

**FORTH VALLEY G5 PARTNERS**

**FORTH VALLEY PROTOCOL ON HUMAN  
TRAFFICKING  
(Including Children and Adults)**

## **ACKNOWLEDGEMENT**

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## **Introduction**

Human trafficking is a global business, profitable for the traffickers and damaging for the victims. It is not a new phenomenon although it has only come to the close attention of policy makers in the last ten to fifteen years with interest in trafficking and smuggling in the UK government and media only developing more recently. This interest has grown despite anxiety about the lack of reliable data and knowledge of the issues. Globally, the lack of theoretical understanding and factual evidence regarding the depth, breadth and scope of trafficking has historically resulted in efforts to combat the trade being uncoordinated and inefficient.

Due to the variety of ways this crime type can exist it is most commonly broken down into several distinct types of trafficking.

These types of trafficking are generally identified as trafficking for sexual exploitation, trafficking for labour exploitation, trafficking for domestic servitude, and trafficking for organ harvesting. There has been no intelligence found during the research for this report relating to human trafficking for organ harvesting in Scotland.

It is generally accepted that the scale of human trafficking is difficult to ascertain yet it remains an important goal for law enforcement and all agencies and practitioners involved in countering this criminal activity.

There are currently several reports being compiled in Scotland to assess the scale of trafficking but as yet there have been no robust or reliable estimates produced. It is anticipated that the ongoing studies will help to improve the response in Scotland to this area of criminality. It is essential however that all agents are vigilant to the signs and respond appropriately when trafficking is suspected or identified.

## **Purpose of the Protocol**

The purpose of this protocol is to:

- raise awareness of human trafficking within agencies
- raise awareness of indicators of human trafficking for all staff
- support the investigation and prosecution of those who coerce, exploit and abuse people in this way
- facilitate a consistent response and approach to victims of human trafficking across all agencies within Forth Valley

This protocol applies to all partner agencies involved in Community Planning processes across Forth Valley including services not specifically mentioned within this document and all services should utilise sections on referral mechanisms to front line services.

## Definition

The internationally accepted definition of human trafficking is the broad one set out in the *Palermo Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children*, which supplements the *United Nations Convention against Transnational Organized Crime*. It defines human trafficking as follows:

*‘Trafficking in human beings’ shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.*

While the trafficking of children may also involve sexual and labour exploitation, it is generally discussed separately in literature relating to human trafficking. This is largely due to being defined differently under the UN Trafficking Protocol from where the most common definition of trafficking originates. While the definition of ‘exploitation’ remains the same for both adults and children, the UN Convention states that children cannot consent to their trafficking and hence threats or coercion to recruit or transport the child are not necessary for the offence to be considered trafficking. It should also be noted that the UN Convention takes all those under the age of 18 to be children.

## **UK and Scottish policy context**

Policy focus in the UK has culminated in the creation of a joint action plan on human trafficking in 2008 by the UK and Scottish Governments and ratification of the provisions contained in the *United Nations Convention against Transnational Organized Crime* on 1 April 2009. In March 2007, the then Home Secretary signed the *United Nations Convention* on behalf of the UK and the joint action plan which was published at the same time outlined the initial measures needed to implement ratification. Scotland has a significant role to play in the development of this work, which includes identification of victims of trafficking, provision of support, arrest and prosecution of those responsible.

A Scottish Government report on Human Trafficking in Scotland, 2007/08, concluded that in policy terms, human trafficking for sexual exploitation should be understood and treated in the context of organised crime, including Class A drugs trafficking and distribution, cannabis cultivation, money laundering, and serious fraud; mass economic migration and asylum; and, where applicable, the organised sex industry, gender based violence and inequalities and child exploitation.

In November 2006 the UK Human Trafficking Centre was established. This is a multi-agency law enforcement centre, designed as a hub of expertise to support agencies across the UK in dealing with cases of human trafficking. Launched in early 2006, Operation Pentameter was the first UK wide police operation to focus specifically on tackling human trafficking for the purposes of sexual exploitation. The operation was carried out over three months and involved all police forces in England, Scotland, Wales, Northern Ireland and the Channel Islands, along with the UK Borders Agency (UKBA)<sup>2</sup>, the Serious and Organised Crime Agency (SOCA), the Scottish Crime and Drug Enforcement Agency (SCDEA) and other agencies. The original operation was followed by Pentameter 2 in 2007, a much longer operation in which the focus was widened in order to include other forms of trafficking in adults and children. During this time a Regional Intelligence Cell for Scotland was established within Strathclyde police.

In 2005 the Trafficking Awareness Raising Alliance (TARA) Project was set up. It is the only non law enforcement agency focusing specifically on victims of trafficking, which provides services to female adult victims who have been trafficked into sexual exploitation. It liaises with the police, housing departments, health professionals, agencies which work with women in the sex trade and other relevant nongovernmental organisations (NGOs). Other agencies, including the Scottish Refugee Council, the International Organisation for Migration, and the Women and Children's Department of the Legal Services Agency also provide specialist support to victims at one or more stages of the process. Barnardo's provide services to children and young people who have been trafficked or exploited, as do Local Authority Social Work Services.

## The National Referral Mechanism

On 17 December 2008 the Government ratified the Council of Europe Convention on Action against trafficking in human beings. On 1st April 2009 the Convention entered into force in the UK. Its purpose is to

- prevent and combat trafficking in human beings;
- to identify and protect victims of trafficking and to safeguard their rights; and
- to promote international co-operation against trafficking.

Although the UK was largely compliant with the Convention prior to ratification, a limited number of legislative, policy and procedural changes have been made to enhance existing arrangements.

The National Referral Mechanism (NRM) is one such procedural change. From 1st April 2009 the National Referral Mechanism provides a framework within which certain public bodies can work together to identify individuals who may be victims of trafficking and provide appropriate protection and support.

In accordance with the above convention the UK has established two 'Competent Authorities' who will make decisions on whether a person is a victim of trafficking. These are:

- the UK Human Trafficking Centre (UKHTC); and
- the UK Border Agency (UKBA) – where the case involves a non EEA National.

When a potential victim of trafficking, no matter what his/her nationality, is discovered a referral, if agreed by the victim, should be made to the appropriate competent authority. In the case of a child no consent is required and a form should be submitted. In the case of the police **all** referrals should be made to the NRM team at the UK Human Trafficking Centre. The person completing the form is known as the first responder. The initial target referral time is 48 hours.

The forms, and guidance on completing them, can be found on either the Home Office site <http://www.crimereduction.homeoffice.gov.uk/humantrafficking005.htm>

or the Scottish Government site <http://www.scotland.gov.uk/Topics/Justice/crimes/humantraffick>).

The form should then be faxed/e-mailed to the NRM team. The NRM team can be contacted on the following:

Tel: 0114 219 7373  
Fax: 0114 219 7336  
E-mail: [nrm@ukhtc.pnn.police.uk](mailto:nrm@ukhtc.pnn.police.uk)

- Note:
- (1) All adult referral forms **must** be signed in order for it to be progressed by the 'NRM' team
  - (2) A child is deemed as any person **under** the age of 18 years

### **Referral decision Process:**

#### **The 'Reasonable Grounds Decision'**

The 'NRM' caseworker will consider whether there are reasonable grounds to believe that the person could be a victim of trafficking. The team will turn around this decision within 5 working days of receiving the referral form.

#### **The 'Conclusive' Decision**

The 'NRM' team will turn around this decision within 45 days

### **Reflection Periods and Residence**

Where the Competent Authority finds 'reasonable grounds' to believe someone is a victim of trafficking they will be granted a 45 day extendable recovery and reflection period during which time the victim can access accommodation and support and will not be removed from the country. This period may run in parallel with consideration of separate or linked immigration and asylum issues. Before the end of the reflection period a 'conclusive' decision or a decision to extend the recovery period will be made by the Competent Authority. The victim and the first responder will be informed of each decision as it is made.

### **Enquiries**

Any person with any issues regarding this process should contact the NRM team at the UKHTC

### **Human Trafficking Coordination Unit**

The Scottish Crime Drugs Enforcement Agency operate a specialist Human Trafficking Coordination Unit who provide a 24hrs service. For further information assistance or advice contact the Human Trafficking Coordination Unit at SCDEA 0141-302-1000

[enquiries@scdea.pnn.police.uk](mailto:enquiries@scdea.pnn.police.uk)

## **Sexual Exploitation**

Human trafficking occurs in Scotland in the context of a society which has a small but growing migrant population. Official in-migration figures have doubled in the last five years – in 2001/02 18,357 people identified themselves as migrating to Scotland from overseas and this figure stood at 37,800 in 2006/07 (General Register Office for Scotland 2009). These figures, along with those who are not captured by statistics include many individuals from Eastern European countries which have recently joined the EU, but also foreign nationals from other countries who come to the UK, usually seeking to improve their standard of living.

The sex trade, which is most prevalent in the major cities of Glasgow, Edinburgh, Aberdeen and Dundee, has increasingly moved 'indoor' in recent years (ie from street locations to saunas, massage parlours and private residences). This is likely to be due to increased policing and lower levels of tolerance for street prostitution and new legislation introduced in late 2006, which criminalises those who buy sex. This movement may also be related to the changing demographic of workers. The industry has traditionally been occupied by individuals from Scotland and other parts of the UK but in recent years this has changed and it is now estimated that approximately 50% of indoor sex workers in Glasgow – the largest urban centre for sex work – are from outside the UK. Migrants may consider it less risky to work indoors, especially if they are living in the UK illegally.

Trafficking for sexual exploitation and trafficking for the purposes of forced labour are not necessarily mutually exclusive. Sexual violence can be used at any stage of the trafficking process by traffickers themselves and subsequent 'employers' of trafficked people to keep victims submissive and under control. It is important to note that women and children who are seen to be victims of forced labour may still need support with sexual violence that may have occurred.

## **Forced Labour**

Forced labour is defined, according to the International Labour Organisation 'Forced Labour Convention 1930' Article 2, as:

*“All work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily” (Article 2 ILO C.29).*

All forced labour includes unacceptable working conditions, however not all such working conditions constitute forced labour. It crucially implies the use of coercion and lack of freedom/choice afforded to the victim. The ILO (2007) has suggested six elements which, either individually or together, can indicate forced labour:

- threats or actual physical harm;
- restriction of movement and confinement to the workplace or to a limited area;
- debt-bondage (where the worker is not paid and must work to pay off a debt or loan that he/she agreed to in order to facilitate entry to or work in the UK.);
- withholding of wages or excessive wage reductions, that violate previously made agreements;
- retention of passports and identity documents (the workers can neither leave nor prove their identity and status);
- threat of denunciation to the authorities where the worker is of illegal status.

Victims are found in a variety of employment sectors, including agriculture, construction, nursing, care, domestic work and hospitality. These industries typically require large numbers of low-paid, flexible, seasonal workers, sometimes in difficult or dangerous conditions. Demand for such cheap and malleable labour is a key driver of trafficking. Children have been documented within domestic service, catering and manual labour. They are also used for credit card/benefit fraud and illicit activities. Children are particularly vulnerable to the deceptive and coercive practices of traffickers.

Research carried out by the Scottish Government in 2007/08 found that, in the small number of cases of labour exploitation encountered, victims were found to be working mainly in restaurants or takeaways and/or living in private multi-occupancy dwellings.

## **Domestic Servitude**

There is a fine line between those who voluntarily take a job that may be unpleasant or low status or where the wages and conditions are worse than normal for that type of occupation and those who are victims of trafficking. However, there are indicators that point to trafficking: the use of violence or threats of violence by employers; debt bondage; confinement to a workplace; removal of identity documents; requirements to live in accommodation or to use transport provided by the employer, especially if the accommodation is overcrowded and the means of transport unsafe, coupled with exorbitant charges for these compulsorily docked from wages; below average wages for that type of work or no wages; little or no time off; no sick pay. When dealing with a number of victims, for example when providing 'agency' labour or in brothels, traffickers also tend to try to isolate the victims from the resident population and from each other through language barriers (mixing different nationalities together) or by moving victims frequently from place to place to deter escape.

## **Internal Trafficking**

Research has indicated that young females in Britain may be vulnerable to being recruited into prostitution by young males who become their boyfriends and use their influence over them to force them into prostitution.

This type of trafficker is commonly referred to as a 'loverboy' and services have sought to raise awareness of this problem across the UK.

Scotland's Commissioner for Children and Young People is currently undertaking an enquiry into child trafficking in Scotland which is due for publication in early 2011.

This should help to inform services in relation to all forms of child trafficking including internal trafficking.

## **Unaccompanied children entering the UK**

More is known about groups of unaccompanied children as they often come to the notice of the UK Border Agency (UKBA). Unaccompanied children may come to the UK seeking asylum or they may be here to attend school or join their family. A child may be subject of a private fostering arrangement.

If the child is unaccompanied and not travelling to his or her customary care giver, or if there are some concerns over the legitimacy or suitability of the proposed arrangement for the child's care in the UK, they will be referred to local authority children's social care services by the UKBA.

Some groups of children will avoid contact with authorities as they are instructed to do so by their traffickers. In other cases the traffickers insist that the child applies for asylum, as this gives the child legitimate right of temporary leave to remain in the UK.

It is suspected that significant numbers of children are referred to local authority children's social care services after applying for asylum, and some even register at school for up to a term, before disappearing again.

The UK was largely compliant with the Convention prior to ratification. A limited number of legislative, policy and procedural changes have been made to enhance existing arrangements, some of which now go beyond the requirements of the Convention.

Some victims of human trafficking may be particularly vulnerable and there are often barriers to them seeking help and reporting a crime. There is therefore an onus on front-line agencies to identify potential victims and help them access services.

### **Key Issues and Difficulties (when Dealing with Potential Victims of Trafficking)**

The following are some of the key matters for consideration:

- Language and understanding – be aware of language and communication barriers (including illiteracy or learning disabilities) and how to manage them. Give the victim as much information as they can in a language or format that they can understand. They should be told what is happening and why, how long it may take and what will happen next.
  - Clackmannanshire – Dundee City Council for translation and interpreting services – 01382 431563/431542 and the Sensory Centre for sensory impairments – 01324 590888. (See Appendix 6)
  - Falkirk – Dundee City Council for translation and interpreting services – 01382 431563/431542 and the Sensory Centre for sensory impairments – 01324 590888. (see Appendix 6)
  - Stirling – Language Line [www.languageline.co.uk](http://www.languageline.co.uk)) offers a 24-hour telephone interpreting service.
- Trauma/Recollection of details – be aware that the victim may be suffering from post-traumatic stress disorder or may have other trauma-induced mental health issues which may affect their recollection of details. Victims who are traumatised may not give an accurate or consistent account of who they are or what has happened to them when the police first start working with them, especially if drugs have been used to control them at any stage. (see 'Stolen Smiles – a summary report on the physical and psychological health consequences of women and adolescents trafficked in Europe' by Kathy Zimmermann et al).
- Medical needs – look for signs of distress or physical injury which may require urgent medical attention. Watch for signs of drug/alcohol misuse and associated unusual behaviours.

- Dependants – some victims of trafficking remain in exploitative situations because their dependants and family members rely on the small amount of money that they are allowed to send home.
- Insecurity and fear of reprisals – it is likely that the victim and/or their family (including the victims children: they may also still have friends or relatives under the control of the traffickers who are under threat of reprisals) have been threatened with kidnap, trafficking, torture, violence or death if they speak to the authorities. Be aware of any non-verbal communication and body language between victims and suspects. Separate potential suspects from victims and if possible, speak to victims individually.
- Fear of authority – expect victims to display suspicion, fear and mistrust of authority figures, especially law enforcement agencies. They may not view police or any authority as their ‘saviour’ and display aggression as a defence mechanism. They may have been coached as to what to say and may try to escape.
- Immigration status – do not allow immigration issues to hinder establishing whether a victim has been trafficked. Victims of trafficking should not be treated as suspects or immigration offenders. Specialist legal advice should be sought for the individual as a matter of priority to ensure their rights and opinions are advocated for in a consistent and effective manner. Failure to do this could have severe implications for their future.
- Cultural and religious beliefs – satisfying basic requirements of a person’s culture is important in helping them to feel relaxed, comfortable and able to co-operate. . People may have concerns about working with ethnic minority individuals for fear of causing offence or being accused of racism. It is very important, therefore, to back statements up with examples of what to say and do to remove any fear. For example, ask the individual what they need to feel relaxed and comfortable, bear in mind things like a private space to pray, provision of religious text in an appropriate language, appropriate clothing, appropriate food, choice of talking to a man or a woman where possible, being aware that a woman making eye contact with a man is taboo and not to be seen as being evasive etc.
- Shame and dishonour – prostitution is regarded as an undesirable occupation in many societies and cultures around the world and those involved in prostitution may be shunned or discriminated against. Families may consider that a woman has brought shame and dishonour on them. Even though a woman may have been deceived or threatened to allow her to be sexually exploited, she is likely to be very anxious about her family and friends finding out what has happened to her. Disclosure to families may have been used as a threat by traffickers to keep her quiet. If family and friends already know this may add to her fears of deportation with potential consequences of ostracism, violence and death.

- Evidential requirements – victims of sexual exploitation must be asked to consent to a forensic medical examination. Victims of sexual crime must be interviewed by a specially trained officer, usually of the same gender, and recorded on video. It is of extreme importance that the entire procedure of the forensic medical examination must be explained clearly and fully. Forensic examinations are different in every country. If a woman has been through a traumatic examination previously this may put her off going through another one unless it is clearly explained to her. For example, to illustrate the point, in India some clinicians use the ‘two finger rule’ to establish whether or not a woman is ‘experienced sexually’ and therefore make judgements as to whether or not she is likely to have been raped. Depending how easily one or two fingers can penetrate her vagina is used to make these judgements – if two fingers are inserted easily, she is judged to be sexually experienced and therefore unlikely to have been raped. Explanations need to be given at all stages before, during and after an examination so that she knows exactly what is going on at all times.
- Victim centred approach – Persons who appear to be victims of trafficking should be dealt with in a professional and sensitive manner. Police officers and police staff should be aware that the individuals concerned may be extremely vulnerable. The first words spoken, the way the words are delivered, together with non-verbal body signals will have a significant impact on a victim of trafficking. These words and signals need to display empathy and an understanding of their situation. Staff should expect that victims may display suspicion, fear and mistrust of authority figures. Treating them with respect and dignity will help give them confidence in any subsequent investigative or forensic processes.
- It is likely that these persons have been isolated from their family circle/friends and are living in an unfamiliar country/area. As a result, in addition to possible feelings of fear and intimidation, they may feel dependent on their controllers/traffickers who may be individuals well known to the victim. On initial contact victims may exhibit an unwillingness to co-operate, especially if they are in the presence of their controller/traffickers or around other victims. In addition victims may not understand the concept of trafficking or self-identity as a victim.
- Considerations regarding a young person’s age. Young adults that say they are over 18 may actually be a lot younger and have been coached to say this. If you suspect someone is younger than they say they are appropriate child protection procedures need to be considered. It also needs to be explained to the young person what their rights are and the implications of being considered a child or an adult.
- Escape or kidnap - Traffickers may go to extreme lengths to kidnap adults, children and young people. They may have established ways of communicating with them i.e. by providing them with a mobile phone. Many rescued children go missing without a trace very quickly. They may well try to escape and get back to their traffickers thinking this is their safest option.

- Witchcraft – children especially from African countries may have undergone rituals or ceremonies of witchcraft leaving them feeling they are spiritually controlled by their traffickers. Attempts should be made to retrieve all possessions of the children including ‘packets’ which may contain cuttings of the children’s hair. They may believe that whilst the traffickers remain in possession of these things, they are under their control.

## **Responsibility of Services and Agencies**

*Each service should have a named person as a first point of contact (names in contact section).*

### **Notification to Central Scotland Police**

In all cases where a suspected victim of human trafficking for sexual exploitation or any other form of trafficking is identified the police must be informed immediately. Trafficking is a serious crime. Crimes that have been committed must be recognised and the victim given the opportunity to report the matter.

Victims should be encouraged to share any information with the police and where possible agencies should share information/ intelligence with the police.

All agencies involved must have appropriate procedures in place to retain comprehensive records of any communications with a victim that may contain information relevant to a criminal investigation and may be used in a subsequent court case.

The first point of contact for the police is:

- through the Force Communications Centre on 01786 456000

The agency involved should **clearly state** that it is a suspected case of human trafficking.

Where the police are planning an operation which may result in the identification of eligible victims the Senior Investigating Officer **will** consider whether notification of the operation can be made to the nominated person in Health and Social Care/Social Work Services and Housing Services and any identified support service. Where this occurs any information will be treated by them with the strictest of confidence to prevent the operation being compromised.

### **Police**

On being informed of a Human Trafficking incident Central Scotland Police will appoint a Senior Investigating Officer who will at the initial stages of a police investigation identify an appropriate liaison officer or officers to deal with the victim(s) in terms of the criminal justice process. It is recognised that victims will have a multitude of needs and longer-term support may be necessary. At an early stage the Senior Investigating Officer will consider whether it is appropriate to identify a support service to offer this longer-term support.

Support will focus on the day-to-day needs and welfare of the victim and the identified service will work in partnership with other agencies, both statutory and voluntary. Where there is a police enquiry this will always be in conjunction with the Senior Investigating Officer.

Support for victims may be provided by:

- TARA
- Shakti – Women’s Aid
- Hemat Gryffe Women’s Aid
- Women’s Aid
- Central Scotland Rape Crisis and Sexual Abuse Centre
- Victim Support
- Violence Against Women Support Service for Ethnic Minorities, Stirling Council

Police have a responsibility to fully investigate the circumstances of any report of trafficking.

## Health

The physical and mental welfare of the victim will be treated as a priority and appropriate assistance sought.

People accommodated in Forth Valley within temporary homeless accommodation who require primary health care can access this care through the GP Practice with whom the person has already registered. If the person is not registered as an NHS patient this can be facilitated by contacting a local GP practice to request registration or alternatively by contacting:

- Practitioner Services on **08453 001661** who will allocate the person with a GP.
- Further advice relating to specific health needs or services can be sought via the NHS Helpline on freephone **0800 22 44 88** or if advice is required out of hours or at weekends via NHS 24 on **08454 24 24 24**.

Emergency care can be accessed in Forth Valley at:

- Stirling Royal Infirmary **01786 434000** (Full accident and emergency services.)
- Falkirk & District Royal Infirmary **01324 624000** (Emergency services for **minor** injuries.)

Maternity Triage:

- Any questions about pregnancy or labour can be answered via the maternity triage service by contacting **01786 433663**. This number is available 24 hours a day.

The above health services can all provide an interpreting service. Interpreting services can be contacted on **0845 130 1170**.

Longer-term health care will be determined on a case-by-case basis.

If a person is also believed to be a victim of sexual offences consideration should be given to the preservation of forensic evidence at initial presentation. In this respect where presentation is not directly to the police immediate advice should be sought

from Central Scotland Police SPOC (currently the Detective Chief Inspector, CMS Operations).

Sexual Health Services:

- Forth Valley Sexual Health Service provides free sexual health care across the Forth Valley area. Appointments for the service can be accessed by contacting the Central Appointments Phone line on **01786 433697** between the hours of 8am and 1pm or if general advice is needed log into the website on [www.centalsexualhealth.org](http://www.centalsexualhealth.org).

Emergency & Urgent Dental Treatment:

- During daytime if a person is not registered with a dentist, support will be offered by telephoning the **Forth Valley DentaLine on 0844 800 6886** where arrangement will be made for a Dental Nurse Advisor to make contact and assess the urgency of dental symptoms. She will also advise on pain relief and if appropriate will arrange for an appointment to be given at a dental centre.

## **Social Work Service**

### **Children**

The local authority (Social Work Service) has a general duty to safeguard and promote the welfare of all children in need in our area, regardless of their immigration status. Additionally, Social Work Services have responsibilities for unaccompanied children, as well as those who arrive in the UK with their parents and for whom there are concerns regarding their safety and welfare.

The Children (Scotland) Act 1995 sets out the duties and powers for public authorities to protect and support young people from abuse and neglect through a range of measure including the provision of accommodation and services for the child, young person or wider family.

Section 22 (1) (a) of the act states that a local authority shall safeguard and promote the welfare of children in their area, who are in need and this is regardless of immigration status.

“Children in need” are defined in section 93.4.

Section 25 of the Children (Scotland) Act 1995 requires that a local authority shall provide accommodation for any child residing or found in their area, where no parental responsibility is apparent.

The welfare aspects of the local authority are carried out by the local authority department with responsibility for Social Work Services.

The responsibilities of the Social Work Services in relation to child victims of trafficking may include:

- Identifying victims/potential victims
- Providing victims/potential victims with a place of safety
- Providing support services (e.g. legal advice, counselling)
- Contributing to joint interagency profiling of victims/potential victims
- Undertaking initial interviews, including joint interviews with the police to assess risk, harm and agreed child protection actions
- Providing advice on whom to contact concerning a victim's immigration status
- Assisting in the identification of possible traffickers masquerading as relatives
- Ensuring contact with the police and providing information to the police
- Finding the location of relatives in the country of origin and verifying what would be in the best interest of the child and whether they should be able to remain in the UK or if it is safe for them to return home
- Ensuring the voluntary organisations or other support services are available if they are returned to their country of origin
- Monitoring of looked after children for signs that they are meeting with traffickers
- Providing a supportive environment so that victims do not leave with traffickers. This may necessitate legal steps to ensure protection of the victim

### Contact Information

The points of contact and telephone numbers for Social Work Services are listed in the Local Contacts section (Appendix 3).

### **Adults**

The Children (Scotland) Act also sets out a duty for the local authority to promote social welfare by making available advice, guidance and assistance to a person aged eighteen years of age or over who has previously been in the care system. Where the local authority decides to provide 'assistance' this can be given 'in kind' or, in exceptional circumstances constituting an emergency, in cash. However there is some exclusion to the provision of this assistance where the person is subject to certain sections of the Immigration and Asylum Act 1999 and further clarification should be sought.

In all situations involving victims of human trafficking the local authority would seek to provide advice and guidance. The person may also be entitled to an assessment under the Community Care and Health (Scotland) Act 2002 or require interventions under adult protection or mental health procedures or legislation.

The Intake worker to whom the referral is made should obtain as much information as possible from the referrer or person themselves. Initial consideration of the situation should include whether there are concerns about the persons health and wellbeing or actual and/or potential harm which could indicate the need for further assessment.

Other actions may include:

- Ensuring contact with the police and providing information to the police
- Liaison with Children's Social Care Teams/Children & Families Social Work Teams where children are also involved
- Seek out specialist legal service as a matter of priority
- Referral to councils for advice on:  
Immigration status & information  
Cultural advice
- Referral for urgent health assessment/treatment for physical and mental health – many victims have had very traumatic experiences
- Referral to other relevant bodies e.g. housing services, the benefits agency etc
- Provision of approved interpreting services
- Arranging or providing victims/potential victims with a place of safety
- Referral to specialist support services

Frontline social care staff may be the first external link that the victim has to get out of a very harmful situation. Recognising this and acting accordingly is crucial in ensuring the individual is securely and appropriately supported.

### **Education Services**

Children trafficked into the country may be registered at school for a term or longer, before being moved to another part of the UK or abroad.

Safe and Well is a standard reference for education professionals and should be used in conjunction with the Forth Valley Inter Agency Child Protection Guidance.

Staff responsible for children missing from education may encounter children who have been trafficked and should refer to police and social work services immediately.

Child Protection Co-ordinators in school should refer children they suspect may be trafficked, to the police and social work services.

Any person, including school staff may refer to the Reporter directly when a child may be in need of compulsory measures of supervision

### **Housing Services**

Housing Services have a number of roles to play in the prevention and detection of those who have been subject to human trafficking. An ever increasing private housing sector will be vital in this respect.

Identification of suspected trafficking of children and young people, Housing Services has a duty to inform the appropriate services.

In the case of concerns relating to child welfare and protection together with concerns that the child/children may have been trafficked Housing Services have a duty to contact Social Work Services. The referring member of Housing Services

must make it clear at the point of referral that the child/children may have been trafficked.

## **Adults**

Adult Community Care/Social Care Services will provide advice and guidance and may in some cases be able to provide further assessment and services. Therefore, Housing/Homeless Services should refer trafficked victims to the Adult Social Care team (telephone numbers are listed in Appendix 3)

## **Provision of accommodation for those who have been trafficked**

The Housing (Scotland) Act 1987, as amended by the Housing (Scotland) Act 2001 clarifies that any person who is homeless is entitled to temporary accommodation whilst a decision is made in regards to their homeless accommodation.

People who have been trafficked can be here legally or illegally and this will impact upon the roles and responsibilities of the Housing Service in relation to provision of accommodation. People who have a legal status are entitled to accommodation and homeless legislation is applicable due to vulnerability.

## **Houses in Multiple Occupations (HMO)**

The Private Rented Housing Team is responsible for the licensing of houses with multiple occupations, registering private landlords on to the national database, enforcement issues and pursuing non-registered landlords.

HMO's are properties that are occupied by 3 or more unrelated persons. Where the Private Rented Housing Team suspects that a property is operating as an unlicensed HMO they have powers to gain access with a warrant through the Civic Government (Scotland) Act 1982 and other legislation i.e. Housing (Scotland) Act 2006.

The Council also maintains an HMO register which is available for public viewing upon request.

## **Landlord Registration**

All private landlords are required to register as per the Anti-Social Behaviour etc. (Scotland) Act 2004. The information is entered into a national database, which can be viewed by the public, only if they are registered or have been approved as a private landlord.

This info can be viewed at:

[www.landlordregistrationscotland.gov.uk](http://www.landlordregistrationscotland.gov.uk)

After entering the above address into the 'url' taskbar click on:

“Search for registered landlords, agents and properties.”

## **Illegal Entry/Illegal immigrants (Adults)**

Under normal immigration laws The Immigration and Asylum Act 1999 and the Nationality, Immigration and Asylum Act 2002 certain individuals would not be entitled to access the provision of accommodation. This is because those that have entered the country illegally have 'no recourse to public funds' – in other words the individuals cannot receive support either in the form of money, services or accommodation from the local authority. With reference to accommodation provision – this includes housing provided by the local authority and housing provided under homelessness legislation. Nor can individuals access benefits for example Housing Benefit, Income Support, payments from the social fund etc.

Therefore, in the case of those trafficked illegally into the country – who are considered illegal immigrants housing services should refer such cases directly to National Asylum Support Service. There is no presenting centre in Scotland. Those that have entered the country illegally are responsible for ensuring that they apply for asylum. It is only after a decision for asylum for example a person is granted refugee status, a stay of leave for example Humanitarian Protection or Discretionary Leave that a person may be offered accommodation and support by a Local Authority.

It is important to bear in mind that the individual may not want to stay in this country or go through the asylum process. Seeking asylum is an ordeal in itself and the individual will need specialist and consistent legal support from the very beginning to ensure their case is put forward as effectively as possible. For those who do make an application for asylum it is essential that they are put in touch with the Scottish Refugee Council who can put them in touch with relevant support and information, including financial support whilst their application is being processed.

If a person is from one of the EEA member states (which includes the EU) – they are eligible for the provision of homeless accommodation under the Homelessness etc (Scotland) Act 2003. Full details of these countries are detailed within Appendix 13D of the Code of Guidance Homelessness – this is available on the web at the following address:

<http://www.scotland.gov.uk/Publications/2005/05/31133334/33366>

Therefore, those people who have been subject to trafficking but who are either from:

- An EEA member state
- Those granted refugee status
- Those granted Humanitarian protection or Discretionary leave

May all be accommodated under the Homelessness etc (Scotland) Act 2003.

In addition they will be entitled to apply for Local Authority housing or other forms of social housing provision. They will also be able to access welfare benefit assistance including Housing Benefit.

Procedures for the provision of accommodation either homeless or mainstream will be the same as those for any other homelessness/housing case.

The procedure followed should either be the Homelessness procedures or the Housing management and Estate Management procedures in such circumstances.

### Children and Young People

Under Section 25 of the Children (Scotland) Act 1995 (see Appendix 4), Local Authorities can provide accommodation to young people in order to safeguard and protect their welfare:

*(3) A local authority may provide accommodation for any person within their area who is at least eighteen years of age but not yet twenty-one, if they consider that to do so would safeguard or promote his welfare.*

Therefore in the case of suspected young people being subject to trafficking, Housing/Homeless Services should make a referral to Children and Families Social Work Services Housing. Homeless services staff should state on the referral form that the case involves people trafficking.

## **Support for Victims**

### **Voluntary organisations**

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

- Provision of accommodation and support
- Provision of outreach and resettlement services
- Collaborative work with other organisations
- Advocating and campaigning on behalf of victims of trafficking

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

It is the obligation of the statutory agencies to keep the original referrer informed of progress, particularly as many voluntary organisations will be continuing to provide care and assistance.

## **Role of Victim Support Scotland**

Victim Support Scotland completely agrees with the need to provide effective support to people in the aftermath of human trafficking. Victim Support Scotland has the potential to play a part in filling the gap in service provision.

Victim Support Scotland's services may be ideally placed to identify victims and if resourced can assist victims:

- Through the provision of emotional support
- Practical information and advice
- Assistance through prosecution and court processes

## **Keeping records**

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

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

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

- Obtain informed consent
- Collect pertinent data
- Data storage

## **Legal Advice**

Where there is immigration or asylum concerns consideration should be given at the earliest stage to contacting a solicitor. Victims will need independent legal advice in relation to asylum and immigration matters as the police cannot provide such advice.

Victims may be entitled to legal aid.

The Scottish Refugee Council will be able to advise on specialist solicitors in the local area. These are all legal aid solicitors

## **VICTIM**

### **Coaching and rehearsal**

There is a need to ensure that any debriefing or counselling does not invite rehearsal or coaching of the evidence of witnesses. The evidence of witnesses must come directly and independently from them. There should be no influence or prompts from any other person. There is a risk when witnesses wish to talk about what happened to non-investigators that they are unduly influenced or encouraged, directly or indirectly, by the person they talk to, however innocent the motives might be. Support workers must avoid discussing the actual case. Training or coaching for witnesses in criminal proceedings is not permitted and may undermine the case or at worst result in a case being unsuccessful. In cases where there are multiple victims or witnesses they should not be involved in group sessions.

### **Counselling and Crisis intervention**

Trafficked persons need access to specialised services such as psychological counselling and support. However, there is a danger of therapists inadvertently encouraging or coaching victims in the way they talk about evidence which could render subsequent evidence given inadmissible or otherwise tainted – again this could lead to a prosecution being unsuccessful. While it is a matter for the individual whether they seek counselling this may have an adverse effect on any subsequent criminal proceedings. Consultation with the PF should be considered

It is not anticipated that the crown would generally wish to site a counsellor but the defence may wish to do so if there are suggestions that the witness has been coached. If counselling is provided details of the nature of the counselling, its purpose, duration and the counsellor must be provided to the police or procurator fiscal.

### **Confidentiality**

It is accepted that anonymity and confidentiality are important conditions in work with victims of trafficking. However, confidentiality cannot be guaranteed in advance by support services or counsellors and outside of stressing to the victim that the case should not be discussed, efforts should be made to record any information that may affect the case.

### **Inducement**

Because evidence from witnesses must be given independently, care must be taken not to offer potential inducements to the victim e.g. giving assurances in immigration status. Any form of inducement might undermine the credibility of evidence obtained and adversely affect the prosecution. For instance only essential items and those pertaining to the victim's health and safety should be made available.

## **Collusion**

In multi-victim cases a victim's evidence may be undermined by collusion allegations if they have discussed the nature of the allegations amongst themselves. Where criminal proceedings are in contemplation best practice is for victims not to discuss their own evidence with anyone, including fellow victims. Support services should remind victims of this.

## **Agreed responsibilities**

The signatories of this protocol agree to apply the following responsibilities in all cases dealt with. The signatories:

- will appoint a single point of contact for each victim, who will where possible assist the other agencies involved and help keep the victim informed of the process of any investigation or proceedings. Each agency must have a nominated person and deputy as a single point of contact.
- will ensure that the needs, rights and opinions of the victims are upheld at all times and that appropriate support and advocacy will be sourced as a matter of priority.
- will participate in appropriate training that will be provided to enable them to meet their respective responsibilities;
- will assist with the legal process by taking appropriate action at the earliest opportunity to secure evidence, including the preservation of forensic evidence;
- will take cognisance of issues surrounding coaching and rehearsal, counselling, confidentiality and inducement and exercise care when dealing with victims ;
- will have appropriate procedures in place for retaining comprehensive records of any communication with a victim that may contain information relevant to a criminal investigation or which may be required for a subsequent court case;
- will recognise the need to effectively criminalise and prosecute the perpetrators of human trafficking and will where possible ensure information which may be relevant to a criminal enquiry is shared with the police;
- will ensure that any information in relation to counter trafficking actions being carried out by Central Scotland Police are treated as strictly confidential and will only be used in accordance with police instructions;

***This protocol will be reviewed annually by the agencies involved and may be subject to interim amendment dependent on national and international developments/guidance.***

## **Legislation**

### ***Labour Exploitation***

Section 4, Asylum and Immigration Act (Treatment of Claimants etc) Act 2004

- (1) A person commits an offence if he arranges or facilitates the arrival in the United Kingdom of an individual (the "passenger") and
  - (a) he intends to exploit the passenger in the United Kingdom or elsewhere, or
  - (b) he believes that another person is likely to exploit the passenger in the United Kingdom or elsewhere.
- (2) A person commits an offence if he arranges or facilitates travel within the United Kingdom by an individual (the "passenger") in respect of whom he believes that an offence under subsection (1) may have been committed and
  - (a) he intends to exploit the passenger in the United Kingdom or elsewhere, or
  - (b) he believes that another person is likely to exploit the passenger in the United Kingdom or elsewhere.
- (3) A person commits an offence if he arranges or facilitates the departure from the United Kingdom of an individual (the "passenger") and
  - (a) he intends to exploit the passenger outside the United Kingdom, or
  - (b) he believes that another person is likely to exploit the passenger outside the United Kingdom.
- (4) For the purposes of this section a person is exploited if (and only if)
  - (a) he is the victim of behaviour that contravenes Article 4 of the Human Rights Convention (slavery and forced labour),
  - (b) he is encouraged, required or expected to do anything as a result of which he or another person would commit an offence under the Human Organ Transplants Act 1989 (c. 31) or the Human Organ Transplants (Northern Ireland) Order 1989 (S.I. 1989/2408 (N.I. 21)),
  - (c) he is subjected to force, threats or deception designed to induce him
    - (i) to provide services of any kind,
    - (ii) to provide another person with benefits of any kind, or
    - (iii) to enable another person to acquire benefits of any kind, or
  - (d) he is requested or induced to undertake any activity, having been chosen as the subject of the request or inducement on the grounds that
    - (i) he is mentally or physically ill or disabled, he is young or he has a family relationship with a person, and
    - (ii) a person without the illness, disability, youth or family relationship would be likely to refuse the request or resist the inducement.

- (5) A person guilty of an offence under this section shall be liable
- (a) on conviction on indictment, to imprisonment for a term not exceeding 14 years, to a fine or to both, or
  - (b) on summary conviction, to imprisonment for a term not exceeding twelve months, to a fine not exceeding the statutory maximum or to both.

Criminal Justice and Licensing (Scotland) Act, 2010. This legislation brings within its remit slavery, servitude and forced labour and make provision for a maximum sentence of 14 years imprisonment.

### ***Sexual Exploitation***

Section 22, Criminal Justice (Scotland) Act 2003

- (1) A person commits an offence who arranges or facilitates the arrival in the United Kingdom of, or travel there (whether or not following such arrival) by, an individual and-
- (i) intends to exercise control over prostitution by the individual or to involve the individual in the making or production of obscene or indecent material; or
  - (ii) believes that another person is likely to exercise such control or so to involve the individual, there or elsewhere; or
- the departure from there of an individual and
- (i) intends to exercise such control or so to involve the individual; or
  - (ii) believes that another person is likely to exercise such control or so to involve the individual, outwith the United Kingdom.
- (2) For the purposes of subsection (1), a person exercises control over prostitution by an individual if the person exercises control, direction or influence over the prostitute's movements in a way which shows that the person is aiding, abetting or compelling the prostitution.
- (3) A person guilty of an offence under this section is liable
- (a) on conviction on indictment, to imprisonment for a term not exceeding fourteen years, to a fine or to both; or
  - (b) on summary conviction, to imprisonment for a term not exceeding six months, to a fine not exceeding the statutory maximum or to both.
- (4) Subsection (1) applies to anything done
- (a) in the United Kingdom; or
  - (b) outwith the United Kingdom-

- (i) by an individual to whom subsection (6) applies; or
  - (ii) by a body incorporated under the law of a part of the United Kingdom.
- (5) If an offence under this section is committed outwith the United Kingdom, proceedings may be taken in any place in Scotland; and the offence may for incidental purposes be treated as having been committed in that place.
- (6) This subsection applies to
  - (a) a British citizen;
  - (b) a British overseas territories citizen;
  - (c) a British National (Overseas);
  - (d) a British Overseas citizen;
  - (e) a person who is a British subject under the British Nationality Act 1981; and
  - (f) a British protected person within the meaning of that Act.
- (7) In this section, "material" has the same meaning as in section 51 of the Civic Government (Scotland) Act 1982 and includes a pseudo-photograph within the meaning of section 52 of that Act, a copy of a pseudo-photograph and data stored on a computer disc or by any other electronic means which is capable of conversion into a photograph or pseudo-photograph.

**Scottish Intelligence Coordination Unit (SICU)**

A Human Trafficking Coordination Unit has been established within the Scottish Intelligence Coordination Unit at the Scottish Crime and Drug Enforcement Agency. This unit is available to police and other agencies for guidance and assistance in all matters relating to human trafficking. The unit can be contacted on the following:

Telephone (office hours): 01506 524500 / 01506 524506  
Telephone (outwith office hours): 07767 673881  
Email: [humantrafficking@scdea.pnn.police.uk](mailto:humantrafficking@scdea.pnn.police.uk)

**UK Borders Agency (UKBA)**

The United Kingdom Border Agency (UKBA) can provide assistance and advice when you are dealing with non-EU nationals, including helping to identify persons, and providing details of their immigration status in the UK.

UKBA systems hold records of those who have been refused visas for travel to the UK; refused entry to the UK; served with notices of illegal entry; those having claimed asylum in the UK. To check these systems they require the name, date of birth, and nationality of the person.

The Immigration Fingerprint Bureau holds fingerprints of those who have claimed asylum in the UK (since 1993); been refused entry or dealt with as an illegal entrant (since 2000); applied for a UK visa (since February 2008) – although the records are not comprehensive given a number of deletions over the years. These records can be checked via livescan by contacting SCRO and asking for an “Ident 1” check to be made with the Immigration Fingerprint Bureau.

Before referring a person’s details to UKBA for checks, it is advisable to conduct a fingerprint check, as the information supplied will assist UKBA to locate the exact record of the case.

There are 3 enforcement units in Scotland (Glasgow, Edinburgh and Aberdeen), and an intelligence unit based in Glasgow. These units are normally manned from 07.30 to 19.30, 7 days a week. For checks out with these times (or if you get no reply) you should contact the Command and Control Unit in Manchester.

### Contact numbers for UKBA

- Glasgow Enforcement Unit - covers Strathclyde, Dumfries and Galloway, Central (except Clackmannan area), Fort William – 0141 555 1200
- Edinburgh Enforcement Unit – covers Lothian and Borders, Fife, Tayside and Central (Clackmannan area) – 0131 335 4864
- Aberdeen Enforcement Unit – covers Grampian and Northern – 01224 797726
- Scottish Regional Intelligence Unit, Glasgow – 0141 555 1360
- Command and Control Unit, Manchester – out of hours service - 0161 261 1640

### UK Human Trafficking Centre (UKHTC)

The UKHTC is a multi agency centre providing a central point for the development of expertise in human trafficking. Its primary objective is the development and delivery of a victim centred approach to combating all recognised forms of trafficking by working with together with other agencies in the UK and abroad. As well as an intelligence cell, the UKHTC has tactical advisors who can assist prior to, during and post operations and a victim care coordinator. Advice and assistance can be obtained outwith office hours by contacting the main number. The Centre should be contacted in all cases.

The person completing the referral is known as the first responder. Only certain bodies, of which the police are one, can be a first responder. The initial target referral time is 48 hours.

Where UKBA identify a potential victim the case will be assessed by designated specialist staff within the UKBA Competent Authority, which will also work with other relevant partners.

**NOTE:** All adult referral forms **must** be signed in order for it to be progressed by the 'nrm' team.

The NRM team based at the UKHTC can be contacted on the following:

[ukhtc@soca.x.gsi.gov.uk](mailto:ukhtc@soca.x.gsi.gov.uk) and the phone number is 0844 778 2406 which the fax as 0870 496 5534

**Referral Decision Process – the ‘reasonable grounds’ decision**

The ‘NRM’ caseworker will consider whether there are reasonable grounds to believe that the person could be a victim of trafficking. The team will turn around this decision within 5 working days of receiving the referral form. The first responder and the victim will be notified of this decision.

**Referral decision Process – the ‘conclusive’ decision**

The ‘NRM’ team will turn around this decision within 45 days.

**Recovery/Reflection Periods and Residence Permits**

Where the Competent Authority finds ‘reasonable grounds’ to believe someone is a victim of trafficking they will be granted a 45 day extendable recovery and reflection period during which time the victim can access accommodation and support and will not be removed from the country. This period may run in parallel with consideration of separate or linked immigration and asylum issues. Before the end of the reflection period a ‘conclusive’ decision or a decision to extend the recovery period will be made by the Competent Authority.

**National Asylum support Service (NASS)**

NASS general enquiry line is: **0870 606 7766**

NASS can also be contacted on: **020 8196 4524 (for appointments only)**

NASS Address and Opening Hours:

Lunar House,  
40 Wellesley Road,  
Croydon, CR9 2BY

Opening Hours: Monday to Friday 0800-1300. The appointment line is open Monday to Friday 0900-1500

### Website

<http://www.ukba.homeoffice.gov.uk/asylum/claimingasylum/>

**In addition to referring to NASS, if you require more information or guidance about your role when dealing with individuals who may have been subject to trafficking you may wish to contact the Scottish Refuge Council at:**

<http://www.scottishrefugeecouncil.org.uk/>

**Or you can contact them on: 0800 085 6087**

### Trafficking Awareness Raising Alliance (TARA)

The TARA Project

Glasgow Community and Safety Services, 6<sup>th</sup> Floor,  
Westergate, 11 Hope Street,  
G2 6AB

Telephone: 0141 276 7724/7729

Email: [corporatevaw@drs.glasgow.gov.uk](mailto:corporatevaw@drs.glasgow.gov.uk)

Website: <http://www.saferglasgow.com/services/reducing-violence-against-women/tara.aspx>

The TARA Project was established in 2005 as a service to help identify and support women who may have been trafficked to/within the UK for the purpose of commercial sexual exploitation. TARA can also offer support to women who have experienced sexual violence whilst being trafficked for domestic servitude. TARA covers all of Scotland.

TARA provides comprehensive assessment of needs including risk and offers a range of support services, including help to source, access and finance crisis accommodation, emergency clothing packs and emotional support.

TARA can also provide support to frontline staff by sharing information, advice and good practice.

Additional services include information gathering, awareness raising and training, capacity building and group work programmes.

Hours:

Monday to Friday 9:00 am – 5:00 pm. At the moment they can only provide planned out of hours support that is requested in advance. They would appreciate as much notice as possible if this is required.

### Migrant Helpline

Migrant Helpline (MHL), a charity, has entered into an agreement with the Scottish Government to provide victim support services to adult individuals who have been trafficked for the purposes of labour exploitation (male and female), domestic servitude (male and female) and sexual exploitation (male only). These services will also care, if necessary, for victims dependants. Where there are no compelling reasons for the victim to be looked after in Scotland these services will be delivered in England. The needs of the investigating officer and the victim will however always be taken into consideration and support can be delivered anywhere in Scotland. The service is fully compliant with the duty of care to victims placed on the UK by the EU Convention on human trafficking. Depending on the victims needs the following will be provided: accommodation, food, access to medical care, benefits, counselling, access to compensation schemes, interpretation, legal advice, training and employment and related matters. When the police interest in a victim has ceased MHL will arrange for the resettlement or return to the country of origin as appropriate. MHL is dedicated to providing an environment for victims that encourages cooperation with law enforcement agencies.

To refer a victim or discuss MHL's services phone: **07766668781** which is staffed 24/7.

NSPCC Child Trafficking and Information Line

Provides information to practitioners and can be contacted on 0800 107 7057

ECPAT UK (End Child Exploitation and Trafficking) tel 020 7233 9887

## CONTACTS

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### Law Society Scotland

0131 226 7411

Links:

- [Safeguarding children in Scotland who may have been trafficked](#)
- [UK action plan on Human Trafficking](#)
- [Scottish Government Human Trafficking in Scotland](#)

### Immigration Advisory Service

The Immigration Advisory service offers Community Legal Advice & Representation for Immigrants & Asylum Seekers – [www.iasuk.org](http://www.iasuk.org) .

Central Scotland Police	Specially trained, experienced officers who deal with incidents of domestic abuse, rape, sexual assault and other acts of violence against women.	In an emergency dial 999  Police Headquarters 01786 456000  Domestic Abuse Unit 01324 574905
NHS Forth Valley		<ul style="list-style-type: none"> <li>• Stirling Royal Infirmary <b>01786 434000</b></li> <li>• Falkirk Royal Infirmary <b>01324 624000</b></li> <li>• Practitioner Services <b>08453 001661</b></li> <li>• NHS interpreting services can be contacted on <b>0845 130 1170</b></li> <li>• NHS24 - <a href="http://www.nhs24.com">www.nhs24.com</a> <b>08454 24 24 24</b></li> </ul>

		<ul style="list-style-type: none"> <li>• Maternity triage service <b>01786 433663</b></li> <li>• NHS Forth Valley Child Protection department. <b>01786 434770</b></li> <li>• NHS Forth Valley dental emergency helpline. <b>0844 800 6886</b></li> </ul>
<p>Social Work Services – Children &amp; Families/ Adult Services</p>		<p><b><u>Clackmannanshire</u></b></p> <p><u>Child Care:</u>            Services to People, Social Services            Lime Tree House, Castle Street, Alloa,            FK10 1EX  <b>Telephone:</b> 01259 225000  <b>FAX:</b> 01259 225004  <b>Email:</b> <a href="mailto:childcare@clacks.gsx.gov.uk">childcare@clacks.gsx.gov.uk</a></p> <p><u>Adult Care:</u>            Clackmannanshire Community Health            Care Centre, Hallpark Road, Sauchie            FK10 3JQ  <b>Telephone:</b> 01259 727010  <b>FAX:</b> 01259 720143  <b>Email:</b> <a href="mailto:adultcare@clacks.gov.uk">adultcare@clacks.gov.uk</a></p> <p><b><u>Falkirk</u></b>            Social Work Services, Falkirk Council            Brockville, Hope Street            Falkirk, FK1 5RW</p>

		<p><b>Telephone:</b> 01324 506400  <b>Fax:</b> 01324 506401  <b>Email:</b> <a href="mailto:director.sw@falkirk.gov.uk">director.sw@falkirk.gov.uk</a></p> <p><b><u>Stirling</u></b>          Social Work Services, Drummond House, Stirling, FK8 2EG</p> <p><b>Telephone:</b> 01786 471177  <b>Fax:</b> 01786 443600</p> <p><b><u>Out of Hours (EDT)</u></b>          01786 470500</p>
<p>Child Protection Committees</p>		<p>Clackmannanshire CPC:          Lead Officer: Sara Lovelock          Rm 47, Lime Tree House, Alloa, FK10 1EX          Tel: 01259 452466          E-mail: <a href="mailto:SLovelock@Clacks.Gov.Uk">SLovelock@Clacks.Gov.Uk</a></p> <p>Stirling CPC:          Lead Officer : Anne Salter          Child Protection          Stirling Child Protection Committee          Viewforth          Stirling          FK8 2ET</p>

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		<p>Tel: 01786 443379  E-mail: <a href="mailto:saltera@stirling.gov.uk">saltera@stirling.gov.uk</a></p> <p>Falkirk CPC  Lead Officer :Janice Brown  Social Work Services  Rossvail  108A Glasgow Road  Camelon  FALKIRK  Tel:01324 590533</p> <p>E-mail : <a href="mailto:janice.brown@falkirk.gov.uk">janice.brown@falkirk.gov.uk</a></p>
<p>Adult Protection Committee</p>		<p><u>Clackmannanshire APC</u>  Miles Macfarlane  Adult Support and Protection Lead Officer  Clackmannanshire Council, Adult Social Services, Clackmannanshire Community, Health Care Centre, Hallpark Road, Sauchie  Tel: 01259 727010  E-mail: <a href="mailto:milesmacfarlane@clacks.gov.uk">milesmacfarlane@clacks.gov.uk</a></p> <p><u>Falkirk APC</u>  Judy Reed  Lead Officer/Co-ordinator-Adult Support &amp; Protection  Falkirk Council  Social Work Services</p>

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		<p>Carronbank House Carronbank Crescent Denny FK66GA 01324 504160 <a href="mailto:Judy.Reed@falkirk.gov.uk">Judy.Reed@falkirk.gov.uk</a></p> <p><u>Stirling APC</u> Joe Lally Stirling Council, Drummond House, Wellgreen Place, Stirling, FK8 2EG Tel: 01786 471177 E-mail: <a href="mailto:lallyj@stirling.gov.uk">lallyj@stirling.gov.uk</a></p>
<p>Scottish Children's Reporter Administration</p>		<p><u>Pauline Proudfoot</u> 17 Gladstone Place Stirling, FK8 2NG 0300 2001 700</p>
<p>Housing services</p>	<p>For advice and information about accommodation, including issues associated with homelessness</p>	<p><u>Clackmannanshire</u> Housing Helpline – 0845 055 7070</p> <p><u>Falkirk</u> 01324 503600 or 0800 587 4440 (out of hours and freephone) Accommodation Resource Centre(ARC) 21-25 High St, Falkirk FK1 1ES</p> <p><u>Stirling</u> 0845 277 7000</p>

**CONTACTS**

**APPENDIX 1**

<p>Women's Aid</p>	<p>Information, support and safe refuge for women and their children experiencing or who have experienced domestic abuse.</p>	<p>Clackmannanshire Greenfield Lodge, parkway, Alloa 01259 721407</p> <p>Falkirk &amp; District 4 Wellside Place, Falkirk 01324 635661</p> <p>Stirling 57 Barnton Street, Stirling 01786 470897</p>
<p>Open Secret</p>	<p>Free, confidential services to survivors (age 12+) of childhood sexual abuse and to non abusing parents of children who have been sexually abused</p>	<p>Clackmannanshire 01259 729981</p> <p>Falkirk 01324 630100</p> <p>Stirling 01786 448504</p>
<p>Central Scotland Rape Crisis &amp; Sexual Abuse Centre</p>	<p>Free and confidential emotional support and practical information on legal and medical issues to anyone who has experienced rape, sexual assault or child sexual abuse.</p>	<p>Forth Valley wide service 1 Glebe Avenue Stirling FK8 2HZ 01786 471771</p>
<p>Victim Support</p>	<p>Offers free, confidential, independent help. There is no requirement to have reported the crime to get help from Victim Support. Help can be offered with compensation claims, personal safety, crime prevention advice and support if a case goes to court.</p>	<p>Clackmannanshire 01786 445782</p> <p>Falkirk 01324 633433</p> <p>Stirling 01786 445782</p>

		Victim Support Helpline 0845 603 9213
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Keeping records – privacy, confidentiality and security:

- Privacy refers to the clients' right to control how they provide information, the use of this information and their access to it;
- Confidentiality indicates the right of clients to determine who has or does not have access to their client information and for trafficked persons, suggests the importance of anonymity;
- Security suggests the need to safeguard client files against security breaches during data collection, storage, transfer and use
- Personal information must be collected in a private setting. Both the client and the provider feel must feel safe to speak freely. It is a good idea to ask individuals if they feel comfortable and ready to discuss their case/needs. Consider, for example, whether the individual wants the door open or closed, discourage other staff from interrupting, and turn off your mobile phone.

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

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

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

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

- Must be kept secure and under lock and key safe from unauthorized entry at the establishment location
- Must never be left unattended on desks, in common areas, etc
- Must be disposed of by shredding or through similar disposal method when no longer needed
- Secure electronic files. In addition, electronic information files should be:
  - Stored in a secure information system
  - Protected by individual passwords with access limited to key staff
  - Never stored on personal computers or in such data storage devices as USB flash drives, compact discs, etc
- Personal information should never be disclosed via email

## APPENDIX 2

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

**Visible Indicators of trafficking May Include: from [www.humantrafficking.org](http://www.humantrafficking.org)**

- *Heavy security at the commercial establishment including barred windows, locked doors, isolated location, electronic surveillance. Women are never seen leaving the premises unless escorted.*
- *Victims live at the same premises as the brothel or work site or are driven between quarters and "work" by a guard. For labor trafficking, victims are often prohibited from leaving the work site, which may look like a guarded compound from the outside.*
- *Victims are kept under surveillance when taken to a doctor, hospital or clinic for treatment; trafficker may act as a translator.*
- *High foot traffic especially for brothels where there may be trafficked women indicated often by a stream of men arriving and leaving the premises.*

**Health Characteristics of a Trafficked Person:**

Trafficked individuals may be treated as disposable possessions without much attention given to their mental or physical health. Accordingly, some of the health problems that may be evident in a victim include:

- *Malnutrition, dehydration or poor personal hygiene*
- *Sexually transmitted diseases*
- *Signs of rape or sexual abuse*
- *Bruising, broken bones, or other signs of untreated medical problems*
- *Critical illnesses including diabetes, cancer or heart disease*
- *Post-traumatic stress or psychological disorders*

**Other Important Signs:**

In addition to some of the obvious physical and mental indicators of trafficking, there are other signs that an individual is being controlled by someone else. Red flags should go up for police or aid workers who notice any of the following during an intake. The individual:

- *Does not hold his/her own identity or travel documents*
- *Suffers from verbal or psychological abuse designed to intimidate, degrade and frighten the individual*
- *Has a trafficker or pimp who controls all the money, victim will have very little or no pocket money*

**Possible Indicators of Child Trafficking:**

There are no validated risk assessment tools that can predict the risk of trafficking or definitively identify those who have been trafficked. The following are a list of indicators that might suggest a child has been the victim of trafficking or is at future risk. The indicators are adopted from the NRM indicator matrix and while the presence of any of these factors does not provide definitive evidence, the presence of indicators in the high and concerns sections should raise specific suspicions about the possibility of trafficking, in addition to child protection concerns.

The indicators may apply to both UK nationals and/or migrant children and to both boys and girls and should be kept in mind when working with children when making an initial assessment.

**HIGH CONCERNS**

- claims to have been exploited through sexual exploitation, criminality (i.e. cannabis farms, petty street crimes, begging, etc), labour exploitation, domestic servitude, forced marriage, illegal adoption, drug dealing by another person.
- is located or recovered from a place of exploitation and / or involved in criminality that highlights the involvement of adults e.g. is recovered from cannabis farm/factory, brothel, street crime, petty theft, pick pocketing, begging
- claims to be in debt bondage or “owes” money to other persons / has to pay off large debts
- has entered the country illegally
- has no passport or other means of identification
- has false documentation or genuine documentation that has been altered or fraudulently obtained; or the child claims that their details (name, DOB) on the documentation are incorrect.

- claims to have been in the UK for years but hasn't learnt the local language or culture
- 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 unable, or reluctant to give details of accommodation or other personal details
- reports from reliable sources suggesting the likelihood of involvement in sexual exploitation
- one among a number of unrelated children found at one address
- person in control of/with the child has applied for acted as guarantor for visas on behalf of others
- person interpreting for the child at interviews and meetings was previously known to them (i.e. \not appointed or approved by authorities)

**CONCERNS**

- on arrival in the country or when attending meetings / interviews is accompanied by an adult who may not be legal guardian and who insists on remaining with the child at all times
- has a prepared story very similar to those that other children have given perhaps hinting they have been coached
- leaving home/care setting in clothing unusual for the individual child (inappropriate for age, borrowing clothing from older people)
- returning after having been missing, looking well cared for despite having no known base
- in a private fostering arrangement which has not been registered or being cared for by adult(s) who are not their parents (except those in social work care)
- is permanently deprived of a large part of their earnings by another person / no control over earnings
- goes out the same hours every day (unless legitimate, verified work)
- works in various locations
- has limited freedom of movement
- is excessively afraid of being deported
- indicators of working (tired in school; condition of hands etc)
- does excessive housework around the house
- appropriate adult can't provide photo ID
- involved in underage marriage



## How to Access Interpreting / Translation Services

### For languages other than English

- If you have text or literature which needs to be translated into another language AND/OR
- If the client can speak enough English to explain what they need AND/OR
- If the matter is not urgent and the client can wait until you make an appointment with an interpreter (which may take around 2 weeks to arrange)

Contact Dundee City Council on 01382 431563 / 431542 to arrange interpretation or translation support.  
If they can not provide an interpreter for the language you require contact Glasgow City Council on 0141 341 0028.

- If the matter is urgent AND/OR
- If the client is a limited English speaker and can't explain in English what they need AND
- You have used Point Pages but the client doesn't find a language they know or they can't read

Contact Language Line Services on 0800 169 2879 which provides interpretation or translation over the telephone

### For people with sensory impairments

- If the client requires sign language interpreting, lip speaking or a deaf blind communicator OR
- A note taker is required for deaf or hard of hearing people at meetings, lectures or conferences

Contact Forth Valley Sensory Centre on telephone/minicom: 01324 590888 or email: [sensory@falkirk.gov.uk](mailto:sensory@falkirk.gov.uk)

### For transcription services

- If information is required to be translated from speech to text eg at meetings, conferences or lectures where it is difficult to lip read OR
- For transcription services into braille, cassette tape or CD

Contact Forth Valley Sensory Centre on telephone/minicom: 01324 590888 or email: [sensory@falkirk.gov.uk](mailto:sensory@falkirk.gov.uk)

For all of the above services, you must advise which language/format is required, your name, Service and organisation and the cost code to be charged. For further information please refer to the Communication Guidelines which are available on the intranet [http://underground.falkirk.gov.uk/work/communications/interpretation\\_translation\\_support.aspx](http://underground.falkirk.gov.uk/work/communications/interpretation_translation_support.aspx) or contact the HR Policy Team on 01324

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