

National Referral Mechanism: guidance for child first responders

Child trafficking is child abuse. When an agency comes into contact with a child who may have been trafficked Children's Services and police should be notified immediately. All children, irrespective of their immigration status, are entitled to protection.

What is the Council of Europe Convention

The Council of Europe Convention on Action against Trafficking in Human Beings is a comprehensive treaty focusing mainly on the protection of victims of trafficking and the safeguarding of their rights. It also aims to prevent trafficking and to prosecute traffickers.

The UK Government ratified the Council of Europe Convention on Action Against Trafficking in Human Beings on 17 December 2008. It commenced on 1 April 2009. This represents a milestone in our fight against trafficking. It protects victims and improves our enforcement capabilities.

The Council of Europe Convention on Action against Trafficking in Human Beings defines trafficking in human beings as:

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

Any child who is recruited, transported or transferred for the purposes of exploitation is considered to be a trafficking victim, whether or not they have been forced or deceived. Even when a child appears to have submitted willingly to what they believe to be the will of their parents or accompanying adults, it is not considered possible for a child to give informed consent.

Our domestic legislation makes it clear that an intention to traffic and exploit, even if the exploitation has not occurred, is also a criminal offence.

What is the Nation Referral Mechanism?

As part of our implementation of the Council of Europe Convention, the UK Government created a National Referral Mechanism (NRM). The NRM is a victim identification and support process which is designed to make it easier for all the different agencies that could be involved in a trafficking case – e.g. police, Home Office UK Visas and Immigration Directorate, local authorities, Health and Social

Care (HSC) Trust in Northern Ireland, and non-governmental organisations (NGOs) – to co-operate; to share information about potential victims and facilitate their access to advice, accommodation and support.

What is a first responder?

In principle all agencies and organisations who find themselves with grounds for concern that a person may be a victim of human trafficking have a responsibility for identifying the person as a possible victim and putting him or her in touch with the responsible authorities and support providers.

For children, a formal referral into the NRM is made by a first responder. These are:

- Local Authorities Children Services and designated persons within Safeguarding Children Boards (Child Protection Committees in Scotland)
- Health and Social Care Trusts (HSCT) (Northern Ireland)
- Home Office UK Immigration & Visas Directorate (formerly UKBA)
- Border Force
- Police
- Serious Organised Crime Agency (SOCA)
- Barnardo's
- CTAC (NSPCC Child Trafficking Advice Centre)

What is a competent authority?

Decisions about who is a victim of trafficking are made by trained professionals in designated 'Competent Authorities'. The UK Human Trafficking Centre (UKHTC) and Home Office host the UK's two Competent Authorities. The UKHTC competent authority deals with cases referred by all external agencies such as the police, local authorities etc. where the person is a UK or EEA national, or where there is an immigration issue but the person is not yet known to the Home Office. The Home Office UK Visas and Immigration Directorate, deals with cases where trafficking is raised as part of an asylum claim or in the context of another immigration process.

Referral to children services

For children, first responders who are not part of a Children's Services department should ensure a referral is immediately made to their Local Authority Children's Services (HSCT in Northern Ireland) and the police. This is to ensure that Local Authorities/HSC Trust are aware of the child and can put in place any necessary measures to safeguard and the police are made aware that a potential crime has been committed. Through the Children and Young People (Scotland) Bill each child in Scotland will have a named person and public bodies will have a duty to share information with the named person.

Where there is age dispute and a Merton Age Assessment is being undertaken referral to the NRM should not be delayed where the victim is believed to be a child.

The child's welfare is the most important factor and should always take precedence.

How to refer a child into the NRM

Once Children's Services and police have assessed indicators of trafficking and a child has been protected or safeguarded the next step for first responders is to refer the child into the NRM.

In Northern Ireland referrals to the NRM should be made by the relevant HSCT. Other organisations that hold first responder status should refer child victims/suspected child victims of human trafficking to the relevant HSCT immediately.

Potential child victims do not need to consent to their referral. A referral into the NRM and the subsequent decisions do not replace or supersede established child protection processes, which should continue in tandem.

Referrals made in relation to children should be made on the child NRM referral form. The referral form and guidance notes, including a list of potential indicators of children who may have been trafficked, can be found at:

www.gov.uk/government/publications/human-trafficking-victims-referral-and-assessment-forms

www.scotland.gov.uk/Topics/Justice/crimes/humantraffick

www.soca.gov.uk/about-soca/about-the-ukhtc/national-referral-mechanism

Completing the NRM referral form

First responders will need to capture as much information about the individual and their circumstances as possible on the referral form. There are indicators listed on the form that act as a prompt for first responders. The form includes a free text section that should be used to provide further detail on any indicators noted, provide a case summary and detail any action already taken.

It is good practice to consult the child in making the NRM referral, explaining the purpose, concerns, benefits and the possible outcomes. Children (including where there is an age dispute but the victim is believed to be a child) do not need to sign the consent form.

All referrals should be sent, in the first instance, to UKHTC. First responders can either send completed referral forms by fax to 0870 496 5534 or by e-mail to UKHTC@soca.x.gsi.gov.uk.

What happens next?

The referral will be allocated to a competent authority within the Home Office or UKHTC who will acknowledge receipt of the case with the first responder. This competent authority is now the first responder's first point of contact in relation to the NRM referral and should be kept abreast of any developments and supplied with any information that is of relevance to the trafficking consideration.

It is acknowledged that at the early stages of the process (for example where a child is traumatised or in fear and is unable at this stage to engage fully in an assessment process) that first responders may be unable to provide sufficient detail about the individual and their potential trafficking experience, to enable the competent authority to make an informed reasonable or conclusive grounds decision (see 'How are decisions made' section below).

However it is important that all pertinent information available is provided and that you make the competent authority aware that additional information will be provided in time. You should keep the competent authority informed of progress, including any progress in relation to the age assessment process, and work in partnership.

How are decisions made?

The Council of Europe Convention on trafficking has a two stage process for identifying victims of trafficking in which a 'reasonable grounds' test acts as an initial filter to a fuller more conclusive decision.

NRM reasonable grounds decision

Once the case has been formally referred, a competent authority will consider the details supplied by the first responder on the NRM Form along with any other evidence and apply a 'reasonable grounds' test to consider if the statement "I suspect but cannot prove" that the child is a victim of trafficking holds true. First responders may be required to supply further information at this stage if there is insufficient information available.

The expectation is that this decision will be made within five working days of referral. If the competent authority finds there are reasonable grounds to believe someone is a potential victim of trafficking, they will be granted a minimum of 45 calendar days for recovery and reflection. No detention or removal action will be taken against the subject during this time.

Once the decision has been reached, the competent authority will notify the first responder and the child's social worker and not to the child directly.

You may find that following a positive reasonable grounds decision you are still working with the child to ascertain more information that will assist the competent authority in reaching a conclusive grounds decision. In these circumstances you may request the 45 day reflection period be extended in order to ensure all relevant information has been obtained. The competent authority has the discretion to extend the 45 day reflection period when it is in the best interests of the child. Again, work in partnership and keep the competent authority informed of progress.

If the decision is negative there will be no further trafficking identification decision. Children's Services should ensure a negative NRM decision does not have an adverse impact on the child's care and does not override the statutory duty placed on local authorities by virtue of the Children Act 1989 and 2004; the Children (Scotland) Act 1995; and The Children (NI) Order 1995.

Review of decision

If through ongoing assessments by Children's Services the child is able to subsequently disclose further details, or other professionals are able to provide more information, this can be submitted to the competent authority at a later date asking for the decision to be reviewed.

NRM conclusive grounds decision

Following a positive reasonable grounds decision, Competent Authorities are required to make a second identification decision which is to conclusively decide if the individual is a victim of trafficking. At the conclusive stage the competent authority will consider whether, on the balance of probabilities, there is sufficient information to conclude that the individual has been trafficked. The expectation is that a conclusive grounds decision will be made in 45 calendar days. However, some victims may need longer due to the levels of trauma and impact on their health and Competent Authorities have the option to extend the period of recovery and reflection in certain circumstances.

What are the benefits of referring children into the NRM?

NRM referrals will help Children's Services ensure a focused and appropriate response is in place for the child by ensuring all available information is gathered and shared quickly between partners. This will ensure the child's needs are addressed and mitigating factors are taken into account such as the risk of the child going missing.

The NRM is an important tool in the fight against those who commit this heinous crime. Evidence collected from referrals helps build a national picture and informs the decisions of policy makers and operational staff. In this sense NRM referrals and the intelligence they provide contribute directly to UK efforts to tackle human trafficking and may ultimately lead to a reduction in the number of child trafficking cases seen in the UK. NRM referrals will also inform the authorities of the incidence of child trafficking and the source countries from which they have been trafficked.

The NRM process encourages a joint multi-agency working approach between a variety of agencies and through this process a more rounded view of the evidence will be collected. This will not only assist in the referrals made but will assist in the overall protection and safeguarding response for the child.

In addition, where necessary the competent authority will assist in regularising a child's immigration status if they require immigration leave to stay in the UK. If the child (when they turn 18) wishes to return to their country of origin, certain services may also be available such as Assisted Voluntary Return which provides support, advice and guidance to help them with their return and reintegration.

Further information: indicators of trafficking

A comprehensive list of potential indicators of children who may have been trafficked is provided in the NRM child referral form which can be found at:

www.gov.uk/government/publications/human-trafficking-victims-referral-and-assessment-forms

www.scotland.gov.uk/Topics/Justice/crimes/humantraffick

www.soca.gov.uk/about-soca/about-the-ukhtc/national-referral-mechanism

This is not an exhaustive or definitive list but it does highlight the more common indicators that may be identified. They should assist first responders in making a primary assessment of whether the individuals encountered are or may be potential victims of trafficking.

It is not the case that a set number of indicators will equate to a person being a victim. One or a combination of factors could suggest a person is a potential victim, so each case should be considered on its own merits. Indicators highlight a potential situation to first responders, who should then decide whether to make a referral into the National Referral Mechanism (NRM).

Potential victims of trafficking may be unforthcoming with information, and may tell their stories with obvious errors. It is not uncommon for traffickers to coach victims or provide stories for victims to tell if approached by the authorities. The errors or lack of reality may be because their initial stories are created by others and learnt. Victims' early accounts may also be affected by the impact of trauma. In particular, victims may experience Post Traumatic Stress Disorder, which can result in symptoms of hostility, aggression, difficulty in recalling details or entire episodes, and difficulty concentrating. They may also be uncertain about the places and countries they have travelled through as their traffickers are likely to withhold that information from them.

Be prepared to encounter victims with varying English language skills or other communication barriers. You should not use family members, friends or unqualified members of the public to interpret.

Further information: children encountered in situations of criminal exploitation

Frontline staff should bear in mind that trafficked children can be forced into forms of criminal activity as part of their exploitation, for example gardeners in cannabis factories or as pick pockets. These victims are some of the most vulnerable and least likely to admit their situation to law enforcement due to the threats made on them by the traffickers. In these cases, when the signs are not identified, the young person ends up being charged, prosecuted and convicted of offences committed whilst being exploited. Often, such children are instructed by their controllers to plead guilty, then when they are released from their sentence they are re-trafficked.

Law enforcement officers should always be alert to the possibility that any child encountered in such situations could be a victim of trafficking. Child protection obligations apply where the young person has been a victim of crime and also the fact that any person under the age of 18 years cannot consent to their own trafficking. Where circumstances give rise to reasonable suspicion that the young

person is being exploited or abused, a child welfare response should be taken and child protection officers utilised.

Law enforcement should work with local authorities to ensure early identification of trafficked victims before entering any suspected cannabis farm. In the planning stage of any proactive operations or other police interventions on cannabis farms, dual operational planning should focus not only on the recovery of illegal drugs and the arrest of members of criminal enterprises, but also on the safeguarding of any children who are being exploited on the premises.

Other useful documents

Safeguarding Children Who May Have Been Trafficked, issued jointly by the Department for Education and the Home Office, and Safeguarding Children in Scotland who may have been Trafficked issued by the Scottish Government, provide updated practice guidance on child trafficking. These documents also provide details of national agencies and areas of local effective practice that can provide support.

The above Department for Education and Home Office guidance is supplementary to, and should be used in conjunction with, the Government's statutory guidance: Working Together to Safeguard Children. The above Scottish Government guidance is supplementary to, and should be used in conjunction with, the Scottish Government's National Guidance for Child Protection in Scotland. Both sets of guidance set out how organisations and individuals should work together to safeguard and promote the welfare of children and young people in accordance with the Children Act 1989 and the Children Act 2004, and the Children (Scotland) Act 1995.

In Northern Ireland "Working Arrangements for the Welfare and Safeguarding of Child Victims of Human Trafficking" details the procedures to be taken when a child is a victim or suspected victim of child trafficking. This guidance was issued jointly by The Department of Health, Social Services and Public Safety and The Police Service for Northern Ireland in February 2011.

The London Safeguarding Children Boards Trafficking toolkit and guidance, or the Inter-Agency Guidance for Child Trafficking in Scotland (due to be rolled out by the end of spring 2013, please contact the Scottish Government's Child Protection team as set out at the end of this guidance for further information), also help first responders identify and support children who have been trafficked. The guidelines aim to support social workers, teachers, police, health workers and other professionals who may come into contact with suspected victims of trafficking. The documents include a number of additional tools to assist professionals in both assessing the needs of the child and the continuing risks that they may face, and referring their case to the NRM.

Other useful information on child trafficking issues can be found on the NSPCC website at www.nspcc.org.uk/Inform/research/ctail/ctail_wda84866.html

Frequently asked questions

Is there a specific time scale within which I should make the NRM referral?

While there is no specific time scale for when an NRM referral should be made, it is advisable that it is made as soon as possible. As the NRM engages a host of agencies an earlier referral may be able to assist in informing the safeguarding needs of the child. It is important that when a referral is made, sufficient evidence is submitted along with it.

Is the NRM mandatory and what information should be shared with children and young people?

Whilst the NRM is not mandatory, there are clear benefits in referring for both the child and the Local Authority (HSC Trust in Northern Ireland) as well as to increase the UK law enforcement agencies' understanding of trafficking patterns and to take action against identified traffickers. All cases where trafficking is suspected should therefore be referred into the NRM.

Each child should be informed as to why a referral is being made and kept informed when decisions are made. Decisions relating to the NRM will be sent to the child's social worker and not to the child directly.

What should I do if I receive information on a potential trafficker or I believe a child is still being exploited?

Trafficking is a very serious crime, punishable by up to 14 years in prison. If you are concerned someone is engaged in trafficking or is a potential victim still in an exploitative situation the police should be informed immediately and details emailed to UKHTC@soca.x.gsi.gov.uk.

Where can I get more information?

UKHTC – **0844 778 2406**, UKHTC@soca.x.gsi.gov.uk
Scottish Government – **0131 244 7583**, Child_Protection@scotland.gsi.gov.uk
NSPCC CTAC – **0800 107 7057** and on the NSPCC website at www.nspcc.org.uk/Inform/research/ctail/ctail_wda84866.html