



Children's MARS Guidance

Safeguarding children who may have been trafficked

June 2022

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Introduction

Child trafficking is a very serious issue which can have a devastating and lasting impact on its victims. Children can be trafficked into, within and out of the UK.

This guidance is for agencies in North Lincolnshire which are likely to encounter, or have referred to them, children and young people who may have been trafficked. It is intended to help agencies safeguard and promote the welfare of children who may have been trafficked.

It should be read in conjunction with HM Government [Safeguarding children who may have been trafficked](#) (2011).

Further information, guidance and resources can be found in appendix 1.

Definitions

Article 3 of the Palermo Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organised Crime to the UN Convention (2000) (ratified by the UK on 6 February 2006) defines trafficking as:

- a) 'trafficking of 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 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.
- b) the consent of a victim of trafficking in persons 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 in subparagraph (a) of this article;
- d) 'child' shall mean any person under eighteen years of age.

The Palermo Protocol establishes children as a special case. Any child transported for exploitative reasons is considered to be a trafficking victim, whether or not they have been forced or deceived. This is partly 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 will of their parents or accompanying adults. It is important that these children are protected too.

What evidence is there of child trafficking?

The trafficking of children in a clandestine activity, which makes it difficult to identify victims and record their numbers. However, data on people suspected of being victims of trafficking is now being collated through the National Referral Mechanism (NRM) which was established in April 2009. Between 1 April 2009 and 31 March 2011, 390 potential child victims of trafficking were referred through the NRM. In addition, evidence from successive reports from the Child Exploitation and Online Protection Centre (CEOP) indicate that there are approximately 300 child trafficking victims identified in the year per annum.

Why do people traffic children?

Most children are trafficked for many reasons, including:

- sexual exploitation
- criminal exploitation
- domestic servitude
- labour
- benefit fraud

Although there is no evidence of other forms of exploitation such as organ donation to harvesting, all agencies should remain vigilant.

The list above is not exhaustive and all cases should be treated on a case by case basis.

Why is trafficking possible?

Children may be trafficked for a number of reasons. There are a number of factors in the country of origin which might make children vulnerable to being trafficked.

The factors listed below are by no means a comprehensive list:

- poverty
- lack of education
- discrimination
- cultural attitudes
- grooming
- dysfunctional families
- political conflict and economic transition
- inadequate local laws and regulations

How are children recruited and controlled?

Traffickers use a variety of methods to recruit their victims. Some children are coerced, but most are trapped in subversive ways. For example, children may be promised education or 'respectable' work in restaurants or as domestic servants, or parents may be persuaded that their children will have a better life elsewhere.

Many children travel on false documents. Even those whose documents are genuine may not have access to them. One way that the trafficker exerts control over trafficked children is by keeping their passports and threatening children that they will be deported if they escape.

Even before they travel, children may be subject to various forms of abuse and exploitation to ensure that the trafficker's control over them continues after the child is transferred to someone else.

Methods used to control a child include:

- confiscation of the child's identity documents
- threatening to report the child to the authorities
- violence, or threats of violence, towards the child
- threats of violence towards members of the child's family
- keeping the child socially isolated
- keeping the child locked up
- telling children that they owe large sums of money and that they must work to pay this off
- depriving the child of money and
- frightening children with threats based on cultural or belief systems, for example, witchcraft or spirit possession

How are children brought to the UK?

Any port of entry into the UK might be used by traffickers. There is evidence that some children are trafficked through numerous countries before arriving in the UK.

Accompanied children

There are many legitimate reasons why children are brought to the UK, such as economic migration with their family, education, re-joining their family or fleeing a war-torn country. Some children will have travelled with their parents or carers.

However, a number of children arrive in the UK accompanied by adults who are either not related to them or in circumstances which raise child protection concerns. For example, there may be little evidence of any pre-existing relationship between the child and the accompanying adult or even no knowledge about the person who will care for the child. There may be unsatisfactory accommodation in the UK, or perhaps no evidence of parental permission for the child to travel to the UK or stay with the sponsor. These irregularities may be the only indication that the child could be a victim of trafficking.

To curb illegal migration and improve children's safeguards, revised global visa regulations were introduced in February 2006. The child's photograph is now shown on the visa, together with the name and passport number of the adult/s who are travelling with the child.

Some accompanied children may be applying for asylum by claiming to have arrived in the UK accompanied, after their trafficker has told them that by doing so they will be granted permission to live in the UK and be entitled to claim welfare benefits.

Unaccompanied children

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

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

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

It is suspected that significant numbers of children are referred to Children's Services after applying for asylum and some will register at school for up to a term before disappearing again. This could be an indicator that they are a child trafficking victim and agencies should take appropriate action.

Child trafficking within the UK

Whilst the majority of child trafficking cases known about involve cross border movement, it is also known that child trafficking occurs within the UK. A number of serious case reviews involving organised child sexual exploitation and trafficking have raised this issue.

The impact of trafficking on children's health and welfare

Trafficked children are not only deprived of their rights to health care and freedom from exploitation and abuse but may also be denied access to education. The creation of false identity and implied criminality of the children, together with the loss of family and community, may seriously undermine their sense of self worth. At the time they are found, trafficked children may not show any obvious signs of distress or imminent harm, but they may be vulnerable to particular types of abuse and may continue to experience the effects of their abuse in the future.

Physical abuse

This can include:

- beatings
- being subdued with drugs, on which they then become dependent
- alcohol addiction
- stress/post traumatic stress related physical disorders such as skin diseases, migraine and back ache

Emotional and psychological abuse

Some kind of emotional abuse is involved in all types of maltreatment of a child, including trafficking.

Trafficked children may:

- feel disorientated after leaving their family environment, no matter how impoverished and difficult. This disorientation can be compounded for some children who have to assume a new identity or have no identity at all
- feeling isolated from the local community in the UK by being kept away from school and because they may not be able to speak English
- fear both the adults who have physical control of them and the threat that they will be reported to the authorities as immigration criminals
- lose their trust in all adults
- have low self-esteem and believe that the experience has ruined them for life psychologically and socially. They may become depressed or suicidal
- worry about people in their families and communities knowing what has happened to them, and become afraid to go home
- feel like criminals as a result of the new identity forced on them, which can have long term consequences for their adult lives

All children who have been exploited are likely to suffer some form of mental harm. Usually the longer the exploitation, the more their mental health will deteriorate.

This can include:

- psychological distress owing to their sense of powerlessness. In many cases involving violence and deprivation at the hands of their traffickers, it may take the form of post traumatic stress disorder
- dependent relationships with their abusers
- flashbacks, nightmares, anxiety attacks, irritability and other symptoms of stress, such as nervous breakdowns
- a loss of ability to concentrate
- becoming anti-social, aggressive and angry, and/or fearful and nervous – finding it difficult to relate to others, including in the family and at work
- fear of authorities based on past experiences or what they have been told by their traffickers

Sexual abuse

Children who have been trafficked may be sexually abused as part of being controlled or because they are vulnerable. In many cases sexually exploitation is the purpose of the trafficking. Children being sexually exploited are at risk of sexually transmitted infections, including HIV/AIDS and for girls there is the risk of pregnancy and possible damage to their sexual and reproductive health.

Neglect

Trafficking children may also suffer neglect. They may not receive routine and emergency medical attention (partly through lack of concern about their welfare and partly because of the need for secrecy surrounding their circumstances). They may also be subject to physical, sensory and food deprivation.

Identifying trafficked children

Identifying trafficked children at ports of entry is likely to be difficult as they may not be showing obvious signs of distress. At this stage, the children are unlikely to see themselves as being at risk of harm from the trafficker. It is likely that the child will have been coached with a story to tell the authorities in the UK and warned not to disclose any detail beyond the story, as this would lead to them being deported.

All practitioners who come into contact with children and young people in their everyday work need to be able to recognise children who have been trafficked and be competent to act to support and protect these children from harm. Practitioners may have to act on and respond to cases where they suspect a child might have been trafficked.

The nationality or immigration status of the child does not affect agencies' statutory responsibilities under the 1989 or 2004 Children Acts. These issues should be addressed in discussion with the UKBA **only when** the child's need for protection from harm has been addressed and should not hold up action to protect the child from harm.

All agencies working with children who may have been trafficked into and within the UK should work together to safeguard and promote their welfare, providing the same standard of care that is available to any other child in the UK. This may be the crucial intervention which breaks the cycle of the child being vulnerable to continuing or further exploitation.

Possible indicators that a child may have been trafficked

There are a number of indicators which suggest that a child may have been trafficked into the UK and may still be controlled by the traffickers or receiving adults. These are as follows:

At port of entry

The child:

- has entered the country illegally
- has no passport or other means of identification
- has false documentation
- possesses money and goods not accounted for
- is malnourished
- is unable to confirm the name and address of the person meeting them on arrival
- has had their journey or visa arranged by someone other than themselves or their family
- is accompanied by an adult who insists on remaining with the child at all times

- is withdrawn and refuses to talk or appears afraid to talk to a person in authority
- has a prepared story very similar to those that other children have given
- 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
- is unable or reluctant to give details of accommodation or other personal details

The sponsor:

- has previously made multiple visa applications for other children and/or has acted as the guarantor for other children's visa applications
- is known to have acted as the guarantor on the visa applications for other visitors who have not returned to their countries of origin on the expiry of those visas

Whilst resident in the UK (in addition to those listed above)

The child:

- receives unexplained / unidentified phone calls whilst in placement / temporary accommodation
- shows signs of physical or sexual abuse, and/or has contracted a sexually transmitted infection or has an unwanted pregnancy
- has a history with missing links and unexplained moves
- has gone missing from local authority care
- is required to earn a minimum amount of money every day
- works in various locations
- has limited freedom of movement
- appears to be missing for periods
- is known to beg for money
- performs excessive housework chores and rarely leaves the residence
- is being cared for by adult/s who are not their parents and the quality of the relationship between the child and their adult carers is not good
- is one among a number of unrelated children found at one address
- has not been registered with or attended a GP practice
- has not been enrolled in school
- has to pay off an exorbitant debt e.g. for travel costs before having control over own earnings
- is permanently deprived of much of their earnings by another person
- is excessively afraid of being deported

The indicators above should not be read as a definitive list and practitioners should be aware of any other unusual factors that may suggest a child might have been trafficked. They are intended as a guide, which should be included in a wider assessment of the young person's circumstances.

It is also important to note that trafficked children might not show obvious signs of distress or abuse and this makes it difficult to identify children who may have been trafficked. Some

children are unaware that they have been trafficked, whilst others may actively participate in concealing that they have been trafficked.

Children trafficked within the UK

For more information on children trafficked within the UK for child sexual exploitation or child criminal exploitation see North Lincolnshire Children's MARS guidance on [Child Sexual Exploitation and Child Criminal Exploitation: Definition and a guide for practitioners, local leaders and decision makers working to protect children from exploitation.](#)

Referral

Concerns that a child may have been or at risk of trafficking should be discussed with a manager and/or designated professional for safeguarding and a decision made as to whether there should be a referral to Children's Services. This discussion must not result in a delay in referring the concerns.

Professionals who have a concern that a child or young person has been or is at risk of being trafficked must make a referral to Children's Services in line with the [One Family Approach - Helping Children and Families in North Lincolnshire Document 2020-2024 and Children's MARS Policy and Procedure Assessing Need and Providing Help.](#)

Within one working day of a referral being received Children's Services should make a decision about the type of response that is required.

Where a child is considered to be at risk of being moved or trafficked to another local authority or has been moved or trafficked to North Lincolnshire, Children's Services and the police will inform their respective counterparts in the other local authority and police force areas and work jointly with them.

In accordance with the requirements of the Council of Europe Convention on action against trafficking in Human Beings the UK has a National Referral Mechanism for identifying and recording victims of trafficking and ensuring they are provided with appropriate support wherever they are in the UK. For more information about the National Referral Mechanism, Modern Day Slavery and the North Lincolnshire process, see appendix 2.

Returning trafficked children to their country of origin

In many cases, and with advice from their lawyers, trafficked children apply to the UKBA for asylum or for humanitarian protection. This is often because of the high risk they face of coming to harm if they are forced to return to their countries of origin. All such claims must be carefully considered. Among the factors to consider if the child is deported is the risk of him or her being re-trafficked with the possibility of further exploitation and abuse. When considering the child's application it will be important to gather information about the child's family, community and general conditions in the country of origin.

If the child does not qualify for asylum or humanitarian protection, and adequate reception arrangements are in place in the country of origin, the child will usually have to return. The process of returning the child should be handled sensitively and will require close co-operation between the UKBA and the child's social worker.

It is important that appropriate steps are taken to minimise the possibility of the child going missing once a decision to return him or her to their country of origin has been made.

Equally, the social worker may be best placed to reconcile the child to being returned, and in helping the child access the assistance with reintegration which is available through voluntary return schemes (which is always the preferred way of carrying out any return to the child's country of origin).

Particularly vulnerable groups of children

Private fostering

A private fostering arrangement arises when a child under 16 (or under 18 if disabled) is to reside for more than 28 days in the care of someone who is not a parent, close relative, or someone with parental responsibility (a close relative is defined as a grandparent, brother, sister, uncle or aunt whether of the full blood or half blood or by marriage or civil partnership or step parent).

Parents and private foster carers are required to notify the local authority of a private fostering arrangement. A person who proposes to foster a child privately must notify the appropriate local authority of the proposal at least six weeks before the private fostering arrangements is to begin; or where the private fostering arrangement is to begin within six weeks, immediately.

Many private fostering arrangements are not notified to the local authority for a variety of reasons, not all of them associated with risk of serious harm. Identifying a child who is privately fostered is not the same as identifying a child who has been trafficked.

Nevertheless, some children in private fostering may well have been trafficked, including on tourist visas and with promises of education and good healthcare. They are vulnerable to being exploited in domestic servitude, other forms of forced labour, child sexual exploitation and child criminal exploitation. It is difficult for practitioners to identify these children and, therefore, to track their movements and hence their welfare. It is important to consider whether a carer, whether or not they present as a relative, is maintaining a private fostering arrangement in order to exploit a child for their own gain.

Staff or volunteers in an agency who believe that a child may be privately fostered, whether or not they have suspicions or concerns about trafficking or other forms of abuse, should contact Children's Services.

Local authorities have the following statutory duties in relation to private fostering:

- Identifying private fostering arrangements

- Visiting the home and assessment the suitability of the arrangements in terms of the child's welfare and
- Visiting the child regularly and monitoring and keeping records of the placement

Such enquiries should help practitioners be alert to signs that the child is being exploited.

Trafficked children who are in care

Under section 17 of the Children Act 1989 the local authority has a general duty to safeguard and promote the welfare of children in their area.

Where a young person, such as, for example, an USAC, presents to a local authority as having no parent or guardian in their country, then in fulfilling its duties to assess and respond to their needs, the local authority may conclude that it should accommodate the young person using powers under section 20 of the Children Act 1989. In these circumstances, the local authority will have a duty towards the young person as a looked after child. Then, like other looked after children, a UASC must have a care plan (which becomes the pathway plan when they are aged 16 or over and are entitled to care leaving support) based on a thorough needs assessment outlining how the local authority proposes to meet their needs.

The assessment of needs to inform the care plan should cover the same dimensions of need as the assessment for any other looked after child.

However in addition, for children who may have been trafficked, the assessment should include:

- establishing relevant information about the child's background
- understanding the reasons the child has come to the UK
- assessing the child's vulnerability to the continuing influence/control of his or her traffickers and the risks that they will go missing

Responding to this information ensures that the care plan includes a risk assessment setting out how North Lincolnshire intends to safeguard the young person so that, as far as possible, they can be protected from any trafficker to minimise any risk of traffickers being able to re-involve a child in exploitative activities. This plan should include contingency plans to be followed if the young person goes missing.

Given the circumstances in which potentially trafficked young people present to local authorities it will be extremely important that any needs assessments and related risk assessments are sensitively managed. It should allow for the child to be in a safe place before any assessment takes place and for the possibility that they may not be able to disclose full information about their circumstances immediately as they, or their families, may have been intimidated by traffickers.

Therefore, it will be important that:

- the location of the child should not be divulged to any enquirers until they have been interviewed by a social worker and their identity and relationship / connection with the child established, if necessary with the help of police and immigration services
- foster carers / residential workers should be vigilant about anything unusual e.g. waiting cars outside the premises and telephone enquiries
- Children's Services should continue to share information with the police, which emerges during the placement of a looked after child who may have been trafficked, concerning potential crimes against the child, the risk to other children, or relevant immigration matters

Where adults claim a family connection to the child, then the Children's Services should take steps to verify the relationship between the child and these adults and exercise due caution in case they are a trafficker or a relative colluding with trafficking or exploitation of the child. Anyone approaching the local authority and claiming to be a potential carer, friend, member of the family etc, of the child, should be investigated by Children's Services, the police and UKBA. Normal procedures for re-uniting a child with their family should be followed. Where a child may have been trafficked it will be necessary to ensure that a risk assessment takes place before they are reunited establishing that the adult concerned is who they say they are and is able to keep the child safe and exercise responsibility for their care.

It is important that no assumptions are made about young people's language skills and that assessments can call on the services of impartial interpreters/translators with the necessary competences in responding to children.

The local authority responsible for the child should try to identify, locate and make contact with the child's parents in the country of origin, to seek their views. UKBA may be able to help with this, as may the Foreign and Commonwealth Office (FCO) consular directorate.

Independent reviewing officers and advocates

Where a child becomes looked after, local authorities must allocate the child a social worker who will assess their needs and draw up a care plan which sets out how the authority intends to respond to the full range of a child's needs. This must take into account the child's wishes and feelings. For children who may have been trafficked, the social worker's assessment should identify the child's vulnerability to the continuing control of his or her traffickers. The local authority should then place the child with a carer (foster or residential) who has the necessary skills and experience to support them in a safe environment.

Each child must also be allocated an independent reviewing officer (IRO) responsible for chairing reviews of their care plans at regular intervals. Amongst other duties, IROs must make sure that the child understands the plan for their care and is able to take an active part in the formation of the plan. The IRO must also ensure that the child is aware of their entitlement to the services of an independent advocate to represent them if they so wish. The local authority must have a system in place to provide written, age appropriate information to each looked after child about the function and availability of an advocate and how to request one.

Missing children

Children's Services acknowledges the risk that trafficked children who are being looked after may go missing. It is essential that, where a trafficked child is identified and placed in local authority care, specific arrangements are put in place to safeguard the child from the risks of going missing or being re-trafficked. Where a child goes missing, these cases should be urgently reported to the police.

North Lincolnshire seriously considers the risk that a trafficked child is likely to go missing and takes this into account in planning that child's care. A contingency plan includes contact details of agencies that should be notified if a potentially trafficked young person goes missing, including the police and the UKBA.

For more information see [Children's MARS policy and procedure for children who runaway or go missing from home and care](#)

Appendix 1: Further information, guidance and resources

Local policies, procedures and guidance

- [One Family Approach – Helping Children and Families document 2020/24](#)
- [Children’s MARS policy and procedure for assessing need and providing help](#)
- [Children’s MARS guidance for Child Sexual Exploitation: A definition and a guide for practitioners, local leaders and decision makers working to protect children from child sexual exploitation](#)
- [Children’s MARS guidance for Child Criminal Exploitation: A definition and a guide for practitioners, local leaders and decision makers working to protect children from child criminal exploitation](#)
- [Children’s MARS policy and procedure for children who runaway or go missing from home and care](#)
- [Humber Modern Slavery Strategy 2020/23](#)

Statutory guidance

- [Working Together to Safeguard Children 2018](#)
- [Safeguarding children who may have been trafficked: Practice guidance \(2011\)](#)
- [Care of unaccompanied migrant children and child victims of modern slavery \(2017\)](#)
- [Human Trafficking Practical Guidance \(2013\)](#)
- [Modern Slavery: Statutory guidance \(2021\)](#)
- [National referral mechanism guidance \(2021\)](#)
- [National Transfer Protocol for Unaccompanied Asylum Seeking Children \(2016\)](#)

Other guidance and resources

- [Operation Wilberforce - Humberside Police](#)
- [National Referral Mechanism Statistics](#)
- [Crown Prosecution Service Guidance on Human Trafficking, Smuggling and Slavery \(2020\)](#)
- [Behind The Behaviour: Identifying the criminal exploitation of migrant children \(2018\) ECPAT UK](#)
- [The Secret Gardeners: the trafficking of children from Vietnam video \(2017\) ECPAT](#)
- [ECPAT leaflets \(in 11 languages\) for young people who may have been trafficked about their rights](#)
- [The Children's Society: Young Refugees & Migrants](#)
- [Hope for Justice website](#)
 - [Child trafficking – NSPCC website](#)
 - [Useful tools | ECPAT UK](#)
 - [Modern Slavery Helpline](#)
- [Training Framework for the Prevention, Identification, Support and Care of Child Victims and Survivors of Modern Slavery and Human Trafficking \(skillsforcareanddevelopment.org.uk\)](#)

A comprehensive list of UK and International policy and legislation and useful contacts can be found in appendix 1 and 3 of the [Safeguarding children who may have been trafficked statutory guidance](#).

Appendix 2 – National Referral Mechanism (NRM), Modern Day Slavery and the North Lincolnshire process

Modern day slavery encompasses:

- Human trafficking
- Slavery, servitude and forced or compulsory labour

Components of Modern Day Slavery

Human trafficking consists of three basic components; action, means and purpose of exploitation. All three components must be present in an adult trafficking case. However, in a child trafficking case the 'means' component is not required as they are not able to give informed consent to engage in criminal or other exploitative activity, and they cannot give consent to be abused or trafficked.

Human trafficking

For a person to have been a victim of human trafficking there must have been:

- action (recruitment, transportation, transfer, harbouring or receipt, which can include either domestic or cross-border movement)
- means (threat or use of force, coercion, abduction, fraud, deception, abuse of power or vulnerability - however, there does not need to be a means used for children as they are not able to give informed consent)
- purpose of exploitation (e.g. sexual exploitation, forced labour or domestic servitude, slavery, financial exploitation, illegal adoption, removal of organs)

Slavery, servitude and forced or compulsory labour

For a person to have been a victim of slavery, servitude and forced or compulsory labour there must have been:

- means (being held, either physically or through threat of penalty – e.g. threat or use of force, coercion, abduction, fraud, deception, abuse of power or vulnerability. However, there does not need to be a means used for children as they are not able to give informed consent)
- service (an individual provides a service for benefit, e.g. begging, sexual services, manual labour, domestic service)

Components of trafficking	What it means
Action	Recruitment, transportation, transfer, harbouring or receipt, which includes an element of movement whether national or cross-border
Means	Threat or use of force, coercion, abduction, fraud, deception, abuse of power or vulnerability

Exploitation/ purpose	For example, sexual exploitation, forced labour or domestic servitude, slavery, financial exploitation, removal of organs
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Forced or compulsory labour may be present in trafficking cases. However, not every person who is exploited through forced labour has been trafficked.

Victims may not be aware that they are being trafficked or exploited, and may have consented to elements of their exploitation, or accepted their situation. If you think that modern slavery has taken place, the case should be referred to the NRM. You do not need to be certain that someone is a victim.

Child victims do not have to consent to be referred into the NRM and must first be safeguarded and then referred into the NRM process.

The Modern Slavery Act (MSA) 2015 Statutory Guidance makes it clear that *'Some people may not be victims of human trafficking but still be victims of modern slavery if they have been subject to slavery, servitude and forced or compulsory labour.'*

The MSA 2015 Statutory Guidance also sets out the following definitions:

- **Slavery** - The 1926 Slavery Convention defines slavery as 'the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised
- **Servitude** - Servitude is an 'aggravated' form of forced or compulsory labour. The fundamental distinguishing feature between servitude and forced or compulsory labour is in the victim feeling that their condition is permanent and that the situation is unlikely to change.
- **Forced and/or Compulsory Labour** - UN Convention No. 29 concerning forced or compulsory labour defines 'forced or compulsory labour' 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'

The concept of ownership is what makes slavery distinct. For example, a member of a county lines gang sells a child to another gang. The child is not involved in this decision and has no choice in the matter. By treating the child as if they were property that could be sold, the threshold of slavery would be met.

Servitude is a distinct form of exploitation. It is a crime under section 1 of the Modern Slavery Act 2015.

The MSA 2015 Statutory Guidance states:

UN Convention No. 29 concerning forced or compulsory labour defines 'forced or compulsory labour' 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'

The definition of forced or compulsory labour is met when:

- a service has been provided
- a service is provided under threat of penalty

For example, a man is given lodging as well as pay for working on a farm. After a month, the owners stop paying him and tell him they will make him homeless if he does not continue to work for them. The man feels unable to stop working for them as he is afraid he will lose his house.

Servitude is an aggravated form of forced or compulsory labour. It is a crime under section 1 of the Modern Slavery Act 2015.

The MSA 2015 Statutory Guidance states:

‘Servitude is an ‘aggravated’ form of forced or compulsory labour. The fundamental distinguishing feature between servitude and forced or compulsory labour is in the victim feeling that their condition is permanent and that the situation is unlikely to change’

Servitude can apply to any form of forced labour, not just domestic servitude.

For example, two children are forced to work on a farm. One does not have contact with anybody, but their exploiter and every day follows the same pattern. They believe this will continue for the rest of their life. This is likely to constitute servitude. The second child is forced to work but allowed to attend college on weekdays. He hopes to leave the farm one day and get a job independently. This may not be servitude as the child does not necessarily think their situation is permanent.

It’s important to note that a referral to the National Referral Mechanism (NRM) does not replace or supersede established child protection processes, which should continue in tandem.

Devolved decision making for Modern Day Slavery

North Lincolnshire have been successful in the bid to participate in a Home Office pilot for devolved decision making for Modern Day Slavery which will enable us to utilise our current safeguarding processes in conjunction with local safeguarding partners to make decisions on the NRM. The pilot is anticipated to run until March 2022 but may be extended slightly due to an initial delay in the pilot commencing. A Modern Slavery Coordinator is in place.

The purpose of the pilot’s sites is to test different approaches to identifying children as victims of modern slavery, through local multi-agency decision making. The funding has been awarded to empower local authorities to integrate decisions about whether children are victims of modern slavery within their existing safeguarding structures.

The profiles of child victims are changing, with UK national children being the fastest growing group in the NRM, in part driven by county lines activity. As the system currently stands, many children receive little practical benefit from being referred into the NRM, as support for child victims of modern slavery is provided by local authorities under existing statutory obligations. Section 22 of the Children Act 1989 places a duty on the local authority to safeguard and

promote welfare of children in their care and this duty does not distinguish, or make exceptions, based on nationality or immigration status.

The aim of this pilot is to test whether determining if a child is a victim of modern slavery within existing safeguarding structures is a better model for making modern slavery decisions for children. This approach will enable decisions about whether a child is a victim of modern slavery to be made by those involved in their care and ensure the decisions made are closely aligned with the provision of local, needs-based support and any law enforcement response.

The implementation of Modern Day Slavery legislation in 2015 provided guidance for local authorities and a 'duty to notify' children and young people that are identified as potential victims to the Single Competent Authority (SCA), a unit within the Home Office who establishes whether a child is a victim of modern slavery through a two-stage decision making process. The first is a reasonable grounds decision to establish whether an individual is a potential victim and this decision should be made within 5 working days of the referral being submitted. This decision has a lower threshold. The second is a conclusive grounds decision on whether an individual is a confirmed victim and a decision should be made within 45 days of the reasonable grounds decision thus allowing a longer period of time to analyse and request additional information. However, nationally there has been significant criticism over the current timeliness of decision making and the impact this is subsequently having on those individuals. There has also been substantial critique in relation to decision making being made by the appropriate agencies.

It is proposed that this pilot will provide North Lincolnshire the opportunity to improve the timeliness of decision making for those children and young people recognised as victims and in turn ensure they are more appropriately safeguarded.

The Home Office will conduct both a six month review and a full evaluation at the end of the pilot project. North Lincolnshire will be expected to engage with the evaluation partner and the Home Office as part of the six month and full evaluation.

This will include:

- conducting interviews with stakeholders involved in the pilots
- reviewing data provided by local authorities
- other reasonable actions to support the evaluation as required

By 31 March 2022, North Lincolnshire will provide an end of project report confirming that the outcomes have been achieved to a satisfactory standard. The report will focus on whether the project was effective, achieved its objectives and whether the outcomes had an impact. It will cover activities for the funding period. The final report will highlight any best practice or lessons learned.

North Lincolnshire process

In North Lincolnshire it has been agreed that Multi-Agency Child Exploitation (MACE) triage meeting will act as our internal mechanism for decision making and the panel will have a standard agenda item where NRM referrals are discussed and agreed.

The Modern Slavery Coordinator will be in attendance at the MACE triage meeting and will lead on coordinating the referrals and ensuring the most appropriate professionals are in attendance to aid decision making. They will also be responsible for updating the Home Office following the panel. They will lead on the delivery of training to the wider workforce and partners to strengthen the quality of referrals. It's anticipated that improved quality of referrals will support the ability to make reasonable and conclusive decisions in a timely manner.