

## **Safeguarding Children in Scotland who may have been Trafficked**

### **Scottish Government response to the consultation analysis**

The organised crime of child trafficking has become a considerable concern to all those with responsibility for the care and protection of children. It is modern-day slavery, where victims are coerced, deceived or forced into the control of others who seek to profit from their exploitation and suffering. The Scottish Government is working with the UK Government to tackle this and to put measures in place to ensure that child victims of trafficking are identified and provided with appropriate care and support.

### **Background**

On 23 March 2007 the Home Secretary, on behalf of the UK Government, signed the Council of Europe Convention on Action Against Trafficking in Human Beings (the Convention). On the same day the Home Office and the then Scottish Executive published the UK Action Plan on Tackling Human Trafficking (the UK Action Plan). The Convention was ratified by the UK Government on 17 December 2008. This will mean that the UK becomes bound by the Convention on 1 April 2009. The purpose of the Convention is to prevent and combat trafficking in human beings, to identify and protect the victims of trafficking and to safeguard their rights; and to promote international co-operation against trafficking. Implementation of the Convention forms part of the UK Action Plan.

The UK Action Plan has a dedicated chapter on proposals to combat the abuse and exploitation of children by criminal human traffickers. One of the key commitments in the action plan is to provide targeted guidance to meet the particular needs of children who may have been trafficked. *Safeguarding children who may have been trafficked* was published by the UK Government in December 2007. The Scottish Government issued *Safeguarding Children in Scotland who may have been Trafficked* for consultation on 10 April 2008. The consultation continued for a 3 month period and ended on 3 July 2008. The document was based on the UK document but adapted to suit Scottish legislation, policy and service delivery structures.

## **Safeguarding Children in Scotland who may have been Trafficked**

*Safeguarding Children in Scotland who may have been Trafficked* outlines 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. The consultation on the document received 35 responses and an analysis of the consultation responses can be found at <http://www.scotland.gov.uk/Publications/>

The Scottish Government has considered the responses to the consultation and the final version of the guidance can be found at <http://www.scotland.gov.uk/Publications>

The guidance should be used by local agencies to help shape their responses to cases where children may have been trafficked.

### **Changes made to guidance**

The consultation on the guidance generated a variety of views. Respondents were satisfied that the document was fit for purpose and reflected Scottish legislation, policy and service delivery structures but there were a wide variety of suggestions made about changes to both structure and content.

In terms of structure, the final guidance has not been altered to any great extent. There were several views on this point - some respondents were content with the structure whilst others submitted a number of options on how it could be altered. Given the lack of consensus in this area, the structure has been kept in line with the original UK document. The flow chart has been simplified by splitting it into 3 different sections to highlight different stages of the process.

There were a number of calls for an 'executive summary' or 'model protocol' to help local areas identify the key parts of the document and to help them implement the guidance in their local areas. We intend to produce a model protocol that could be used by local areas both in providing guidance to staff and in working through how responses to trafficking will be linked into local child protection procedures. We wish to work with the UK Government to ensure that this protocol also reflects arrangements put in place to comply with ratification of the Convention and this will be made available by the end of March 2009.

In terms of the content of the guidance a number of changes have been made as a result of the consultation. These include adding new sections on the voluntary sector and adult services and improving sections such as those provided on the role of health, the Children's Reporter and internal trafficking. There have also been numerous drafting changes to pick up on specific points made by respondents. Further work has also been done to ensure that it is clear that child trafficking should be seen within a child protection context and dealt with within these local procedures. There were a number of suggestions for inclusion that went out with the scope of the document.

### **Wider work**

There were a number of common themes that came out of the consultation and the following sections provide information on wider Scottish Government work in these areas and specific work that will be taken forward to respond to issues raised within the consultation.

### ***Data collection***

Data collection is at different stages within different agencies and in various parts of the country. The collation of information will be considered as part of the arrangements for ratification with a central competent authority being in receipt of information of all cases where a child may have been trafficked. The Scottish Government will also ensure that data standards being created for the development

of the eCARE framework also include any specific requirements for children who may have been trafficked. The Scottish Government is considering phased developments over the next 2 to 3 years to build and test the new eCare framework to support information sharing in relation to children and families under the *Getting it right for every child* programme. It is currently being developed and will be tested through pathfinder projects and learning partnerships to allow for wider roll-out and implementation nationally on a tried and tested basis.

### ***Training & awareness raising***

One of the cornerstones to identifying and assessing trafficked children is an increase in agency and practitioner awareness of the potential of child trafficking. It is clear that training will have to be multiagency and Child Protection Committees are best placed to identify and meet the training needs within their local areas. Most respondents were comfortable that Child Protection Committees should play the main role in providing training at a local level but that support was needed at a national level to put that into practice. The Scottish Government intends to hold events for Child Protection Committee trainers in May 2009. These awareness raising seminars will provide the policy context and practice advice for responding to cases of child trafficking. The Scottish Government will work with ECPAT on ensuring that an online learning tool for use by practitioners in identifying victims of trafficking is applicable for use in Scotland. This will be made available by end March 2009.

We have recently announced the new Multi-Agency Resource Service (MARS). This small hub will bring together a network of expertise from practice, policy and research to support professionals in the field. The service will help agencies such as councils and child protection agencies to share expertise and develop practice in working through complex and intricate cases. Once the MARS is launched in summer 2009, a key aim is to consult the field to identify good and interesting practice developments, and also issues or concerns where agencies would welcome greater discussion and sharing of knowledge. Early consultation, which took place during the development of the MARS, has already identified that several agencies have concerns about the identification and assessment of trafficked children, and this is one area that the MARS team will be exploring further.

Another recent development is the formation of the Scottish Child Care and Protection Network (SCPPN). The vision of the network is that practitioners in all agencies working with vulnerable children and their families have access to evidence of best practice. It is a collaborative network of academics and key stakeholders in child care and protection. The network is multi-agency, and the membership includes those working in education, police, social services and health as well as representation from voluntary organisations.

The aims are to foster collaboration and coordination in research and evaluation, increase the relevance and utility of the evidence base for practice with vulnerable children and young people in Scotland, and facilitate access to and use of evidence for practice by ensuring that the way in which findings from research and evaluation are disseminated takes account of practitioners' needs. The development

of the research programme of the SCCPN will also be informed by the needs of those working in practice.

### ***Information Sharing and assessment of risks and needs***

Appropriate and proportionate information sharing and risk assessment were highlighted as being crucial to ensuring that children who may have been trafficked receive an appropriate response. A generic approach to risk has been developed as part of the *Getting it right for every child* programme and this is currently being examined to check its ease of use in a child protection environment. This work will include gathering from local areas the specialist tools that are used to assess risk. The specific needs of children who may have been trafficked will be considered within this exercise. The UK Government is currently piloting a child trafficking assessment tool and this work will be considered to ensure that it is applicable for use in Scotland and made available to local areas as part of the arrangements to be put in place for implementation of the Convention. This should be available by end March 2009.

### ***Links to Child Protection procedures***

The Scottish Government is clear that responses to children who may have been trafficked should be located within child protection processes and procedures. The current framework for joint inspection of child protection services published by HMIE in 2005 *How well are children protected and their needs met?* evaluates several quality indicators that have direct relevance. For example, within quality indicator (QI) 1.1 inspectors focus on the quality of communication with children, how well children and their families are respected and the trust they have in staff who support them. Evaluation includes how confident children and families are that their views will be taken into account when decisions are being made about them. In QI 3.1 inspectors focus on how well children and families are involved in key child protection processes. Inspectors consider how well the views of children and families are obtained as well as recorded. They also consider how well staff involve children and families in decision-making. In general the evaluations of these QIs are positive.

### ***Support for 16 & 17 year olds and links to asylum***

The Scottish Government is currently looking at support for children aged 16 and 17 as part of our consideration of the Scottish Government's response to the recent recommendations of the UN Committee on the Rights of the Child. Separately, work is underway to explore how the Scottish Government can ensure better services and support for unaccompanied asylum seeking children, including the provision of appropriate legal aid and legal representation.

More broadly on asylum, the Scottish Government welcomes the UK Border Agency *Code of Practice on Keeping Children Safe from Harm* which came into force in January 2009. The Code requires UKBA staff to handle cases involving children sensitively (in particular on arrival), to make timely referrals of children to other agencies and to work positively with them and to have mandatory training for staff whose work involves children. Further, the UKBA is proposing to place a new

statutory duty on all its staff to safeguard and promote the welfare of children. The Scottish Government will continue working with the UKBA to ensure that children seeking asylum in Scotland have, as a minimum, the same support and protection as those elsewhere in the UK. For further information on the UK asylum system, go to: <http://www.bia.homeoffice.gov.uk/asylum/>.

### ***Interviewing children***

Interviewing child witnesses is increasingly seen as a specialist task and it is important that those interviewing children have the necessary skills to do so. Recognised best practice for interviewing child witnesses is set out in the *Interviewing Child Witnesses in Scotland Guidance* (2003). This guidance specifically covers Joint Investigative Interviewing (JII) of children in a way that is pre-planned, follows a set course of action (including a rapport building stage with the child), and provides advice on both conducting the interview and follow up debriefing session as well as guidance on recording the contents of the interview. The Scottish Police College provides JII training for both police and social work trainers who go on to deliver this training to interviewers at local level.

Historically in Scotland, JII interviews have been recorded through contemporaneous and verbatim note taking. Work is underway to establish a system for visually recording JII interviews. There are numerous advantages to visual recording including: - freeing up the interviewers to concentrate on the welfare of the child rather than on note taking; and providing a more accurate and transparent record of the interview (including body language, the context in which questions are raised and how the child responds) that can not be captured in a manual record. The Vulnerable Witness (Scotland) Act 2004 allows for evidence to be lead in Court in the form of a prior statement (such as a visually recorded JII) which can help reduce the need for child witnesses to give evidence in Court.

The work is being overseen by a National Strategic Group and includes revising the *Interviewing Child Witnesses in Scotland Guidance* to include visual recording and to provide advice on more complicated cases such as those involving more than one child/adult. This will be published around late March early April 2009 in a new JII Practitioners Guidance Pack. The pack will also include accommodation & technical standards for JII suites, and information on JII training, and the accreditation of training courses and JII interviewers.

### ***Accommodation***

The need for appropriate accommodation was raised. It is important that practitioners consider the specific needs of the children and young people in the context of the assessment of the child/young person and the development of the child's plan. This must include an assessment on whether the most appropriate care and accommodation is with a foster carer or within a residential child care establishment. The child's plan will include the agreement with the carer or establishment to ensure the child or young person's needs are met.

As part of their purchasing or commissioning role, local authorities should review the specific needs of these children and young people and ensure that the appropriate

range of carers and accommodation is available to meet the identified needs of children who have been trafficked.

### ***Interpreter/Translation***

Access to suitably skilled and supported translation services is crucial in many circumstances. In 2004, the Scottish Executive endorsed good practice guidance produced by the Scottish Translation, Interpreting and Communication Forum– see link below

<http://www.scotland.gov.uk/Resource/Doc/47210/0025542.pdf> As part of compliance with the statutory duty to promote race equality, key public bodies must ensure access to the information and the services each public body provides but this should not be taken to mean that all information is necessarily translated into a wide range of languages. A summary of the document could be translated if appropriate and alternatives such as the use of an interpreter, to provide information to a group of people, should also be considered. Public bodies meet the cost of providing translations and interpreting services from within their own budgets.

In 2006, the Scottish Government published a summary of research work entitled *Translation, Interpreting and Communication Support: A Review of Provision in Public Services in Scotland*. It examined the provision of Translation, Interpreting and Communication Support (TICS) within public services in Scotland as viewed by TICS providers and by public sector bodies in Scotland. Following this, the Translation, Interpreting and Communication Support (TICSIG) was brought together to examine these recommendations in the report and identify priorities for action and it is in the final stages of developing a national statement/action plan.

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