 Trafficking toolkit: Specific arrangements for local authorities
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SPECIFIC ARRANGEMENTS AND ADVICE FOR LOCAL AUTHORITIES

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Responsibilities of local authorities

The Council of Europe’s Congress of Local and Regional Authorities in Europe (CLRAE) - the Council of Europe body representing local government - drafted a declaration on the fight against trafficking in human beings in 2006; the Declaration now has over 500 signatories from 35 countries, who have committed themselves to take a series of measures in their own communities.

The central commitments of the Declaration on the Fight against Trafficking in Human Beings are:

> To disseminate information about the trafficking issue within the local Authority area, with a view to improving public consciousness;
> To ensure that the fight against the trafficking of human beings is prioritised by local authorities, and as part of that to ensure that the victims of trafficking are protected and rehabilitated.

Local authorities must work closely with other agencies if they are to successfully address the challenges of human trafficking. At a local level, co-operation between councils, the police, primary care trusts, Local Safeguarding Children Boards and voluntary bodies is essential.

All agencies involved in the identification and care of the victim should be clear about their respective roles and responsibilities, using formal cooperative structures and protocols where appropriate.

Councils will also need to work closely with national bodies such as the UK Border Agency, the police and the UK Human Trafficking Centre, the main body responsible for coordinating the national response to trafficking.

Finally, local authorities need to understand the implications of the Council of Europe Convention on Action against Trafficking in Human Beings for their own local services and partnerships. Councillors, Chief Executives and senior managers, in particular, need to grasp the relevance of human trafficking for the council as a whole.

The research work undertaken by the SOLACE Study Group on Human Trafficking in 2008 identified five key areas of competence for local authorities in responding to the crime of human trafficking:

> Victim identification – local authority staff need to be able to recognize the signs that indicate that someone may be a victim of trafficking;
> Victim support – local authorities will need to attend to the immediate physical needs of victims, as well as the longer term social and psychological needs;

The SOLACE report ‘The role of local authorities in addressing Human Trafficking’ is available from the SOLACE website http://www.solace.org.uk/library.asp
> Assistance with the repatriation of victims – in some instances, local authorities will be involved in the return of a victim to their country of origin;
> Prevention of human trafficking – local authorities may have a role to play in assisting the police in disrupting organized criminal networks and reducing demand for victims of trafficking in their area;
> Working in partnership – councils will need to cooperate with other agencies such as Third Sector and Community Organisations, the police and immigration services, as well as other levels of government.

It should be noted that local authority competencies vis-à-vis victims of trafficking differ in terms of child and adult victims. While local authorities have a duty of care towards child victims of trafficking in their areas, many adult victims will have no recourse to public funds. In such cases, each local authority must take the decision as to the degree of support that it will provide to victims, in the light of their role in promoting wellbeing in the local community.

Local Authorities have a key role to play in identifying potential child victims of trafficking; under Section 47 of the Children Act 1989, a local authority is required, if it has reasonable cause to suspect that a child is suffering or likely to suffer significant harm, to investigate whether they should take action to safeguard or promote the child’s welfare.

Age assessments
If there is concern about a child’s age, it is the local authority that has the responsibility for assessing the age of that young person. This is a particularly difficult role, as all medical methods for determining age are recognised as having the potential to be inaccurate by up to five years.

As stated by the Council of Europe Convention on Trafficking where the age of the victim is uncertain and there are reasons to believe that they are a child, they should be treated as a child until the age can be verified, in the same way as would be done in asylum cases.

The local authority representatives involved in age assessments should be trained in child-friendly interview techniques. Age assessments should take into account physical, psychological and cultural factors. Serious child protection issues arise when a child is assessed as being an adult and denied access to appropriate services. Equally, placing adults in children’s services may enable traffickers and others to gain unwelcome access to children.

Gangs in this country will often also use child victims of trafficking for prostitution purposes. It is extremely important that local authority staff are able to identify children in this position as being underage, so that they can remove them to a position of care. Children trafficked for prostitution purposes must be treated as victims and not as criminals.
Role of local authorities in the National Referral Mechanism

Councils have a key role to play in the National Referral Mechanism with staff working alongside police officers, immigration officials and others to identify potential victims. Frontline staff with effective skills and tools will be able to identify the signs that someone may have been trafficked, carry out age assessments of young victims and refer them to the Competent Authority within the UK Human Trafficking Centre and into appropriate support services.

Victim identification is a two-stage process: the first stage is to assess whether there are reasonable grounds to treat someone as a victim; the second stage is the conclusive decision on victim status. The Stage 1 decision is taken by the designated Competent Authority following a referral by the first responder (ie the agency which has initial contact with the suspected victim), which in some cases will be a local authority. The Stage 2 decision is also taken by the Competent Authority (ie UKHTC or UK Border Agency).

Provision should be made for the victim to be in a safe place before any assessment takes place; the location should not be divulged to any enquirers until their relationship with the individual has been established beyond doubt, if necessary with the help of police or immigration services. Local authority staff should also be vigilant about anything unusual such as cars waiting outside the premises, or telephone enquiries about the suspected victim; any such activity should be immediately reported to the police.

Once victims of trafficking have been identified, local authorities should have a role in addressing their needs, working together with a range of partners, in particular Third Sector organisations that are experienced in supporting victims of crime, providing gender appropriate services, and working with migrant communities.

The task of dealing with victims of trafficking does not fall neatly within the remit of one department. It requires an awareness of the associated issues amongst Chief Executives, senior managers, frontline staff and councillors. It concerns groups of staff that may not immediately be apparent, such as environmental health officers who may come across victims of trafficking working in restaurants, or youth offending teams who may suspect there are child victims of trafficking amongst the young people with whom they come into contact.

Your role in the process

Awareness raising

Local authorities have a vital role to play in raising awareness of the issues locally.

> Local community groups can work together with the police, Local authorities and other stakeholders to identify trafficking in the local area and to develop a community action plan on trafficking;
A wide range of materials can be used to raise awareness of trafficking in the local community. These include sample lesson plans on trafficking for primary and secondary schools, as well as flexi-cards which explain the indicators of trafficking that citizens might come across in a farm or factory, on the high street, in a massage parlour and when travelling (Stop the Traffik);

The Blue Blindfold Campaign has provided posters displayed in pubs and clubs in pilot locations, and there has been an online advertising campaign. The website also sets out some of the signs of trafficking that members of the general public can look out for in different environments, such as a domestic labour situation;

Councils can also carry out awareness-raising activities amongst their own staff, ensuring that they are aware of the signs of trafficking they may potential encounter in their everyday lives, outside of the work environment as well as within it.

Similarly Safeguarding Children contains guidance on the particular needs of children abused or neglected because of a belief in spirit possession. The Welsh Assembly Government guidance in Wales on spirit possession issued in May 2008 and separate guidance on child trafficking issued April 2008.

**Identifying victims**

Local Authority staff may often find themselves in contact with people who could potentially be victims. These staff include social workers, youth teams, environmental health officers and other frontline staff.

The people and places where staff from local authorities and their partner organisations may come into contact potential victims of human trafficking during their daily duties are summarised in the tables on the next page.

**Child victims**

<table>
<thead>
<tr>
<th>Where do we look</th>
<th>Who is likely to be the first point of contact</th>
</tr>
</thead>
<tbody>
<tr>
<td>Care homes and foster families</td>
<td>Foster carers</td>
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<tr>
<td></td>
<td>Children’s Services</td>
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<td></td>
<td>LSCBs</td>
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<td>Private homes</td>
<td>Children’s Services</td>
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<tr>
<td>Schools</td>
<td>Teachers</td>
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<tr>
<td></td>
<td>Children’s Services</td>
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<tr>
<td>Hospitals and GPs surgery</td>
<td>Children’s Services</td>
</tr>
<tr>
<td></td>
<td>A&amp;E staff and GPs</td>
</tr>
<tr>
<td>Interviews with unaccompanied asylum seeking children</td>
<td>Children’s Services</td>
</tr>
</tbody>
</table>

*A more detailed version of this information can be found in the SOLACE report ‘The role of local authorities in addressing human trafficking’ (2009) which can be downloaded from the SOLACE website http://www.solace.org.uk/library.asp*
Where do we look? | Who is likely to be the first point of contact?
---|---
On the streets | Crime and Disorder Reduction Partnerships
| Youth Offending Teams

### Adult victims

<table>
<thead>
<tr>
<th>Where do we look?</th>
<th>Who is likely to be the first point of contact?</th>
</tr>
</thead>
</table>
| Massage parlours | Licensing officers
| Prostitution outreach teams |
| On the streets | Prostitution outreach teams
| Gender equality officers |
| Shops, restaurants and factories | Health and Safety Inspectors
| Environmental Health Officers
| Trading Standards Officers |
| Private homes | Housing officers
| Adult social services
| Migrant integration teams |
| Local Authority Premises | All council staff |

A network of professionals and agencies should be involved in the identification of potential victims and should work together in order to protect victims and ensure a referral network without gaps. Local staff need to be able to identify the signs that might indicate trafficking and will need to make operational judgements as to the appropriate immediate response. Proper procedures need to be in place to ensure that all relevant actors are aware of any suspicions of trafficking, and this information must be shared quickly and confidentially.

### Identifying traffickers

To prevent future trafficking, the police require co-operation in identifying and gathering evidence that can be used to secure the prosecution of those responsible for the crimes of trafficking.

Local authorities are unlikely to play a key role in identifying and catching traffickers. However, they will be instrumental in gathering evidence from the victims about the traffickers, and may find themselves involved in court cases against traffickers.

Local authority staff will need to be vigilant in spotting and identifying any evidence in their dealings with victims. However, in so doing, they must always bear in mind that
their primary role is to provide care for the victim, not to implicate the traffickers; meeting the needs of the victim must therefore be the primary concern, and must not be compromised in an effort to gather evidence. Clear guidelines should be put into place to ensure that local authority staff know what to do with any evidence that they do discover in their dealings with the victims, in terms of how and when this information is passed to the police.

Whilst it is often difficult for the police to gather enough evidence to bring prosecutions for human trafficking, they may be able to prosecute the perpetrators for other related crimes: for example, the role of local authorities in licensing saunas and massage parlours means that they could play a vital role in identifying and implicating traffickers.

Local authorities also need to work closely with HMRC, which has the ability to remove criminal assets, undertake investigations into tax evasion by businesses suspected of being fronts for human trafficking rings and use insolvency procedures.

**Effective working arrangements**

UK Local Authorities can effectively offer joined-up services with other key stakeholders. Co-ordination with other agencies can be effectively achieved through:

> one-stop shops; or,
> through a formal forum - with a lead professional who can develop specialist knowledge in relation to trafficking victims and who can act as an advisor to other professionals; such a post-holder could support staff in more than one local authority area.

Local authorities should also consider the needs of trafficking victims when developing Local Area Agreements and deciding local priorities. The local support framework should link in with Local Criminal Justice Boards and Crime and Disorder Partnerships and should in some way mirror the services required for victims of other forms of violence and intimidation, such as domestic violence and sexual crimes.

The co-operating bodies need to prepare strategies which include multi-agency protocols and guidance on working with local community groups for the identification of victims of trafficking. There should be regular meetings between local authorities, immigration services and the police in order to ensure that information is shared effectively, particularly as trafficked victims are probably more likely to talk to the local authority than to the police or immigration services.

The most effective partnerships tend to consist of multi-disciplinary teams, including psychologists, cultural mediators, mentors, social workers, lawyers and health professionals.
Keeping records

Local Authorities will have specific security precautions in place for retaining client information and rules around client confidentiality. All authorities will need to institute extra safeguards for written, electronic and verbally communicated information on trafficked persons.

As trafficked persons are particularly likely to face security risks, be referred to other providers and/or transferred from the original care location (eg, internationally) or participate in one or more legal proceedings, it is especially important to follow good data management procedures to ensure the safety of each individual. Trafficking cases may involve organised criminal groups.

Central to managing information on trafficked persons are: privacy, confidentiality and security.

> Privacy refers to the clients’ right to control how they provide information, the use of this information and their access to it;
> Confidentiality indicates the right of clients to determine who has or does not have access to their client information and for trafficked persons, suggests the importance of anonymity;
> Security suggests the need to safeguard client files against security breaches during data collection, storage, transfer and use.

Personal information must be collected in a private setting. Both the client and the provider feel must feel safe to speak freely. It is a good idea to ask individuals if they feel comfortable and ready to discuss their case/needs. Consider, for example, whether the individual wants the door open or closed, discourage other staff from interrupting, and turn off your mobile phone.

Obtain informed consent: The fundamental element of informed consent is informing, by providing clear and accurate information. Local authority staff should offer information about the scope and purpose of the session, services that are and are not available and the measures in place to ensure client privacy and confidentiality.

Collect pertinent data. Collect only information that is required to assess and respond to victim needs, not simply for curiosity’s sake. Refrain from asking trafficked persons about non-essential consequences of the trafficking process. This may put you in a risky situation and may cause the trafficked person to relive stressful experiences, which may have a negative impact on recovery. Many victims of sexual abuse feel stigmatised by their experience and by certain health problems (eg, sexually transmitted infections or psychological disorders).

Data storage

All information gathered from trafficked persons must be considered highly sensitive. In trafficking cases, it may be beneficial for all information to be classified as confidential and coded, rather than using the individual’s name. Coding is a
particularly useful way to protect clients, especially when data is shared.

Secure paper files. It is likely that during the course of providing support paper documents are created. All paper case files:

> Must be kept secure and under lock and key safe from unauthorized entry at the establishment location;
> Must never be left unattended on desks, in common areas, etc;
> Must be disposed of by shredding or through similar disposal method when no longer needed.

Secure electronic files. In addition, electronic information files should be:

> Stored in a secure information system;
> Protected by individual passwords with access limited to key staff;
> Never stored on personal computers or in such data storage devices as USB flash drives, compact discs, etc. Personal information should never be disclosed via email.

Even when coding is used, individual patients often can be readily identified by their basic data (demographic background, ethnicity, nationality, date of birth, family data, description of elements of the trafficking process, etc). Only key support staff should have access to a client’s primary case file.

**Conduct a data risk analysis.** Providers caring for trafficked persons may wish to undertake a data risk analysis to consider the implications of what is written in a file, the potential uses and misuses of client data and to develop strategies to avoid mishandling of data and to deal with information requests.

File information may, for example, be required by law enforcement in relation to a court case against an alleged trafficker or needed for an asylum claim. In more sinister situations, traffickers might try to obtain the trafficked person's file information to locate individuals. It is equally important to remember that personal data (name, work location, phone number, etc) of the support provider could also be misused. It is therefore important to follow well-designed data security procedures.

**Confidentiality**

It is important to be clear about your professional boundaries and how far your role extends. It is important to state the limits of confidentiality; if you have concerns about a risk of serious injury, self-harm or child protection risks then these issues have to be referred on to the appropriate people.

If you suspect or are informed that an individual has been trafficked, you should not contact the police or other authorities (eg, immigration staff) without the express permission of the trafficked person. Although you may be tempted to seek help or protection for individuals in your care by contacting authorities, this decision is one that should not be taken without consulting the individual.
Given adequate information and the opportunity to discuss their options, trafficked persons are generally in the best position to assess the risks and benefits of contact with others. Similarly, reporting information offered by trafficked persons to law enforcement should take place only with the consent of the trafficked person.

**Information sharing**

Victims will have been in situations where contact with outsiders is handled with suspicion and in some circumstances endanger the health and safety of themselves or their loved ones. Careless handling of personal information greatly increases that risk. Inter-agency cooperation is essential in correctly identifying and sufficiently supporting victims but the data that gets transferred between agencies must be heavily protected.

You must obtain the consent of the individual before any referral is undertaken, unless there are child protection concerns or serious concerns over harm to selves or others. If you are referring the individual on to another organisation, you must specify what details you will be passing on. It must be remembered that victims could be extremely traumatised, and having to repeat information to a multitude of organisations will be detrimental to their health and well-being.

**Guidelines on what to do if you suspect, or someone discloses that they have been trafficked**

Staff need to maintain an active awareness of the vulnerability of the individual and their mental, emotional and psychological state when conversing with the individual and endeavour to use non-threatening body language.

Staff should work hard to establish a rapport with victims, making them feel comfortable and at ease. It is not uncommon for victims to feel both relief at having been identified and yet fear and suspicion toward an identifying member of staff. This is often linked to their fear of being returned to their trafficking situation, many having been told by their traffickers that the authorities would simply return them should they try to escape. It is also not uncommon for negative feelings (fear and suspicion) to give way to those of relief once the victim felt safe and came to trust the identifying member of staff.

Victims of trafficking may be reluctant to go into much detail about the full facts of their case. This may be because of cultural barriers, or simply due to the traumatic or humiliating nature of the treatment they have suffered. If this appears to be the case, staff should phrase their questions carefully and sympathetically. If the individual provides consent for their details to be passed on to the NRM staff should keep in mind the need to get as full an account as they can, while at the same time taking care not to cause undue distress.
The central point of contact for anyone encountering a suspected victim of trafficking is the UK Human Trafficking Centre (UKHTC). This hosts the designated Competent Authority for the identification of victims, and is a multi-agency organisation staffed by police officers, civilian employees of the UKHTC and the UK Border Agency.

If the issue of trafficking is raised as part of an asylum claim or part of the immigration process, there is a separate but linked Competent Authority, which is situated within the UK Border Agency.

What support/advice can you offer?

Under the Council of Europe Convention, identified victims of human trafficking are entitled to minimum levels of support and this should be at the core of the local authority response to human trafficking. Councils have a duty to provide assistance to trafficked children in their area; adult victims who are foreign nationals may not have recourse to public funds, but local authority assistance can be provided on a discretionary basis.

Councils should seek to provide easily accessible advice to potential victims, adopting a proactive approach to seeking them out in their working or home environment. Service provision needs to be carried out in a co-ordinated multi-agency manner, particularly with third sector and community organisations, health providers, the police and immigration authorities, as the impact of human trafficking and the needs of trafficking victims can be diverse.

Trafficked children are of particular concern to local authorities, as studies show that up to half of this group go missing from local authority care. Councils need to tighten provision for safe placements. Training for foster families and Local Authority staff in care homes is essential to enable them to understand the specific needs and risks to a trafficked child.

Many victims of trafficking will face significant linguistic barriers to accessing services, and councils should be aware of the most effective measures to address these. Victim support cannot be limited to physical services such as accommodation and schooling; the victim’s psychological needs must be addressed from the initial point of contact between the victim and the local authority. To ensure that victims do not fall back into the hands of their traffickers, it may be necessary to equip them with new skills to support themselves financially and to rebuild their confidence. Councils should consider working in partnership with NGOs and training providers to meet these needs. When providing services to victims, local authorities need to ensure that the victims are at all times safe from their traffickers, and all data about the victim should be treated with the utmost confidentiality. Staff must develop a real understanding of each individual victim’s needs and be able to respond to these accordingly, in partnership with other actors in the local area.
Training material/courses

In 2009, SOLACE (the Society of Local Authority Chief Executives and Senior Managers) produced a report that examines how local authorities can improve their response to the crime of human trafficking. The report draws on the work of the SOLACE Study Group on Human Trafficking who studied the response of local authorities across Europe to human trafficking and identified relevant practice examples for the UK. The study group developed a competence and evidence framework for local authorities to assess their own performance in responding to the challenges of human trafficking. This framework identifies five core competences that local authorities need to focus upon if they are to improve their response to these challenges; the report expands upon each of these competences, demonstrating how they can be developed in practice.

This special report is available for download from the SOLACE website at www.solace.org.uk/library.asp.

In order to successfully combat human trafficking and to ensure the smooth implementation of the UK Action Plan, central government needs to work closely with local government. The Home Office recognises the need to provide greater support and guidance to local authorities in this regard and is funding a number of initiatives designed to assist local government. These include:

> The Child Trafficking Advice and Information Line (CTAIL) – run by the NSPCC, this telephone line (0800 107 7057) offers advice to individuals who come across children whom they suspect may have been trafficked, to ensure child victims are referred to local authorities and to support local authorities to make appropriate assessments and ensure that safeguarding procedures are employed;
> E-learning package – this has been funded by the Home Office and developed by ECPAT (End Child Prostitution and Trafficking) to train practitioners to improve their skills in identifying and taking appropriate action to safeguard trafficked children. See http://course.ecpat.org.uk/;
> A Code of Practice for Keeping Children Safe from Harm – the Code emphasises the need to identify trafficked children at risk of going missing from local authority care and to take appropriate action to safeguard them. If a looked-after child who may have been trafficked goes missing from care, the local authority must follow arrangements agreed with the police for managing missing from care incidents5
> A model trafficking protocol for Local Safeguarding Children’s Boards6

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5http://www.ukba.homeoffice.gov.uk/sitecontent/documents/aboutus/consultations/closedconsultations/keepingchildrensafe/codeofpracticechildren/view=Binary
6An example can be found on: http://www.n-somerset.gov.uk/NR/rdonlyres/72AE7F2D-6A8B-4F81-A365-EE1BFAC5840/0/Guidance_Trafficked_children_NorthSomersetLSCBprotocol_Dec07.doc