



# Free to Move, Invisible to Care

Coordination and Accountability towards  
Romanian Unaccompanied Minors' Safety

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**NSPCC**

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This report explores coordination and accountability towards Romanian children in the United Kingdom. Every child in the UK is entitled to protection and this is enshrined in our primary legislation in England, Wales, Scotland and Northern Ireland. This entitlement also applies to children who have been moved and trafficked into the UK.

A key response to safeguarding children being moved across borders where there are concerns for trafficking is correct identification and multi agency working within and across borders. This report looks at the process of identification and protection specifically in the context of Romanian children in the UK. It explores the systems, processes and tools in place to do so and identifies gaps and challenges.

The report concludes by suggesting a supplementary framework that can make this process more comprehensive and it includes recommendations to improve our coordination and responses to vulnerable children.

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This document is intended for the use of the *ICARUS: Improving Coordination and Accountability towards Romanian Unaccompanied minors' Safety* (Nr. ref. HOME/2012/ISEC/AG/THB/4000003898) project partners. It may be distributed by the project partners as required.

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# Foreword

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Thousands of vulnerable children are being moved across borders and trafficked around the world every year and sadly these young people are often subjected to the most traumatic physical, sexual and emotional violence. Child trafficking is child abuse and we must do everything we can to safeguard vulnerable children, prevent it from happening and protect those who have been trafficked. Through our work at the NSPCC Child Trafficking Advice Centre (CTAC) we know that working together with different agencies nationally and across borders is key to prevent and protect.

This is why we are delighted to be the official UK partner with Terre des hommes Foundation on a European Commission funded project called Improving Coordination and Accountability towards Romanian Unaccompanied minors' Safety (ICARUS). This project has been co-financed by the European Commission under the Prevention and Fight against Crime Programme of the Home Affairs Directorate General.

The project commenced on the 1<sup>st</sup> September 2013 and is due to end on the 30<sup>th</sup> October 2015. CTAC joined as project partner on the 10<sup>th</sup> April 2015. The project has three main objectives: improve knowledge base of trafficking of vulnerable groups involved in child begging and other forms of labour exploitation; improve victim assistance and identification among practitioners who come into contact with victims or potential victims of trafficking; and prevent child trafficking from Romania, particularly in the context of Procura issued by public notaries in trafficking prone counties.

Throughout this project our CTAC team have worked on improving cross border collaboration between professionals in the UK and Romania. Through activities such as workshops, training and practice exchange, we are facilitating UK and Romanian agencies such as Children's Services, police and the border force to share knowledge and identify ways of working together.

This report has been carried out by three members of the CTAC and is a key output from this project. This report highlights some of the issues faced by Romanian children as well as areas of improvement in our approach and systems. In keeping with their commitment to child protection and creative approach to this work, the CTAC team have suggested a supplementary framework for cross border work.

We thank you for taking the time to read this report. We believe that by working together we can prevent trafficking and protect those children who have been abused in this way. At the NSPCC we firmly believe every childhood is worth fighting for and this is especially pertinent for trafficked children. We invite you to join us in this fight to make all childhoods safe and free from abuse.

**NSPCC Child Trafficking Advice Centre**





# Acknowledgements

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We would like to thank all the UK and Romanian professionals: social workers, police, national crime agency, border and immigration officers and non-governmental organisations, who have given their time and commitment to this project and have been involved in activities in Romania and the UK throughout the duration of this project.

We would also like to express our gratitude to the CTAC young people's advisory group for their relentless support to the CTAC team. They have worked with us to raise awareness about child trafficking and have provided the artwork for this report.

A big thank you has to be given to the remaining CTAC team for all the practical support they have given to the ICARUS project manager, Swati Pande, and lead researcher, Beth Hurley, in delivering on all the activities for this project and continuing to deliver the CTAC service.



# Executive summary

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This report is part of Project ICARUS. The remit of Project ICARUS is Improving Coordination and Accountability towards Romanian Unaccompanied minors' Safety, with three main objectives: improve knowledge base of trafficking of vulnerable groups involved in child begging and other forms of labour exploitation; improve victim assistance and identification among practitioners who come into contact with victims or potential victims of trafficking; and prevent child trafficking from Romania, particularly in the context of Procura issued by public notaries in trafficking prone counties.

The NSPCC's Child Trafficking Advice Centre joined the project in April 2015 and this report has been written between April 2015 – September 2015. The overarching aim of Child Trafficking Advice Centre cross-border work is to: develop working relationships, share knowledge and understanding of the issues of child trafficking and find ways of working together to identify mechanisms to prevent and protect children from this form of abuse.

Literature reviewed for this report has shown that there is more movement of adults and children around the world and with this movement more children are at risk of being abused through trafficking. Children without the safety net of protective parents or carers can be vulnerable. This requires professionals to be better informed of wider global issues that impact on children, utilising domestic and international laws that entitle and afford protection to children rather than just seeing children moving across borders through a migration lens.

Between September 2007 and the 31<sup>st</sup> July 2015, the NSPCC's Child Trafficking Advice Centre (CTAC)<sup>1</sup> received 1,281 referrals for cases involving foreign national children. 137 of the children referred were Romanian nationals. In the above timeframe and amongst these 1,281 cases, we have dealt with predominantly two types of cases: children where there are clear indicators of trafficking and those where there are safeguarding concerns for trafficking. The service does not collect data on ethnicity and is unable to ascertain how many of these children are of Roma ethnicity. It is acknowledged, like other ethnic minorities across world, children from Roma ethnic minority have specific vulnerabilities, may face discrimination and abusive adults may use 'culture' to justify abuse.

For trafficked children in the UK, the current system of identification and protection is complex. A child who may have been trafficked will have contact with different systems, which operate under different legislative frameworks and may use different threshold and interpret the same indicators differently.

On 17 December 2008, the UK government ratified Council of Europe Convention on Action against Human Trafficking (2005) which came into force on 1 April 2009. This is an international treaty focused on protecting victims of trafficking, safeguarding their rights, preventing trafficking and prosecuting traffickers. Article 10–12 of the convention focusses on the identification, protection and assistance of victims. The convention provides for the setting up of an independent monitoring mechanism capable of controlling

1 Child Trafficking Advice Centre has been referred to as CTAC throughout this report.

the implementation of the obligations contained in the convention. To fulfil the above, the UK government introduced the National Referral Mechanism (NRM) in 2009. The NRM is not mandatory and does not have protection provision for children.

The statutory guidance for local authorities on the care of unaccompanied asylum seeking and trafficked children issued by the Department of Education (2015) states, *'assessment of whether a child is being exploited or is at risk of exploitation, including where there is reason to believe a child has been trafficked, is a child protection decision.'* The mainstream child protection system does not have to capture data on child trafficking and may not necessarily make referrals into the NRM. There are gaps at the legislative level where responsibility for protecting trafficked children lies with the child protection system, yet trafficking does not feature in the primary child protection legislation. There is various supplementary guidance across the devolved nations. These inconsistencies and lack of cohesion can result in a lack of coordinated response for the protection of a child.

In CTAC's experience there is a very high number of cases where the trafficking concerns may be unclear, however it is concerning enough to warrant a response. This is especially

true for Romanian children as many of them do not meet the threshold for referral into the NRM and child protection intervention. CTAC believe that a lack of protective factors in the life of a child who has moved/been moved out of their home environment makes them vulnerable to exploitation. We see safeguarding as pivotal to any robust anti-trafficking strategy. Safeguarding is taking action to enable all children have the best outcomes (Department for Education, 2015). CTAC believe scoping safeguarding concerns and our response to them is an important part of preventing child trafficking.

It is in this above context the International Multi Agency Assessment Framework (IMAAF) has been created to tackle some of these issues at an operational level. It has been developed as a tool for professionals to consider and guide assessments for a child, looking at wider issues that may impact on a child who has been moved or is moving across borders. It does not replace or come before protection responses required to ensure a child is safe from harm. The IMAAF tries to focus professionals on working together with agencies within and across borders in establishing, assessing and investigating a child's situation.

Over the years the remit of social work has evolved. Historically, it came about with the effects of urbanisation, where people moved from rural to urban areas for work, better opportunities, etc. causing the decline of informal 'helping systems' of family and church, which were replaced by social welfare systems. Now social workers are working in a different landscape, with children from diverse communities with differing ethnicity, cultural and religious needs, as well as children who may have been moved to be trafficked or who are moving across borders to seek better

opportunities or protection. Globalisation is not only impacting on our direct social work practice, but our need for information from a broader perspective and our need to work together internationally.

Responding to safeguarding concerns for children on the move/being moved is key to a robust anti-trafficking strategy. Safeguarding these children is the first step to prevention. Child trafficking is child abuse and children suffer significant harm in the process of recruitment, movement and exploitation.



Artwork from a child who's been trafficked





**Free to Move,  
Invisible to Care**





# 1 Introduction

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Between September 2007 and the 31<sup>st</sup> July 2015, the NSPCC Child Trafficking Advice Centre (CTAC)<sup>2</sup> received 1,281 referrals for cases involving foreign national children. 137 of the children referred were Romanian nationals. In the above timeframe and amongst these 1,281 cases, we have dealt with predominantly two types of cases: children where there are clear indicators of trafficking and those where there are safeguarding concerns for trafficking. Through these cases we have learnt there is no fixed model of trafficking, and vulnerable children can be targeted by abusive adults around them in a number of ways and contexts. Ethnic minorities and disadvantaged communities in source countries are especially vulnerable. Traffickers can be parents or extended family members, organised criminal gangs or individuals – men or women. Traffickers are resourceful and can use different means to bring children and young people into the UK, such as obtaining valid travel documents stating that a young person is visiting the UK on a formal cultural exchange.

Statutory guidance for local authorities on the care of unaccompanied asylum seeking and trafficked children issued by the Department of Education (2014) states, *'assessment of whether a child is being exploited or is at risk of exploitation, including where there is reason to believe a child has been trafficked, is a child*

*protection decision'* (p.7, para.20). The reality for some foreign national children is that the concerns centre upon their immigration status as opposed to the child protection concerns. There are also additional issues of the current data around identification and protection of trafficked children being patchy and held by different government agencies. While the lack of data or a centralised data system in itself is not the biggest issue, it does have a significant impact on how certain vulnerable groups are perceived and where identification and protection resources are targeted. At the time of writing this report, Children's Services, the police and health services in the UK do not collect and are not required to collect data in relation to child trafficking. It is acknowledged this may change with a mandatory reporting clause in the Modern Slavery Act 2015.

There are also cases where children have been moved across borders and there are a range of safeguarding concerns. Although the trafficking may be unclear, there are multiple indicators of vulnerability. For example: concerns around the accompanying adult, unclear relationships, adults quoting their version of 'culture' to justify any indicators of harm, lack of information about purpose of movement, parental consent to travel, being unallocated in the UK, etc.

1 Child Trafficking Advice Centre has been referred to as CTAC throughout this report.

If the child is an EU citizen, they are entitled to free movement within the EU. It is these children we are especially concerned about. In our experience there is a high risk of these children missing from the mainstream child protection systems as they do not always meet the threshold for intervention and they are not subject to immigration control. There is also no specific data available that captures safeguarding concerns for children crossing

borders. Based on CTAC'S case work experience over the last eight years, we believe responding to safeguarding concerns for children on the move is crucial to the preventative strategy.

With the above lessons learnt through our own work, the wider policy and legislative framework of UK, we set out to explore our coordination and accountability towards Romanian children in UK.



Artwork from a child who's been trafficked

## Scope of the report

The report begins by exploring the wider picture around migration, children being moved, the facts around Romanian nationals in the UK and the specific vulnerability of the Roma community.

We look at the main systems of identification and protection and the legislations in England, Wales, Scotland and Northern Ireland. Through this report we identify potential shortcomings in the system both at the level of identification and protection. We also explore the reasons for this gap and what it means for vulnerable children when our identification and protection systems do not converge.

We focus on the cases that do not meet the threshold for child protection, but have enough issues that make a child vulnerable. We explore the level of protection afforded by the current mechanisms in place to prevent and protect children being moved.

We will discuss how the UK could better identify trafficking concerns and respond to those that may need to be safeguarded from trafficking and exploitation. A new supplementary framework to assist and improve the current system for assessing and safeguarding Romanian and all children moving across borders will be introduced, piloted and evaluated in the report.

The report will make conclusions and recommendations about how the UK and other countries in the EU and beyond can better respond to the needs of Romanian children moving across borders, and prevent them from being trafficked.



## 2 Migration and its impact on children being moved

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Currently there is much reporting in the media on the issue of people migrating across the world. The reports would lead us to think there is an increase of people moving across borders into the UK, with much of the focus of commentary on those coming from outside of the European Union.

There are many reasons for migrating. It may be that people are forced by war or disaster and need to seek safety in another country. Others may be fleeing harm or abuse from their families or communities. And some people may want to improve their lives by seeking better work or education opportunities.

The different migration routes are labelled as either regular or irregular. For those taking irregular routes, regulation is required once reaching their destination in order to stay in a country and receive support from its services. Those who are in irregular migration situations can be more vulnerable and exposed to being exploited.

Historically, it was predominately men who migrated to seek better futures, often followed by their wives and children. This was during a time when women and children were restricted by gender norms, lack of opportunities and poverty (Seager, 2005).

Migration in the 21<sup>st</sup> century has seen a change to people's movements around the

world, much of which has been impacted on by globalisation. Advancements in media and technology have increased worldwide interconnectedness, resulting in more people on the move globally. The figures are said to be difficult to calculate and can depend on the different definitions people use to explain migration patterns and also what information a country wants to give according to how they want to be seen (Marfleet, 2006). Other issues to consider about data and figures are how they can be utilised by organisations to justify their existence or to obtain funding. However, data and figures are also powerful in raising awareness of issues that need addressing.

There are estimated to be more than 230 million international migrants (The World Bank, 2013:9) with children and young people representing a disproportionate share of the world's migrant population (Van de Glind and Kou, 2013:29). Although the world appears to be facing an increasing number of children in migratory situations, the statistical data is scattered and problematic (IOM, 2013: 2). The International Labour Organisation reported in 2002 that 20.9 million people were forced to migrate worldwide for forced labour/trafficking, estimating that 5.5 million (26 %) were children (Bhabha, 2014). In the UK, the Office for National Statistics (ONS) estimated that 641,000 people entered the UK in 2014, stating this was an increase from the

previous year's total of 526,000. The figures estimated that 268,000 were EU citizens and 290,000 non-EU citizens, but the statistics do not mention any figures for children. Finch's (2014) UK report, which is part of CONNECT EU, focusses on children of third country origin. It states that only 1,288 unaccompanied children applied for asylum in the UK in 2014, a decrease from a highpoint in 2002 when 6,200 children applied for asylum.

Unreliable data is often due to issues of underreporting and the scarcity of information about children moving across international borders, particularly within the EU where there is freedom of movement and children are able to move without visas. Current discourse around child migration and child trafficking often focus on immigration politics and fails to address the fundamentally important issues of safeguarding and child protection. Fonseca, Hardy and Adam (2013:47) state, *'Despite their apparent greater vulnerability, unaccompanied migrant children are subject to highly politicized debates on immigration policies and child welfare systems taking place in host countries.'* Children that move across borders are afforded the same standards of protection according to the United Nations Convention on the Rights of the Child (UNCRC) 1989, however, in CTAC's experience, this is often not the case in reality.

Children being moved or on the move across borders is a phenomenon that has presented in recent years. This trend shows how children either: travel alone, with adults they are not related to; travel with adults they are related to but who do not have their best interests at heart; or travel as part of a protective family who are migrating or seeking refuge.

Many older children are making uninformed decisions to migrate. These decisions may be influenced by cultural and societal norms, such as expectations of age and responsibilities. They may want to help their families back at home or be seeking better opportunities and futures. Some other children may need to find ways of escaping familial situations of harm and abuse, homelessness or being orphaned. And others are being moved because they and their families have been promised the child will get an education or even work once in the UK to help finance their families.

Even for the children travelling with protective families, they may also be at risk of harm or not having their needs met if the families are in irregular migration situations. This is because the child might be kept from education or medical services if adults fear being caught by authorities. Other children who may be restricted or denied access to state services are children living with stateless parents in irregular settlements, such as European Roma children (Bhabha, J 2014). In destination communities, some migrant children, especially those who are unregistered, may face discrimination and marginalisation, including lack of access to education and medical services. Being outside their familiar social safety networks also tends to weaken their normal coping mechanisms (Unicef, 2009: 17).

Often commentary about migration merges reporting of children and adults, and there is no specific mention of children. This is not helpful for those professionals working with children in such situations and developing knowledge and understanding to the many complexities of a child's experiences in order to assess and meet the needs of children who have been moved across borders.

Because of a child's age and their naivety there are many situations that place them in vulnerable positions. This is even more so for those children without protective parents or with unrelated adults. They are at risk of harm and are vulnerable to abuse during different parts of a journey, as well as in the destination country.

To move across geographical borders requires many skills and abilities, even for adults, but for children, it leaves them very open to being exploited by abusive adults.



**'Children are particularly vulnerable during their journeys and when they reach their destinations because often they move to a place where they do not know anyone to whom they can turn for help and where they might even be seen as not worth helping.**

**Both in transit and at destination, they are often unconnected to the communities through which they pass or settle, either permanently or temporarily.**

**Their lack of documentation, language barriers or the stigmatization against them often means that they deliberately avoid contact with others and have difficulty in accessing basic services.**

**Their isolation makes them particularly vulnerable to abuse, exploitation and violence.' (Reala, 2013:67)**



# WELCOME TO UK



Artwork from a child who's been trafficked



### 3 Romanian children in the UK and vulnerabilities of Roma children

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The Office for National Statistics (ONS) 2015 estimates that approximately 175,000 people of Romanian nationality live in the UK. The highest numbers of Romanians are reported to live in England, particularly in the London area, the South East, South West, West Midlands and the East of England. Romania is a medium size country with a population of 20,020,074 (European Union, 2013:17). It shares its border with Bulgaria, Hungary, Moldova, Serbia and Ukraine. One fifth (21%) of the country's population is made up of children and young people aged 0 to 19 years (Girip and Olaru-Raita, 2014: 10).

On 1 January 2007, Romania and Bulgaria joined the EU. This was after the initial extension of the European Union in 2004 to include eight formerly socialist countries of Central and Eastern Europe. The fall in Romanian population from 21.8 million to 19 million between 2002 and 2011 has been ascribed to outward migration. The migration rate has increased from 4.8% to 14.3% of the resident population in Romania (Hink and Davies, 2015). There is also evidence that a 'brain-drain' effect has occurred with earlier migrants being less skilled than later migrants. The League of Romanian Students Abroad undertakes an annual survey and found that, in 2014, just a quarter of current students planned to return to Romania on graduation and only 14% of those who had completed undergraduate studies abroad planned to do so. If migrants – particularly the well-educated – fail to return, then this brain-drain may have serious consequences for future Romanian growth and development. In 2011, due to an

unstable economy, almost 33% of Romanian children and young people aged 15 to 19 were at risk of poverty, two thirds more than the proportion of children and young people aged 15 to 19 of the remaining 27 countries of the European Union (Girip and Olaru-Raita, 2014: 10).

Elements of British media have resorted to negative stereotyping of certain communities including Romanians. Immigrants from Romania in particular were often characterised in terms of different and 'alien' values and presented as a potential source of destabilisation for the existing order in the UK (Light and Young, 2009). Some argued that the immigration from the EU has acted to reduce inflationary pressures and to lower the natural rate of unemployment (Blanchflower et al, 2007) and that popular tabloids have actively created a discourse of cultural racism in their coverage of these migrations (Fox et. al, 2012).

In our opinion, from a safeguarding and child protection point of view, there are two keys issues here. Firstly, in the absence of official statistics to reflect the magnitude of Romanian children on the move (Girip and Olaru-Raita, 2014:11), it is difficult to establish how many children are living away from the country. Secondly, although these extreme views about EU migration may have shifted with the current focus on non-EU migration patterns, this negative reporting has an impact not only on general public opinion but also on how the communities, children, and families from Romania are treated and responded to by service providers.

## Roma Children of Romanian Ethnicity

Roma constitute the single largest ethnic minority group in Europe (European Roma Rights Centre, ERRC, 2011: 9). “Roma” refers to a variety of groups of people who describe themselves as Roma, Gypsies, Travellers, Manouches, Ashkali, Sinti, as well as other titles (ERRC, 2011:9). Roma people live in many countries in Europe and are one of the most marginalised, discriminated against and impoverished groups in Europe. *‘Since their arrival in Europe from India some 700 years ago, Roma people have been politically, socially, culturally and economically marginalised by the dominant populations,’* (Fremlova and Anstead, 2010-2011:18). According to the 2011 census in Romania, 621,573 people declared to be Roma, which represents 3.3% of the total population of Romania (Government of Romania, 2015: 7). However, the estimations regarding the number of Romanian citizens belonging to the Roma ethnicity are not consistent (Government of Romania, 2015: 7).

It has been reported there is widespread unemployment, inequality and child poverty amongst Roma communities in the EU, including in Romania. An indication of this is the education attainment and literacy rates of Roma children. According to the Government of Romania (2015: 7), *‘Despite progress being made in the last 10 years following affirmative action and other initiatives implemented in Romania, there remains a constant gap between the Roma and non-Roma in terms of achieved educational background’*. According to the National Strategy just 0.7% of Roma achieved higher education, compared to 14.8% of non-Roma Romanians, and of Romanian declared citizens aged 10 and above, 14.1% of Roma

ethnicity were illiterate, compared to 1% of non-Roma Romanians. Unicef (2009) state, *‘Roma children face all the barriers that prevent other disadvantaged children from gaining a good education, and often to a greater extent.’* These issues of the disadvantages faced by the Roma community in Romania are also reported from several other countries, including the UK.

As with non-Roma Romanians, Roma people migrate to other parts of the EU for work, sometimes leaving their children vulnerable or Roma children leave Romania and travel to other EU countries, with or without their families, which can make them vulnerable.

In relation to trafficking, Roma children and adults may be trafficked by those both within and outside the Roma community. Child trafficking in relation to Roma communities can be linked with practices such as forced and child marriage and begging, which have a disproportionate impact on Roma women and girls (ERRC, 2011:1). Although there is a link between these practices and trafficking, it is important to highlight that similar practices occur within other cultural communities in Europe (ERRC, 2011:1) and indeed the trafficking of people occurs all over the world, in all different communities, including the UK and Western Europe. The trafficking of Roma children needs to be viewed within the context of the extreme disadvantage that Roma people suffer across Europe. ERRC (2011:1) state, *‘Certainly trafficking exists and its impact on Roma is grave. But it does not explain the migration of Roma, which is due largely to structural poverty, marginalisation and discrimination.’*

The number of Romanian Roma adults and children in the UK is not known as Roma people often do not identify themselves as Roma for fear of discrimination. Although it is not known how many Roma people live in the UK, the best estimate is around 500,000 (Fremolva and Anstead, 2010-11: 18). Romanian Roma communities in the UK face discrimination and stereotyping. Fremolva and Anstead (2010-11:1) state, *'Every second Roma person was discriminated against in the past 12 months, according to a survey taken by the European Union Agency for Fundamental Rights in 2009.'*

In CTAC's experience, there is much confusion in the UK about people from Roma backgrounds and people, including professionals, often confuse being Roma with being Romanian. The British media again adds

to this confusion as 'Romanian' and 'Roma' are often used interchangeably.

While the ability to move freely across Europe enables opportunities, it also poses challenges for the tackling of trafficking and abuse of children. Based on CTAC's case work experience and also statistics from the UK Human Trafficking Centre, Romania is known as a 'source country' for the trafficking of both adults and children – trafficking occurs internally and people are also trafficked out of Romania and into other parts of the EU.

It is in the above wider socio-political context that children from Romania are moved and are trafficked into the UK.



## 4 Identification and protection systems in the UK

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This section looks at the current systems of identification and protection in the UK. These systems apply to all children including those from Romania.

On the basis of CTAC's practice experience and data provided by key agencies, we explore some of the inherent challenges of the current approach. We also examine cases that do not meet the criteria for trafficking but if left unattended have the potential to escalate into trafficking or other forms of child abuse.

Case study 1 and 2 illustrate the challenges and gaps of the current process. It shows that any child who may have been trafficked will have contact with different systems, which operate under different legislative frameworks and may use different thresholds and interpret the same indicators differently. There may not be agreement about how best to label and record the child's experience and the child may or may not continue to get support and protection.

### Case study 1\*

Ruxandra is a 15 year old young person from Romania who has been living in London for six months. She is known to her Local Authority Children's Services as a section 17 (Children Act 1989 – England and Wales) 'child in need' case for ongoing support and monitoring due to low school attendance and very poor presentation at school. She was first identified by the education social worker who was concerned about her low attendance. She was also known to the local youth offending team due to frequent offending behaviour.

The youth offending team and the education social worker agreed there were several indicators in Ruxandra's situation that suggested the adults around her were not looking after her welfare and that she was under pressure to steal expensive items that were not being used by her. Police have also seen her near venues associated with soliciting for sex.

Based on this information and her ongoing offending, the police made a referral into the National Referral Mechanism. Ruxandra received a positive reasonable grounds decision. This was communicated to Children's Services. During this period, Ruxandra's offending behaviour escalated and she disclosed to a health professional that she was fed up of being told to work so hard and was possibly pregnant. She said the father of the child was 35 and that her family were aware of this.

The UK Human Trafficking Centre (UKHTC) made checks with the local police force who shared information with them about adults in Ruxandra's life, their past history and links to another case. Based on this information, UKHTC made a conclusive grounds decision that Ruxandra was a victim of trafficking for labour exploitation. This decision was also communicated with Children's Services and other agencies involved.

Children's Services maintained that Ruxandra's case would remain as a section 17 child in need case and they will work with Ruxandra and her family. They did not feel it had reached the threshold for child protection and did not think Ruxandra had been moved for the purposes of exploitation. Following a referral from the UKHTC, NSPCC's CTAC also became involved in the case. CTAC supported the NRM decision but wanted the type of exploitation to be changed from labour to criminal and challenged Children's Service for not escalating the case to child protection.

Ruxandra informed authorities she was returning to Romania and would not be coming back. Children's Services decided to close the case as the child was no longer in their jurisdiction. CTAC liaised with the UK Border Force and Romanian embassy to find out more about her situation in Romania and wanted a flag put on the border in case the young person returned to the UK.

\* Names for all case studies have been changed to protect identity

### Case study 2\*

CTAC received a telephone call from a social worker in London. She was concerned about Ion, a 14-year-old Romanian boy who was referred to social services by the police as he had been found handing out leaflets for a massage parlour.

Ion was staying with a woman who claimed to be his 'aunt' but she could not produce any evidence or documents to prove the relationship and he did not seem to know her very well. The home environment was not suitable as Ion did not have a bedroom and he was not registered at school.

Ion had not been referred to the NRM as it is not mandatory to do so and therefore he was not recognised as a potential victim of trafficking. A child protection investigation was not carried out and Ion was left living with the woman while social services carried out an assessment of his needs.

When the social worker went to visit Ion again the woman he had been staying with said his mother had taken him back to Romania. There was no evidence this was the case and it is not known where Ion is.

To understand the inconsistencies in identification and protection systems, the above case studies have to be located in the wider practice, policy and legislative framework. Table 1 shows the relevant policy and legislative framework for all victims of trafficking across the UK. Table 2 shows the three key agencies that a foreign national child from the EU may come into contact with and Table 3 is the general history of the child protection system in the UK.

As is evident, there is no single piece of legislation on child trafficking in the UK – a review found 25 pieces of laws that cover trafficking offences (Jones, 2012). This has implications for identification and the protection process.

\* Names for all case studies have been changed to protect identity

Table 1

	<b>England</b>	<b>Wales</b>	<b>Northern Ireland</b>	<b>Scotland</b>
Legislation	Sexual Offences Act 2003	Sexual Offences Act 2003.	Sexual Offences Act 2003	Criminal Justice (Scotland) Act 2003
	Asylum and Immigration (Treatment of Claimants, etc) Act 2004	Asylum and Immigration (Treatment of Claimants, etc) Act 2004)	Asylum and Immigration (Treatment of Claimants, etc) Act 2004	Criminal Justice and Licensing (Scotland) Act 2010 - section 46,47,88 and 99.
	Coroners and Justice Act 2009	Coroners and Justice Act 2009	Coroners and Justice Act 2009	The Children (Scotland) Act 1995
	Modern Slavery Act 2015	Modern Slavery Act 2015	Human Trafficking and Exploitation (Further Provisions and Support for Victims) Act 2015	
	The Children Act 1989	The Children Act 1989	The Children (Northern Ireland) Order 1995	
	The Children Act 2004	The Children Act 2004		
Policy	National Referral Mechanism (NRM)	National Referral Mechanism (NRM)	National Referral Mechanism (NRM)	National Referral Mechanism (NRM)
	Human trafficking: the government's strategy 2011	Human trafficking: the government's strategy 2011	Human trafficking: the government's strategy 2011	Human trafficking: the government's strategy 2011
Guidance	Safeguarding children who may have been trafficked 2011 London Safeguarding Trafficking toolkit 2011 CPS guidance on human trafficking and smuggling (HM Government, 2011) London safeguarding trafficked children guidance 2011	All Wales practice guidance for safeguarding children who may have been trafficked 2011	Working arrangements for the welfare and safeguarding of child victims of human trafficking (DHSSPSNI October 2007)	Safeguarding children in Scotland who may have been trafficked 2009



Table 2

Agency	Identification of child victims	Protection of child victims	Child Trafficking guidance/tools	Data Collection/sharing	Working together challenges
UK Human Trafficking Centre	Responsible for the formal identification process. Decision makers on EU and UK national cases only, referred through NRM. Civil process.	No provision.	Internal guidance issued by the Home Office. Decisions made on the basis of the Council of Europe Convention.	Data collected, input into National Crime Agency. Strategic threat assessment report.	No statutory powers to enforce advice or to compel other agencies to act, based on the NRM decision.
Statutory Children's Services in Local Authorities	No specific duty to identify. Child trafficking to be treated like any other form of child abuse. Duty to act once made aware of case of child abuse. First responders into the NRM. Referral not mandatory.	Responsible for protection of all children under primary legislation. No statutory requirement for specific service provision or budgetary allocation for trafficked children. Regional practices may vary.	The devolved nations England, Wales, Scotland and Northern Ireland have different guidance. Refer to Table 1.	Prior to Modern Slavery Act 2015, no requirement to report cases of child trafficking. No national central database.	No legal requirement to agree with NRM decision. Not mandatory to make NRM referral. EU national can be returned to the 'home country' with an outstanding NRM decision or a positive conclusive grounds decision.
NSPCC's Child Trafficking Advice Centre	First responders into the NRM. Referral not mandatory. Specialist service dealing only with foreign national children. Child Trafficking and Safeguarding concerns for foreign national children.	Do not offer direct support. Advocate on behalf of trafficked children to ensure appropriate response.	National remit, refer to all guidance	Data shared with UKHTC on quarterly basis. Extensive data kept on cases referred, including forms of exploitation and nationality.	Data categories different to that used by UKHTC. Remit to link agencies with each other nationally and internationally.

Table 3

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### The history of the UK child protection system

Before devolution, child protection legislation across the UK was made and passed by Westminster. Nations had their own laws but the framework set out by the different acts was broadly similar.

Since 1999, the process of devolution has seen power and responsibility transferred from Westminster to national governments in Northern Ireland, Scotland and Wales.

Legislation to prosecute people accused of child cruelty has been in force since the 1880s but it has taken a series of high profile child abuse deaths and subsequent inquiries to establish the child protection system we have today.

**1945** The first formal child death inquiry in England was the Curtis Committee Report into the death of Dennis O’Neill, who was killed at the age of 12 by his foster father.

**1973** The death of 7-year-old Maria Colwell led to the establishment of our modern child protection system.

**1984** Further changes were prompted partly by the inquiries into several other child deaths, including 4-year-old Jasmine Beckford.

**1989** The Children Act 1989 established the legislative framework for the current child protection system in England and Wales. The Children (Northern Ireland) Order 1995 and the Children (Scotland) Act 1995 set out the same for the other UK nations.

**2000** The death of 8-year-old Victoria Climbié led to Lord Laming’s report which led to sweeping changes to the way children’s services were structured in England and Wales.

**2002** The deaths of 10-year-olds Holly Wells and Jessica Chapman in Soham led to the strengthening of legislation across the UK to protect children from adults who pose a risk to them.

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## National Referral Mechanism

On 17 December 2008, the UK government ratified Council of Europe Convention on Action against Human Trafficking (2005), which is an international treaty focussed on protecting victims of trafficking, safeguarding their rights, preventing trafficking and prosecuting traffickers. The convention came into force on 1 April 2009. Article 10-12 of the convention focusses on the identification, protection and assistance of victims. The convention provides for the establishment of an independent monitoring mechanism capable of controlling the implementation of the obligations contained in the convention.

To fulfil the above, the UK government introduced the National Referral Mechanism (NRM) in 2009 as the process for formally identifying and protecting victims of trafficking, both children and adults. Cases are referred into the NRM by agencies called 'first responders'.

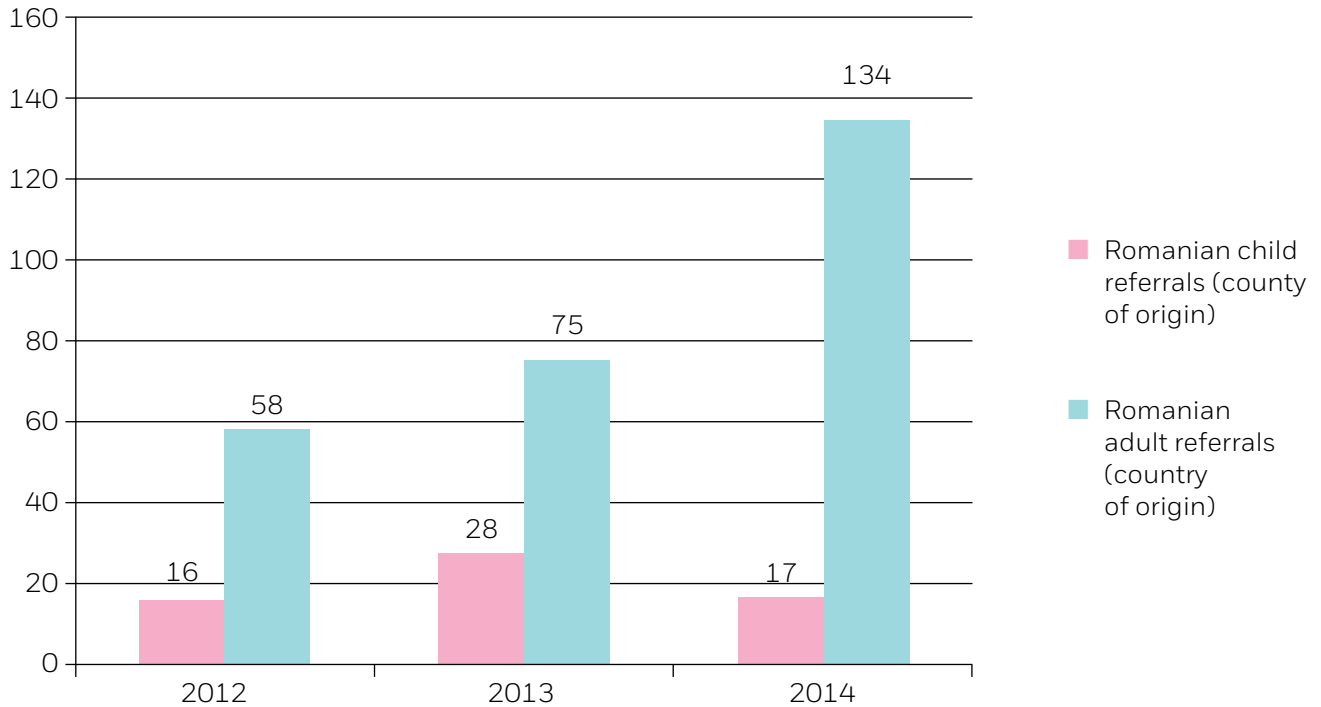
The NRM follows a two-stage process: a reasonable grounds decision to be made in five days of the referral and a conclusive grounds decision to be made in 45 days. The threshold for making a referral to the NRM is 'I suspect but cannot prove' that someone is a victim of trafficking. Case study 1 demonstrates that Ruxandra was referred into the NRM and formally identified as a victim of child trafficking.

Figure 1 on the following page shows the number of referrals made to the NRM for adults and children between 2012 and 2014. The 2014 NRM statistics show that 17 Romanian children were referred into the NRM in that year from across the UK. The number of referrals for Romanian children in 2013 was 28, an increase of 75% from 16 in 2012; therefore the numbers seem to be fluctuating.

In 2012, UKHTC's strategic assessment on the nature and scale of human trafficking showed that 39 Romanian children had been identified as potential victims of trafficking, despite only 28 Romanian children being referred to the NRM in the same year. It is acknowledged that the strategic assessment draws from different sources – not just NRM referrals. The assessment does claim Romanian children are one of the largest groups of children trafficked into the UK, however this is not matched by the NRM figures.

The NRM process can only report on the cases that are identified and referred by the first responder agencies. There are a number of agencies who are first responders to the NRM, including Local Authorities and the NSPCC's CTAC. It is only once a referral has been made by a first responder to the NRM that the child enters into the formal identification process. Much of the information and data about Romanian children, trafficked or vulnerable to child trafficking, is held within individual agencies which may not have any interface

Figure 1 Romanian referrals to NRM (2012-2014)



with the NRM. For example, each of the 43 police forces in the UK will hold information, as well as the border agency and the local authorities. Currently, there is no central place for this information to be kept and shared.

In terms of types of exploitation, traditionally the NRM statistics only look at three categories: sexual exploitation, labour exploitation and domestic servitude. Therefore the types of criminal exploitation which are recognised by the UK government (cannabis cultivation,

street crimes, begging, and benefit fraud) are put into the labour exploitation category. This is unhelpful as it results in forms of criminal exploitation not being publicised and therefore not consistently recognised and responded to as forms of trafficking and child abuse by agencies such as the police and social services. It also means there is not a reliable data set of the extent of criminal exploitation, and therefore it is difficult to gain an accurate picture of the issue.

The statistics do not break down into types of exploitation by country. However, for all children referred the highest category is labour exploitation, followed by sexual exploitation and then domestic servitude.

Within the NRM data, the ethnicity of victims of trafficking is not captured. Therefore, there is no data on the number of Roma Romanian children trafficked into the UK. There is no breakdown of the age ranges of children referred to the NRM, which again means that we cannot have an understanding of the ages of Romanian children that are trafficked. Currently the NRM is not mandatory therefore cannot be taken as a full reflection of the number of trafficking cases; it is however a good place to start gauging the issue.

The NRM review carried out by the Home Office (2014) estimated only a small proportion of the real number of trafficked children are being identified due to low awareness of the indicators of child trafficking and of the National Referral Mechanism by local authorities and within the police. The review highlighted a lack of awareness in two of the main statutory first responders, police and Children's Services.

Currently there is no provision of protection for child victims of trafficking under the NRM. It is hoped since all children are entitled to protection irrespective of their nationality, the mainstream child protection system should have been initiated at the time of the referral. Ruxandra's case study shows the challenge in this process. In CTAC's experience, an NRM decision can be used to influence social work practice in some cases, as illustrated by case study 3.

### Case study 3\*

Irena is a 15-year-old girl from Romania. She is the eldest of five siblings and comes from a small village where there is not much work. She and her family were approached by a man from her village who said he could take Irena to the UK to work in a restaurant so that she could send money back to her family in Romania.

Irena travelled by plane to the UK with the man. When they arrived at the UK border, Irena was stopped and questioned by the UK border staff due to her age and because she was travelling without her parents/carers. Irena said that she was coming to the UK to work. The staff were concerned as she was 15 and should have been in education.

Due to their concerns they decided to search her luggage and look at her mobile phone. In her small suitcase they found clothes and underwear that were highly sexualised and would not be appropriate for a 15-year-old girl. On her mobile phone were messages of a sexual nature that had been sent to her from a number of different mobile numbers. This made them extremely concerned about Irena and they thought that she might be being trafficked for sexual exploitation.

The border staff contacted the local police to share their concerns for Irena. They also made a referral to the national referral mechanism (NRM). The police used their police powers of protection in order to place Irena in a place of safety so that further investigations and assessments could be carried out. The local Children's Services were contacted and Irena was placed in foster care.

CTAC received a telephone call from Irena's allocated social worker three days later. After providing details of Irena's case the social worker said that the plan was for Irena to be returned to Romania that same evening and a flight had been booked for her to travel alone. CTAC were concerned that Irena was being returned without thorough assessments and cross-border work being carried out in order to determine whether she had suffered significant harm and what the plan for her care should be. Through speaking to the Children's Services manager and utilising the NRM's 45 day reflection period, CTAC were able to get agreement that Irena would not be returned to Romania before thorough assessment and planning took place.

\* Names for all case studies have been changed to protect identity

### Case study 4\*

Alina spent her early childhood in Romania with her grandparents, before being taken to Spain by her mother. Her step-father was physically abusive towards Alina and at aged 13, her mother sold her to an adult male, who brought her to England. He was also physically and sexually abusive towards her. In England, Alina was known to the police for street crime. When she was arrested aged 15, she disclosed to a Youth Offending Practitioner that she did not want to go home because she was forced to commit crimes every day.

Alina was placed in foster care but soon disappeared. She was found by the police in a car with much older adults, one of whom was known to be a sex worker. She was returned to her foster placement, but disappeared again, this time for a number of months. When Alina was found, the local authority placed her in secure accommodation for a short period of time for her own safety. Alina has now returned to foster care and agencies continue to work with her. A positive conclusive grounds decision through the NRM was made that Alina is a victim of trafficking, and as a result the criminal prosecution against her has been discontinued.

## Identification and protection by Children's Services

In government public policy rhetoric as well as statutory guidance, child trafficking is presented as a form of child abuse. The statutory guidance for local authorities on the care of unaccompanied asylum seeking and trafficked children issued by the Department of Education (2014, p.7) states, '*assessment of whether a child is being exploited or is at risk of exploitation, including where there is reason to believe a child has been trafficked, is a child protection decision.*' In reality these children's experiences tend to be placed in the migration discourse as opposed to mainstream child protection discourse. In order to understand how Children's Services identify cases of trafficking, it is useful to look at how abuse is reported/acted upon and reported.

The United Nations Convention on the Rights of the Child Act was introduced in 1989 with the overarching aim '*of improving conditions of children not just in this country but throughout the world*' (Colton 2001:228). It was ratified by the UK government in 1991. '*By ratifying, a government signifies its intention to comply with the provisions in the convention and make regular reports on its progress towards implementation to the UN committee on the rights of the child*' (Colton 2001:229).

\* Names for all case studies have been changed to protect identity

Table 1 shows the legislation and policy framework applicable to children in UK. The UK does not have a centralised safeguarding/child protection system. Each UK nation is responsible for its own policies and laws around education, health and social welfare. This covers most aspects of safeguarding and child protection. Laws are passed to prevent behaviour that can harm children or requires action to protect children. Guidance sets out what organisations should do to play their part to keep children safe. Although the child protection systems are different in each nation, they are all based on similar principles. Children's Services are responsible for delivering the safeguarding and child protection function.

As listed in Table 1 there are a number of different legislations and guidance used in different parts of the UK. In England and Wales, there is no legal requirement to report abuse but there are specific guidelines and procedures in place for people who work with children. In Scotland, although there is no legal requirement to report, Scotland's national guidance for child protection refers to 'collective responsibilities' to protect children. In Northern Ireland, it is an offence not to report an arrestable offence, including those against children, to the police. Both in Scotland and Northern Ireland there are specific reporting guidelines and procedures in place for people who work with children.

The current structure used to assess the needs of a child is the Framework for the Assessment of Children in Need and their Families (Department of Health, 2000). The framework was introduced in 2000 and was based on Bronfenbrenner's ecology human development model. Unlike previous child development theories, the Framework for the Assessment of Children in Need and their Families was not linear; it was a model to encourage professionals to think wider in their assessments. However, Colton et al argues that this consideration to wider thinking in social work assessments does not go as far as the macro-system, which considers laws, regulations, belief systems, custom and practice (2001:51).

Operationally, the duty to report any forms of abuse is not clearly stated in any legislation, however once a referral is made, the police or children's social work services will gather information to assess if the child is at risk of harm. If the child is at immediate danger, the legislation allows for their immediate removal to a place of safety. If a child is not considered to be in immediate danger, then more information will be gathered. This will allow an assessment of whether they are at risk of suffering significant harm. Although there is no absolute criteria for determining whether or not harm is 'significant', agencies such as social services, police, education and health work with family members to assess the child, and a decision is made based on their professional judgement using the gathered evidence.



After these initial enquires, a number of things can happen. If the child hasn't been harmed and isn't considered to be at risk of significant harm, it may be decided that there doesn't need to be any further child protection action. The child and their family may be offered additional support instead, such as a parenting programme. If the initial assessment suggests that the child may be at risk of significant harm, there will be a joint investigation to decide if any child protection action is needed and whether a case conference should be held.

A case conference is held if the child is assessed as being at risk of significant harm, so that all of the relevant professionals can share information, identify risks and outline what needs to be done to protect the child. Child protection plans are drawn up. A child protection plan will cover: how social services will check on the child's welfare, what changes are needed to reduce the risk to the child and what support will be offered to the family. The conference may decide that the best way to protect the child is through legal interventions either to make sure they get the help they need or to take the child into care.

In CTAC's experience there are several issues with how this process works for potential child victims of trafficking. In order to be formally identified as a victim of trafficking, a child must be referred to Children's Services, who will then make a referral to the NRM. This relies on wide spread understating that child trafficking is child abuse. It also relies on the relevant Children's Services being aware of risks and indicators concerned with child trafficking. As shown in Table 1 there is no single legislation that covers child trafficking, in fact any mention

of child trafficking is absent from the primary legislation relevant for children. Case study 1 shows the gaps and challenges in this process. In addition, it is not mandatory to refer into the NRM and knowledge about the existence of NRM can be patchy.

It is assumed since trafficking is a form of child abuse, social workers will identify the signs and make the NRM referral. However, as highlighted in the NRM review '*trafficking is not on the curriculum for social work qualifications and training and awareness is patchy*' (2014:65). Currently, Children's Services are not required to submit data on the number of trafficking cases they have identified. Children's Services are required to intervene when there are concerns a child may be suffering or is likely to suffer significant harm or when a child is deemed to be a child in need. Children's Services are not required by law to follow a specialist identification process for suspected victims of trafficking.

As stated above, in the absence of published data on how many children were identified by local authorities and the criteria used for this identification process, it is difficult to comment on how children's services identify/protect trafficked children and the strengths of this process.

There are examples of good practice and local protocols, however there is no published evidence of their strengths and effectiveness.

In addition to the processes mentioned about, in 2009 a London Safeguarding Trafficked Children toolkit was piloted in 12 local authorities. In CTAC's experience of using this toolkit, it was skewed in favour of

identifying trafficking for sexual exploitation in the UK and was not as useful for other forms of exploitation.

In CTAC's experience, once a child referral has been accepted by Children's Service's and acted upon there is scope for good multiagency work and the toolkit will add value at that stage. However given the complexities of the trafficking cases, lack of information and interface with many agencies nationally and internationally, it is a bigger challenge to get a potentially trafficked child into mainstream child protection systems. The formal identification process is almost the third step in the process of identification.

First of all, child trafficking has to be understood as child abuse, no matter what the context is, and then a referral has to be made and accepted by Children's Services that then puts the child in the formal identification process.

In order for social work assessments to be carried out, referrals for Romanian children need to meet the thresholds of local authorities' Children's Services which are continually increasing due to the numbers of referrals going up, placing high demands on services. As there is a general lack of knowledge around child trafficking in social work, many children will not meet the threshold for intervention.

For children that do meet the threshold for assessment, a lack of experience and knowledge of child trafficking will often mean that assessments fail to recognise the safeguarding concerns and cases can often be closed despite the child being abused.

Another factor in social work assessments failing to identify and protect Romanian children are the discriminatory views and values held by some professionals towards Romanian and other foreign national children. This is something that CTAC regularly encounter in casework. Often professionals will fail to recognise and respond to the abuse because they have the view that the behaviour of the child is 'normal' and a cultural issue. For example, professionals may fail to see that a child is being forced to steal by traffickers if they hold the view that the behaviour is akin to the culture of Roma children. Repeated offending by the child may reinforce this assumption without scoping the additional factors.

The potential gaps in all these stages does not imply lack of identification/protection or good practice. It does mean the official identification done by first responders does not sit under the same legislation, follow the same guidance/tools and does not have an automatic interface with the mainstream child protection systems. It also means the cases that reach the formal

identification process cannot always be taken as the absolute number of victims.

As discussed above, there is not a straightforward identification and protection process for victims of trafficking. It is also known that a NRM decision confirming a child as a victim does not automatically result in protection. Equally some children may get a good package of support or care without anything to do with the NRM. Children's Services do not receive additional funds from the local or central government for protecting victims of child trafficking. Level of resources and services will depend on regional practice and expertise.

### Identification and protection by Child Trafficking Advice Centre

The CTAC team have been in operation since 2007. The team are social workers and a national crime agency officer. The team were set up as a second tier service to advise professionals on cases of child trafficking.

The team's work is pitched at all levels of the identification process: when a referrer wants to talk through the concerns, when a local authority want to discuss a case or have not accepted a case and finally working with the UKHTC to share intelligence and often influence their decisions by bringing in the child protection concerns.

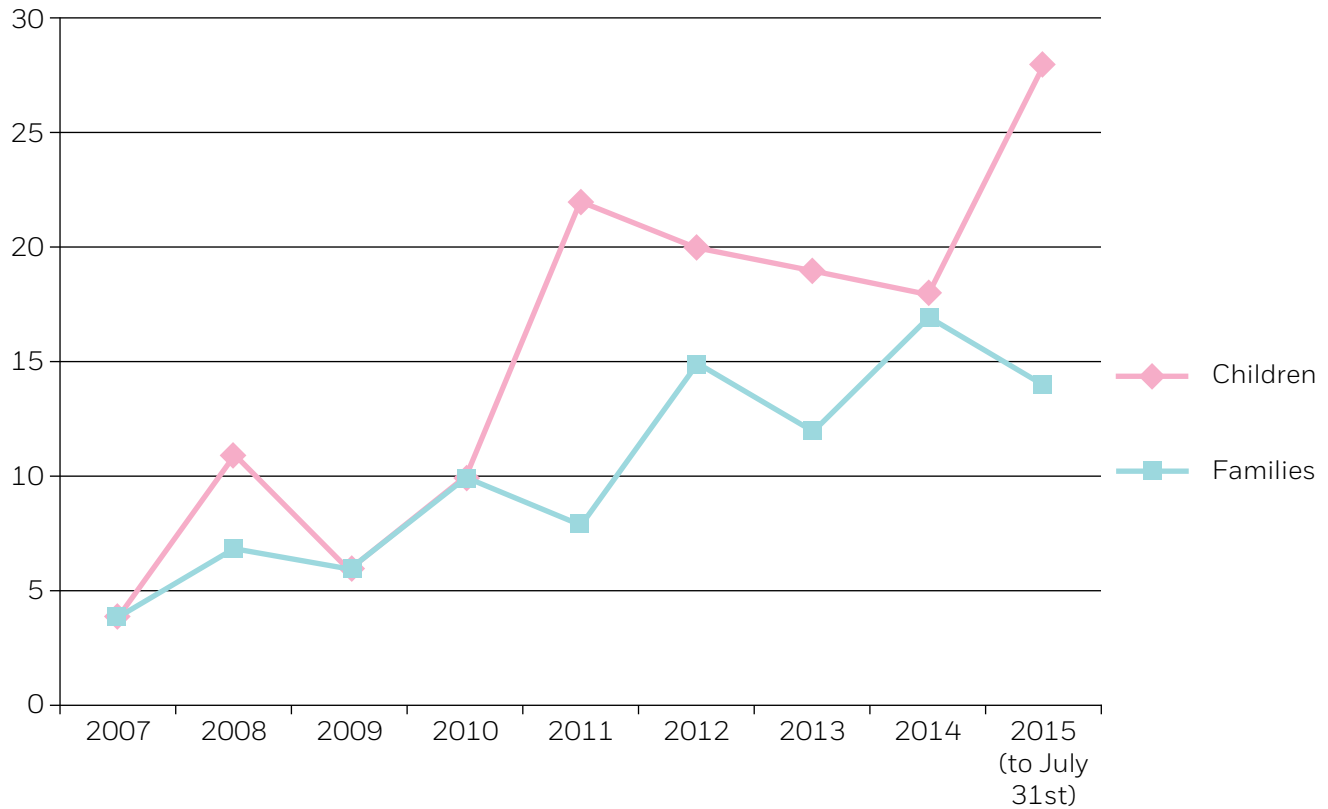
CTAC have developed an approach where cases are categorised as clear trafficking cases or those with safeguarding concerns which may escalate into a trafficking situation. CTAC data is shared on a quarterly basis with the National Crime Agency (NCA) UK Human Trafficking Centre (UKHTC). CTAC does not receive referrals for all children that may have been trafficked and the data reflects only the referrals received, which we believe to be only a fraction of the number of children trafficked to the UK.

Since the start of the service in 2007, CTAC has consistently received referrals for Romanian children where there are concerns for child trafficking or safeguarding concerns, and it has consistently been one of the top three countries of origin, alongside Vietnam and Nigeria.

Up to the end of July 2015 a total of 137 referrals had been received for Romanian children. The graph below (Figure 2) shows the number of referrals that were received each year considering both numbers of children and numbers of families, as it is acknowledged that large sibling groups have the effect of inflating the number of children referred.

CTAC are also responders into the NRM. CTAC receive calls from professionals who want to discuss trafficking concerns. The team supports the professional in identifying the

Figure 2 CTAC data for Romanian children



concerns on the basis of the government’s guidance, the definition of trafficking in the Palermo Protocol, the team’s case work experience in dealing with certain nationalities and associated risks and vulnerability factors, and the definition of child abuse in the Children Act.

The team refer to a broad spectrum of guidance and policy documents and attempt to break it down in terms of physical, emotional and sexual abuse a child may have suffered in the process of being moved. CTAC advocates for

appropriate protection for all potential victims of trafficking, and for them to receive the same response as any other victim of child abuse under the mainstream child protection system.

Through the above discussion we conclude the UK’s official system of identification, the National Referral Mechanism, and the statutory system of child protection do not have an inbuilt interface. Best practice and multiagency is promoted through guidance and this gap is filled by voluntary sector organisations and CTAC is a good example of that. NRM does

not offer direct protection or support to child victims, however the system has peripheral benefits as demonstrated by the case studies.

In CTAC's opinion, response to child trafficking has to be firmly embedded in the mainstream child protection legislation, policy and guidance. In 2007 the government published its guidance for safeguarding children who may have been trafficked (England and Wales). This is a supplementary guidance to safeguarding procedures. For the first time in any child protection guidance it defined trafficking and listed indicators. This guidance refers to the possibility of children suffering harm in trafficking, however it does not acknowledge or spell out that the process of trafficking is itself abusive in multiple ways and by virtue of having been trafficked children have already been subject to significant harm. It leaves the threshold criteria to case workers. Since it is very hard to prove all the aspects of trafficking, and even more so to get a prosecution, somehow the abuse that the children disclose is not taken into consideration or considered enough to meet the threshold for child protection procedures.

The process of trafficking is abusive in multiple ways and requires a child protection response. Children are highly likely to suffer physical, emotional and sexual abuse, as well as neglect in each of the key stages of trafficking: the recruitment, movement and exploitation on arrival. There is a need to apply the knowledge of child abuse and child protection to children who have been abused in settings that may not be familiar to everyday social work practice in the U.K.

The authors are aware that the discussion is restricted due to lack of data; however as an exploration it seeks to open the debate. This scoping of systems and procedures of identification protection is aimed to be illustrative rather than representative of all National Referral Mechanism (NRM) and social work practice. It seeks to highlight the need to ensure that some of the most vulnerable children that need protection don't slip under the radar if our systems do not converge. Ultimately child trafficking is child abuse, which can take place in a number of contexts; it can be carried out by individuals, families or organised criminals within and across borders.



This is the memory of the  
life of a girl stuck inside,  
dreaming of being able to be  
free.

Artwork from a child who's been trafficked

## 5 Safeguarding foreign national children

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The previous discussion on identification and protection focussed on cases where there are concerns about trafficking. In CTAC's experience, there are a very high number of cases where the trafficking concerns may be unclear, but there are obvious safeguarding concerns for a child being moved across borders. CTAC believe a lack of protective factors in a child's life who has moved or is being moved from their home environment makes them vulnerable and exposed to being abused and exploited. Safeguarding is a preventative response to protect children before they have been harmed, through trafficking or in any other way. We see safeguarding as pivotal to any robust anti-trafficking strategy. Safeguarding is taking action to enable all children have the best outcomes (Department for Education, 2015). CTAC believe scoping safeguarding concerns and our response to them is an important part of preventing child trafficking.

Safeguarding as a concept was introduced in legislation in 2004. The Children Act 2004 gave more professionals safeguarding duties for children and encouraged a multi agency approach to working to better prevent children from being abused. The agencies who have been given child safeguarding duties in recent years are: UK Visa and Immigration, Immigration Enforcement and the Border Force and National Crime Agency. Under section 55 of the Borders, Citizenship and Immigration Act 2009, UK Visa and Immigration, Immigration Enforcement and the Border Force have to, *'take account of the need to promote the welfare of children'* (Department for Education, 2015:62). National Crime Agency was brought under the same duty to safeguard and promote the welfare of children, along with public bodies and police under section 11 and 28 of the Children Act 2004.

Table 4

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### A case where there are safeguarding concerns:

Isabella is 15 years old and has been in the UK for three months. She is not registered at a school or with a General Practitioner (GP). It is not clear who she is living with or whether she is related to them.

### A case where there are trafficking concerns:

Fernando is 15 years old and arrived at a UK airport with an unrelated adult male. He tells the border staff that he is being taken to a farm to work. He had previously been in Italy working on farms. Checks are carried out on the adult and there is intelligence that he is linked to farms that have been known to exploit adults and children for labour.

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\* Names for all case studies have been changed to protect identity





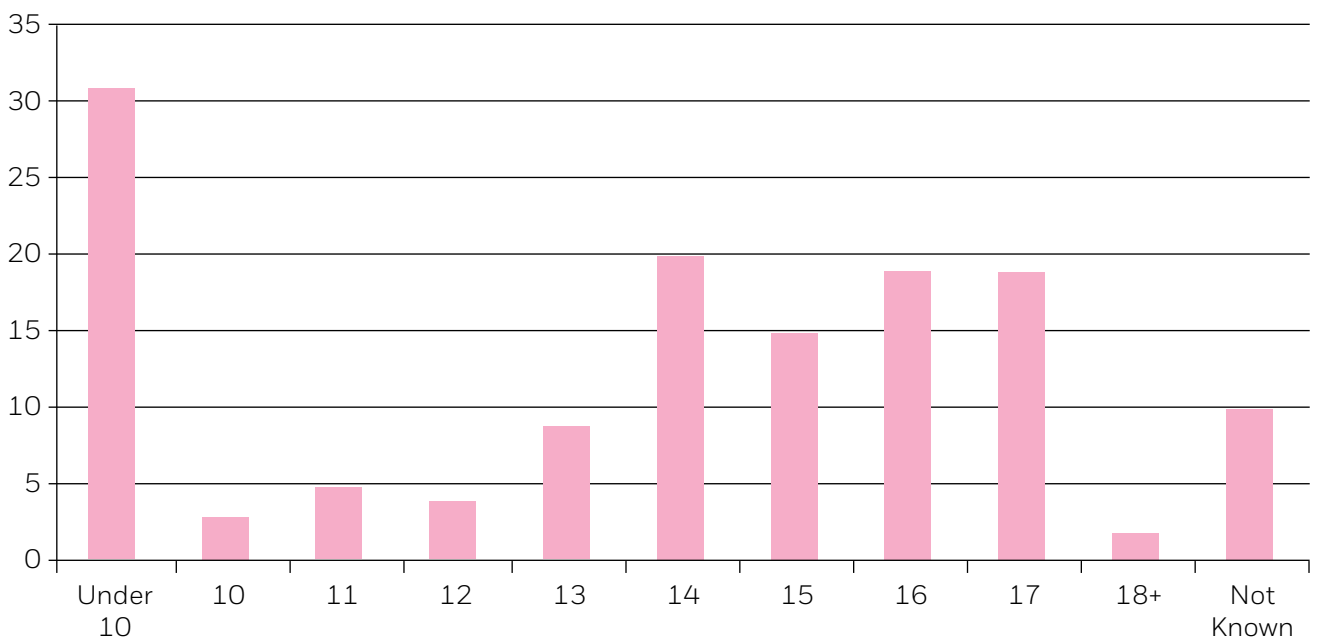
We explore the issue of safeguarding further utilising CTAC’s data on Romanian children. There has been a steady increase in referrals of Romanian children to CTAC since 2007. This could be due to many reasons, such as an increased awareness of child trafficking among professionals and more professionals being aware of CTAC and the service. [Figure 3](#) below shows the age ranges of Romanian children referred to CTAC. The most referrals have been received for young people aged 14–17. The next largest age group is for children under the age of 10. This is interesting as it is often assumed that only teenage children are

trafficked. However, CTAC’s data shows that 30 children under the age of 10 were referred due to concerns they may have been trafficked.

The next graph ([Figure 4](#)) shows the gender breakdown of Romanian referrals to CTAC.

CTAC has received more referrals for Romanian girls than boys. However, there have also been a large number of boys referred. CTAC have found that professionals can be unaware of boys being exploited and can fail to recognise the vulnerabilities for boys, particularly sexual exploitation indicators.

Figure 3 Age ranges of Romanian children referred to CTAC



CTAC collect data on the trafficking concerns and the types of exploitation children suffer. The graph on the following page (Figure 5) shows the number of referrals received for Romanian children and the types of exploitation.

The highest number of referrals have been for Romanian children where there are concerns they have been trafficked for criminal activity,

followed by sexual exploitation, followed by labour exploitation and domestic servitude. In CTAC's experience, girls are criminally and sexually exploited and boys are exploited for criminal activities. Most of the referrals for Romanian boys come from the youth offending service. This suggests that criminal exploitation of boys may be viewed primarily as a youth justice issue rather than a safeguarding issue.

Figure 4 Gender

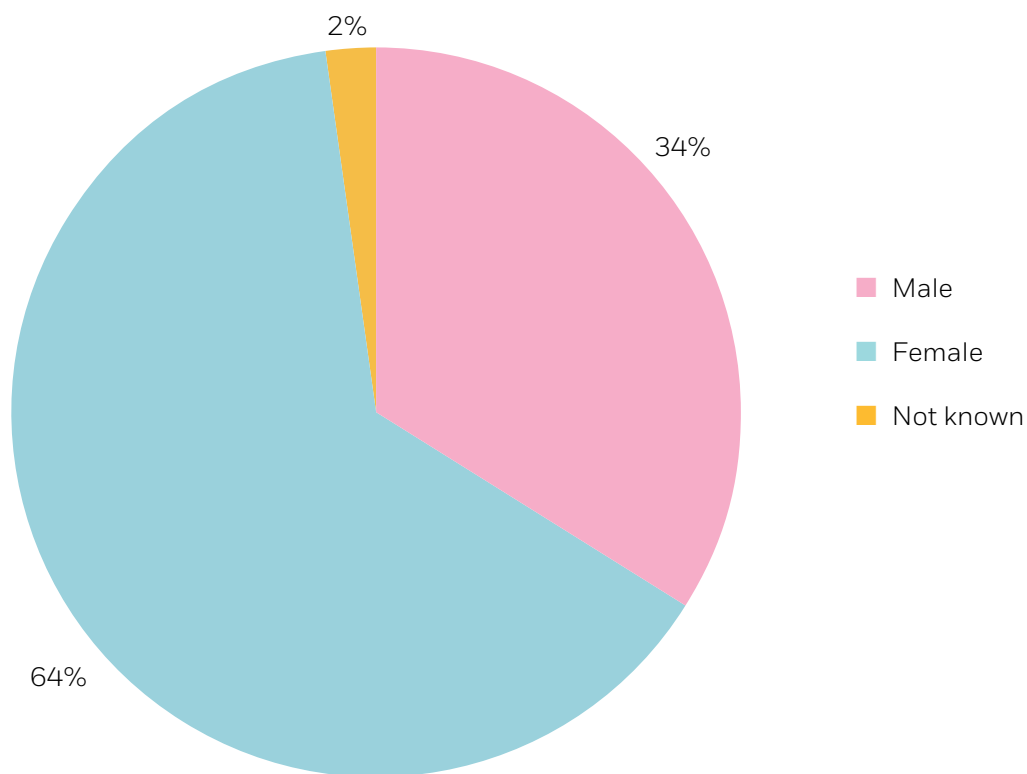
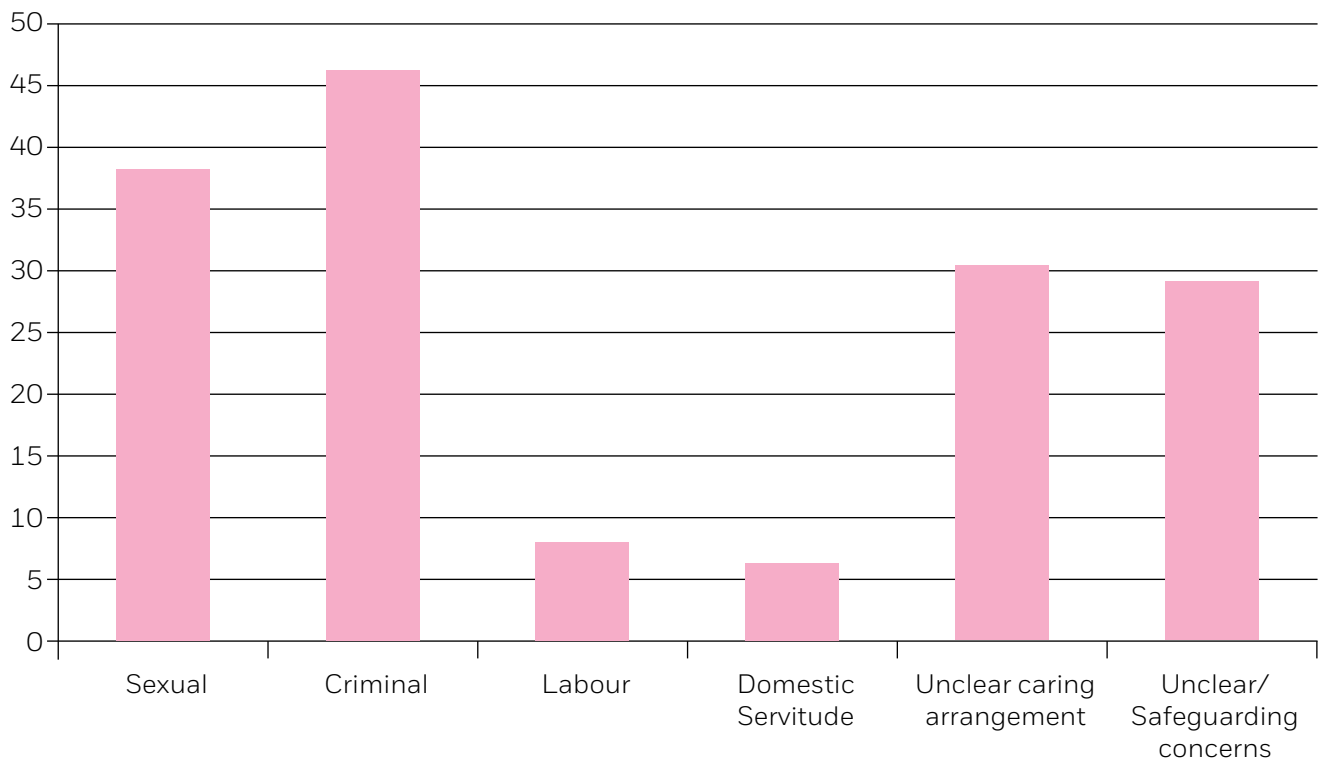


Figure 5 Number of Romanian children and each exploitation type



N.B. Figures add up to more than 100% of referrals due to multiple exploitation types

### Case study\*

A social worker from Wales contacted CTAC regarding Dorin, a 16-year-old Romanian boy who had gone missing from the accommodation he had been placed in the night before.

The social worker explained that she had placed him somewhere remote, hoping that he would not disappear. Dorin had been arrested for stealing a large amount of alcohol from a shop.

Later that morning CTAC received another referral for a Romanian boy picked up on the south-coast of England for stealing a large amount of alcohol, said to be with his girlfriend. After further enquiries, it turned out to be Dorin. He was bailed to return.

Later that afternoon another call came through from police in the Midlands to say they had arrested Dorin again for trying to steal large amounts of alcohol, again accompanied by his girlfriend.

Police were aware of the different arrests. CTAC raised concerns about the accompanying person, as it turned out she was a 23-year-old woman and not a girl. Children's Services were called given the concerns for trafficking and to assess his situation.

On further investigation and assessment Dorin was also known in Romania and Italy for committing petty crimes. The UK address he provided as his home address was checked by authorities. It was a small flat above a shop where seven adult Romanians also lived, but none of whom were related to Dorin.

\* Names for all case studies have been changed to protect identity

Figure 5 shows a significant number of cases with unclear caring arrangements and safeguarding concerns. These safeguarding concerns are:

**Living with unrelated adults:** Freedom of movement within the EU, although a fundamental right for EU citizens and for the transferring of labour across the EU, does have implications for the safeguarding of children. CTAC's case work shows a trend for Romanian children entering the UK who are separated from their parents or carers or who are with unrelated adults. There are no restrictions on Romanian children entering the UK without their parents or carers, as long as they have a declaration from both parents agreeing for the travel which is written in Romanian. A restriction may arise when the UK border agency have child protection concerns for the child and need to take appropriate steps to protect them. This too can be complicated, as although the UK border force will use UK legislation to raise safeguarding concerns, they have to depend on the French authorities to safeguard the child as the border is in France.

**Unclear care arrangements:** 'Unclear care arrangements' means they are living with someone who is not a close relative. This arrangement has not been assessed by a local authority, as should be the case for a private fostering arrangement. Some children are aged 16–17 and therefore do not fall under private fostering regulations, but there are concerns about the adult caring for them.

**Missing:** CTAC also collects data on the number of children who are missing at the time of referral. 23% of the Romanian children referred were missing at the point of referral. There are children who go missing during the team's involvement – 28% have been missing at some point while referred to CTAC. The children are not consistently reported missing and are circulated on police systems, however some of them may not get reported. This is often a prompt for professionals to contact CTAC for advice about what actions to take if there is hesitation by other agencies in reporting a child missing.

**Unlocated children:** These are children who are known to services but can no longer be located. For example, they are said to have returned to their home country without any evidence. These children may not have been reported missing but their whereabouts are unknown. CTAC have worked on cases of Romanian children who have been stopped at the UK border due to safeguarding concerns and have subsequently been allowed to enter the UK. A referral is sent to children's social services in the area the child is said to be travelling to, however the child does not go to this address. This means there are vulnerable children in the UK without their parents or carers and the UK authorities do not know where they are. Often these children are not reported missing to the police because it is unclear whose responsibility it is to report them missing. Case study 5 demonstrates this point.

### Case study 5

Tantica is a 16-year-old Romanian girl who was stopped at the UK border in Calais, France. She was travelling with an unrelated, older man. She said that the man was her boyfriend and they were going to the UK for a holiday together. The man told the border staff that he was Tantica's cousin and was taking her to London to visit relatives. He gave them an address in London where they were going to stay.

Tantica and the man were given permission to enter the UK and a referral was made to children's social services in the area of London they were travelling to. UK border force also made a referral to CTAC to follow up on the case and to ensure the child was visited.

Children's social services agreed to visit the child after CTAC liaised with them and highlighted the safeguarding concerns for her. However, a visit was not carried out until two weeks after she had entered the UK. When the visit took place she was not at the address and it appeared she never had been.

Tantica was not reported missing by children's social services as they had never seen her and did not know if she was in their area of the UK.

CTAC referred her missing as no other agency was prepared to do so.

**Return without assessments:** CTAC regularly come across cases where Romanian children are returned to Romania without thorough cross-border investigations, assessments or linking with social welfare authorities in Romania. In the context of free movement within the EU, the UK is able to return children to Romania in this way, but this can place the child at risk of abuse and of being re-trafficked and exploited. It may be in the child's best interests to return to Romania, however thorough assessment and cross-border work needs to be carried out prior to any decisions about the child's care being made in order to safeguard the child and to prevent them from going missing and potentially being re-trafficked again.

The authors acknowledge there are certain limitations to CTAC data, as the service can only report on the cases referred to it.

Whether a case is referred into CTAC depends on a number of factors. The professionals should be aware of the service. They should also be willing to react to a foreign national child's vulnerability, and understand safeguarding and trafficking concerns. The service has incomplete data on ethnicity and in the early years of the service this aspect of the child's identity was not recorded. This makes it difficult to establish the extra vulnerabilities faced by Roma children. There is anecdotal evidence to suggest that a high percentage of the referrals could be Roma, however in the absence of a detailed analysis it is not possible to confirm this.

The data and the themes discussed above are important to understand the potential gaps in the current systems and processes, and to explore ways of working better in these cases.





## 6 International Multi Agency Assessment Framework

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The last two sections of the report are focussed on systems of identification and protection for children who had been trafficked and the concept of safeguarding. The report has highlighted vulnerabilities of Romanian children being moved and their exposure to being trafficked and the need for agencies to work closer together nationally and internationally. It has been identified the formal identification process through the National Referral Mechanism (NRM) is not mandatory and does not afford protection to children. It does not have power over other agencies and does not compel agencies to protect children or provide care.

The mainstream child protection system does not have to capture data on child trafficking and may not necessarily make referral into the NRM. There are gaps at the legislative level where responsibility for protecting trafficked children lies with the child protection system, yet trafficking does not feature in the primary child protection legislation and is not mandatory for professionals' training. There are also various supplementary guidance across the devolved nations. These inconsistencies and lack of cohesion can result in gaps in multi agency working and a lack of coordinated response for the child, especially those with key indicators of safety concerns being missed out.

It is in the above context that the **International Multi Agency Assessment Framework (IMAAF)** has been created to tackle some of these issues at an operational level, to address safeguarding concerns and to prevent trafficking or other forms of harm from taking place.

The International Multi Agency Framework (IMAF) has been developed as a tool for professionals to consider and guide their assessments for a child who has been or is being moved across geographical borders, looking at wider issues that may impact on a child. It does not replace or come before protection responses required to ensure a child is safe from harm. It is a prompt to extend assessments and to remind professionals of the wider issues to consider such as things a child might be fleeing and seeking. It also encourages professionals to focus more on accompanying adults, who they are and whether they have responsibility for the child.

The IMAAF prompts professionals to consider the various agencies within and across borders that need to be worked and communicated with in order to obtain as much information as possible about adults and different stages of a child's journey. This will help professionals to be better able to consider all factors, information and intelligence to analyse and develop assessment plans for a child. It will also help them design appropriate short term plans, parallel and long term pathway plans for children and young people.

The IMAAF has been developed on the basis of advice sought by professionals contacting CTAC, the information provided and things to consider.

Below are the key points that form the foundation of IMAAF.

**Working together:** In 1999 the first edition of the Working Together to Safeguard Children Guidance was introduced, followed by other editions, the most recent being 2015

(Department of Education), plus supplement guidance for children in particular situations. The guidance was for agencies to work together and share information in order to safeguard children. The safeguarding responsibility has been extended to UK Visa and Immigration, Enforcement and Border Force and National Crime Agency. Although neither agencies remit to people's rights and equality, but to tackle serious organised crime and immigration and border matters, they both have safeguarding duties. Both agencies have UK officers based overseas who can assist agencies in obtaining information and sharing intelligence, particularly about accompanying adults who may be placing a child at risk of harm. This information could contribute towards assessments for children.

In the UK, social workers' first priority is to ensure a child is safe from harm and to then gather information by communicating with other agencies relevant to the child, and to engage with the child and parent or legal care giver in order to obtain information to assess. For children who have entered the UK from another country, it can be challenging for social workers to carry out wider assessments, to know what agencies to make contact with, to find out who the parents are, and to engage with children whose first language might not be English.

**European Children:** The challenge of protecting children across borders has been recognised by the European Commission and was addressed at the European Forum on the Rights of the Child on 3–4<sup>th</sup> June 2015, focussing on the need for integrated child protection systems.

Principle 7 from the 9th European Forum on the Rights of the Child 'Coordination and

cooperation in integrated child protection systems' Reflection Paper states that, '*Child protection systems have transnational and cross border mechanisms in place; in view of the increasing prevalence of children in cross-border situations in need of child protection measures, efforts are stepped up by: clarifying roles and responsibilities, keeping abreast of country of origin information, ensuring a national focal point for child protection matters adopting procedures/guidance/protocols/processes.*' (2015:11)

The momentum for integrated child protection systems and member states to strengthen child protection was called for in 2014 as part of the mapping of the 2012-2016 EU strategy towards the eradication of trafficking in human beings. Academics have previously written on the difficulty of identify children who have been moved for trafficking, explaining how it is a 'new phenomenon' and a 'clandestine activity' (Melrose and Barrett, 2006), making it difficult to obtain accurate information and collecting data.

A common challenge for UK professionals is not knowing what agencies to work with regarding a European child. Where and who to obtain information from overseas? How do you confirm who a child is? Who are their family? And how do you identify accompanying adults, as well as obtain information about them and why they are with the child?

Gathering information to assess an EU child's situation often proves to be very difficult. There is no standardised European procedure for safeguarding children, no systems in obtaining and sharing information between agencies across borders and very little knowledge of what agencies to make contact with in order to work together within Europe.

### **Challenges with existing tools and mechanisms:**

In recent years mechanisms have been introduced with the aim of obtaining data and helping professionals in identifying whether someone has been a victim of trafficking. The London Safeguarding Toolkit was introduced to help professionals assess and the National Referral Mechanism (NRM) was introduced to collate data.

The other mechanism introduced to help assess child victims of trafficking was the London Safeguarding Trafficked Children toolkit, which has the three domains including the Framework for the Assessment of Children in Need and their Families (Department of Health, 2000). The London Safeguarding Trafficked Children toolkit helps professionals recognise indicators for child trafficking, however these are more focussed on children being sexually exploited.

These mechanisms help professionals to identify whether a child has been a victim of trafficking. If the relevant authority decide that a child has been trafficked then the reactive measure of child protection follows. If it is a negative decision to trafficking, the child may still require a child protection response if they have been abused in another way or are at risk of serious harm or a safeguarding response may be required if a child is in need.

**Lessons learnt in CTAC:** An issue CTAC observe from professionals dealing with children from Eastern Europe, particularly Romania and children from the Roma community, can be a lack of response due to confusion as to what to do or even whether to do anything. Often questions or views are raised about cultural norms and others make rapid decisions to

return a child to a country without carrying out full assessments. They do not involve other agencies to investigate or contact embassies to try and liaise with professionals overseas in order to complete joint assessments and devise appropriate plans and care arrangements.

Often accompanying adults of Romanian children produce documentation to say the child can travel with them and UK professionals do not know if the document is legitimate. Others interpret the letter to mean the adult has responsibility to care for the child. Some professionals contact CTAC about Romanian children with adults who they have concerns about regarding their behaviour towards the child. These types of referrals usually come from professionals working at borders who have heard conflicting explanations as to why the adult and child are travelling together and have concerns about the purpose of travel and where the child will be living. With these types of situations, the trafficking may not have happened yet or may never will, but there are many concerns for the child's safety, which requires professionals to communicate and work together to safeguard the child from any potential harm, including being trafficked.

### **Unlocated and missing children**

A trend often noticed for children who have been moved and trafficked into the UK is for them to go missing or become unlocated once they have come to the attention of authorities.

For any child going missing, it is very concerning, but for missing children who do not have parents or protective adults, it requires somebody to report the child missing

and to push for the child to be found, who may be totally off anyone's radar. For children from across borders they may go missing at some point and then may come back to the attention of authorities if found during a police or immigration raid or in an exploitative situation. Sometimes they are found living with unrelated adults at another UK address and there are concerns that the child is being exploited for obtaining benefits. Other times an adult informs professionals that the child has been moved back home – this is a particular trend seen for children from Romania. The difficulty for a professional is establishing whether this is true, whether the child is safe and if or how to access agencies in Romania to obtain information.

CTAC data show how Romanian children are often exploited for criminal activities and sexual exploitation. Others are known to be living with adults and it is not clear as to the reasons. Often when agencies get too close, a child is moved on, around the UK or back to Romania. At a later stage, they then come to the attention again of agencies when re-entering the UK, or found in an exploitative situation or when there are concerns for their safety. Children being moved around within and across borders are difficult to identify and protect from harm. Where are they? Are they with parents and carers? If they are missing and known to different local authorities within the UK, this causes debates as to what authority has responsibility for reporting. The information needs to join up between authorities in the UK, within Europe, and internationally. There

is no EU system to safeguard children who are being moved across borders or mechanisms for professionals to work together in order to try and find a child and assess if they are safe.

### CTAC Young People's Group

CTAC have a young person's advisory group made up from young people who have been trafficked into the UK. The young people provide valuable insight and information about their trafficking experiences. The young people were moved from various countries around the world by adults who gave them different reasons as to why they were travelling. All of them did not know they were going to be trafficked. Many said they looked happy when entering the UK, some being given new clothes, others just doing as they were told and being respectful to elders telling them to travel and following instructions given to them. Others were scared because of the abuse they had experienced prior to being moved or during being moved or what they witnessed to others on their journey. Many of the young people from the CTAC group say they entered the UK excited after everything they had heard about the life and opportunities of living in the UK. They believed what they had been told and thought they would be able to go to school or to work to earn money.

They were naïve and innocent as to what life would be like for them, what they would experience in the UK and the many things they would lose: safety, support and security about their futures.

Through CTAC information, we know that many children moved for the purpose of trafficking were previously vulnerable in their home countries. For example, they were orphaned, exposed to street life, affected by war or poverty, had to care for themselves or their siblings, had unsettled living conditions or were homeless.

Many of the children who are moved across borders are often invisible to authorities. Maybe this is because they are children and not a security threat. Or if travelling with adults that appear from the same ethnic background, they might look like families and again not be seen as a security threat. Or sometimes children are moved by people in positions of power or authority and again this does not raise any concerns or appear to pose any threats. Sometimes views held about older children – that they are old enough to make informed decisions or could be implicated in some way – make older children go unnoticed and makes them exposed to being abused for trafficking.

### **Need for the International Multi Agency Assessment Framework (IMAAF)**

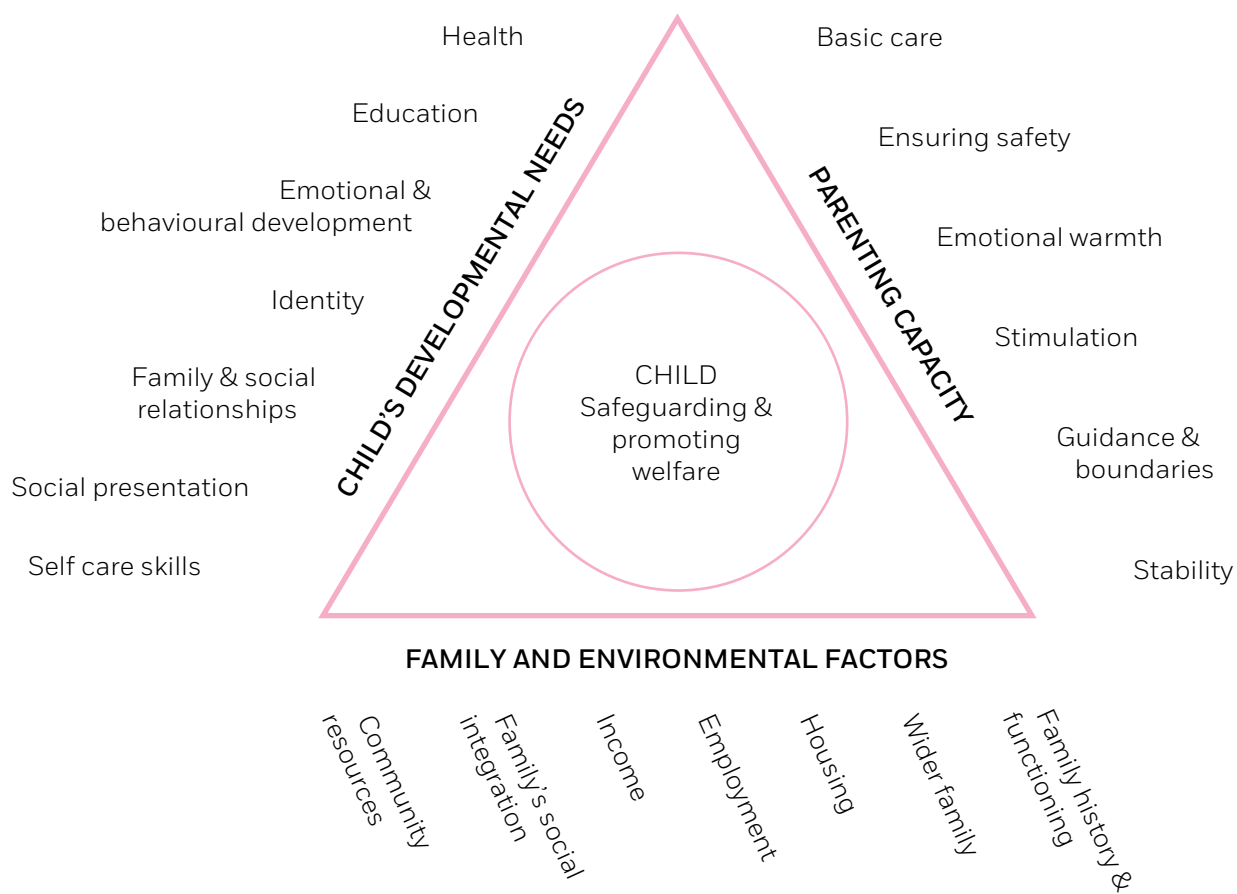
Over the eight years of enquires to CTAC and the advice provided to professionals, the International Multi Agency Assessment Framework (IMAAF) has been developed as a tool to prompt professionals of the various things to consider when working with a child who has been trafficked or moved or is being moved across borders in or out of the UK.

If a child is in immediate risk of harm, child protection procedures need to be followed before considering using this. The IMAAF is NOT about assessing the immediate protection and welfare needs of the child, but a tool to prompt professionals with their assessments. It looks at wider issues that impact on a child's situation, focussing on accompanying adults, establishing who they are and identifying relevant agencies to work with in order to gather as much information as possible at various stages of a child's journey in analysing and making decisions in the best interest of the child.

Social workers have to have knowledge about UK child care legislation, procedures and guidance, theories of child development, as well as developing skills in engaging with children and families to be able to assess their needs. However, when faced with assessing a child and accompanying adults who come from another country, assessments can prove challenging and time consuming and some professionals utilise CTAC to run through their thoughts or for advice of the actions to take and what agencies to work with in obtaining wider information. CTAC will support in coordinating and obtaining information.

Like the Framework for the Assessment of Children in Need and their Families (2000), the IMAAF has three domains to consider for assessments, followed by a grid to use at the different places of the journey. It is a prompt to think about what agencies to work with, including agencies from the country a child comes from and their destination. The aim of

Figure 6 Assessment framework



the IMAAF is to help professionals thinking when working with a child moving or moved across a border to examine the child's present situation, consider past experiences and future plans.

The IMAAF tries to focus professionals on working together with agencies within and across borders in establishing, assessing and investigating a child's situation. Finding out why they are here, who they are with, what countries they've travelled from or through, and what their living situation is in their home country – all of which will take time and present professionals with many challenges.

The second side of the domain of the IMAAF is titled ADULT. This is significant as unlike the Framework for the Assessment of Children in Need and their Families (2000), the IMAAF **does not** assume that accompanying adults are parents or have the authority to care for the child. In many of the children's cases CTAC have worked on, the accompanying adults are not related to the child and many are the trafficker. For those children who are with parents, they may also be the one trafficking their child or exposing them to harm. This requires responses like those for any other parent that abuses their child. Other adults may be moving a child but ignorant to the risks they are exposing a child to and there are adults who are also victims themselves, as sometimes traffickers exploit whole families and groups.

Often accompanying adults have no proof that they are the parent or authorised to care for a child. Sometimes documents produced show evidence of the movement of the child, such as a passport that may have been fraudulently obtained, or a visa to bring the child into the UK and for children from the EU often a letter is presented from an official in source country, saying that the child can travel with them. None of which provides evidence that they are the authorised carer. Paperwork is frequently accepted as genuine or genuinely obtained and not investigated further by professionals.

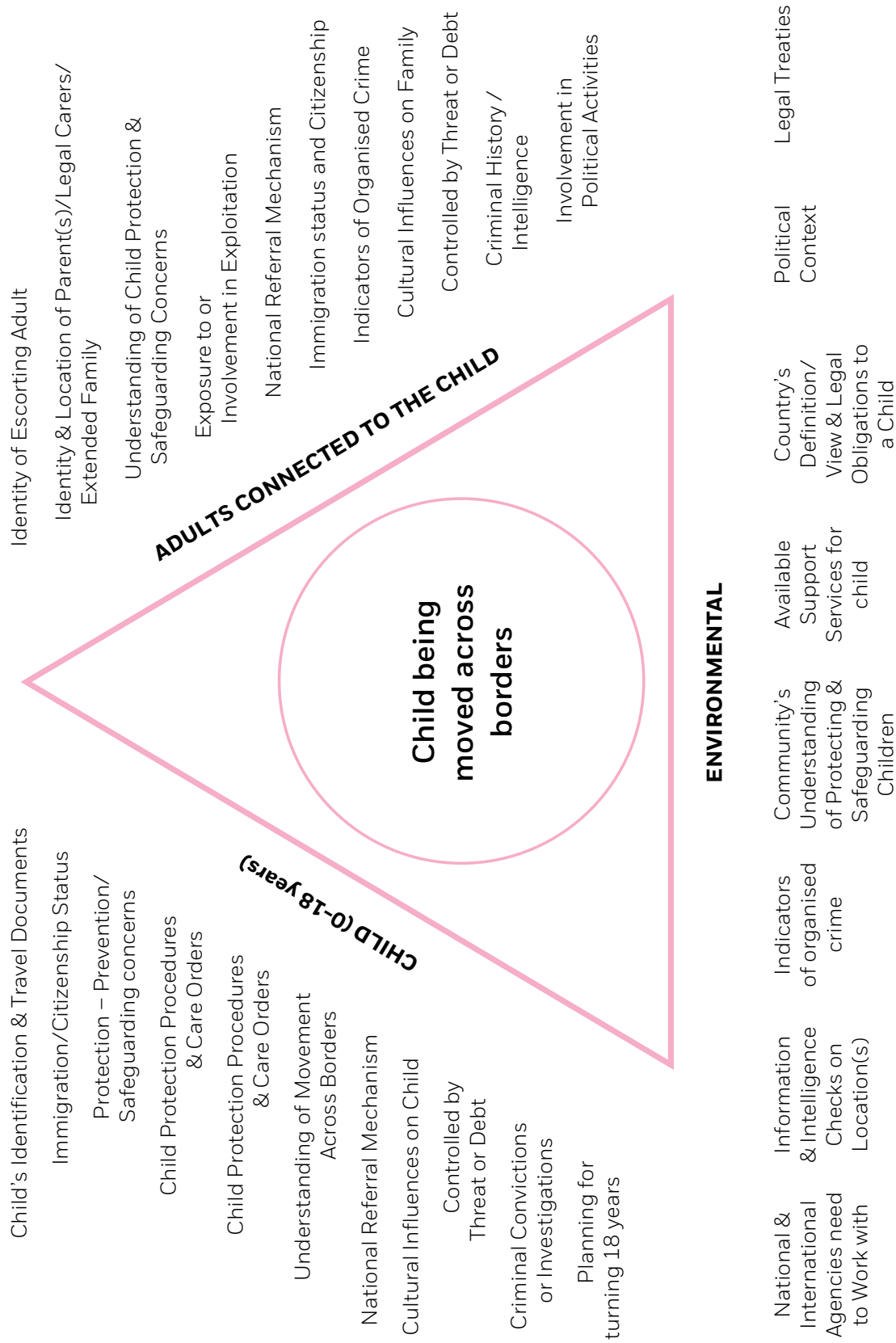
The Framework for the Assessment of Children in Need and their Families (2000) provides the structure for social workers in England and Wales to carry out assessments on children in need and their families. It comes from an ecological approach which is crucial when assessing the wider issues of a child's situation: *'An understanding of a child must be located within the context of the child's family (parent or caregiver and the wider family) and the community and culture in which he or she is growing up.'* (Department of Health, 2000:11) However, for the children who have been moved across borders, often they are not in their community or with parents or caregivers.

The Framework for the Assessment of Children in Need and their Families provides a systematic basis for collecting and analysing information to support professional judgements about how to help children and families in the best interests of the child.

### Key points for IMAAF:

- If a child is in immediate risk of harm, follow procedures for protecting a child before considering using this.
- The IMAAF is a tool to prompt professionals to consider wider issues in gathering information and intelligence for child assessments.
- It is a prompt to remind professionals of the various agencies that need to be worked and communicated with, within and across borders, in obtaining more information from the different places and stages of a child's journey.
- The IMAAF's second domain does not assume that accompanying ADULTS are parents/carers, but an adult where the relationship and intentions need establishing.
- Speak to children about their circumstances. Why are they moving across borders? What was life like in home country? What is the purpose of travel? Who are their parents/carers?
- The ENVIRONMENT domain prompts professionals to think about wider issues that may affect a child: country political situation, laws, expectations for children, rights/protection, etc.
- Work together with the child, established parents or carers with responsibility and relevant stakeholders to devise plans, parallel plans and future plans for going into young adulthood.





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Child – 0–18 years

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Factors to consider

Country child is currently in

Countries child moved through

Country of birth/nationality

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ID and Travel documents

---

Immigration and Citizenship status

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Are there child protection/safeguarding concerns?

---

Child Protection Procedures & Care Orders

---

Child's Understanding of Movement Across Borders

---

National Referral Mechanism

---

Cultural Influences on Child

---

Controlled by Threat or Debt

---

Criminal Convictions or Investigations

---

Planning for turning 18 years

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Adult Connected to the Child			
Factors to consider	Country currently in	Countries moved through	Country of adult's birth/nationality
Identity of Escorting Adult			
Identity & Location of Parent(s)/Legal Carers/Extended Family			
Adults understanding of child protection and safeguarding concerns			
Exposure to or Involvement in Exploitation			
National Referral Mechanism			
Immigration Status & Citizenship			
Cultural Influences on Family			
Controlled by Threat or Debt			
Criminal History/Intelligence			
Involvement in Political Activities			

## Evaluation of IMAAF

The IMAAF was created by Mandy John-Baptiste through the CTAC's work of providing advice to professionals across the UK when they have concerns for a child and child trafficking. It is in the process of being developed and remains a work in progress. The IMAAF was introduced in Northern Ireland with professionals from the Northern Ireland Health and Social Care Board who agreed to pilot it. Northern Ireland acknowledged a lack of knowledge amongst social workers in the area of reunification and it was proposed the IMAAF could assist with assessing and planning for young people moving back home across borders.

The IMAAF was then piloted at an ICARUS transnational workshop in Budapest, Hungary. This event was attended by professionals from all over the EU. Participants were given a number of case studies and were asked to use the IMAAF to assist them with exploring the following:

- Identify areas of strength and areas of improvement of the IMAAF based on their expertise.
- Whether it is a usable document as it is.
- Challenges, benefits and key agencies in transnational multiagency work to safeguard and protect children.
- What would be the challenges in using the IMAAF, what does and does not work, how can it be improved?

Feedback was sought via group discussions and questionnaires.

Following the transnational workshop, UK professionals from immigration, police and social services were asked to pilot the IMAAF in their work. They were not required to use it on actual cases unless they wished to do so, but they could think hypothetically about what additional benefits it might have to the safeguarding of children and what the disadvantages and challenges could be.

## Key findings

Feedback from the Local Authority Head of Commissioning highlighted that IMAAF was a very helpful practice tool and that it would help social workers to be robust in their information gathering for children who were crossing borders. Feedback was that it gives social workers a sense of all of the relevant agencies that they need to be interfacing with in order to correctly investigate, assess and make plans for children and that multi agency working and planning are key.

Views were also expressed that further guidance with the IMAAF and how to use it would be helpful, as well as recognition of how it fits with and supplements existing frameworks for the specific circumstances where children are crossing borders. It was felt that the IMAAF would identify areas where social workers are lacking in knowledge, which would be likely to identify training needs and areas where practice needs to develop.

From the transnational workshop, feedback was sought via focus groups and questionnaires given to 45 multi agency professionals. From the questionnaires, 58% of participants agreed or strongly agreed the IMAAF was useful for the case study they had worked on. 73% of delegates agreed or strongly agreed that using the IMAAF assisted them in

thinking more widely about the safeguarding concerns for the child. Participants were asked whether they thought the IMAAF was more comprehensive than other frameworks they had used to assess children crossing borders and 61% agreed or strongly agreed. When asked whether participants thought the IMAAF would assist them to better safeguard Romanian children, 50% agreed or strongly agreed, and 58% of participants agreed or strongly agreed they were likely to use the IMAAF in the future.

During the focus group participants were able to give more detailed feedback. One point that came out was that the IMAAF does not look at immediate risk to the child. The intention of the IMAAF is for it to be a supplementary aid or prompt to assist professionals when working with a child that has crossed borders. It does not replace statutory frameworks or guidance around child protection. We acknowledge that this needs explaining fully in the guidance which accompanies the IMAAF and developments have been made to this in the introduction. Another point of feedback was that the IMAAF could be used as a continuous assessment, where different agencies complete the relevant sections of the form and then pass it on so that all of the information held by different agencies is gathered in one place. This could be very helpful as one of the key issues

for CTAC is that information is not readily sought and shared between the key agencies of social services, police and immigration in cases where there are safeguarding concerns for a child crossing borders.

Feedback from some participants from other European countries was that the IMAAF seemed UK centric with the terminology of 'safeguarding' and they were not used to seeing dimensions in the form of a triangle, as the English and Welsh participants were because of the similarity to the Assessment Framework. They thought that a chart with spaces to write under each factor or prompt would be helpful and this has now been added to the IMAAF format. Overall, participants expressed and recognised a need for a framework or tool like the IMAAF to assist with cases of children crossing borders to assess whether there were safeguarding concerns and concerns for child trafficking.

Following the transnational workshop professionals from immigration, social services and police were asked to pilot the IMAAF in their work. Feedback was received from a professional from each field.

Feedback from an immigration manager was around the factors or points on the IMAAF triangle and amendments to existing points or additions to it. They pointed out that 'Child (0-18 years)' should be amended to 'Under 18' to avoid any confusion about the age of a child in the UK. They also suggested it would be helpful to have short descriptions next to each point on the IMAAF to explain what is meant. For example, professionals from social services won't necessarily know what we mean by 'organised crime'. Explanations for each of the points on the three domains will be developed and fully explained in the guidance, which will accompany the IMAAF in the future.

Feedback was provided by a social services manager in a local authority. She felt that many elements of the IMAAF were already covered by the assessment framework (Framework for

Assessing Child in Need and their Families). However, she acknowledged that it would be dependent on whether the assessing social worker was aware of the issues and factors for children crossing borders and thought that some of the points on the IMAAF would help social workers to focus on specific issues, for example the NRM.

Finally, feedback was provided by a police detective. They thought that the IMAAF would be less helpful for police officers in the trafficking unit as they were experienced in the field of trafficking. He thought it would be helpful for front line police officers who do not regularly come into contact with children who could have been trafficked or exploited. It could help them to spot the signs that a child may have been brought in or out of the country by adults for the purpose of exploitation. He suggested that the IMAAF could be made into an app for officers to access on electronic devices as they already have a lot of paperwork to carry.





## 7 Conclusion and recommendations

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This report set out to gauge coordination and accountability towards Romanian children in the United Kingdom. This was done by placing the Romanian children's movement into the UK in the wider context of migration and children moving/being moved across borders. It briefly explored issues faced by Roma children, lack of reliable data and specific vulnerabilities faced by them.

The UK's systems of identification and protection were considered and it emerged there is a lack of congruence between the official system of identification of victims done by the National Referral Mechanism and the mainstream child protection systems. This can result in some children slipping through the net. It also meant that the data on child victims is only representative of the referrals and not a true reflection of the scale of trafficking.

CTAC's data was used to analyse the cases that do not meet the threshold for child protection intervention or do not have enough indicators of trafficking, but where there are multiple safeguarding concerns. This was identified as being especially relevant for Romanian children. Unfortunately there was lack of data on ethnicity for us to do a fuller analysis of the issue.

A new framework, the Multi Agency Assessment Framework, has been created as a tool to help prompt professionals to consider wider issues. It also encourages working together with various agencies within and across borders and the sharing of information for assessments and investigations in order to prevent and protect children from harm. It also focusses the lens on to the adults associated with the child and it does not assume they are related or have the best intentions for the child's wellbeing. The mechanism was piloted in the course of the project and it is hoped it will continue to be used.

Through this report, it has been identified there is a need to develop mechanisms for joint working at the macro level to improve the identification and responses for vulnerable children where there are concerns for trafficking.

CTAC welcome the European Commission's promotion of an integrated child protection system within Europe. This may provide a solution and a way forward to working together across borders to protect children being moved from all forms of harm.

Examples of how working together globally can be developed are illustrated by police, immigration and borders. Mechanisms they have developed for joint investigations and sharing of intelligence in order to deal with security threats and serious organised crime and immigration matters are testimony to the fact that with the political will this can be achieved.

National Crime Agency and UKVI's ability to do international work as well as their safeguarding duties make it possible to gather intelligence and contribute towards children's assessments.

However, the agencies that need mechanisms to enable working together across borders are those with key responsibility for the social welfare and protection of children.

Changes in the landscape of cross border social work requires connecting with our European and international colleagues. This can be done by creating a resource directory that lists statutory organisations and relevant non-government organisations in each country, their functions and how to work with them. This is especially needed in the EU. This would facilitate joint working between social workers and other agencies in sharing of information when there are safeguarding concerns for a child and it would help develop

joint cross border assessments, investigations and plans. It would also discourage UK social workers from travelling overseas to carry out assessments or returning children without working in partnership with colleagues overseas in appropriately assessing risks and safety, and devising longer term plans for children.

Over the years, the remit of social work has evolved. Historically, it came about with the effects of urbanisation, where people moved from rural to urban areas for work, better opportunities, etc. This caused the decline of informal 'helping systems' of family and church, which were replaced by social welfare systems. Now social workers are working in a different landscape, with children from diverse communities with differing ethnicity, cultural and religious needs. They're also working with children who may have been moved to be trafficked or who are moving across borders to seek better opportunities or protection. Globalisation is not only impacting on our direct social work practice, but our need for information from a broader perspective and our need to work together internationally.

These changes to our everyday work need to be reflected in social work training. They also need to be made a component of other professionals' training whose work brings them into contact with children. Training needs to include laws, theories and approaches from

a broader spectrum, taking into account how migration and displacement impact on service users. It also needs to cover child trafficking and provide information about other forms of abuse children from around the globe may be exposed to.

As mentioned above, this report has not been able to explore how ethnicity impacts on the child's experiences and professionals' responses to them. The Roma community is the biggest ethnic minority in Europe. Despite this, in CTAC's experience there can be lack of information and understanding of basic facts about this community and the discrimination faced by them and how best to reach out. In the UK, anti-discriminatory and anti-racist practice are two of the most significant elements of all social work practice. CTAC hope all practitioners operate from this framework when dealing with a group that has been marginalised over a significant period of time and that they look beyond tabloid reporting and negative stereotypes.

Finally, to improve UK's coordination and accountability towards Romanian children, accompanied by related adults, unrelated adults, victims of trafficking or those with safeguarding concerns, safeguarding has to be at the forefront. Responding to trafficking is reactive, as the child has already been abused; a robust pro-active response is needed to prevent this from happening in the first place.

# Glossary and definitions

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**Child:** Anyone who has not yet reached their 18th birthday. 'Children' therefore means 'children and young people under the age of 18' throughout this document. Note that according to the statutory guidance for local authorities on the care of unaccompanied asylum seeking and trafficked children issued by the Department of Education (July 2015), where the person's age is in doubt, they must be treated as a child unless, and until, a full Merton compliant age assessment shows the person to be an adult.

**Children on the move/being moved:** The two terms have been used together. CTAC want to value children's resilience and the different ways childhood is constructed, experienced and choices children have to make. These choices may have been made in disempowering contexts such as poverty, discrimination, violence and war.. We believe they reflect the child's ability to want to make changes. We want to acknowledge this resilience. But we believe adults in position of power are the ones who facilitate this movement and have the responsibility and power to protect or abuse children.

**Child protection concerns:** reasonable cause to suspect a child is suffering, or likely to suffer, significant harm. (Department for Education, 2015)

**Foreign National Children:** This document uses the term 'foreign national' child to represent all children who are first generation migrants and do not have British citizenship.

**Harm:** This means ill-treatment or the impairment of health or development, including, for example, impairment suffered from seeing or hearing the ill-treatment of another. 'Development' means physical, intellectual, emotional, social or behavioral development. 'Health' means physical or mental health. 'Ill-treatment' includes sexual abuse and forms of ill-treatment which are not physical. Section 31(9) Children Act 1989 as amended by the Adoption and Children Act 2002.

**Trafficking:** Trafficking has been defined in the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons as: *'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.'*

Article 3, paragraph (a) of the protocol goes on to say: *'exploitation shall include, 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 Palermo Protocol makes clear that children are a special case and that they cannot under any circumstances give consent for their own abuse and exploitation. Children are defined in the protocol (as they are in the UNCRC) as being under 18 years of age.

**Trafficked child:** a child who is a victim, or for whom there is reason to believe they may be a victim, of trafficking within the meaning of 'victim' in the Council of Europe Convention on Action against Human Trafficking in Human Beings.

**Separated/unaccompanied:** Separated/unaccompanied children are outside their country of origin and separated from their parents and/or their legal care giver. The term 'separated' describes children who are without an adult, or with an adult who is not legally responsible for them. Accompanying adults may be unrelated or abusive. Foreign national children rarely present without an adult, which is why the word 'unaccompanied' is not always relevant.

**Children seeking asylum:** A person who has left their country of origin and formally applied for asylum in another country but whose application has not yet been concluded.

**Refugee:** *'A person who owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.'* (The 1951 United Nations Convention Relating to the Status of Refugees)

In the UK, a person is officially a refugee when they have their claim for asylum accepted by the government.

**Safeguarding:** This is defined as: *'protecting children from maltreatment; preventing impairment of children's health or development; ensuring that children grow up in circumstances consistent with the provision of safe and effective care; and taking action to enable all children to have the best outcome.'* (Department for Education, 2015)

**CEOP:** Child Exploitation Online Protection Centre

**CTAC:** Child Trafficking Advice Centre. CTAC is a free service for any professional in the UK or overseas who is concerned that a child may have been trafficked. CTAC is staffed by six qualified social workers with experience in local authority child protection social work and a police liaison officer from the National Crime Agency (NCA), who also has child protection and trafficking experience and is permanently seconded to CTAC.

The main role of CTAC is to advise and guide professionals who are concerned that a child may have been trafficked and to advocate for the child and to raise awareness that child trafficking is child abuse. CTAC also provides free training on child trafficking to any professional group and works closely with its strategic partners, which are the Home Office, the Foreign and Commonwealth Office and the NCA (UKHTC and CEOP commands) in order to ensure that child trafficking is recognised as a child protection issue first and foremost.

Since 2013, CTAC has been focussing on developing partnerships in order to carry out work in countries that are known to be 'source' countries for child trafficking into the UK. CTAC has collected and analysed data on referrals for children into the service since 2007. Since 2007, referrals for Romanian children where there are concerns for trafficking have

consistently been one of the highest. Therefore, CTAC has been attempting to develop work with agencies in the UK and Romania in order to address some of the concerns for Romanian children who enter the UK.

**ERRC:** European Roma Rights Centre

**EU:** European Union

**EC:** European Commission

**ICARUS:** Improving Coordination and Accountability towards Romanian Unaccompanied minors' Safety

**IMAAF:** International Multi Agency Assessment Framework developed by Mandy John-Baptiste (2015)

**NGO:** Non-governmental organisation

**NRM:** National Referral Mechanism

**NSPCC:** National Society for the Prevention of Cruelty to Children

**UNCRC:** United Nations Convention on the Rights of the Child

**UK:** United Kingdom

**UKHTC:** UK Human Trafficking Centre

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