are advised to contact 999 or attend to the local Accident and Emergency department at either Luton and Dunstable Hospital or Bedford 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 the British Red Cross. More information can be found at the respective Information Directory:

Luton:

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

Bedford Borough:

http://www.bedford.gov.uk/health_and_social_care/help_for_adults/information_and_advice-1/directory_of_services.aspx

Central Bedfordshire: <http://www.centralbedfordshire.gov.uk/health-social-care/care-directory/overview.aspx>

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 control 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 MSHTU may help in providing advice.

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

8. Border Force Agency responsibilities

At port of entry Border Force 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 Border Force officers in accordance with their protocols in each case. Border Force 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 nos and details of passenger's stay;	Contact sponsor to confirm above, and obtain bio data details, UK status, address, telephone nos 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	Baggage searched by Safeguarding and

trained Border Force Officer (Immigration Act 1971, Schedule 2, Paragraph 4)	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 07799 861 521 (If no response, contact Bedfordshire Police Headquarters on 101); record the name of the officer.	Telephone airport police control room on 07799 861 521 (If no response, contact Bedfordshire Police Headquarters on 101); record the name of the officer.
	Telephone the respective team or EDT if out of hours
Record referral in log	Record referral in log
Contact Modern Slavery and Human Trafficking Unit [MSHTU] on 0844 778 2406	Contact Modern Slavery and Human Trafficking Unit [MSHTU] on 0844 778 2406
Refer to Border Force Central Intelligence	Refer to Border Force Central Intelligence
	Place child in care of the Children & Learning Department and/or Bedfordshire Police; NFA required
	Complete Referral Form and fax/email to the relevant local authority
	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	Enter on Case Information Database

[CID	[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 relevant MASH team Interpreter to be kept at the airport until Social Worker attends
	Complete Referral Form including full details of trafficking indicators and email to the MASH Team ;
	Record referral in log
Contact Airport Police/Bedfordshire Police control room on 07799 861 521 (if no response, contact Bedfordshire Police Headquarters on 101).	Contact Airport Police/Bedfordshire Police control room on 07799 861 521 (if no response, contact Bedfordshire Police Headquarters on 101).
Contact MSHTU	Contact MSHTU
	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

	<p>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].</p>
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Intelligence Requirement

(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 MSHTU 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 Border Force referral form should be completed to refer the matter to the Children & Learning Department.

9. Local Authority Children's Services Responsibilities

The respective councils Children's Departments (or the Emergency Duty Team [EDT]) will take responsibility for referrals made by Border Force or Bedfordshire Police, where an unaccompanied child or young person comes to their notice and is suspected of being trafficked. The Emergency Duty Team will **provide out of hours emergency social work services** on behalf of the respective Local Authority.

Border Force/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 respective council, who will attend the Airport as soon as is practicable in line with competing demand for service. When the referrals are out of hours Emergency Duty Team should be contacted as previously stated.

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

Interagency Working

Border Force 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 Council to reflect the current research on the issue of trafficking. The details are obtained from Border Force will be noted together with any comments made by the person. Border Force 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 Border Force or thereafter by a combination of Children's Service and Border Force, 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 respective council 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 is 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 the council 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 first responder as agreed between the Local Authority 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 Border Force prior to any release of the young person into their care.

Children's Services 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 Border Force;
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”.

For Children identified at a location other than London Luton Airport, the same process should be followed by the relevant Local Authority Children’s Services Department

10. Local Authority Adult Social Care Responsibilities

Referrals for adults identified whilst at London Luton Airport should be made to the Luton Borough Council Contact Centre or if out of hours EDT. For other areas referrals should be to the relevant MASH team. 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.

For adults identified at a location other than London Luton Airport the relevant Adult Safeguarding Team should be contacted.

Interagency Working

Border Force 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 the respective council to reflect the current research on the issue of trafficking. The details obtained from BORDER FORCE will be noted together with any comments made by the person. BORDER FORCE 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.

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. NB: it requires the adult’s consent, otherwise consider the Duty to Notify.

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. In this case, the first responder has a statutory duty to notify the Home Office that they have encountered a person they suspect of being a victim of MS&HT. This is done by way of submission of Form MS1 (available and able to be submitted through Bedfordshire Police).

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 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 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 form), they will make a provisional decision as to whether the individual is a victim of trafficking or not within five 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 competent authority then undertakes 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:

- NCA/MSHTU
- 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 MSHTU

Fax: 0870 496 5534

The Referral form can also be sent by

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

Copy in cibintel@bedfordshire.pnn.police.uk

Duty to Notify forms (MS1) should be emailed to dutytonotify@homeoffice.gsi.gov.uk

The Competent Authority (UKVI or MSHTU) 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 legislations. 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. Where a person is under immigration control and subject to Section 115 of the Immigration and Asylum Act 1999, Section 21 of the Care Act 2014 states that councils do not have to provide care and support because those needs may arise from being “destitute” due to their immigration status. 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 legal counsel’s advice depending on the issues.

The Mental Capacity Act 2005

The Mental Capacity Act (MCA) 2005 applies to everyone involved in the care, treatment and support of people aged 16 years and over living in England and Wales who are unable to make all or some decisions for themselves. The MCA is designed to protect and restore power to those vulnerable people who lack capacity. The primary purpose of the Act is to promote and safeguard decision making within a legal framework. It does this by:

- empowering people to make decisions for themselves wherever possible, and by protecting people who lack capacity by providing a flexible framework that places individuals at the heart of the decision-making process
- enabling people to plan ahead for a time in the future when they might lack the capacity.

All professionals have a duty to comply with the Code of Practice. It also provides support and guidance for less formal carers. The Act’s five statutory principles are the benchmark and must underpin all acts carried out and decisions taken in relation to the Act. These are:

1. A presumption of capacity
2. Individuals being supported to make their own decisions
3. Making unwise decisions
4. Less restrictive option

Anyone caring for or supporting a person who may lack capacity could be involved in assessing capacity, which follows two-stage approach:

Stage 1. Is there an impairment of or disturbance in the functioning of a person’s mind or brain? If so,

Stage 2. Is the impairment or disturbance sufficient that the person lacks the capacity to make a particular decision?

The MCA is designed to empower those in health and social care to assess capacity themselves, rather than rely on expert testing. However, good information, advice, guidance and support are key.

If capacity is lacking, the assessor will work with the individual and all interested parties to work out the best interests of the individual concerned, in line with the Code of Practice.

11. Bedfordshire Police Responsibilities

First stage referral is conducted by front line professional in BORDER FORCE. 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 London Luton Airport Sergeant/Response Patrol Sergeant
- Allocate appropriate resource to attend scene and liaise with relevant Border Force representative
- On arrival at scene, the nominated officer, after consultation with Border Force 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.

12. 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; Border Force, Bedfordshire Police, and the three local authorities in Bedfordshire 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

13. Glossary of terms

(With thanks to the Manchester Safeguarding Children Board)

NPCC National Police Chiefs Council
Adult at risk - an adult who: <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
MASH – Multi-Agency Safeguarding Hub
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
SMS 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
<p>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</p> <p>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</p>
TA – Temporary Admission