



Human Trafficking Guidance

2020

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**Protecting
People**
in Dundee



Approved / Reviewed:

Next Review Date:

Human Trafficking Guidance

MAIN RESPONSIBILITY:	Chief Officer Integration Chief Social Work Officer Heads of Service Locality Managers Senior Managers Team Managers Practitioners
LEGISLATION:	The Human Trafficking and Exploitation (Scotland) Act 2015 Children (Scotland) Act 1995 Children's Hearings (Scotland) Act 2011 Human Rights Act 1998 National Assistance Act 1948 Nationality, Immigration and Asylum Act 2002 National Health Service (Charges to Overseas Visitors) Regulations 1989 and National Health Service Act 2006 Social Work (Scotland) Act 1968 Adult Support and Protection (Scotland) Act 2007 Data Protection Act 2018 The General Data Protection Regulation 2018 Housing Scotland Act 1987 Homelessness etc. (Scotland) Act 2003

1 PURPOSE

1.1 To provide operational guidance on the implementation of working with children and adults who have been victims of human trafficking.

1.2 This guidance is designed for staff of statutory and voluntary organisations who may have contact with victims of human trafficking in Dundee. It supplements child protection instructions and the adult protection protocol, which must always take precedence. This guidance does not replace the need for individual organisational policies and procedures, but is designed to supplement those.

This guidance has been developed in line with [guidance published by COSLA](#).

1.3 The aim of the guidance is to:

- Raise awareness of human trafficking within agencies.
- Support and encourage staff from all relevant organisations across Dundee to work collaboratively in developing and delivering appropriate and effective services to individuals with experience of trafficking.
- Facilitate a consistent response and approach to those who have been trafficked in all agencies throughout Dundee.
- The guidance applies to all partner agencies across Dundee City including services not specifically mentioned within this document. All agencies should utilise sections on referral mechanisms to front line services.

2 HUMAN TRAFFICKING OVERVIEW

2.1 What is human trafficking?

The Human Trafficking and Exploitation (Scotland) Act (hereinafter referred to as the Act) was passed on 1 October 2015. The aim of the Act is to consolidate existing criminal law against human trafficking and exploitation and enhance the status of and support for its victims. It also gives Ministers the power to develop and implement a Scottish human trafficking and exploitation strategy. The strategy was published on 30 May 2017¹.

Trafficking of children and adults is a global crime business that targets and victimises the most vulnerable people. It trades adults and children as commodities and exploits them for profit and personal benefit. Trafficking is a form of modern day slavery.

Trafficking means 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 includes, at a minimum, the exploitation or 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. The consent of a victim of trafficking to the intended exploitation is irrelevant where any of the means set forth above have been used.

The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation is considered "trafficking" even if this does not involve any of the means set out above. "Child" means any person under eighteen years of age.

Human trafficking and exploitation are not only international issues. It happens here in Scotland. There is a perception that trafficking involves moving people from out-with the UK into the UK, however adults and children including UK citizens can be trafficked and exploited within and between communities in Scotland and the wider UK.

2.2 Offence of human trafficking

According to section 1 of the Act, a person commits the offence of human trafficking if they take a relevant action with a view to the other person being exploited. Relevant actions include recruiting another person; transporting or transferring another person; harbouring or receiving another person; arranging or facilitating of any of those actions. Whether a person consents is irrelevant.

3 WHY ARE PEOPLE TRAFFICKED

People are trafficked for different purposes and are often exploited for multiple reasons. Purposes include:

3.1 Sexual Exploitation: Human trafficking for the purpose of sexual exploitation primarily affects women and children. Globally, 49% of detected victims are adult

¹ <https://www.gov.scot/publications/trafficking-exploitation-strategy/>

women, 18% are adult men, 21% are girls and 12% are boys. 53% of detected victims globally are trafficked for sexual exploitation². Most female victims of trafficking identified in the UK are exploited in prostitution against their will. They may go abroad based on false promises of good jobs and economic opportunities, often out of ambition to earn money and make a better life for their children or family. The movement or monetary arrangements. Many are beaten, raped and abused. The forcible or deceptive recruitment of women and girls for the purposes of forced prostitution or sexual exploitation is a form of gender-based violence. There is no typical experience of people who are trafficked for sexual exploitation. Some are held captive, assaulted and violated. Others are subject to psychological abuse in addition to the physical abuse and live in fear of harm to themselves and their family members. Sexual exploitation of men also occurs, but there is currently only limited evidence that there are adult male victims of sexual exploitation in Scotland. People who are sexually exploited are often also subjected to forced labour.

- 3.2 Forced labour:** The International Labour Organisation provides the definition of forced labour as 'all work or service which is exacted from any person under threat of a penalty and for which the person has not offered himself or herself voluntarily'.

Forced labour is not restricted to a particular sector of the labour market, but typically takes place in manufacturing (sweatshops), agriculture and construction. It affects both children and adults and represents a violation of human rights and a restriction of human freedom. It is a practice similar to slavery, debt bondage or serfdom.

- 3.3 Domestic servitude:** Often involves people working in a household where they are ill-treated, humiliated, subjected to exhausting working hours, forced to live and work under unbearable conditions and for little or no pay. Sexual violence and exploitation is also highly likely in these scenarios.
- 3.4 Organ harvesting:** This involves trafficking people to use their internal organs for transplant. Fraud often occurs if the individual is willing to have their organs removed at first, and they enter into a contract where they are promised a sum of money, but then are paid only part of the agreed sum or nothing at all. Organ donors may be deceived by traffickers who mislead them or withhold important information about the medical intervention.
- 3.5 Forced criminal activities:** Such as growing cannabis, selling pirate DVDs or bogus charity collections.
- 3.6 Financial exploitation:** For example benefit fraud, where benefits are falsely claimed by perpetrators on behalf of their workers; bank accounts being opened in a victim's name but used by perpetrators; or workers' wages being paid directly into the exploiters' own bank accounts by companies who think they are paying the worker.
- 3.7 'County Lines'** is a term used when drug gangs from big cities expand their operations to smaller towns, often exploiting children and vulnerable people as drug runners. These dealers will use dedicated mobile phone lines, known as 'deal lines', to take orders from drug users. In most instances, the users or customers will live in a different area to where the dealers and networks are based, so drug runners are needed to transport the drugs and collect payment.

² [United Nations Office on Drugs and Crime \(2014\): Global Report on Trafficking in Persons](#)

REMEMBER

Victims cannot give consent to being trafficked or exploited

Victims do not have to be moved for a trafficking offence to take place

Victims can be UK or foreign nationals, adult or children, male or female.

4 RECOGNISING AND IDENTIFYING TRAFFICKED INDIVIDUALS

It is unrealistic to expect victims of human trafficking to self-identify in explicit or obvious ways. This applies to children specifically who may appear to submit willingly to what they think is the will of their accompanying adults, even if they understand what is happening. Parents and relatives may be involved in the exploitation of a child. Children are likely to be very loyal to their parents or carers and are unlikely to seek protection of their own initiative. There are reasons a victim may not be able to disclose details of their experience; these are set out in [Appendix 1](#)

- 4.1 Possible Indicators of trafficking:** The relative invisibility of human trafficking means you may have been in contact with a victim without recognising it. There are no definitive indicators by which to identify trafficking. There are certain circumstances, however, that should serve to raise questions around its possibility. Potential 'red flags' that may indicate trafficking are included in [Appendix 2](#)

5 WHAT TO DO WHEN IT IS SUSPECTED SOMEONE HAS BEEN TRAFFICKED

The inter-agency child protection operational instructions ([Appendix 6](#)) and adult support and protection protocol ([Appendix 7](#)) remain the primary documents for actions to protect people in Dundee.

It is essential to take timely and decisive action where human trafficking is suspected because of the risk of the person being moved.

- 5.1** Whenever an agency or professional has concerns that someone with whom they are in contact is or may have been trafficked they should:

- **Contact Police Scotland on 101 and**
- **Children and Families Service Dundee City Council**

For cases involving children, anyone under the age of 18 or pregnant women, Dundee City Council's [Inter-Agency Child Protection Operational Instructions](#) must be followed, and either a referral made to Children's Services Multi Agency Screening Hub (MASH) or if the child thought to have been trafficked is an open case then the referral would be made to the allocated social worker and their manager. In all cases, where the person states they are under 18 they must be given the benefit of the doubt and treated as a child until a detailed assessment of their age is completed by the Council. The [Age Assessment Pathway](#) for Social Workers provides more information.

- **First Contact Team Dundee City Council**

Email: firstcontact.teamadmin@dundeecity.gov.uk

For adults in the community a referral should be made to the First Contact Team (Monday to Friday 9am-5pm)

- **Out of Hours Service Dundee City Council:**

Email: outof.hoursservice@dundeecity.gov.uk

If there are concerns for a person out of office hours, a referral should be made to the Out Of Hours Service.

- **Ninewells Social Work**

If the person is an inpatient in Ninewells Hospital, Royal Victoria Hospital or the Brain Injury Unit the referral should be made to the Social Work Department at Ninewells Hospital.

If the person is a patient within **Carseview Centre or Kingsway Care Centre** and they have a Mental Health Officer or a social worker within the Dundee City Council Community Mental Health Team, the worker should be informed and they will proceed with an Initial Referral Discussion (IRD). If they do not have an active worker a referral should be made to Dundee City Council's First Contact Team.

Short-term housing may be required. If this is required then the **Housing Options Service** within Dundee City Council should be contacted at the first opportunity. They will be able to provide short term temporary accommodation as per the Housing (Scotland) Act 1987 where an individual is eligible for it. If an emergency arises out with office hours then the dedicated out of hours officer can be contacted to advise of available accommodation.

- 5.2** For both adults and children an **IRD** should be initiated between social work, police and health, irrespective of whether the person is an 'adult at risk' as defined by the Adult Support and Protection (Scotland) Act 2007. This is because any trafficked individual, regardless of the existence of a medical condition or disability, will be vulnerable by the very nature of the trafficking experience. A member of the UK Visas and Immigration (formerly UK Border Agency) should be consulted, as required.

The following should be considered at the IRD:

- For cases of suspected child trafficking, the IRD should ensure that a Child Trafficking Assessment ([Appendix 10](#)) is completed by social work with input from police where relevant.
- The Council's Children and Families Service will refer child victims of trafficking to the Scottish Guardianship Service as appropriate.
- A referral to Welfare Rights for a No Recourse to Public Funds assessment ([Appendix 8](#)) if there is reason to believe the person may not have access to public funds.
- If a translator is required, only professional, independent translators who have no links with the victim's friends / relatives / companions must be used, even if this causes delay. It needs to be made clear to translators that their role is to translate verbatim and not "interpret" the message or censor / omit any of the information. In some instances it may be appropriate to use telephone translation to ensure anonymity. Authorisation for the cost of translation should be sought by line manager. Refer to [Appendix 5](#) for details of local translation services that can be accessed.

- Referral to the National Referral Mechanism (NRM) ([Appendix 11](#)) should be made by the 'first responder'. In Scotland, if the person deemed to be trafficked is an adult, consent is required to make this referral. Consent is not required in the case of a child (refer to Inter-Agency Child Protection Operational Instructions, [Appendix 6](#)). See flowchart for referral process for NRM ([Appendix 4](#)).
- Given the health risks associated with sexual exploitation and forced labour, it is likely that at some point victims will interact with health staff. Further advice for NHS staff can be referred to here: NHS Scotland: What Health Workers Need to Know About Human Trafficking ([Appendix 9](#)).
- A potential victim may suffer a wide range of physical, emotional, psychological or health problems. If a victim requires urgent medical assistance, arrangements must be made for them to see a medical professional immediately. Victims or potential victims of human trafficking are entitled to free healthcare. ([Overseas Visitors' Liability to Pay Charges For NHS – see section 34](#))
- A referral can be made to [Trafficking Awareness Raising Alliance](#) (TARA). TARA can provide advice on how best to support women who may have been trafficked for sexual exploitation. Migrant Help can provide advice on how best to support men who may have been trafficked for any form of exploitation and for women who may have been trafficked for any form of exploitation other than sexual exploitation.
- There may only be one chance to speak to a potential victim of human trafficking. One Chance Checklist ([Appendix 3](#))

6 MULTI AGENCY RESPONSIBILITIES

6.1 To safeguard safe working practice, all agencies directly supporting people are expected to make sure that they have policies and procedures in place which ensure that:

- Confidentiality and privacy of children and adults is maintained. This includes information recording and storage systems.
- The safety and wellbeing of children and adults is maintained. This includes how concerns regarding safety will be responded to.

The multi-agency child protection instructions ([Appendix 6](#)) and adult support and protection protocol ([Appendix 7](#)) remain the primary documents for actions to protect people in Dundee.

6.2 Any practitioners working with people who have been trafficked in Dundee are expected to understand these responsibilities so they can fully implement them.

7 OUR APPROACH

7.1 In Dundee the approach is based on the Scottish Commission Human Rights [PANEL principles and FAIR approach](#):

- **Participation:** People should be involved in decisions that affect their rights;
- **Accountability:** There should be monitoring of how people's rights are being affected, as well as remedies when things go wrong;

- **Non-Discrimination and Equality:** All forms of discrimination must be prohibited, prevented and eliminated. People who face the biggest barrier to realising their rights should be prioritised;
- **Empowerment:** Everyone should understand their rights and be fully supported to take part in developing policy and practices which affect their lives;
- **Legality:** Approaches should be grounded in the legal rights that are set out in domestic and international laws.

7.2 To achieve this all agencies involved in supporting children and adults will:

- Respect people's human rights and dignity;
- Listen to and involve people in decisions that affect their own well-being, putting in place communication, translation and advocacy support as required;
- Provide people with choices around how they are supported and when providing support do so based on children and adults views.

8 INFORMATION SHARING

8.1 Information gathering and sharing is an essential part of assessment and decision-making. Information should only be shared with other practitioners / agencies if this is necessary to protect victims, and potential victims.

8.2 All agencies, persons and practitioners supporting victims of trafficking must:

- Respect the principles outlined in the [Data Protection Act \(DPA\) 2018](#) and [General Data Protection Regulations \(GDPR\) 2018](#), and adhere to agency data protection guidance;
- Ensure all information is stored securely. As with all records belonging to individuals, human trafficking cases should be kept secure to prevent unauthorised access by anyone other than those dealing directly with the case.

9 RECORDING

9.1 Practitioners have a responsibility to ensure that case file records are up to date and filed in a manner that enables information to be gained easily both electronically and in hard copy. Records are not the sole property of the practitioner and need to be maintained with that in mind, so that Individuals (or their legal proxies), Care and Health Improvement Inspectors, Investigators, Emergency Workers, Supervisors and others can easily access information and so they can be used in an emergency or as evidence.

9.2 Practitioners must ensure that their assessment has been signed and dated by the Individual or their parent/ guardian/ attorney/ proxy as an indication of their agreement to the information contained within the documents. Any areas of disagreement should be noted in any documents. Records may be required to support NRM, immigration and criminal proceedings.

10 PUBLIC PROTECTION

- 10.1** At any stage in a practitioner's involvement with a person there may be concerns regarding a child and/or adult and/or public wellbeing and safety. If an employee believes a child or adult or member of the public is in immediate danger, they should contact **Police Scotland emergency service on 999**.

11 DOMESTIC ABUSE

- 11.1** Where there is a concern in relation to Domestic Abuse, practitioners should give consideration to Multi-Agency Risk Assessment Conferencing (MARAC). MARAC is a model of multi-agency risk management that is specifically designed to address domestic abuse. Any practitioner making a referral to MARAC should highlight concerns regarding trafficking, and MARAC representatives should be alert to signs of trafficking within cases even when this has not been explicitly identified.

12 CONSULTATION

Consultation took place within Health and Social Care Partnership, Protecting People Committees and the Chief Officers Group.

- 13** This guidance was approved by the Dundee Chief Officers Group on 16th July 2020

Appendix 1

Obstacles to coming forward

Victims of trafficking may initially be unable to disclose details of their experience or identify themselves as a victim, for a variety of reasons, including physical isolation, language and cultural barriers. In addition, victims may fear:

- punishment at the hands of their traffickers;
- punishment at the hands of the authorities;
- deportation;
- ritual oaths;
- discrimination by their community and families;
- dependency on controller for survival;
- some victims, for example people with a learning disability or cognitive impairment, may have no other frame of reference and may not recognise that they are being trafficked;
- the stigma attached to trafficking; knowledge and understanding of trafficking is limited and most individuals will associate the term 'trafficking' with prostitution;
- being accused of being complicit in an illegal activity connected to their trafficking situation and
- reprisals against them or their children or families. In most trafficking situations agents know or can easily discover personal information about the victim, their home, family and friends. It is very common for agents and employers to use threats against the victim's family, especially children, to manipulate and control the victim. The fear of reprisal against themselves or their family will have a huge impact on whether a potential victim of trafficking is willing to cooperate.

Victims may also suffer from Stockholm Syndrome, where due to unequal power victims create a false emotional and psychological attachment to their controller. Exploited people may be unable and/or unwilling to think of themselves as 'victims'. They may see their current situation as temporary and blame it on their lack of understanding of the culture and labour market of the UK. They may tolerate their situation because they see it as a 'stepping stone' to a better future and compare it favourably to experiences at home.

A key symptom of post-traumatic stress is avoidance of trauma triggers, or of those things that cause frightening memories, flashbacks or other unpleasant physical and psychological experiences. Because of these symptoms a person may be unable to fully explain their experience until they have achieved a minimum level of psychological stability. A delay in disclosing of facts must not be viewed as manipulative or untrue. It may be the result of an effective recovery period and the establishment of trust with the person to whom they disclose the information.

Appendix 2

Indicators

1. SEXUAL EXPLOITATION INDICATORS

- Women escorted from where they live to where they work and back and appear never to go out socially.
- Women working long hours or having no or few days off.
- Women with very limited amounts of clothing of which a large proportion is sexual.
- Never going to the shop, doctors, bank etc without an escort.
- Not having cash or seen handing cash over to others.
- Food etc paid for by others.
- No ID when asked for it.
- Multiple female foreign nationals living at the same address.
- Occupants or premises change frequently.
- Male callers day and night only for a short time.
- Sexual debris such as condoms and calling cards.

2. LABOUR EXPLOITATION INDICATORS

- Individuals or group of people living on industrial properties and leaving the property only infrequently or not at all.
- No proper sleeping place.
- Degraded overcrowded housing conditions eg, 12 people in a 2 bed house.
- Any evidence that people are having to pay for equipment, clothing food or accommodation that is deducted from pay.
- Subject to insults threats or violence.
- Never or rarely leaving premises for social reasons.
- Occupants change regularly.
- Van transported at unusual times of the day and/or night.
- Workers movements are monitored and/or controlled by others.
- Workers may seem fearful of employers, police or any other external agency and poorly integrate with the wider community.
- Employers, or someone else, is holding their passport and/or legal documents.
- Workers have no days off or holiday time.
- Workers display signs of physical abuse i.e. bruises, cuts and signs of untreated medical problems.
- Workers display signs of malnutrition, dehydration, exhaustion and poor personal hygiene.

3. DOMESTIC SERVITUDE INDICATORS

- Living with a family but not eating with the rest of the family.
- Rarely allowed to leave the house unless employer is with them.
- No proper sleeping place.
- They are subject to mental, physical, sexual abuse, threats or other cruelty.
- A child, may have poor attendance at school, no access to education and no time to play with its peers.
- Only given left over food to eat, show signs of malnutrition, dehydration.
- Subjected to insults, abuse, threats or violence.

4. ADDITIONAL GENERAL TRAFFICKING INDICATORS

- Their appearance suggests general physical neglect.
- They may move location frequently.
- They are not registered with a GP, Nursery or School.
- They have old or serious injuries left untreated or treated late and are vague and reluctant to explain the injury.
- They give a vague and inconsistency explanation of where they live, attend school or work.
- Poor nutrition.
- May appear withdrawn and submissive.

Appendix 3

One Chance Checklist

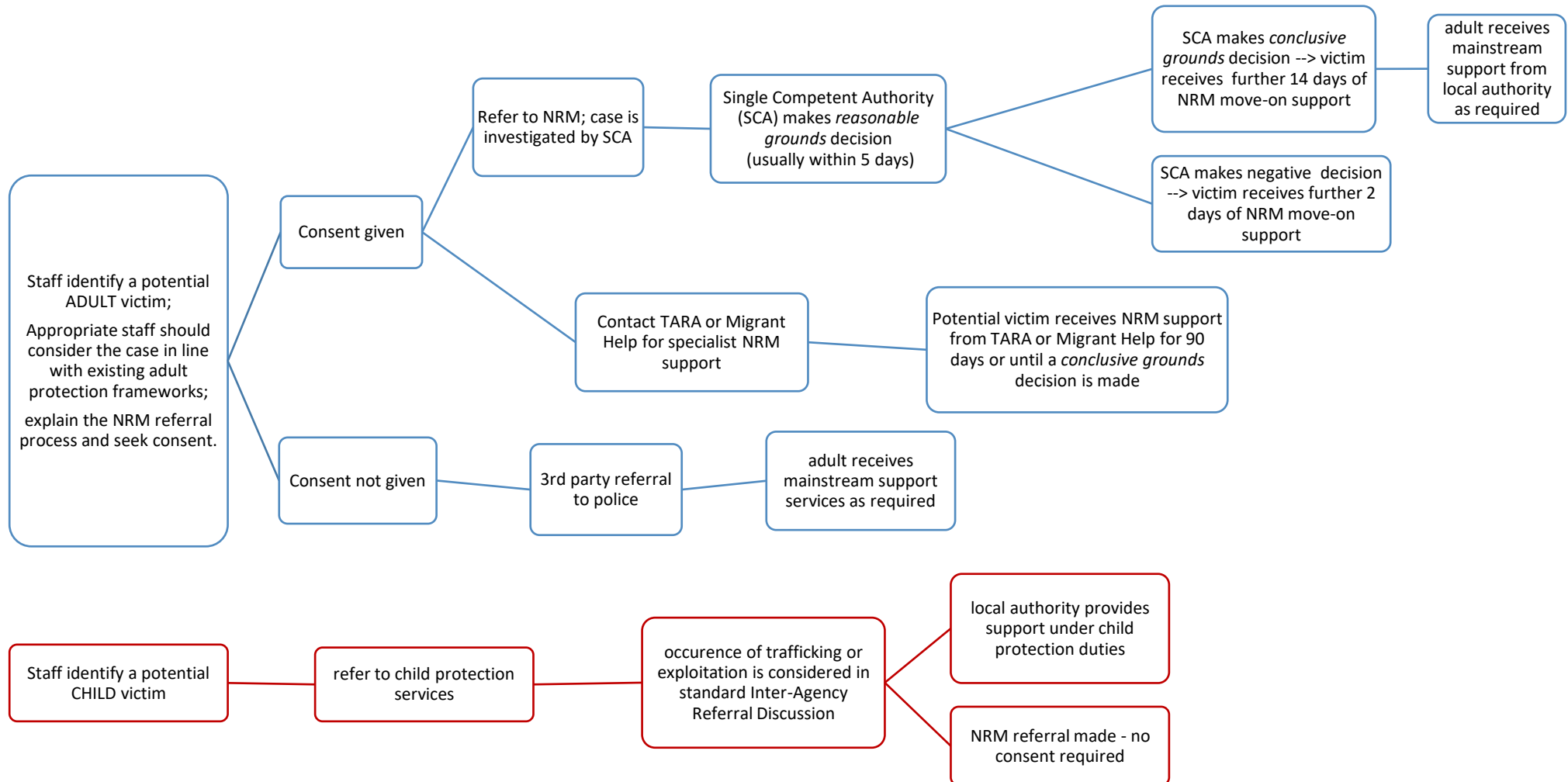
- See the victim on her/his own – even if she/he is accompanied by others.
- See her/him immediately in a secure and private place where you will not be overheard; try to limit the number of professionals in the room and consider seating arrangements.
- Reassure her/him that you will not give information to her/his family/friends or community.
- Take seriously what s/he says.
- Ensure an independent interpreter is available if necessary and offer the interpreter a debrief to avoid disclosure. Use telephone interpreters if there is a wait. **There are risks to using interpreters so you should be cautious and ensure they are independent. It may be safer to use a telephone translator.**
- Be aware a woman may not be allowed or willing to speak to a male worker alone; offer a choice of a female/male worker as far as possible.
- Recognise and respect her/his wishes.
- Obtain as much information as possible from her/him about the situation and the risks faced.
- Agree a way to contact her/him safely (for example, agree a code word).
- Obtain full details and record these safely to pass on to Health and Social Care Partnership/Children and Families service within Dundee City Council, TARA, Migrant Help and the police with consent if possible and ensure the victim is aware of the role of the different organisations.
- Explain all the options to her/him and their possible outcomes as much as you are able.
- Give her/him (or help her/him memorise) your contact details and/or those of a support agency; consider the impact of trauma on memory and that individuals may be overwhelmed.
- Consider the need for immediate police involvement, protection and placement away from the current place and arrange this if necessary; this includes any action to stop her/him from being removed from the UK.
- Do everything you can to keep her/him safe.

Do not:

- Send her/him away, and try not to let them leave without a safety plan and follow up arrangements;
- Approach her/his companions;
- Share information with anyone without her/his expressed consent (unless there is a risk of immediate harm to her/him or any children or other vulnerable person or she/he lacks capacity to give consent or she/he is unable to give informed consent);
- Attempt to mediate with people by whom s/he is accompanied.
- Inquire about trafficking-related circumstances in front of others, including the individual's companion.

Appendix 4

NRM Referral Process





Appendix 5

Interpretation/Translation Procedures

Fife Community Interpretation Service:

Telephone: 01592 261900; Email: info@fcis.org.uk

NHS Interpretation & Translation Service:

Contact the service for a booking form.

Telephone: 01382 425691 (x35691); Email: tay-uhb.interpreterbookings@nhs.net

Telephone Translation: Language Line

You will need to have an account set up with the service. Dial 0845 310 99 00 and quote account identification number.

Appendix 6

Dundee City Council Child Protection Committee:

[Inter-Agency Child Protection Operational Instructions](#)

Appendix 8

No Recourse to Public Funds Operational Guidance



NRPF Operational Procedure v4.pdf

Appendix 10

Child Trafficking Assessment Form



Child Trafficking Assessment FORM.d

Appendix 7

Multi Agency Adult Support and Protection Protocol



Tayside ASP protocol approved J

Appendix 9

NHS Scotland: What Health Workers Need to Know About Human Trafficking



NHS Human Trafficking (Health V

Appendix 11

[National Referral Mechanism Forms - Online Process](#)

What I
need!
from you!

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Barrack Street

Dundee DD1 1PQ

t: 01382 436264

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**Protecting
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