

Safeguarding Children who may have been Trafficked

Consultation Response Form

The closing date for this consultation is: 16
August 2007

Your comments must reach us by that date.

department for
children, schools and families

THIS FORM IS NOT INTERACTIVE. If you wish to respond electronically please use the online or offline response facility available on the Department for Children, Schools and Families e-consultation website (<http://www.dcsf.gov.uk/consultations>).

The information you provide in your response will be subject to the Freedom of Information Act 2000 and Environmental Information Regulations, which allow public access to information held by the Department. This does not necessarily mean that your response can be made available to the public as there are exemptions relating to information provided in confidence and information to which the Data Protection Act 1998 applies. You may request confidentiality by ticking the box provided, but you should note that neither this, nor an automatically-generated e-mail confidentiality statement, will necessarily exclude the public right of access.

Please tick if you want us to keep your response confidential.

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If your enquiry is related to the policy content of the consultation you can contact the team at: trafficking-guidance.consultation@dcsf.gsi.gov.uk

If you have a query relating to the consultation process you can contact the Consultation Unit on:

Telephone: 01928 794888

Fax: 01928 794 311

e-mail: consultation.unit@dfes.gsi.gov.uk

Please insert an 'X' into one of the following boxes which best describes you as a respondent.

<input type="checkbox"/> Local Authority	<input type="checkbox"/> District Council	<input type="checkbox"/> Local Safeguarding Children Board
<input type="checkbox"/> Primary Care Trust	<input type="checkbox"/> NHS Trust	<input type="checkbox"/> Strategic Health Authority
<input type="checkbox"/> Border and Immigration Agency	<input type="checkbox"/> Police	<input type="checkbox"/> Youth Offending Team
<input type="checkbox"/> Probation	<input type="checkbox"/> Prison or other secure settings	<input checked="" type="checkbox"/> Voluntary and Community sector
<input type="checkbox"/> Faith organisation	<input type="checkbox"/> National organisation	<input type="checkbox"/> Private organisation
<input type="checkbox"/> Business or commercial	<input type="checkbox"/> School or College	<input type="checkbox"/> Connexions-Direct
<input type="checkbox"/> CAFCASS	<input type="checkbox"/> Parent	<input type="checkbox"/> Other (please specify)

Please Specify:

This question relates to the document as a whole.

1 Having read the document do you consider it to be segmented and sequenced in such a way that aids ease of access and reference? If not please suggest alternatives.

Yes

No

Not sure (please specify)

Comments:

The next 3 questions relate to section 3.4 of the guidance.

2 Does this section provide practitioners with adequate information about the reasons why children are trafficked?

Yes

No

Not sure (please specify)

Comments:

Although the section covers in some detail the factors that might make a young person vulnerable to trafficking it does not actually address the *causes* of trafficking i.e. why the perpetrators choose to exploit and abuse children in this way. A brief description of some of the socio-economic, political and cultural factors underlying this phenomenon might lead to a clearer understanding of the issue.

Some of the language used to describe 'the trafficker' might mislead the reader into thinking that 'a trafficker' is a single individual. In order to convey more accurately the nature of trafficking there should perhaps be a sentence added here that provides a little more insight into the various roles within a long process, such as 'recruiters', 'eye-ballers', 'fixers', 'harbourers' and

'controllers'. This would reinforce the point that trafficked children are not victims of individuals but of trans-national criminal networks that are highly organised and effective.

3 Does it provide readers with adequate information as to how and why they might be abused and exploited in the UK?

Yes

No

Not sure (please specify)

Comments:

While we welcome much of the analysis provided in this section we have some concerns that the document makes no reference to indigenous young people being trafficked out of the UK. We are aware that some of the young people using our sexual exploitation services have, for example, been invited to go abroad on foreign 'trips' by 'known' men. This raises an issue about whether the UK as a source country should be given some attention within the guidance.

We would also highlight that Barnardo's presented a model of grooming, pimping and coercion in our report "Whose Daughter Next" which we are aware has been highly regarded as a keystone of the development and delivery of sexual exploitation services. It may therefore be useful to highlight this work alongside the evidence from CROP (3.4.6).

4 If you think this section could be improved please say how.

Comments:

In Section 2: Definitions it would be useful to provide a definition of internal trafficking as distinct from other forms. It is our understanding that the UKHTC is currently working on such a definition.

As the reasons for trafficking children are many and varied, as described in 3.2 this section might benefit from a strong statement that clearly locates, in simple terms, all trafficking of children as child abuse. This will then be reinforced by the later detail given in section 3.6 that describes the impact of trafficking on children.

In order to emphasize the nature of the abuse of these children and the elements of coercion and constrained choice, references to 'sex work' should be replaced or accompanied by the term '*sexual exploitation*'. Thus, in (3.2.1)

the first bullet should read 'sex work / sexual exploitation.' Also (3.6.2) second bullet 'Children being sexually exploited are vulnerable to sexually transmitted diseases...'. Also, within the same paragraph, bullet 5 *They are then effectively trapped within the cycle of exploitation, continuing to be exploited in return for a supply of drugs.*

This question relates to section 3.5 of the guidance.

5 Does this section provide practitioners with adequate information to alert them to the fact that trafficked children may be at risk of serious and imminent harm even though the child might show no obvious signs of distress or abuse?

Yes

No

Not sure (please specify)

Comments:

The section (3.5.9) might be more explicit as to how, once in the care of the Local Authority, young people are contacted by or make contact with the traffickers and go missing shortly afterwards. That this should occur, despite early risk identification and the implementation of safety support packages (in the more pro-active LA's) is testimony to the level of control the traffickers are able to exert.

It might also be helpful to include in the list of psychological harms (3.6.2) that the necessity of presenting a 'constructed' story to the authorities and care givers, can increase children's feelings of guilt as well as preventing them from accessing the appropriate counselling services which might help them come to terms with their past as well as current situation.

The next two questions relate to section 4.1 of the document.

6 Is there adequate information at this point in the document to show practitioners how and why they need to be alert to the possibility of trafficking when in contact with vulnerable children?

Yes

No

Not sure (please specify)

Comments:

Section 4.1.8 provides very little detail about the role of those who work with children and young people in assisting with the prosecution of adult offenders. For example in working in local partnerships with police, when anecdotal evidence on how gangs of traffickers working in local areas operate can be very valuable. We also feel that this section is too negative on the issue of requiring the child's testimony to gain a successful prosecution, particularly if the young person is afraid to testify. While this is clearly a difficult area, we believe that the document would benefit from an emphasis that it may be possible to gain a prosecution without securing the testimony of a young person, particularly in cases where there is other significant evidence, for example that sexual intercourse with a minor has taken place.

We also have concerns about section 4.1.9.3, relating to the prosecution of trafficked children. We believe that there are only a minority of situations where it will be beneficial to prosecute a crime committed by a trafficked child. While the section is correct in stating that in many cases this will simply not be relevant since the law of duress will apply, we would also urge this section to be redrafted to further emphasise that the circumstances of the child should be one of the *primary* considerations in deciding whether it is in the public interest to prosecute or not.

7 Are there other agencies or groups which should be included?

Yes

No

If yes, please specify which agencies

Comments:

There is no mention of the role of the voluntary sector which might be providing specialist support services for particularly vulnerable young people – asylum seeking children, children who go missing, or children who are being sexually exploited. These services all need to be aware of the risk indicators for trafficking and particularly for internal trafficking. These may include frequent movement at weekends or for days at a time to other boroughs, counties or cities, in addition to the underlying factors that Barnardo's has identified are associated with sexual exploitation.

This question relates to section 4.2 of the document

8 Does this section provide adequate information to help practitioners to identify if a child has been trafficked?

Yes

No

Not sure (please specify)

Comments:

4.2.4 The reference to the work being undertaken by the UKHTC in compiling evidence should include girls *and boys* who have been trafficked between cities for the purposes of sexual exploitation.

There is also clear evidence that young people are being sexually exploited by None UK Nationals (NUKN) and taken to the same/similar ethnic groups out of area for the purpose of sexual exploitation. In addition young people are becoming fluent in a variety of different ethnic languages and understand some cultures better than their own. We have evidence that terrorist statements have been written on the walls (including pictures of guns) in accommodation rented by NUKN and young people are frequenting these houses and being sexually exploited. Concerns are being raised that young people may be being groomed for other potential types of exploitation in the future such as involvement in terrorism or drug smuggling.

This question relates to section 4.3 of the document.

9 The risk factors have been developed through the experience of professionals dealing with trafficked children. Are there other risk factors which your experience suggests we should include? Have we included any that you feel are not helpful?

Comments:

Given the links between alcohol/ substance misuse and sexual exploitation it might be useful to include these as risk factors for internal trafficking. Also, our services report that adult offenders (internal trafficking and sexual exploitation) are often 'known' figures to our services and in the local community, so association with these figures is also a clear risk factor.

This question relates to section 4.3.8 of the document.

10 We are concerned that some trafficked children may be hidden from view within private fostering arrangements. Does this section provide adequate information to help practitioners identify this group of children? If not, please say how you think it might be improved.

Yes

No

If no, please specify

Comments:

This question relates to section 4.8 of the guidance.

11 This section aims to support practitioners in safeguarding children who are already, or who may, go missing. Does it provide sufficient information to help practitioners to protect this group of children?

We would particularly welcome comments here from children's social care and police child protection officers.

Yes

No

Not sure (please specify)

Comments:

It might be useful to describe here the type of scenario in which children can go missing i.e. how they are contacted by traffickers, taken away and moved around, both for cases where young people have been trafficked into the UK and for internal trafficking.

This question relates to section 5 of the document.

12 We see LSCBs developing a key role in scoping the extent of child trafficking locally, and in the coordination of work to address this. Effective practice will need all agencies to cooperate in appropriate responses to trafficking cases. We would welcome your views on the need for a national LSCB protocol model template on trafficking. If you have already developed a local protocol on trafficking, it would be helpful if you could enclose a copy with your response to this consultation.

Comments:

A national LSCB protocol template on trafficking would be most welcomed by Barnardo's and would help facilitate the cross-agency co-operation needed to effectively combat trafficking. This could be based upon the London Protocol.

Our Middlesbrough Service SECOS is currently engaged in developing the Middlesbrough protocol which will incorporate the Crime and Disorder angle as well as safeguarding and we would therefore be happy to work with the government in developing a national protocol. The relevant contact is:

Barnardos SECOS project
East West Centre
Ayresome Green Lane
Middlesbrough
TS5 5 BA
Tel: 01642 819743
E-Mail: wendy.shepherd@barnardos.org.uk

13 We would welcome any further comments/views regarding this document.

Comments:

There is currently little focus in the document placed on the identification and prosecution of traffickers and the role of those who working with young people in doing this. In the original SCIP guidance this was presented as a parallel strand to be developed in relation to the prosecution of sexual offenders. There is a significant focus on this aspect of prevention in the UK Action Plan on Trafficking (ch 2) but this doesn't seem to be as well reflected here despite the fact that identification, disruption and prosecution are key aspects of safeguarding children. Those working directly with the young people are important partners in helping authorities to understand the situation in the local area, including how gangs are working locally.

There is also insufficient emphasis given to the (potential) role of the voluntary sector in providing specialist services to young people who have been trafficked either internally or through international borders. There is an urgent need for services that can provide the appropriate support to children in helping them to recognise and exit exploitation. Barnardo's currently provides 17 specialist services for young people who are being sexually exploited and has been at the forefront of developing the expertise and knowledge of 'what works' in supporting such young people who have complex vulnerabilities. As such, we are keen for the potential contribution of voluntary sector specialist services to be acknowledged, in terms of having the transferable knowledge and skill sets as well as the existing service base in place that will be necessary to provide effective services to this group.

We are currently undertaking research within our organisation to ascertain the extent of internal trafficking being detected by our services. Our preliminary findings suggest that this is a widespread problem and we have direct knowledge of 42 young people being moved for the purposes of sexual exploitation in 2006. However, this is likely to be an underestimate and many of our services believe that there are many more young people, connected to our clients (but who we don't work with directly ourselves), who are involved in internal trafficking.

We are happy to be involved in assisting with the definition and further clarification of this complex issue, and how the needs of young people being internally trafficked dovetail and differ from those of other young people being trafficked in through external borders.

Finally, we believe that effective partnership working will be at the heart of ensuring good outcomes for this group of very vulnerable children and young people. While we welcome that much is made in the document of the need for different bodies working with these children and young people to work together

to achieve the best outcomes, there are areas where we believe the point would benefit from further emphasis. For example in section 4.5.4 the paragraph explaining the need for a strategy meeting for a child identified as at risk of significant harm, emphasis should be placed on some of the partners who should be considered to attend this meeting to share information the child. Relevant departments would include immigration, the police and local authority children's social care.

Thank you for taking the time to let us have your views. We do not intend to acknowledge individual responses unless you place an 'X' in the box below.

Please acknowledge this reply X

Here at the Department for Children, Schools and Families we carry out our research on many different topics and consultations. As your views are valuable to us, would it be alright if we were to contact you again from time to time either for research or to send through consultation documents?

XYes	<input type="checkbox"/>	No
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All UK national public consultations are required to conform to the following standards:

1. Consult widely throughout the process, allowing a minimum of 12 weeks for written consultation at least once during the development of the policy.
2. Be clear about what your proposals are, who may be affected, what questions are being asked and the timescale for responses.
3. Ensure that your consultation is clear, concise and widely accessible.
4. Give feedback regarding the responses received and how the consultation process influenced the policy.
5. Monitor your department's effectiveness at consultation, including through the use of a designated consultation co-ordinator.
6. Ensure your consultation follows better regulation best practice, including carrying out a Regulatory Impact Assessment if appropriate.

Further information on the Code of Practice can be accessed through the Cabinet Office Website: <http://www.cabinetoffice.gov.uk/regulation/consultation-guidance/content/introduction/index.asp>

Thank you for taking time to respond to this consultation.

Completed questionnaires and other responses should be sent to the address shown below by 16 August 2007

Send by post to: Consultation on Trafficking Guidance, Children's Safeguards Policy Unit, Department for Children, Schools and Families, Level 2C Caxton House, Tothill Street, London, SW1H 9NA

Send by e-mail to: trafficking-guidance.consultation@dcsf.gsi.gov.uk