

FORTH VALLEY MULTI-AGENCY GUIDANCE IN RELATION TO HUMAN TRAFFICKING

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Forth Valley Multi-agency Guidance in Relation to Human Trafficking

Introduction

Human trafficking and exploitation are complex and hidden crimes as well as an abuse of human rights and dignity. Trading adults and children as commodities and exploiting them for profit or personal benefit degrades victims and causes lasting physical and psychological damage.

The many purposes for which people are used – including commercial sexual exploitation, labour exploitation, criminal exploitation (for example, benefit fraud and forced drugs cultivation), domestic servitude, sham marriages and organ trafficking – are continually evolving. Victims can be subjected to more than one form of exploitation, e.g. commercial sexual exploitation and criminal exploitation in the form of shoplifting.

Human trafficking and exploitation are not only international issues. Adults and children, including UK citizens, are trafficked and exploited within and between communities in Scotland and the wider UK.

[The Human Trafficking and Exploitation \(Scotland\) Act 2015](#) was passed by the Scottish Parliament in October 2015 and received Royal Assent in November 2015. The first provisions of the Act came into force on 31 May 2016 and implementation of the rest of the Act is ongoing. The Act:

- makes it simpler to take action by introducing a single offence for all kinds of trafficking for the first time, consolidating and strengthening existing law. The new offences of human trafficking and of slavery, servitude and forced or compulsory labour now have the maximum penalty of life imprisonment attached to them for anyone who is convicted of these new offences;
- gives courts new powers and measures to prevent and punish trafficking;
- requires the Lord Advocate to issue instructions to prosecutors about how trafficking victims should be treated if they are alleged to have committed an offence; and
- provides clear rights to adult victims to access support and assistance, and places a duty on the Scottish Ministers to ensure that guardians are available for all children who reasonably appear to have been trafficked or to be vulnerable to being trafficked, where no one in the UK holds parental rights and responsibilities in relation to such a child.

The Act also required Scottish Ministers to develop a Scottish Trafficking and Exploitation Strategy. This was published in May, 2017 -

[Scottish Government \(2017\): Trafficking and Exploitation Strategy](#)

Tackling trafficking and exploitation requires a multi-agency approach at all levels. This multi-agency Guidance reflects the need for services to work together effectively to respond to victims of human trafficking across Forth Valley.

Definition of Trafficking

The UK Government ratified the Council of Europe Convention on Action against Trafficking in Human Beings on 17th December 2008 and the UK became bound by its terms, including its definition of human trafficking, on 1st April 2009. This definition of human trafficking, which is also the same as that given by article 3 of the UN Protocol (Palermo Protocol) to Prevent, Suppress and Punish Trafficking in Persons, especially women and children, supplementing the United Nations Convention against Transnational Organised Crime, 2000, is:

(a) “trafficking in persons 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 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.”

(b) The consent of a victim of trafficking to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used;

(c) The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered “trafficking in persons” even if this does not involve any of the means set forth above.

(d) Child shall mean any person under 18 years of age

This definition of human trafficking can be broken down into three elements. These are: the act, the means and the purpose. In the case of an adult being a victim of trafficking all three elements must be present. In the case of a child (person under 18 years of age) ‘the means’ does not have to be present.

Human Trafficking As A Process (A Victims Journey)

The process of human trafficking normally takes place over a period of time with the involvement of many people. In the section below the process of trafficking a human has been divided into distinct phases. In reality these phases may overlap or be concurrent with one another. The phases are the recruitment of the victim, their movement internally or across borders and their exploitation.

Recruitment

This is the first stage of the trafficking process. A person is targeted by a trafficker as a potential victim. The recruitment may involve actual or threatened violence and kidnapping, but it is more common for it to involve some form of deception or an abuse of power.

Movement

The second stage of the trafficking process is the movement of the potential victim. The movement can be within or across borders. Borders may be crossed legally or illegally. The importance of the

movement to the trafficker is that it isolates the victim of trafficking and forces them into a position of dependency. This isolation can be achieved by moving a potential victim within their own country to a region or town that they are unfamiliar with. The victim of trafficking may travel directly to their destination by road, rail, air or sea. They may knowingly cross borders illegally. They may be transferred from one group of traffickers to another. They may be harboured in a transit country for days or months. The transit country may eventually become their destination. They may be exploited on their journey. One individual trafficking case may have several transit and destination phases as victims of trafficking are frequently re-trafficked.

Exploitation

This is the third element of the process of human trafficking. The recruitment and movement of the potential victim of trafficking must have been for the purpose of exploitation. Traffickers recruit, transport and exploit their victims for the sole purpose of personal gain, often to make large amounts of money or to obtain free services or labour as in the case of domestic servitude or to obtain the benefit of an organ donation or money in exchange for same. The Palermo Protocol identifies three different types of potential exploitation:

- a) **Sexual Exploitation:** Prostitution or other forms of sexual exploitation such as private houses, brothels, massage parlours, escort services, hostess clubs, lap dancing bars, strip clubs, call girls, street prostitution, pornography, child pornography, forced marriage.
- b) **Labour Exploitation:** Forced labour or services; slavery or practices similar to slavery; servitude. Labour Exploitation under the Palermo Protocol potentially covers a vast range of exploitative practices.
 - Forced labour or services is labour not offered voluntarily but under the menace of any penalty.
 - Slavery is the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised (UN Slavery Convention 1926).

The most common forms worldwide of labour exploitation are:

- Agricultural Labour
- Mine Labour
- Sweatshop Labour
- Camel Jockeys
- Street Begging
- Child Soldiers
- Illegal Adoption
- Plantation Labour
- Fishing Fleet Labour
- Catering Labour
- Domestic Slaves
- Street Selling
- Forced Marriage

- c) **Removal of organs:** The third form of exploitation under the Palermo Protocol is the exploitation of a person for the purpose of removing their organs. (There was only one case suspected in 2012 throughout the whole of the UK although it is more prevalent in the Balkan States and the Far East.)

Consent

The issue of consent is crucial. A person has not been trafficked if they freely consent to their exploitation but a person's ability to consent freely will be lost if they are not in a position to exercise free will or are in a position of vulnerability. A person may initially give their consent but this consent will be rendered meaningless if it was obtained by coercion, deception, fraud or the abusive actions of the traffickers.

This is often seen when victims from elsewhere arrive in answer to adverts for jobs but on arrival at their destination find there are conditions attached to the job or there is no work and they are placed under pressure by their traffickers to remain with them by various means of control or even restraint.

A child under 18 years of age is deemed incapable of giving informed consent.

A question in determining whether a person was trafficked or not could be “Was the ability of a person to consent freely to their movement made impossible by the actions of others?” or “How did the traffickers exert control over their victim?”

How Are Victims Controlled?

Although victims of trafficking are controlled at all times by the traffickers, the methods of control may change over time and can include:

- Withholding documents. Documents and money may be taken from victims under the pretence of keeping them safe or of using them to obtain visas. This takes away the victim’s official identity and makes it difficult for them to get help in a foreign country.
- Actual Imprisonment. This may occur especially at the initial phases of the trafficking process and at the beginning of the exploitation.
- Isolation. Traffickers may tell the victim that if they go to the police they will be deported or that the police are corrupt. A victim may be kept apart from non-victims who speak the same language. Traffickers will also move victims regularly to prevent them establishing social contacts or trust in authorities.
- Use of violence. A variety of methods are used to restrain victims, including incarceration, rape, beatings and drugging.
- Threatening victims and their loved ones. Traffickers sometimes threaten victims, for example, with telling their families and/or communities that the victim was a prostitute. Photographs or films that are taken may be used as blackmail. Within some cultures the victim will know that their family will disown them if they are exposed. The trafficker may also threaten to harm the victim’s family.
- Enforcing debt bondage. This is a key feature in the recruitment of victims of trafficking where the victim is expected to use his or her labour or services to repay a debt. The debt is often in excess of the costs involved and often un-payable. A new debt may also be incurred when the victim of trafficking is sold. It is often the case that the family that remains in the source country are seen as owning the debt and the victim of trafficking pays that off.
- Cultural practices. Practices familiar to the victim can make them susceptible to being controlled, eg. the use of ritual oaths (Voodoo/Juju).

It should be noted that current legislation allows for an offence to be committed under sect 22 of the Criminal Justice (Scotland) Act 2003 – Traffic in Prostitution, where a person consents to their prostitution but the offender exercises some form of control, direction or influence over the prostitute’s movements in a way which shows that the person is aiding, abetting or compelling the prostitution.

Trafficking ‘Vs’ Smuggling

Human trafficking and migrant smuggling may seem the same, but they are not. In cases where victims of human trafficking are foreign or undocumented persons, law enforcement officers often assume that they are illegal migrants, not victims of a crime, and that the criminal involved is a

migrant smuggler, not a human trafficker. Such assumptions may result in no trafficking investigations taking place, victims not receiving help and/or criminals not being prosecuted as they should be. Smuggling is a crime against the state whereas trafficking is a crime against the person.

It might be very difficult to distinguish human trafficking from migrant smuggling, as in both cases persons may be moved illegally across borders. This is a concern especially at borders or where it is difficult, if not impossible, to spot planned or actual exploitation.

Apprehended traffickers will often try to make a human trafficking case look like a case of migrant smuggling, illegal border crossing or illegal stay in order to prevent a thorough investigation. In such cases offences under the Immigration Act should be considered.

Victims may think they are being smuggled, even when they are actually being trafficked. If it is possible to intercept a human trafficking attempt the person being trafficked might still be unharmed and unexploited. This presents an opportunity for preventing human trafficking which is always better than trying to cure it.

There is a need to be aware of the need to investigate a claim of trafficking even where there is a prima facie immigration offence and the claim is not believed. Article 8 of EU Directive 2011/36 provides that states shall provide for the possibility of not imposing penalties on victims for their involvement in unlawful activities to the extent that they have been compelled to do so.

What is Smuggling of Migrants?

Smuggling of migrants is the provision of services to a migrant to enable them to illegally cross a border.

Smuggling of Migrants is defined in a UN Protocol to the UN Convention against Transnational Organized Crime, the Protocol against Smuggling of Migrants by Land, Sea and Air (the Smuggling Protocol) as:

- (a) "Smuggling of migrants" shall mean the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State of which the person is not a national or a permanent resident;
- (b) "Illegal Entry" shall mean crossing borders without complying with the necessary requirements for legal entry into the receiving State.

The Main Differences Between Human Trafficking And Smuggling Are:

Consent

The main difference between human trafficking and human smuggling involves consent. People may be smuggled in dangerous and difficult conditions with abuses of human rights but they have consented to the smuggling. Victims of trafficking have not consented. If there was initial consent this has been rendered meaningless by the coercion, deception, fraud or abuse by the trafficker.

Transnational

Smuggling by its nature involves the crossing of an international border. Without this border crossing there would be no crime of smuggling. Trafficking may also involve a border crossing but it may not. A victim of trafficking may be moved within a country's borders.

Short-term contract

The smuggling contract is short term. The smuggler agrees to arrange for the smuggled person to be taken across a border. The contract ends on the conclusion of that journey. Human trafficking is an ongoing crime. The victim of trafficking may have been taken across a border but this is only the beginning of the crime of human trafficking. Exploitation will usually commence on arrival at the destination.

Knowledge

A smuggled person always knows they are being smuggled. A victim of trafficking will most probably be unaware of their fate until they arrive at their destination.

Intent of trafficker

A trafficker intends from the recruitment of the potential victim of trafficking to exploit this person for their benefit. A smuggler does not have this intent. He or she is paid to transport a person across a border.

Types Of Exploitation

Sexual Exploitation

Sexual exploitation involves taking non-consensual or abusive sexual advantage of another. Its victims can be of any gender.

Using women for commercial sexual services is probably the best-known type of exploitation. Sexual exploitation is a degrading and humiliating experience for the victims. Some are directly abducted and forced into sexual services; others are deceived and have no idea that it is their fate when recruited by the traffickers.

One of the complexities of human trafficking is that some victims knew they were travelling to work in the sex industry when they agreed to go with the trafficker but did not agree to the number of clients, type of sex or lack of payment they find at their destination.

The oppression, degradation and lack of control are extreme however the victim arrived in the situation. It should be recognised as a form of violence against women.

Labour Exploitation

Forced labour is defined, according to the International Labour Organisation (ILO) Forced Labour Convention 1930 (No. 29) and the European Court of Human Rights (ECHR) 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 but not all such working conditions constitute forced labour. Forced labour alone is just one element of the exploitation experienced by trafficking victims. It crucially implies the use of coercion and lack of freedom/choice afforded to the victim (as is implicit in the use of the term trafficking).

Labour exploitation is found in many human trafficking situations around the world. Cheap prices for products are helped by low labour costs in production, labour that is (in some cases) trafficked. Catering, hotels, construction, agricultural and fishing industries have all been found to use human trafficking victims but victims can be found begging, in cannabis factories and being used in benefit frauds.

Domestic Servitude

Domestic servitude is a form of labour exploitation but may also include sexual exploitation. Victims, working in private homes often lead very isolated lives on top of all the other consequences of labour exploitation. Found in many parts of the world the exploitation varies from place to place. Traffickers may have 'imported' a domestic servitude structure that exists in their own countries. Family links may play a part in some cases where a distant relative offers to take care of a child, often in return for the promise of providing an education.

Internal Trafficking

Internal trafficking is the movement of persons (both of UK and other citizenship) within the UK for the purpose of exploitation.

Trafficking is sometimes seen as something that only happens across international borders: in fact a substantial amount of human trafficking takes place within countries.

A key point is that not all traffickers operate in gangs and they may not be very sophisticated. A 'boyfriend' threatening or deceiving a girl into having sex with his friends in the local town may have committed a trafficking offence. A factory owner promising good wages in the city to rural boys or girls intending to pay nothing would almost certainly have committed an offence in many countries. When dealing with missing children trafficking should be a consideration.

Organ Trafficking

The illegal trade in body parts is largely dominated by kidneys because they are in the greatest demand and they are the only major organs that can be wholly transplanted with relatively few risks to the life of the donor.

Organ removal is an aspect of trafficking that has not been identified in the UK at present but this is not to say it is not there and will become a problem in the future. It is found in certain countries in the world particularly where there is a culture of buying and selling human organs.

Indicators Of Human Trafficking

General Trafficking Indicators

- Passport or documents held by someone else.
- Others speaking for/trying to speak for people you are talking to.
- Expression of fear or anxiety.
- Excessive working hours.
- Distrustful of authorities.
- Person has false documents.
- Found in/ connected to a type of location likely to be used for exploitation.
- Not knowing address of where they work or live

- Poor or sub-standard living accommodation.
- Injuries apparently a result of assault.
- Injuries apparently from control measures.
- Lack of access to earnings.
- Any evidence of control over movement either as an individual or a group.
- The person acts as if instructed by another.
- Afraid of saying what their immigration status is.

Further Subjective Indicators

- No or very little payment.
- No time off.
- Limited contact with family.
- Lack of access to medical care.
- 'Discipline' through punishment.
- Very limited social contact.
- Threat to be handed over to the authorities.
- Lack of ability to quit work environment.

Sexual Exploitation Indicators

- Generally female.
- Tattoos or other marks indicating 'ownership' by exploiters.
- Comments from 'punters' that women did not smile or wouldn't co-operate.
- Movement of women between brothels or working in alternate locations.
- Women escorted from where they live to where they work and back.
- Women working long hours or having no or few days off.
- Groups of women living in a house or flat who always go and return together and appear to never go out socially.
- Women with very limited amounts of clothing.
- A large proportion of the clothing is 'sexual'.
- Only being able to speak sexual words in local language or language of client group.
- Advertises for 'special' sexual services. This often relates to activity such as anal sex.
- Evidence of unprotected and anal sex.
- Evidence that suspected victims cannot refuse unprotected sex.
- Evidence of a person being bought and sold i.e. group meets, money changes hands and woman leaves with different person.
- Women moved in groups that appear to be under the control of others.
- Never going to shop etc without an escort.
- Not having cash.
- Food etc paid for by others.
- Travelling in groups using different languages amongst themselves.
- No ID when asked for it

Domestic Servitude Indicators

- Living with a family.
- Not eating with the rest of the family.
- No private space.
- Sleeping in shared space i.e. living room.
- No proper sleeping place.
- Employer reports them as missing person.
- Never or rarely leaving house for social reasons.
- Never leaving house without employer.

- Only given left over food to eat.
- Subjected to insults, abuse, threats or violence.

Catering Indicators

- Individuals or groups of people living on industrial properties etc and leaving only infrequently or never at all.
- Any evidence workers are required to pay for equipment, clothing food or accommodation or that deductions have been made for such reasons.
- Individual members of staff lacking basic training certificates (where required) for the work they do.
- No proper sleeping place.
- Never or rarely leaving premises for social reasons.
- Never leaving premises without employer.
- Only given left over food to eat.
- Subjected to insults, abuse, threats or violence.

Factories/Labour Indicators

- Notices in foreign languages.
- Places with migrant labour force but key notices e.g. health and safety not in foreign language.
- Poor or non-existent health and safety equipment.
- No health and safety notices.
- Working excessive hours.
- Groups of people living on industrial properties etc and leaving only infrequently or never at all.
- Any evidence workers are required to pay for tools, food or accommodation or that deductions have been made for such reasons.
- Fines used as discipline.
- No or limited access to earnings.
- No labour contract.
- Employer unable to produce paperwork such as National Insurance documents, migrant registration etc.
- Dependence on employer for a number of services eg. work, transport, accommodation, etc.
- Imposed place of accommodation.
- Individual members of staff lacking basic training certificates (where required) for the work they do.
- Living in degraded conditions such as industrial buildings that are not suitable.
- Efforts to conceal the fact that people are living on industrial premises.
- Lack of suitable clothing for the work they are doing.
- Security measures designed to keep people inside premises

Farm/Agricultural Indicators

- Notices in foreign languages.
- Places with migrant labour force but key notices e.g. health and safety not in foreign language.
- Poor or non-existent health and safety equipment.
- No health and safety notices.
- Working excessive hours.
- Groups of people living on farms etc and leaving only infrequently or not at all.
- Any evidence workers are required to pay for tools, food or accommodation or that deductions have been made for such reasons.
- Fines used as discipline.
- No or limited access to earnings.
- No labour contract.

- Dependence on employer for a number of services i.e. work, transport, and accommodation.
- Imposed place of accommodation.
- Living in degraded conditions such as agricultural buildings that are not suitable.
- Efforts to conceal the fact that people are living on agricultural premises.
- Lack of suitable clothing for the work they are doing. This may be a lack of protective equipment or simply lack of warm clothing.

Begging And Crime Indicators

- Child, elderly or disabled migrants begging passively or actively in public places/ transport.
- Physical impairments that appear to have been created by mutilation.
- Any evidence the group has moved collectively over a period of time through a number of countries.
- Large groups of single ethnicity children moving with small number of adults.
- Daily movement of large groups over considerable distances eg. from city to city.
- Daily movement of large groups to different towns or cities but return nightly to same location.
- Movement of groups while travelling on public transport i.e. all moving up and down trains.
- Same adult guardian of numerous children.
- Any evidence of punishment for not collecting/ stealing enough.
- All group living together.
- All gang travelled together to UK.
- Group members living with people who are not their parents.
- Evidence a person has been involved in similar crime in another country.
- Unaccompanied minor 'found' by adult of same nationality/ ethnic group. (This can include children and adults from within the UK as well as migrants.)

Port Arrivals

- Implausible accounts of reasons for visit such as going to work on a film or to visit boyfriend who is a sports star.
- Travel paid by someone else not accompanying them.
- Fares paid at last minute in 'walk up'.
- Person with single ticket accompanied by a person who is in possession of a ticket for an immediate return.
- Meeting a person they do not know.
- Unaccompanied minors, particularly with no documents.
- Any indication the journey was suggested or arranged by a 'boyfriend' who has not accompanied them.
- No known onward travel arrangements.
- Large groups of single ethnicity children moving with small number of adults.
- Any indication two or more people have been introduced to each other on the journey and then moved together.
- Only in possession of 'sexual' clothing.
- Finding discarded or destroyed passports and other travel documents either at terminal or in vehicle.
- Documents in possession of someone else.
- Any evidence of someone taking the document on arrival.
- Possession of false documents.
- Travelling in groups using different languages amongst themselves.
- In possession of numbers for taxis etc
- Pre loaded text messages on phones in languages the person with the phone does not understand.

Child Trafficking

In relation to child trafficking multi-agency child protection procedures remain the primary guidance. This section should also be read in conjunction with the Scottish Government publication [Scottish Government Inter-agency Guidance for Child Trafficking](#) . A child means any person under 18 years of age.

Children are considered to be a special case and any child found to have been transported for exploitation is considered to be a victim of trafficking, whether or not they have been deceived, because it is not considered possible for children to give informed consent. Even when a child understands what has happened, they may still appear to submit willingly to what they believe to be the desire of their parents or accompanying adults.

Many of the factors that lead to trafficking have more impact on children than they do on adults. Economic decline affects children through the reduction or collapse of social and health care and fewer opportunities to enter work when they leave education.

Global, regional and national health problems expose children to risk both through becoming ill and living on after the deaths of large numbers of the adult population in epidemics such as AIDS. Collapse of the adult population means civil institutions that were often already weak cease to function and children are needed to take the place of adults in the workplace. Weak or non-existent civil institutions lead to limited supervision of those who would exploit children and replacement by 'informal' arrangements. As those children start work it is likely that work will be informal and unregulated.

War and conflict have similar impacts on civil society to disease with the additional feature that children may be recruited to fight, frequently through coercion.

Many societies have traditions of members of extended families taking care of children who are related to them but not their own. In some countries this is the only effective social welfare available. Compassionate and essential as this is, it also leads to opportunities for exploitation by unscrupulous people. Exploitation becomes more likely as parents get increasingly desperate to move their children out of places ravaged by war, disease or poverty, particularly where these have caused international dispersal of a population. Moving children to another country or even to another part of a country in the developing world means it is very unlikely parents will visit because of poverty or difficulty in obtaining travel.

Age Assessment

It is unlikely that a child rescued from a trafficking situation will have genuine documentation to prove their age. In these cases the child should be given the benefit of that doubt in accordance with the [Council of Europe Convention on Action against Trafficking in Human Beings](#) until an age assessment can be carried out.

Unaccompanied Minors

Care should be taken with unaccompanied children arriving at ports of entry claiming asylum. Traffickers may have told them to do this stating that this will give them a right to remain in the UK and claim benefits or if the child is then placed in care they soon disappear and are thought to return to their traffickers.

In some cases these people will not speak the language of their new home, may have very different traditions and beliefs from the existing population and have few skills that can be sold. They are only likely to be able to find work in the informal market, exposing them to greater risk of exploitation of all kinds.

Guidance for Managing Unaccompanied Asylum Seeking Children can be found in Appendix 5.

Indicators

Whilst there is no validated risk assessment tool that can be used to predict the risk of trafficking or definitively identify those who have been trafficked there are a number of indicators that could suggest that a child is / or will be in the future at risk from trafficking.

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 National Referral Mechanism indicator matrix and while the presence of any of these factors does not provide definitive evidence, the presence of indicators in the high concerns sections should raise specific suspicions about the possibility of trafficking, in addition to child protection concerns.

The indicators 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. They are not questions that should be directly asked of children at the initial stage of enquiry.

The indicators do not replace child protection investigations and the presence, or otherwise, of trafficking suspicions should not preclude the standard child protection procedure being implemented.

Child Trafficking Indicators

- Separate sleeping accommodation to other family members.
- Sleeping in a communal living space such as a living room.
- Sleeping in cupboards, huts etc
- Evidence of eating separately to other members of family.
- Only given left over food to eat.
- Equipment adapted for children.
- Small beds and other furniture.
- Child sized clothing, particularly work or 'sexual' clothing.
- Children travelling unaccompanied by adults.
- Children travelling in groups with adult they are not related to.
- Claims of 'finding' an unaccompanied child (this may not mean finder is a trafficker, but the child may be trafficked)
- Toys and children's clothing at inappropriate locations i.e. brothels, factories.
- Children arriving at port etc unaccompanied with a phone number for a taxi on a phone or paper.
- Evidence of destroyed or discarded identity documents on transport such as planes or at transport terminals.
- No access to education or health services.
- No time for play.

High Concerns

- Claims to have been exploited through sexual exploitation, criminality (eg. 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 has not learnt the local language or culture
- Is unable to confirm the name 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 cannot provide photo ID
- Involved in underage marriage

General Concerns

- Significantly older boyfriend/girlfriend
- Placement breakdown
- Has gone missing from local authority or parental care
- Is registered at a number of different addresses
- Is malnourished

- Is withdrawn and refuses to talk or appears afraid to talk to a person in authority
- Exhibits self-assurance, maturity and self-confidence not expected to be seen in a child of such age
- Does not appear to have money but does have a mobile phone
- Has not been registered with or attended a GP practice
- Has not been enrolled in school
- Truancy/disengagement with education
- Receives unexplained/unidentified phone calls whilst in placement/temporary accommodation
- Shows physical or emotional signs of physical or sexual abuse
- Has a history of missing links and unexplained moves
- Evidence of a sexually transmitted infection or unwanted pregnancy
- Known to be sexually active
- Evidence of drug, alcohol or substance misuse
- Adults loitering outside the child's usual place of residence
- Accounts of social activities with no plausible explanation of the source of necessary funding
- Pattern of street homelessness
- Acquisition of money, expensive clothes, mobile phones or other possessions without plausible explanation
- Low self-image, low self-esteem, self-harming behaviour including cutting, overdosing, eating disorder, promiscuity
- Entering or leaving vehicles driven by unknown adults
- Possible inappropriate use of the internet and forming on-line relationships, particularly with adults
- Known to beg for money

Further information about child trafficking can be found in the [Scottish Government Inter-agency Guidance for Child Trafficking](#).

In addition children and young people who are the victims of child sexual exploitation within Scotland may also be victims of internal trafficking and this should always be considered within the assessment and planning in all child sexual exploitation cases.

Responding To Human Trafficking

Notification To Police Scotland

In all cases where a suspected victim of human trafficking is identified the police must be informed immediately. The agency involved should **clearly state** that it is a suspected case of human trafficking.

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.

Child Trafficking

As stated above, child trafficking is child abuse and the immediate response should be in line with the [Forth Valley Multi-Agency Child Protection procedures](#).

In situations of child sexual exploitation internal trafficking should always be considered within the assessment process.

Staff should also follow the [Scottish Government Inter-agency Guidance for Child Trafficking](#) which provides a helpful flowchart outlining the required steps to be taken in responding to child trafficking (Appendix 4).

The [Child Trafficking Assessment](#) should be completed by social work / police for all suspected child trafficking victims, in conjunction with the UK Immigration and Visas (formerly UKBA) where asylum / immigration issues are also apparent. (Appendix 3)

Police

Notification to Police Scotland

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 101

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, Forth Valley Division of Police Service of Scotland 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.

In terms of the Victim and Witnesses (Scotland) Act 2014, a person who is or appears to be the victim of offences under section 22 of the Criminal Justice (Scotland) Act 2003 (Traffic in Prostitution) and section 4 of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (trafficking people for exploitation), must be afforded the opportunity to specify the gender of the interviewing officer (deemed to be the officer noting full statement).

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 Police Scotland Public Protection Unit, Forth Valley.

National Human Trafficking Unit

With the formation of Police Scotland the National Human Trafficking Unit (NHTU) was formed as part of the Public Protection Unit within the Specialist Crime Division.

The NHTU is a small centrally located unit that collates, co-ordinates and develops intelligence, offers tactical and strategic advice to all officers, acts as a single point of contact for partner agencies involved in trafficking issues, provides training and awareness raising, collates referrals to the National Referral Mechanism and maintains a strong working relationship with non-government organisations that provide care and support for victims of trafficking.

To allow the National Human Trafficking Unit to capture crime reports and organise joint operations human trafficking champions have been identified within each of the 14 territorial divisions of Police Scotland.

Enquiry Officer Responsibilities

Should a person be encountered that shows indicators of human trafficking that has been involved in crime (likely to be prostitution, brothel keeping, cannabis cultivations, shoplifting, robbery, organised crime but this list is not exhaustive) then officers should ensure that these individuals at some stage of the interview are specifically asked if they have been exploited/trafficked. Many will not understand the concept of what this involves therefore this will often need to be explained to them, often in the presence of an official interpreter.

If an officer determines that a number of the indicators of human trafficking are present then the following course of action should be adopted. This will allow for a victim centred approach in the investigation of the potential victim of trafficking (PVOT).

Investigating officers should be aware of the obligations under the terms of the Victim and Witnesses (Scotland) Act 2014, ie. when a person who is or appears to be the victim of offences under section 22 of the Criminal Justice (Scotland) Act 2003 (trafficking in prostitution) and section 4 of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (trafficking people for

exploitation), they must be afforded the opportunity to specify the gender of the interviewing officer (deemed to be the officer noting full statement).

It is incumbent upon the investigating officer to inform the victim / person who appears to be a victim that they are entitled to specify the gender of the interviewing officer; the person's response will be recorded in the officer's police issue notebook. Officers should be aware that certain statutory exemptions may apply; if complying with the request would be likely to prejudice a criminal investigation, or it would not be reasonably practicable to do so. In all cases, a vulnerable persons report must be created and processed on the Interim Vulnerable Persons Database (iVPD). It will be the responsibility of supervisory officers to monitor any decisions made in relation to the use of the statutory exemptions, and satisfy themselves that in all cases it was appropriate.

Immediate Actions

Child Victims of Trafficking

1. Social Work Department to be contacted immediately and Emergency Child Protection Procedures considered to have child taken into care if potentially in hands of their traffickers.
2. Joint interview to be conducted.
3. [National Referral Mechanism form](#) should be completed (by Social Work Department or Police) and sent to National Human Trafficking Unit at earliest opportunity after indication of Trafficking.
4. CR, SID and Interim Vulnerable Person Database to be raised.
5. Social Work department to assume primary responsibility for child in respect of support, accommodation etc
6. If criminality is involved (cannabis cultivations etc) the Procurator Fiscal to be contacted.
7. Social Work Department to arrange age assessment (if age is disputed) and provide a report to support findings.

Potential Victims of Trafficking (PVoT) Incarcerated within Prison/Detention Establishments

1. Should a PVoT declare being trafficked whilst within prison, dependant on age of victim, the aforementioned procedures should be followed, similar to the section relevant to PVoTs involved in Criminality/Child Victims of Trafficking.
2. Early consultation with COPFS is essential, especially if unconvicted and further court appearance pending.
3. Liaise with Police Scotland Prison Intelligence Unit.

Other Potential Victims of Trafficking

- Take PVoT to a place of safety to allow further enquiry and keep them separate from other potential victims or suspects. If sexual exploitation is suspected consider use of rape suites, neutral venues etc.

- Attend to urgent medical requirements – remember forensic evidence especially in crimes of sexual exploitation where the “seven day window” for forensic medical examination may still be applicable. Victims may be suffering mentally as well as physically and this may impact on their ability to engage or recall events.
- Do not allow a third party to interpret. Use LanguageLine UK: Translation and Interpreting Services initially and thereafter contact an approved interpreter from a professional and independent interpreting and translating services, if possible from outwith the area. Consideration should also be given to gender of interpreter due to cultural issues. Do not let the interpreter speak on behalf of the victim.
- Treat person as a victim throughout unless circumstances dictate otherwise. Make use of the victim care strategy.
- Obtain brief details and make a written record of all conversations with the victim as this may be relevant in a later judicial process.
- Establish rapport and explain procedures to allay fears of the unknown.
- Inform duty CID / Senior officer and National Human Trafficking Unit
- Think about further forensic opportunities and where possible seize identity documents, travel documents, financial information and communication devices. Crime scenes should be identified, secured and protected. Remember items can be used evidentially or for intelligence.

Secondary Actions

- Contact the UKHTC, who are available 24/7 for tactical advice and liaise with the National Human Trafficking Unit
- Immigration status – checks will have to be made with UK Visas & Immigration to check if a PVoT has entered the country legally. Do not arrest a PVoT for immigration offences; a victim-centred approach should be adopted. Seek advice from the National Human Trafficking Unit
- Use victim interview strategies that are available via the intranet
- Read the [National Referral Mechanism form](#) to discover what information is required to complete it. This is to prevent victim traumatising due to re-interview. Complete the NRM form as soon as possible but at least within 48 hours;
- Contact an organisation listed on the NRM form to assist with accommodation, care and support, namely: TARA (adult female victims of commercial sexual exploitation)
Migrant Help (adult victims of sexual, labour and domestic exploitation)
Social Services (lead agency in respect of victims under 18yrs)
- There is a high potential for a victim, especially a child, to abscond and return to their trafficker due to threats and pressure they may be under.
- Support should be given to minimise this risk including reassurance and preventing the trafficker from regaining communication with the victim e.g. offer to have the victim’s phone removed or replaced. Consider witness protection measures available through SCD Operational support. Consider protection for victim’s family members who may be elsewhere in the world via SOCA international liaison officer, diplomatic presence in the United Kingdom, Europol or Interpol.
- If temporary accommodation has to be found and the PVOT cannot be accompanied, due to the high rate of absconding and instances of re-trafficking, premises that have CCTV coverage of all public areas should be selected before others. This may assist in any future enquiry. If there are suspicions of absconding this should also be communicated to the support agency to agree contingency plan to mitigate risk.
- Missing potential victims of trafficking should be treated as high risk vulnerable missing persons as per the Missing, Wanted and Found Persons, Abscondee and Escapees SOP.
- Liaise with COPFS at the earliest opportunity if the PVOT has committed a crime/offence or is suspected of committing a crime/offence (e.g. discovered within cannabis cultivations). If a report is required to be submitted to the COPFS then complete the remarks section to state that the accused is suspected as being a PVOT. (See section on COPFS)
- Financial Investigation enquiries should be instigated at the earliest opportunity. Any information, intelligence or evidence should be collated for appropriately trained staff to consider

If a Potential Victim of Trafficking presents all the indicators of trafficking and does not want to enter NRM or care and support mechanism and is unwilling to give a statement a follow up welfare visit should be undertaken and the National Human Trafficking Unit notified.

Crown Office And Procurator Fiscal Services.

The complex nature of human trafficking is such that early liaison with the COPFS is encouraged. In serious sexual and other offences early contact with the Procurator Fiscal is regarded as good practise and this should be adopted with human trafficking offences also.

In the case of sexual exploitation each area Procurator Fiscal will provide a point of contact for local police officers to obtain immediate advice and direction on legal and evidential matters of law within office hours. Where the advice is required out of office hours, police should contact the on-call Procurator Fiscal for the relevant area.

The Crown Office and Procurator Fiscals Service have nominated a single point of contact for trafficking reports/investigations within each of the federation areas.

Officers should be aware of the need to investigate a claim of trafficking even where there is a prima facie immigration offence and the claim is not believed. Article 26 of the Convention provides that states shall, provide for the possibility of not imposing penalties on victims for their involvement in unlawful activities, to the extent that they have been compelled to do so.

A recent EU directive, 2011/36 has also been ratified by the UK Government for the non-conviction of persons where it can be shown that they were coerced or forced to commit crimes or offences through being a victim of trafficking. This was re-enforced by ACC Major Crime and Public Protection in April 2013

In these cases liaison with the area Procurator Fiscal will decide whether it is in the public interest to continue with the prosecution of a PVOT.

National Referral Mechanism Process

The National Referral Mechanism (NRM) provides a framework within which relevant public bodies can work together to identify individuals that may be victims of trafficking and provide them with appropriate protection, care and support suited to their needs.

In Scotland victims of Human Trafficking are identified through the National Referral Mechanism (NRM). Referrals to this mechanism are made by front line workers working within the guidelines and set by the Home Office. Assuming the Reasonable Grounds test is met the individual is offered a 45 day reflection period whilst a conclusive decision is made on whether the person is a victim of trafficking or exploitation.

During this period in Scotland support is offered by Trafficking Awareness Raising Alliance (TARA) or Migrant Helpline. Support includes emergency accommodation for the 45 days, care planning, help to access legal services and support through the legal process. Once the 45 days are up a conclusive decision is made with leave to remain granted for those involved in police investigations or with

serious medical conditions. Others may enter the asylum process or exercise EU freedom of movement rights.

Where a police officer believes an individual to be a potential victim of trafficking they should refer that individual to a designated 'Competent Authority' who will work with partners to make an assessment. The UK has established two "Competent Authorities' who will make a decision on whether a person is a victim of trafficking. These are:

- [The UK Human Trafficking Centre \(UKHTC\)](#) – where the case involves a person from the United Kingdom or the European Economic Area (EEA); and
- The Home Office Visas & Immigration – where the case involves a non-EEA national and the trafficking was raised as part of an asylum claim or in the context of another immigration process.

When a potential victim of trafficking is discovered a referral, irrespective of their nationality, should be made to the appropriate competent authority, but only if the victim consents by signing the form. In the case of a child no consent is required and a form should always be submitted.

In the case of the police all referrals should be completed (signed by PVoT), scanned and emailed to the National Human Trafficking Unit at the Scottish Crime Campus, Gartcosh. They will collate and check the information prior to forwarding it to the NRM team at the UK Human Trafficking Centre. The original should be forwarded to the NHTU through the internal mail.

The person/organisation completing the form is known as the first responder. A first responder is not always the police and can include the various social work and public health services as well as the various non-governmental organisations that care for potential victims of trafficking in Scotland.

The referral to the NRM should take place as soon as a person is suspected of being a potential victim of trafficking and at the very latest within 48 hours of the initial encounter.

This process, when successfully completed, either gives potential victims of trafficking the legal right to remain in the United Kingdom to assist the police in investigating any crime or assists them to return to their country of origin.

For NRM forms and guidance on completing them refer to the UK Human Trafficking Centre contact details in Appendix 1.

Intelligence Gathering Gaps/Opportunities

There are a number of organisations that either hold or can assist in the development of intelligence in respect of trafficking.

Europol hold the Phoenix Analytical Work File (AWF) a collection of relevant intelligence from European Union member states and allows analysis and identification of crossovers between operations and enquiries in different countries. Access to the Europol Information System (EIS) can provide information on OCG's and criminals operating throughout Europe and identifies the country that may hold the intelligence file.

The [United Kingdom Human Trafficking Centre](#) is part of the National Crime Agency and is located in Birmingham. It has an intelligence development section that collates intelligence and provides quarterly reports and NRM statistics. They have a team of experienced tactical advisors that are contactable 24/7.

National Crime Agency - Scotland is able to provide any intelligence through their resources that they may have deployed in Scotland and intelligence they hold on groups that may have been active

elsewhere in the United Kingdom. This also includes the Child Exploitation and Online Protection command.

The Home Office can provide assistance and advice when dealing with foreign nationals, including helping to identify persons and providing details of their immigration status in the UK.

The Border Force can provide assistance in tracing the movement of persons and vehicles through ports and airports throughout the United Kingdom.

HMRC can assist with financial checks on named individuals and provide addresses linked to them. There is an imbedded officer at the National Intelligence Bureau.

The National Human Trafficking Unit are able to provide assistance and advice in relation to ongoing enquiries and have access to data of previous persons that have recently entered the NRM process.

Victim Care Strategy

Introduction

It should be recognised that the Police may identify Potential Victims of Human Trafficking whilst carrying out investigations into a live, serious or significant investigation. It is vital that there is ownership of victims, whose plight may have no significance to what is considered the main enquiry. The creation of a specific victim strategy will assist and ensure ownership and accountability.

In the main, Police Investigations and Operations focus on detecting and apprehending suspects. The purpose of this guidance is to assist SIO's in respect to Victim Care during Human Trafficking investigations and crimes of exploitation.

The document provides advice for the pre planning stage of Operations and the consideration of actions to address the vulnerability of the victims and witnesses after the operation. It is recognised that these investigations can be sensitive and difficult due to a variety of factors associated with the victims and witnesses involved. The majority of people who find themselves in situations of exploitation often do not recognise themselves as victims or on instruction, do not engage with support agencies.

In 2012, an EU Directive established minimum standards on the rights, support and protection of victims of crime. Its objective is to ensure that all victims of crime receive appropriate protection and support, are able to participate in criminal proceedings and are recognised and treated respectfully, sensitively and professionally without discrimination in all contacts with any public authority. Scotland already complies with a significant element of this Directive but some further adaptations are required. To support this Directive the Scottish Government introduced the Victim and Witnesses (Scotland) Act 2014 on 13 August 2014. The general principles of this Act include:

- The safety of a victim or witness should be ensured during and after the investigation and proceedings
- A victim or a witness should have access to appropriate support during and after the investigation and proceedings

The provisions of the Act also include the definition of vulnerable witnesses in criminal proceedings and include victims of human trafficking (as well as victims of sexual offences, domestic abuse and stalking). Such victims will be entitled to the use of special measures including the opportunity to specify the gender of the investigating officer and where operationally viable the opportunity to specify the gender of the forensic medical examiner.

It is important that officers involved in operations make themselves aware of the indicators associated with the respective crimes in order that they can recognise the signs and distinguish between those involved and those 'forced, threatened or tricked' into being involved. It should be noted that both ACC Major Crime and Public Protection and the Head of The Sexual Crime Unit at Crown Office have publicly stated that it is not their aim to prosecute victims. Therefore it is essential that investigations endeavour to distinguish victims and witnesses during the initial stages of the enquiry. Victim safety is paramount and it is important to consider that persons within premises may have been trafficked into the country or held against their will.

It is likely that such 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 and may not understand the concept of trafficking or self-identity as a victim. Experience has shown that if initial victim support is offered, this may assist law enforcement officers at a later date when victims are more willing to cooperate.

This guidance is not exhaustive and aims to provide support and assistance in relation to the requirement to consider a victim strategy within operations and investigations possibly associated with Human Trafficking. This may include Cannabis Cultivations, Brothels, Licensed Saunas, labour exploitation and street begging etc

Internal trafficking is the movement of persons (both of UK and other citizenships) within the UK for the purposes of exploitation.

External trafficking is the movement of persons into the UK for the purposes of exploitation.

The National Human Trafficking Unit provides support and advice for HT incidents and can be utilised to assist in all stages of the operation.

Aims Of Victim Strategy

To ensure that Police Scotland and supporting agencies have the ability to identify and respond to victims of trafficking

To ensure that all enforcement activity is victim centred

To provide quality of service for victims ensuring a positive experience

To ensure that victim's needs, decisions and rights are respected throughout the investigation and judicial processes.

To involve victims and relevant professionals, if possible, in the planning of their care.

To ensure compliance with the Victim and Witnesses (Scotland) Act 2014.

To ensure that all relevant Police checks are conducted on known victims prior to engagement, which may offer insight into their lifestyle, culture, custom and religious background and any other relevant information that may assist in dealing with the victim.

To take cognisance of victim's sexual orientation.

To ensure that gender-related and child-related issues are completely integrated into the strategy.

To facilitate victims access to support services with the aim of helping their recovery, safe resettlement and the prevention of re-trafficking.

To ensure that the immigration consequences for victims and non-victims who are foreign nationals are considered.

Health Services

In situations of trafficking 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 Choices Helpline on freephone **0800 22 44 88** or if advice is required out of hours or at weekends via NHS 24 on the Freephone **111**

Emergency care can be accessed in Forth Valley at:

- Forth Valley Royal Hospital 01786 566000 (Full accident and emergency services.)
- Stirling Community Hospital **01786 434036** (For minor injuries including broken bones, sprains and cuts.)

Maternity Triage:

- Any questions about pregnancy or labour can be answered via the maternity triage service by contacting **01324 567098**. 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 Police Scotland SPOC (currently the Detective Inspector, Public Protection Unit).

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.

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. Information re. dental health services can be accessed at <https://nhsforthvalley.com/health-services/az-of-services/dental-services/>

Social Work Services

Children

As child trafficking is child abuse, social workers are responsible for co-ordinating the completion of the Child Trafficking Assessment and a National Referral Mechanism referral report where appropriate, in conjunction with the police, and incorporating information from partner agencies. These actions should run parallel to local child protection procedures.

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) of the Act.

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.

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
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.

Notwithstanding the foregoing, the adult concern may represent an "Adult at Risk of Harm" and therefore constitute intervention under the Adult Support and Protection (Scotland) Act, 2007 or associated legislation which is summarised as follows:

Under the Adult Support and Protection (Scotland) Act 2007 an "adult at risk" means a person aged sixteen years or over who:

- (a) is unable to safeguard their own well-being, property, rights or other interests;
- (b) is at risk of harm, and
- (c) because they are affected by disability, mental disorder, illness or physical or mental infirmity are more vulnerable to being harmed than adults who are not so affected.

All of above criteria must apply to class an individual as an "adult at risk".

The presence of a particular condition does not automatically mean an adult is an "adult at risk". Someone could have a disability but be able to safeguard their well-being, property, rights or other interests; all three elements of this definition must be met. It is the entirety of an adult's particular circumstances which can combine to make them more vulnerable to harm than others.

An adult is at risk of harm if another person's conduct is causing or is likely to cause the adult to be harmed.

or

The adult is engaging or is likely to engage in conduct which causes or is likely to cause self-harm.

In the Adult Support and Protection (Scotland) Act 2007, harm "includes all harmful conduct" and, in particular, includes:-

- (a) conduct which causes physical harm
- (b) conduct which causes psychological harm (e.g. by causing fear, alarm or distress)
- (c) unlawful conduct which appropriates or adversely affects property, rights or interests (for example: theft, fraud, embezzlement or extortion)
- (d) conduct which causes “self-harm”.

Section 3 of the Act states that a Council must make inquiries* about a person’s well-being, property or financial affairs if it knows or believes that the person is an adult at risk and that it might need to intervene in order to protect the person’s well-being, property or financial affairs.

*Inquiries must be undertaken by an approved Council Officer therefore it is essential that liaison is made with Adult Care Services.

Adults with Incapacity (Scotland) 2000

A Local Authority has general functions under Section 10 of this Act which relate to guardianship arrangements. It is of significance to human trafficking situations that this also includes a requirement to investigate any circumstances made known to them in which the personal welfare of an adult seems to be at risk*

*Inquiries can be conducted by a registered Social Worker.

Mental Health (Care and Treatment) (Scotland) Act 2003

Section 33 Duty to Inquire

1) Where it appears to a Local Authority that:

- (a) A person in their area who is 16 years or over has a mental disorder; and
- (b) Any of the circumstances mentioned in subsection 2) below apply

The authority shall cause inquiries to be made in the person’s case*.

2) Those circumstances are:

(a) That the person may be, or may have been, subject, or exposed at some place other than a hospital to:

- (i) Ill treatment;
- (ii) Neglect; or
- (iii) Some other deficiency in care or treatment

(b) That because of the mental disorder, the person’s property:

- (i) May be suffering, or may have suffered, loss or damage; or
- (ii) may be, or may have been, at risk of suffering loss or damage;

(c) That the person may be:

- (i) Living alone or without care; and
 - (ii) Unable to look after himself or his property or financial affairs;
- (e) That the person is not in hospital and, because of the mental disorder, the safety of some other person may be at risk.

* Inquiries must be undertaken by a Mental Health Officer

Consultation should be made with Adult Services to consider the circumstances of the person concerned to ensure the correct safeguarding approach.

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.

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.

Housing Services staff have a duty to inform the appropriate services if they suspect a child, young person or adult has been trafficked.

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.

Adult Community Care/Social Care Services are best placed to consider circumstances pertaining to an adult and any corresponding safeguarding arrangements. This may represent statutory intervention or may be in the form of 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/Licensing 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

The Private Rented Housing Team/Licensing 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.

Find out more at [Landlord Registration Scotland](#) (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 word 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.

Where there are grounds to believe that someone has been trafficked into the UK for the purpose of exploitation a referral should be made through the National Referral Mechanism (NRM) following the Home Office Guidance for front line workers¹.

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 (NASS). There is no presenting centre in Scotland though rare exceptions may be made in particular in cases of trafficking or exploitation. 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. In the meantime the individual may be eligible for no-choice housing and subsistence support through NASS.

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 may be 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](#). Recourse to public funds for EEA nationals typically requires three month residence requirement and meeting the minimum earnings threshold to be determined as a 'worker' when claiming housing benefit. EEA 'jobseekers' are unable to claim housing benefit.

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.

¹ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/509326/victims-of-modern-slavery-frontline-staff-guidance-v3.pdf

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 & Young People

Under Section 25 of the Children (Scotland) Act 1995 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 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.

Appendix 1 : Useful Contacts

Victim Support Scotland

You do not have to report a crime to Police to access support and services.

Provision of emotional support, practical information and advice and assistance through prosecution and court processes.

<https://www.victimsupportsco.org.uk/>

TARA – Trafficking Awareness Raising Alliance

Provides support , including help to access and pay for accommodation for women over 18 years who have been trafficked for commercial exploitation and who have been recovered in Scotland.

<http://www.womenssupportproject.co.uk/directory/179,1,249/TARA.html>

Migrant Help UK

Specialist support for victims of Human Trafficking
Practical care and support provided for survivors across the UK

<http://www.migranthehelpuk.org/about-us/what-we-do/specialist-support-for-victims-of-trafficking/>

Scottish Guardianship Service

Help for refugee children and young people, and victims of trafficking who arrive in Scotland alone.

<http://www.aberlour.org.uk/search/guardianship+service/>

Scottish Government

Online help, support and advice and signposting

<https://www.mygov.scot/human-trafficking-support/>

National Referral Mechanism Forms can be accessed at this link: [NRM Forms](#)

<https://www.gov.uk/government/publications/human-trafficking-victims-referral-and-assessment-forms>

Child Exploitation and Online Protection Centre (CEOP)

CEOP has a dedicated child trafficking unit

Telephone: 0870 000 3344

Visit: www.ceop.police.uk

Home Office Visas & Immigration

Intelligence and Immigration matters

Glasgow Enforcement Unit: 0141 555 1200
Edinburgh Enforcement Unit: 0131 335 4864
Scottish Regional Intelligence Unit, Glasgow: 0141 555 1360
Email: intelscotland@homeoffice.gsi.gov.uk
Command and Control Unit, Manchester (out of hours service):
0161 261 1640

Border Force

Intelligence matters in relation to movement of vehicles and persons through ports and airports throughout the United Kingdom.

Border Force North Intel (Glasgow) – 0141 847 5394

Gangmasters and Labour Abuse Authority (GLAA)

Oversee Labour in the agricultural, horticultural, forestry, shellfish and related processing industries.

For general enquiries:

Telephone: 0345 602 5020 Lines open Monday to Friday 9.00am-5.00pm
Visit: www.gla.gov.uk
Email: licensing@gla.gsi.gov.uk
Address: Gangmasters and Labour Abuse Authority, PO Box 10272, Nottingham, NG2 9PG

For reporting:

Telephone: 0800 432 0804 to report concerns.
0115 959 7052 or 0115 959 7052 to speak to one of the Intelligence team.
Email: intelligence@gla.gsi.gov.uk

Clan Childlaw

Provides information about the law to children and young people throughout Scotland and professionals working with children and young people.

E-mail info@clanchildlaw.org,
FREEPHONE: 0808 129 0522
Text: 07527566682.

Scottish Child Law Centre

Helps children and young people, their families and carers, and professionals working for and with children by providing free expert legal advice and information through their advice line, email and website.

Advice Line Mon-Fri 9.30am-4.00pm T. 0131 667 6333 Free-call Under 21s (landlines) 0800 328 8970 (mobiles) 0300 3301421
Admin Line 0131 668 4400
General enquiries: enquiries@sclc.org.uk
Legal advice: advice@sclc.org.uk

Appendix 2 : Legislation

The following is the key legislation of note:

- Human Trafficking and Exploitation Act (Scotland) 2015 – Section 1 (Human Trafficking) and 4 (Forced Labour) – this act, implemented on 31 May 2016, aims to consolidate and strengthen pre-existing criminal law against human trafficking & exploitation and to enhance the status and support for victims. This act should now be considered as a replacement for previous legislation where appropriate².
- Section 99 of the Criminal Justice and Licensing (Scotland) Act 2010 provides amendments to Anti-Social Behaviour Orders for the **closure of premises** associated with or used for the commission of human exploitation offences
- Consider confiscation and enquiries under the Proceeds of Crime Act 2002 - Human Trafficking is a “lifestyle” offence

Trafficking Legislation – The current legislation that is associated with human trafficking is detailed below. The cases outlined in section 2 give a brief outline of where the relevant offence can be applied and should not be seen as exhaustive.

If in doubt as to the relevancy of charging persons with a specific offence, consultation should be made with the regional HT Procurator Fiscal or with the National Human Trafficking Unit.

Human Trafficking and Exploitation Act (Scotland) 2015

[The Human Trafficking and Exploitation \(Scotland\) Act 2015](#) was passed by the Scottish Parliament in October 2015 and received Royal Assent in November 2015. The first provisions of the Act came into force on 31 May 2016 and implementation of the rest of the Act is ongoing. The Act:

- makes it simpler to take action by introducing a single offence for all kinds of trafficking for the first time, consolidating and strengthening existing law. The new offences of human trafficking and of slavery, servitude and forced or compulsory labour now have the maximum penalty of life imprisonment attached to them for anyone who is convicted of these new offences;
- gives courts new powers and measures to prevent and punish trafficking;
- requires the Lord Advocate to issue instructions to prosecutors about how trafficking victims should be treated if they are alleged to have committed an offence; and
- provides clear rights to adult victims to access support and assistance, and places a duty on the Scottish Ministers to ensure that guardians are available for all children who reasonably appear to have been trafficked or to be vulnerable to being trafficked, where no one in the UK holds parental rights and responsibilities in relation to such a child.

² Acts which have been consolidated within the Human Trafficking and Exploitation Act (Scotland) 2015 include sections of the Asylum & Immigration Act 2004, Criminal Justice (Scotland) Act 2003, Criminal Justice & Licensing (Scotland) Act 2010 and Antisocial Behaviour (Scotland) Act 2004.

Human Trafficking is a criminal offence. There are two parts to this offence - a *relevant action* and an *intention to exploit or knowledge of likely exploitation*. Both parts are needed for an offence to be committed.

Relevant Action means carrying out a relevant action with regard to another person. It does not matter whether the other person consents to that action being taken. A relevant action is any of the following:

- recruiting another person;
- transporting or transferring another person;
- harbouring or receiving another person; and
- exchanging control over, or transferring control over another person;
- arranging or facilitating (without necessarily doing), any of the actions above.

However, travel from one place to another is not a required action for there to be an offence of human trafficking in Scotland. Trafficking can take place within a building, room to room.

Exploitation means the person doing the *relevant action* must either be doing so with the *intention of exploiting the other person or, in the knowledge that the person is likely to be exploited*. The word *exploitation* is given a defined meaning in [Section 3 of the Act](#). The *exploitation* must fall within that meaning for there to be a criminal offence.

There are four types of *exploitation* defined in [Section 3 of the Act](#), they are:

1. slavery, servitude and forced or compulsory labour;
2. prostitution or sexual exploitation;
3. removal of organs; and
4. securing services and benefits.

Slavery, Servitude and Forced or Compulsory Labour is where a person is a victim of conduct, which is an offence under [Section 4 of the Act](#).

Prostitution or Sexual Exploitation is the exercise of control, direction or influence over prostitution by another person, which shows that the person is aiding, abetting or compelling the prostitution, falls within the meaning of exploitation. Involving a person in the making or production of materials which are classified as obscene under [The Civic Government \(Scotland\) Act 1982](#) is also exploitation. Finally, where the person has been the victim of certain sexual offences listed in [Section 3 \(5\)](#) then that is exploitation.

Removal of Organs is where a person is encouraged, required or expected to do anything which would be an offence related to the removal of organs or human tissue. This includes things done outside Scotland which would amount to such an offence if they happened inside Scotland.

Securing Benefits and Services is a general category, and brings two sets of circumstances within exploitation. First are cases where any person is subjected to force, threats or deception designed to induce that person to provides services of any kind, provide another person with benefits of any kind, or to enable another person to acquire benefits of any kind.

Second are cases where a child, young person or vulnerable adult is used to provide services of any kind, provide another person with benefits of any kind or to enable another person to acquire benefits of any kind without the use of force, threats or deception, but in circumstances where a person who was not a child or vulnerable adult would be likely to refuse to be used for that purpose. *Benefits* in this section is a general word and has a meaning wider that social security benefits.

APPENDIX 3 : CHILD TRAFFICKING ASSESSMENT

Appendix B

CHILD TRAFFICKING ASSESSMENT (CTA)

Child's surname:		Known as:		Forenames:	
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Date of birth		Place of birth		Nationality	
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Ethnicity		Language		Religion	
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Carefirst no		Home Office no		ID docs	
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Home address:	Current address:

Family / household members:		
Name:	Relationship:	Address:

Legal / asylum status:	
Legal status(looked after etc & previous):	Asylum status:

Agencies involved & contact details:

Referrer / Report writer		Date		Agency / Team	
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Social work / police use only			If not contacting centre child protection team and anti trafficking unit or referring to NRM please explain why
Social work CP team contacted		NRM referral & date	
Police vice & anti trafficking unit contacted			
<p>All concerns about child trafficking should be discussed with the child protection team and vice and anti trafficking unit. A copy of this assessment should be forwarded to them.</p>			

Appendix 4: Guidance for Managing Unaccompanied Asylum Seeking Children

Unaccompanied Asylum Seeking Children (UASC)

UASC are children who have fled their country of origin for varying reasons but who are separated from their families. Local authorities are responsible for assessing their needs and offering support. They will often be vulnerable due to their unaccompanied status and perhaps their experiences in their home countries, as well as during their journey to the United Kingdom. They may also not carry or have access to any identifying documents to help establish or validate age. In such circumstances it may be that services have to operate to “best interests” and “benefit of doubt” principles to determine the most appropriate service route applicable to best support and protect the person. If child protection concerns arise, they should be addressed in the same way as though the child was a UK national, bearing in mind differences in culture and experiences the child may have endured.

The Scottish Guardianship Service is a partnership between Aberlour Childcare Trust and Scottish Refugee Council. It works to help young asylum seekers to feel supported and empowered throughout their journey whilst their asylum claim is assessed and their status determined.

The Human Trafficking & Exploitation (Scotland) Act 2015 provides a statutory obligation upon Ministers to provide guardianship for every eligible child and furthermore that relevant authorities will be under a duty to refer any eligible child to a guardian referred to as the Independent Child Trafficking Guardian.

The guardian will:

- act as a point of contact and continuity as the child progresses through the asylum and immigration system
- make the child aware of their rights
- explain to the child the aspects of the asylum, trafficking and welfare system
- introduce the child to social opportunities and begin to integrate them into community life

Further information may be found at <https://beta.gov.scot/policies/refugees-and-asylum-seekers/unaccompanied-children/>

If not already confirmed, contact should be made with the United Kingdom Border Agency, to establish the child’s current status as to whether they have been given leave to stay in the United Kingdom up to the age of seventeen years and six months.

Particular consideration also needs to be given on the use of interpreters for UASC and to accessing specialist legal advice.