

Safeguarding Children in Scotland who may have been Trafficked

Analysis of Responses

Background

The UK Government published 'Safeguarding Children who may have been Trafficked' in December 2007. This guidance outlined the reasons for child trafficking, the methods used by the traffickers, the roles and functions of relevant agencies, and procedures that practitioners should follow to ensure the safety and wellbeing of children suspected of being trafficked. 'Safeguarding Children in Scotland who may have been Trafficked' was based on this document but adapted to apply with current Scottish legislation, policy and structures. It was issued for consultation on 10 April 2008 ending on 3 July 2008.

The purpose of the consultation was to find out if the document was workable in a Scottish context.

Consultation Responses

35 responses were received to the consultation. The full list of respondents can be found at Annex A. Responses were received from a range of interests including national bodies such as ACPOS, ADSW, the Care Commission and SCRA, local authorities (Child Protection Committees and Domestic Abuse Forums) and voluntary organisations such as ECPAT, Save the Children and Barnardos.

Respondents were asked to respond to six questions which appeared throughout the text of the document.

The two overarching questions were:

- **Is this guidance fit for purpose for Scotland?**
- **Are you confident that using this guidance would help to identify, assess and support any trafficked children in your local area?**

The following specific questions appeared within the text of the document:

- **Have we scoped all the agencies that are likely to come into contact with children who may have been trafficked? (page 21)**
- **Are you content with the actions required of agencies outlined within this section? (page 21)**
- **Will there be any difficulty with incorporating the actions outlined within the above section into local procedures? (page 37)**

- Are you satisfied that your data collection and information management systems are adequate for collection and collation of information about potentially trafficked children? (page 37)

Respondents were also provided with the opportunity to offer general comments.

Q.1 Is this guidance fit for purpose for Scotland?

This question was answered by 33 of the respondents. All thought that the guidance was fit for purpose although many highlighted areas where further work was suggested either on the structure of the document or in relation to providing further information on specific parts of the guidance.

Many respondents made the point that awareness of trafficking was low amongst professionals and welcomed the guidance as providing practical advice and information to agencies and practitioners working in Scotland. One stated that 'generally, the guidance is fit for purpose in that it sets out a great deal of information to improve awareness for staff in respect of safeguarding children who may be trafficked.'

It was felt that the guidance did take into account Scottish legislation, structures and policies. One stated that 'it draws heavily on Scottish legislation and the flowchart makes clear the process involved which sits well within current policy and procedures'. Another said 'overall it would appear to be fit for purpose in Scotland. It seems to cover the issues well in the context of law as it relates to children in Scotland.'

Respondents welcomed how the document had been positioned. One respondent 'welcomed the thrust of this guidance and its clear aim to ensure that the welfare of the child is paramount. We welcome the clearly stated support from the Scottish Government for the provisions of the UN Convention on the Rights of the Child; and the focus on the need for efficient and co-operative assessment and planning to promote and support the rights of children, and to identify and assess their needs'.

Although all of the respondents responded positively to the guidance many highlighted areas where further work was suggested either on the structure of the document or in relation to providing further information on specific parts of the guidance.

In relation to the structure of the document some respondents felt that it was fit for purpose whilst others called for it to be amended. One outlined that they 'welcomed this guidance and commends Scottish Government on the production of comprehensive and concise policy guidance. It provides clear signposting to sources of advice and further guidance for practitioners. The flowcharts will be particularly helpful to busy staff, providing a clear step by step perspective' whilst others felt that 'the document is very comprehensive but it is particularly long and subsequently staff may not necessarily read it. It would be better if it was developed in an easy

reference format with key information clearly identifiable ie, identifying trafficked children, core process - flowchart, advice & guidance.'

Some respondents felt that it would be helpful to have a shorter more accessible guide or protocol. One stated that 'the Guidance is most helpful at providing context for supporting children who may have been trafficked in Scotland. Services, however, will need to be flexible and will come from diverse service providers at the local level. Local protocols are needed to ensure responsive services for trafficked children, and we would welcome clear direction and recommendations through a national protocol and guidance.'

In relation to the content of the guidance some respondents felt that the guidance was too dense whilst others felt that further information was required in a variety of areas. These areas are picked up within the themes outlined later in this document.

One respondent thought that there was an overlap between the processes outlined for trafficked children and local child protection procedures. They also thought that additional information provided on related policy areas such as private fostering and missing children confused the picture and that reference should only be made to relevant legislation and guidance. They stated that 'children who are trafficked are children in need and at risk. As such all national and local guidance are applicable e.g. assessment, child protection, missing children and 'Getting it right for every child'; the additional dynamic(s) in relation to trafficked children need to be captured and made explicit within this guidance; in general the information may be in the document but as it stands it needs some re-organisation'. However, a large number of respondents stated that the processes outlined were the processes that were used locally. A large number of respondents also stated it was useful to have links made to these other areas and asked for additional information in some areas. This is picked up within some of the later themes.

Q.2 Are you confident that using this guidance would help to identify, assess and support any trafficked children in your local area?

33 respondents answered this question. All were positive about the guidance and felt that it would play a part in identifying, assessing and supporting trafficked children. One stated that 'the document as indicated above provides very useful contextual and practical information which will support and assist workers in understanding the complexities of this issue.' Another outlined that 'the advice contained in this guidance in relation to the extent of child trafficking, the explanations of the legislation and policy framework and the checklist for identification of children who may have been trafficked are all useful and would help identify trafficked children and respond to them in Scotland'.

However, many made the point that the document would not work in isolation. One stated that 'the guidance alone will not help to identify trafficked children, but the guidance should assist all agencies to work together to put structures and systems in

place to ensure that we acknowledge and recognise that child trafficking is a child protection issue.’ Another commented that ‘while the guidance will be helpful, we are aware that local authorities’ resources are under pressure from increasing child protection cases which could mean that the time dedicated to identification, assessment and support of trafficked children could be limited. Another stated that ‘we believe the guidance would provide this assistance. The challenge will be to maintain awareness amongst practitioners that the guidance is available given the infrequency with which concerns that a child may have been trafficked may occur.’ Another commented that ‘it agrees that the guidance is very helpful and it will assist practitioners. However, it will be very important that the written document is backed up by training. The guidance is for use by a range of professionals. It will be important to ensure that all these professionals are aware of their duties and responsibilities; and that they have a shared understanding of what the guidance intends and the practice implications for their particular role’.

The issue of resources was raised in a number of responses. One respondent stated that ‘there are significant resource implications attached in relation to training, awareness raising and service development, and the financial implications, given the number of inter-agency staff who need to be informed, gives rise to concern’. There were also concerns in relation to practice, with one respondent stating that ‘we agree wholeheartedly that it takes time to build up trust with these children. This is potentially resource intensive. Our members are continually raising concerns about time pressures arising from heavy caseloads, administrative duties and ‘target’ based and inspection dictated functions that deflect from their ability to work as directly and intensively with children’. One respondent stated that ‘there may be a need for more specialist child protection staff and extra accommodation. This requires resources for all agencies dealing with child protection. Without the extra resources the guidance will not fulfil its aim.’ Other respondents also outlined gaps where resources would be required - safe accommodation, trained interpreters and adequate specialist legal representation.

Many highlighted areas where further work was suggested either on the structure of the document or in relation to providing further information on specific parts of the guidance. These areas are picked up within the themes outlined later in the document.

Q.3 Have we scoped all the agencies that are likely to come into contact with children who may have been trafficked?

This question was answered by 32 respondents. Some felt that the scoping was comprehensive but others suggested amendments. A number of the respondents felt that, although voluntary organisations had been mentioned within the document, their coverage perhaps did not reflect the significant work they undertake. One respondent made the point that within the voluntary sector, a number of organisations have worked in the field and carried out significant pieces of research

and that voluntary sector providers of services for vulnerable children were in a position to work alongside trafficked children in partnership with statutory agencies. Another respondent commented that many of the support organisations may be a first contact for children who have been trafficked and it is important to highlight to these organisations that they have a responsibility to assist in the recovery of victims.

It was felt that the corporate role of local authorities should be highlighted and that those services working with adults should also be aware of risks to children. Some respondents highlighted that housing departments (especially those dealing with homelessness and housing support) may come into contact with children. It was felt that links should be made to Domestic Abuse Forums/Multi-agency partnerships and the work of Scottish Women's Aid. Some also felt that the sections on health and the children's reporter could be more comprehensive.

Q.4 Are you content with the actions required of agencies outlined within this section?

This question was answered by 32 of the respondents. Overall, respondents were content with the actions required by agencies but there were also specific queries about the roles of some of the agencies. One respondent said that 'this section is comprehensive and appears to seek to cover all eventualities where a child may be trafficked'. Another stated 'we welcome the clear positive multi-agency approach to this work with some responsibilities outlined' but 'in addition, whereas some of the guidance is very clear, guidance for some services needs to be improved e.g. Youth Justice, CAMHS. We also would like to see the Scottish Children's Reporters Administration develop their own specific guidance on trafficked children.'

The role of Child Protection Committees came up in a number of the responses. One stated that 'the actions required by agencies seem reasonable and consistent with existing child protection procedures as they apply to all children' and another thought that 'the document does give responsibility to local CPC's to develop local practices and we endorse the role of the CPC'. However another thought that 'the agencies scoped are already aware of their roles in relation to child protection and this additional guidance may confuse rather than clarify' and they also felt that 'because the focus here is on children who are victims of criminal activity, the main agency that needs to take specific action is the police. Whilst we fully support the multi-agency approach to child protection (including addressing the welfare of trafficked children) we wouldn't want this to detract from the imperative for the relevant agency to get better at identifying, monitoring, tracking, investigating and compiling evidence of criminal activity, which might lead to prosecution of those concerned'. Another thought that 'a number of the actions outlined are general and relate to all children; it is appropriate that trafficked children are regarded in this context but it would be helpful to provide additional information specific to trafficking.'

One respondent raised concerns about the responsibility of awareness raising being given to Child Protection Committees as they saw this as a national issue and

another saw a 'need to identify who/what agency is responsible for National Dissemination/Coordination of information/resources, ie, sharing good practice examples across Scotland. Training was again identified as an issue with one respondent stating that 'as there is likely to be minimal expertise within local children's services team, it is important that the Government provide national training and disseminate information through CPCs or Integrated Children's Services planning processes.' Training is picked up in one of the themes at the end of this document. Some respondents thought 'further information is needed on the balance between service provision and immigration procedures'. This is again another theme picked up later in this document.

Q.5 Will there be any difficulty with incorporating the actions outlined within the above section into local procedures?

This question was answered by 32 of the respondents. Most were generally comfortable with incorporating the actions into local procedures but also picked up on some specific points that might require attention at a national or local level. These areas are again picked up within the key themes.

Respondents appeared generally comfortable that the actions could be incorporated. One stated that 'the guidance restates statutory duties for the care and welfare of all children. These are already reflected in national guidance and local procedures. In respect of children and young people who may be trafficked, there will be a need for greater scrutiny in respect of sharing information; links with the UK Border Agency; and notifications to local authorities. Similarly, local authorities will require to consider their procedures for requesting and recording information from Visas and Passports.' Another outlined that 'there should be no difficulty incorporating actions into local procedures and, if necessary, developing protocols. There are, however, some resourcing issues regarding actions for services'. Another stated that 'we do not foresee any problems in incorporating the actions outlined into local procedures as they are consistent with child protection procedures'.

The consensus seems to be that given that the procedure of reporting a suspicious situation to the authorities, after which an investigation will start with all involved parties, is similar to other forms of child abuse and neglect. This meant that there should not be any major difficulties for agencies to incorporate the actions into current local procedures. However respondents did acknowledge that it may be more difficult to collect all needed information during the investigation stage in a suspected trafficking case, since it may involve retrieving information from other countries; some of which may have limited resources or structures to store information.

Q.6 Are you satisfied that your data collection and information management systems are adequate for collection and collation of information about potentially trafficked children?

The responses to this question varied depending on the nature of the agency responding. It was evident that collection of data on child trafficking was part of some agencies' forward plans. Many highlighted that this was a complex area. One respondent stated that 'given the nature of this extremely complex group it is felt safe to say that this is an extremely challenging area. Systems and processes do not entirely assist us in identifying children who may be trafficked. Information sharing and data collection is an ongoing area for development'.

Within individual agencies it was felt that information on child trafficking could be collected. For example, local authorities already collect data on children but it may be that further information has to be collected for this group. One outlined that 'at present, our data collection and management information regarding child protection centres around core child protection processes, once children are within this system. We would be satisfied that this information could be collated on trafficked children. However, there would require to be a much wider set of information collated to set this issue in context which might require further work with a variety of agencies.'

The main issue was that within a local area, different agencies had their own systems for collecting data. This would lead to a lack of consistency across areas and hence across the country as a whole. One respondent stated that 'therefore, significant work would be required to ensure all agencies' systems could collect and share data effectively. Agencies would be greatly assisted in their planning if statistical information was to be made available of known points of entry for trafficked children. This would enable agencies to be additionally vigilant and target their resources where there is an increased likelihood of trafficking'. One respondent suggested that 'establishing trafficking as a separate category of child abuse, across Scotland, would allow information to be gathered more easily. It could be incorporated into child protection data sets reflecting a more accurate picture'.

Another respondent highlighted that a wider range of agencies need to be involved in cases of trafficked children - 'local authorities can only collect data on children and young people known to them. Given the way that child trafficking is undertaken, there will be children unknown to the local authority. Immigration, ports and other services who come into contact with these children initially, need to have robust reporting mechanisms in place to ensure awareness of this group within local authorities'.

It was thought that national work was required to ensure that data was collected in a consistent way. One outlined that they would like to see more guidance about the exact mechanisms for collation of information about potentially trafficked children

whilst another stated that 'we believe that the lack of consistent national data collection, monitoring and analysis, leads to a misunderstanding of this issue'.

Themes

A number of themes became apparent through the answers given to the above questions. These issues came up within answers to a number of different questions so it was felt more appropriate to group this into the themes outlined below.

Training & Awareness Raising

Training and awareness raising was one of the main themes that arose from the consultation responses. A large number of respondents saw this as key to ensuring that victims of child trafficking were identified and provided with appropriate support. One stated that 'the true test of the guidance will be how it works in practice. The guidance requires proper introduction with appropriate staff training and development'. Another stated that 'the guidance needs to be supported by a comprehensive training programme on how professionals should apply the Guidance and the practice issues they may face when working with children who may have been trafficked.

A number of respondents highlighted the importance of training being taken forward on a multi-agency basis. One stated that 'the identification of trafficked children is complex and while the guidance is helpful and provides a framework within the principles of good inter-agency practice it will not in itself address the issue of identification of trafficked children. Consideration of multi-agency awareness and training is required to support staff and help them understand the issues surrounding and specific to trafficked children'. Another commented that 'one of the cornerstones to identifying and assessing trafficked children is an increase in worker awareness of the potential of child trafficking. This document will support workers in their thinking around about potential indicators, but the guidance alone will not be enough. Any protocol will require extensive worker awareness training and inter agency practice debates leading to local practice agreements'.

There were different views about who should be responsible for this training. A number of respondents felt that the responsibility for multi-agency training should be with Child Protection Committees. However, a smaller number thought that there should be some national input into this training. One respondent stated that 'multi-agency training and development should be delivered in a way that provides consistency throughout Scotland'. A couple of child protection committees raised concerns about awareness raising being their responsibility. One thought 'that this is national issue which should have a national campaign' whilst another stated that 'raising awareness of child trafficking within the local community poses additional challenges in terms of both strategy and resources'.

Information Sharing and Assessment of risk and needs

A number of respondents mentioned information sharing. Appropriate and proportionate information sharing was seen to be crucial to ensuring that children received the support they required. One respondent stated that ‘the information sharing section, though brief, is helpfully underpinned by the welfare principle and the importance of taking the child’s views into account and informing the child when information has been shared without their consent’. Another thought that it was important to bear in mind that ‘obtaining the views of the child may be at times difficult due to the previous experiences of the child and perhaps cultural differences that may not be readily apparent. It is therefore imperative that the sharing of information is transparent to the child to reduce any feelings of being betrayed or unsafe from further abuse.’ In relation to the issue of sharing information and consent, one respondent thought that this definition should be extended to ‘when it is safe to do so and in the child’s best interests. There are circumstances, e.g. the investigation of a crime, or where the safety of others is threatened, when it will be inappropriate or even detrimental to inform the child (or other data subject)’.

Links to Child Protection procedures

A number of respondents commented on making the link between the processes outlined in the guidance and their local child protection procedures. Many felt that the processes outlined in the document were in line with their local procedures so that the requirements in relation to trafficked children could be incorporated relatively easily.

Some areas thought that, as the procedures outlined within the guidance were basic child protection procedures, there should just be reference made to them instead of stating them in full. They thought that the document should just concentrate on what was additional for child victims of trafficking. One respondent stated that ‘the core joint child protection procedures are already in place within localities - this could be made more explicit therefore making it clear that these should be followed with additional support/advice from the relevant groups i.e. ECPAT, UKHTC, CEOP etc’.

There were also concerns that the level of detail may cut across some existing local child protection procedures. A concern was raised by one respondent, that ‘we have some concern about the focus shifting from a “child in need” - whereby systems and services respond holistically to the welfare of an individual child - to emphasising the cause of the harm (i.e. trafficking)’.

Support for 16/17 year olds

The issue of appropriate support for 16 and 17 year olds was raised by a number of the respondents. They stated that further consideration needed to be given around ‘the situation in Scotland for the assessment of age and provision of services for those individuals aged between 16-18. Given that the age of majority in Scotland is

16, yet for the purposes of asylum decisions it is 18, it must be made clear as to how local authorities should be responding to victims aged between 16-18'. Another stated that 'although the document refers to children up to the age of 18 years, there needs to be much greater emphasis on the 16 - 18 age group and their protection. Sexual exploitation is an important issue and young people in this age range can often fall through the net. In some instances they may be treated as adults and criminalised rather than identified as victims. This needs to be clearly spelt out so that all agencies are clear on their roles and responsibilities for this age group'.

A couple of respondents raised concerns about support for young adults. One stated that 'some of our most vulnerable and at risk young people are in the 16 – 21 yr age range, may have previously been accommodated and there can often be difficulty that age recognition is often a difficult issue, by extending the age range this would support extended assessment processes' and another stated that 'we accept that the differentiation between adult and child trafficking is necessary in law but consider it overly simplistic in practice. This is the view of a number of agencies currently working in Scotland in this area. With children arriving from outside Europe with no clear documentation the precise definition of age is often not possible. Current age assessment practices are holistic and as a result are often inaccurate'.

Links to Asylum Seeking/Immigration policy

A large number of respondents to the consultation wished for more information about the links to immigration policy and children claiming asylum. One respondent thought that specialist authorities may be one way of ensuring that trafficked children got the support that they required. They outlined that 'while the guidance will be helpful, we are aware that local authorities' resources are under pressure from increasing child protection cases which could mean that the time dedicated to identification, assessment and support of trafficked children could be limited'.

A number of respondents expressed concerns about local links with UKBA and thought that they had to be improved more generally. One respondent stated that 'although the guidance is helpful in terms of providing for the identification of the trafficking of children from abroad, that arrangements and protocols need to be developed between UKBA, the Police and Scottish local authorities for the referral (and investigation) of all unaccompanied children arriving in Scotland where there may be 'concerns'. Another stated that 'it is also not evident what training is provided or what procedural arrangements exist within UKBA to identify children who are unaccompanied or not travelling to his or her customary caregiver, or to identify concerns about the legitimacy of the proposed arrangements for the child's care in Scotland'.

A number of respondents thought further consideration had to be given to the role UKBA should play in multiagency child protection processes. One respondent stated that 'in the guidance it suggests that where a child has "immigration issues" UKBA

should be informed “so that they can co-ordinate immigration processes within the recommended child’s plan. We are keen to see that the principles that will inform how the case is then processed are underpinned by the paramourcy of the child’s welfare. We are keen that these should be seen in terms of the child’s short and long term best interest’. Another respondent stated that ‘the tension between supporting trafficked victims and viewing them as illegal immigrants must be resolved, so we look forward to seeing in practice how the immigration officer will ensure that immigration processes take account of the child’s situation, views and welfare’.

Some respondents expressed concern about the repatriation process and outlined that ‘the guidance states that if the trafficked child’s asylum application fails there will need to be a risk assessment of the dangers a child might face if repatriated. We are concerned that it does not clarify how to achieve this. It is essential that any such assessment is robust and has the welfare of the child at its centre. There will be a need to consider how appropriate assessments can take place in the child’s country of origin to ensure the child’s welfare and safety within their family and community’.

One respondent thought that ‘further emphasis is needed in the guidance on ensuring that children and young people receive quality legal advice about their rights and entitlements’.

Interviewing children

A number of respondents commented on the interviewing of children. A number of respondents highlighted the importance of interview skills. One stated that ‘the guidance would benefit from a clearer acknowledgement that it is important not to exacerbate the impact of such abuse on a child by an insensitive or heavy-handed response from the authorities, by, for example, pushing these children to tell their stories before they can feel secure enough to do so or responding with disbelief etc. We know that children who are victims of abuse need time to trust and to feel secure in adults’ ability to protect them before they can fully disclose’. Some felt that further guidance was required in this area ‘The issue of interview processes requires further guidance and the importance of the child’s needs has to be balanced with the desire of agencies to collect intelligence’.

Accommodation

A number of respondents commented on placements for children who have been victims of trafficking. One stated that ‘we support fully the need to provide trafficked children with a safe and confidential placement if this is necessary for their safety and protection and in reality, most, if not all trafficked children will require a care placement of some sort for a period of time, which meets their assessed needs. This has resource implications for local authorities. Many authorities struggle at present to meet the accommodation needs of their current population of looked-after-children and young people and would face serious difficulties in finding additional placements

at all, never mind the specialist placements needed to meet the needs of trafficked children’.

Interpreter/Translation

A number of respondents raised concerns about access to interpreting services. One respondent stated that ‘the work of the interpreting service is vital in this work, and a clear recommendation that only professional interpreters should be used is welcomed. The issue of access to these services, especially at time of crisis, need to be looked at, given current strains on interpretation and translation capacity and budgets. The additional challenges of working with young people who may not be literate in their own language could be addressed’.

Flow Chart

A number of the respondents commented that they found the flowchart helpful. Some commented, however, that it was overlong and that it would be better to break it down into a series of flow charts covering relevant sections.

Appendices

A number of respondents made suggestions for inclusions to the appendices.

SCOTTISH GOVERNMENT

FEBRUARY 2009

List of Respondents

- 1 – Argyll & Bute Child Protection Committee
- 2 – Dundee Womens Aid
- 3 – Stop it Now! Scotland
- 4 – UNISON Scotland
- 5 – Care Commission
- 6 – Edinburgh Child Protection Committee
- 7 – ECPAT
- 8 – Perth & Kinross Domestic Abuse Forum
- 9 – ADSW
- 10 – Falkirk Children’s Commission
- 11 – Inverclyde Child Protection Committee
- 12 – ACPOS
- 13 – Scottish Children’s Reporter Administration
- 14 – Glasgow Child Protection Committee
- 15 – Victim Support Scotland
- 16 – The British Psychological Society
- 17 – NHS Greater Glasgow & Clyde
- 18 – Royal College of Nursing
- 19 – West Lothian Council
- 20 – East Lothian Green Party
- 21 – 1 in 9, The Scottish Coalition for Young Runaways
- 22 – Aberdeenshire Council
- 23 – Scotland’s Commissioner for Children & Young People
- 24 – Edinburgh Council
- 25 – Sandyford

- 26 – Save the Children
- 27 – BASW
- 28 – North & South Lanarkshire Child Protection Committees
- 29 – North Ayrshire Child Protection Committee
- 30 – Child Health Commissioner, Lothian NHS Board
- 31 – Fife Council
- 32 – Barnardos Scotland
- 33 – The Salvation Army
- 34 – Angus Child Protection Committee
- 35 – Perth & Kinross Child Protection Committee