

## Supporting and safeguarding trafficked children and young people

Trafficked children and young people are extremely vulnerable and it is the responsibility of professionals who come into contact with them to provide them with the necessary support and protection. This fact sheet provides an overview of the legal and statutory support that should be provided to this group.

If you have any questions about trafficking you can call our Migrant Children's Project advice line on 0207 636 8505 or email [mcp@coramclc.org.uk](mailto:mcp@coramclc.org.uk).

### Who has a duty to safeguard trafficked children?

Trafficked children may first be identified by a wide range of statutory and non-governmental professionals, including the police, social workers, immigration officials, health workers, education professionals and legal advisers. [1]

Statutory agencies and professionals who work with children have a responsibility to safeguard and promote their welfare, including from child trafficking, for example under Section 11 of the Children Act 1989 and Section 55 of the Borders, Citizenship and Immigration Act 2009. Local Safeguarding Children Boards and Multi-Agency Safeguarding Hubs should mainstream awareness of human trafficking within their safeguarding and child protection work.

All those who work with children and young people need to be aware of child trafficking as a child protection issue. Migrant children who have been trafficked have the same right to be protected as any other children and their immigration status should in no way detract from safeguarding priorities. Child protection policies and procedures should be followed when a victim of child trafficking is identified and a referral made to the local authority children's services department.

### Social services support

If trafficking indicators are identified, the child should be referred to children's services immediately so that child protection procedures can be initiated,

if appropriate. Children's services should conduct an initial assessment and then, where necessary, accommodate the child and conduct a child protection enquiry and a core assessment of need under section 47 of the Children Act 1989. Children's services should advise the referrer of which of the above plans is in place.

In March 2017 the Department for Education produced revised statutory guidance for local authorities on the care of unaccompanied migrant children and child victims of modern slavery, which explores the specialist needs of trafficked children. This should be read alongside statutory care planning guidance. [2]

Trafficked children are entitled to support under section 20 of the Children Act 1989 and as such should be provided with safe accommodation. Child victims of trafficking may have additional needs for support or life skills. Even if a trafficked child presents as relatively confident they should not be placed in unsuitable accommodation such as a bed and breakfast or hostel. If there is a risk that they will suffer significant harm if found by the trafficker, child protection procedures under section 47 of the Children Act 1989 should be followed, and the child should be taken into care under section 31 of the Children Act 1989.

Trafficked children may have particular needs: some trafficked children may need to be placed in a geographical location away from their traffickers. A child supported under section 20 is a looked after child, which means they would usually be a former relevant child once they reach 18 and able to continue to access support as a care leaver.

### Entitlement to a legal guardian/advocate

Under EU law, trafficked children are entitled to a legal guardian who is responsible for representing the child's best interests. [3] After much concern about the lack of a specialist provision to improve the protection of trafficked children, a year-long pilot on the provision of independent child trafficking advocates was run in 2015 in 23 local authority

areas across England. However, the Home Office opted not to roll this out across England and Wales.

The Home Office is now re-piloting independent child trafficking advocates in Greater Manchester, Hampshire and Wales. [4]

### Further support needs

Assistance and support cannot be a precondition of the child cooperating with a criminal investigation. Every child is different, but to meet the short- and long-term needs of trafficked children the following may be required:

- careful planning for child-friendly interviews so interviews take place promptly with appropriate special measures and avoid repetition
- medical assistance, including counselling
- special measures during any criminal justice or court proceedings
- help finding a durable solution for their future, which takes into account their own views
- additional support with their education
- access to properly qualified interpreters and specialist English language classes
- safe and suitable accommodation, protected from re-trafficking and reducing the risk of the child or young person going missing
- access to legal advice – accessible information about their case and entitlements
- sexual health or maternity medical care
- additional support where a child is disabled
- support to trace family members, where this is in the child's best interests [5]

### Referral to the National Referral Mechanism

The National Referral Mechanism (NRM) can be a valuable gateway to support and official recognition of the experiences a child has undergone, but it also has the potential to be a stressful process in and of itself and re-traumatising if a child or young person's

account is not accepted at the end of the process. There would generally be a presumption that public officials would refer a child who may have been trafficked to the NRM, as it is the UK's official route for identifying victims of trafficking. However, before a referral is made into the NRM professionals should consider the child's best interests and the child's own views. If appropriate, independent legal or expert advice should be sought to inform this best interests assessment before any referral to the NRM is made.

### NOTES

[1] The definition of child trafficking is set out in the Council of Europe Convention on Action against Trafficking in Human Beings at Article 4 and in European Directive 2011/36/EU at Article 2.

[2] Care of unaccompanied migrant children and child victims of modern slavery: Statutory guidance for local authorities, March 2017, available at:

[https://consult.education.gov.uk/children-in-care/care-of-unaccompanied-and-trafficked-children/supporting\\_documents/Revised%20UASC%20Stat%20guidance\\_final.pdf](https://consult.education.gov.uk/children-in-care/care-of-unaccompanied-and-trafficked-children/supporting_documents/Revised%20UASC%20Stat%20guidance_final.pdf)

[3] According to Article 10(4)(a) of the Council of Europe Convention on Action against Trafficking in Human Beings ('ECAT') and Article 14.2 of European Directive 2011/36/EU

[4] Gov.uk website – Child trafficking advocates: early adopter sites

<https://www.gov.uk/government/publications/child-trafficking-advocates-early-adopter-sites>

[5] Article 12 of ECAT and Articles 13-15 of Directive 2011/36/EU place obligations on the UK to provide assistance to victims of trafficking in accordance with the best interests of the child. For more information on supporting child victims of trafficking, see the London Safeguarding Children's Board's 'Trafficked Children Toolkit' at <http://www.londonscb.gov.uk/trafficking/>

**This fact sheet should not be used to give legal advice and is for information and guidance only. For advice on individual cases, assistance should be sought from an independent regulated legal adviser.**

**For further assistance contact our advice line. Call 0207 636 8505 or email [mcp@coramclc.org.uk](mailto:mcp@coramclc.org.uk).**