



Human Trafficking Guidance

2026

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**Protecting
People**
in Dundee

Human Trafficking Guidance

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

1 PURPOSE

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

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

1.3 The aim of the guidance is to:

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

2 HUMAN TRAFFICKING OVERVIEW

2.1 What is human trafficking?

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

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

Trafficking means the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.

Exploitation includes, at a minimum, the exploitation or the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs. The consent of a victim of trafficking to the intended exploitation is irrelevant where any of the means set forth above have been used.

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

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

2.2 Offence of human trafficking

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

3 WHY ARE PEOPLE TRAFFICKED

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

- 3.1 Sexual Exploitation:** Human trafficking for the purpose of sexual exploitation primarily affects women and children. Globally, 49% of detected victims are adult women, 18% are adult men, 21% are girls and 12% are boys. 53% of detected victims globally are trafficked for sexual exploitation². Most female victims of trafficking identified in the UK are exploited in prostitution against their will. They may go abroad based on false promises of good jobs and economic opportunities, often out of ambition to earn money and make a better life for their children or family. The movement or monetary arrangements. Many are beaten, raped and abused. The forcible or deceptive recruitment of women and girls for the purposes of forced prostitution or sexual exploitation is a form of gender-based violence. There is no typical experience of people who are trafficked for sexual exploitation. Some are held captive, assaulted and violated. Others are subject to psychological abuse in addition to the physical abuse and live in fear of harm to themselves and their family members. Sexual exploitation of men also occurs, but there is currently only limited evidence that there are adult male victims of sexual exploitation in Scotland. People who are sexually exploited are often also subjected to forced labour.

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

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

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

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

3.3 Domestic servitude: Often involves people working in a household where they are ill-treated, humiliated, subjected to exhausting working hours, forced to live and work under unbearable conditions and for little or no pay. Sexual violence and exploitation is also highly likely in these scenarios.

3.4 Organ harvesting: This involves trafficking people to use their internal organs for transplant. Fraud often occurs if the individual is willing to have their organs removed at first, and they enter into a contract where they are promised a sum of money, but then are paid only part of the agreed sum or nothing at all. Organ donors may be deceived by traffickers who mislead them or withhold important information about the medical intervention.

3.5 Forced criminal activities: Such as growing cannabis, selling pirate DVDs or bogus charity collections.

3.6 Financial exploitation: For example benefit fraud, where benefits are falsely claimed by perpetrators on behalf of their workers; bank accounts being opened in a victim's name but used by perpetrators; or workers' wages being paid directly into the exploiters' own bank accounts by companies who think they are paying the worker.

3.7 'County Lines' is a term used when drug gangs from big cities expand their operations to smaller towns, often exploiting children and vulnerable people as drug runners. These dealers will use dedicated mobile phone lines, known as 'deal lines', to take orders from drug users. In most instances, the users or customers will live in a different area to where the dealers and networks are based, so drug runners are needed to transport the drugs and collect payment.

REMEMBER

Victims cannot give consent to being trafficked or exploited

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

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

4 RECOGNISING AND IDENTIFYING TRAFFICKED INDIVIDUALS

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

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

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

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

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

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

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

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

- **First Contact Team Dundee City Council**

Email: firstcontact.teamadmin@dundeecity.gov.uk

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

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

Email: outof.hourservice@dundeecity.gov.uk

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

- **Ninewells Social Work**

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

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

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

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

The following should be considered at the IRD:

- For cases of suspected child trafficking, the IRD should ensure that a Child Trafficking Assessment ([Appendix 3](#)) is completed by social work with input from police where relevant.
- The Council's Children and Families Service will refer child victims of trafficking to the Scottish Guardianship Service as appropriate.

- A referral to Welfare Rights for a No Recourse to Public Funds assessment ([Appendix 4](#)) if there is reason to believe the person may not have access to public funds. if there is reason to believe the person may not have access to public funds.
- If a translator is required, only professional, independent translators who have no links with the victim's friends / relatives / companions must be used, even if this causes delay. It needs to be made clear to translators that their role is to translate verbatim and not "interpret" the message or censor / omit any of the information. In some instances it may be appropriate to use telephone translation to ensure anonymity. Authorisation for the cost of translation should be sought by line manager. Refer to [Appendix 5](#) for details of local translation services that can be accessed.
- [Referral to the National Referral Mechanism \(NRM\)](#) should be made by the 'first responder'. In Scotland, if the person deemed to be trafficked is an adult, consent is required to make this referral. Consent is not required in the case of a child (refer to [Inter-Agency Child Protection Operational Instructions](#)). See flowchart for referral process for NRM ([Appendix 6](#)).
- Given the health risks associated with sexual exploitation and forced labour, it is likely that at some point victims will interact with health staff. Further advice for NHS staff can be referred to here: [NHS Scotland: What Health Workers Need to Know About Human Trafficking](#).
- A potential victim may suffer a wide range of physical, emotional, psychological or health problems. If a victim requires urgent medical assistance, arrangements must be made for them to see a medical professional immediately. Victims or potential victims of human trafficking are entitled to free healthcare. ([Overseas Visitors' Liability to Pay Charges For NHS – see section 34](#))
- A referral can be made to [Trafficking Awareness Raising Alliance](#) (TARA). TARA can provide advice on how best to support women who may have been trafficked for sexual exploitation. Migrant Help can provide advice on how best to support men who may have been trafficked for any form of exploitation and for women who may have been trafficked for any form of exploitation other than sexual exploitation.
- There may only be one chance to speak to a potential victim of human trafficking. One Chance Checklist ([Appendix 7](#))

6 MULTI AGENCY RESPONSIBILITIES

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

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

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

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

7 OUR APPROACH

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

- **Participation:** People should be involved in decisions that affect their rights;

- **Accountability:** There should be monitoring of how people's rights are being affected, as well as remedies when things go wrong;
- **Non-Discrimination and Equality:** All forms of discrimination must be prohibited, prevented and eliminated. People who face the biggest barrier to realising their rights should be prioritised;
- **Empowerment:** Everyone should understand their rights and be fully supported to take part in developing policy and practices which affect their lives;
- **Legality:** Approaches should be grounded in the legal rights that are set out in domestic and international laws.

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

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

8 INFORMATION SHARING

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

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

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

9 RECORDING

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

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

10 PUBLIC PROTECTION

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

11 DOMESTIC ABUSE

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

12 CONSULTATION

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

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

Appendix 1

Obstacles to coming forward

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

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

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

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

Appendix 2

Indicators

1. SEXUAL EXPLOITATION INDICATORS

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

2. LABOUR EXPLOITATION INDICATORS

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

3. DOMESTIC SERVITUDE INDICATORS

- Living with a family but not eating with the rest of the family.
- Rarely allowed to leave the house unless employer is with them.
- No proper sleeping place.
- They are subject to mental, physical, sexual abuse, threats or other cruelty.

- A child, may have poor attendance at school, no access to education and no time to play with its peers.
- Only given left over food to eat, show signs of malnutrition, dehydration.
- Subjected to insults, abuse, threats or violence.

4. ADDITIONAL GENERAL TRAFFICKING INDICATORS

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

Appendix 3

Child Trafficking Assessment (CTA)

Child's surname	Click here to enter text.	Known as	Click here to enter text.	Forename(s)	Click here to enter text.
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Date of birth	Click here to enter text.	Place of birth	Click here to enter text.	Nationality	Click here to enter text.
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Ethnicity	Click here to enter text.	Language	Click here to enter text.	Religion	Click here to enter text.
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Carefirst no	Click here to enter text.	Home Office no	Click here to enter text.	ID Docs	Click here to enter text.
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Home Address	Current Address
Click here to enter text.	Click here to enter text.

Family/Household Members		
Name	Relationship	Address
Click here to enter text.	Click here to enter text.	Click here to enter text.

Legal/Asylum Status	
Legal Status (looked after, etc & previous)	Asylum Status
Click here to enter text.	Click here to enter text.

Agencies involved & contact details
Click here to enter text.

Referrer/ Report Writer	Click here to enter text.	Date	Click here to enter a date.	Agency/ Team	Click here to enter text.
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Social work/police use only				If not contacting centre child protecting team and anti-trafficking unit or referring to NRM please explain why.
Social work CP team contacted	☐	NRM referral & date	☐	Click here to enter text.
Police vice & anti-trafficking unit contacted	☐			
All concerns about child trafficking should be discussed with the child protection team and vice and anti-trafficking unit. A copy of this assessment should be forwarded to them.				

Note: each section should encompass the views and accounts of all agencies with relevant information. Please make it clear where you obtained the evidence / information.

1. Brief background details (give a pen picture of the young person within their family / country of origin context)
Click here to enter text.
2. Movement (within countries; across borders; across UK; across city; across accommodation. Include details of how travelled; timescales; time at locations; entry into trafficking process; - eg, sold; passage bought; abducted; escape; present accommodation)
Click here to enter text.
3. Exploitation / abuse (detail evidence and / or suspicions; types of exploitation; locations; length of exploitation; freedom of movement)
Click here to enter text.
4. Trafficker (description; relatives; gender; title; job; names; relationship to child; still in contact, etc)
Click here to enter text.
5. Means of control (how has trafficker controlled child; threats (to child & family); grooming; violence; voodoo; oaths; captivity; debt)
Click here to enter text.
6. Additional risk factors (likely to be identified from indicator matrix; may include health; other contacts)
Click here to enter text.
7. Agency contact / actions taken (police; social work; UK Immigration and Visas (formerly UKBA); voluntary; overseas; health)
Click here to enter text.
8. Views of young person (if appropriate)
Click here to enter text.
9. Analysis / Assessment of Needs and Risks in relation to trafficking (including analysis of why believed trafficked / not; present safety; future risk or trafficking)
Click here to enter text.
10. Conclusions & recommendations (VYP / not & reasons, action plan, identify specific outcomes; by whom)
Click here to enter text.

GUIDANCE NOTES FOR COMPLETION

If there are immediate child protection concerns this referral / assessment form is not a substitute for following child protection procedures.

CHILD TRAFFICKING ASSESSMENT

This form should be completed by social workers and police in conjunction with the child protection team and vice and anti-trafficking unit.

The Child Trafficking Assessment is designed to assess potential victims of trafficking and / or future risk of trafficking. It is not a substitute for a comprehensive assessment of risk and needs in terms of a holistic GIRFEC assessment – such an assessment should be completed as per child protection procedures and guidelines. The assessments should complement and inform each other. If initial concerns are about trafficking it is likely that the CTA is completed first; if other child assessments are being undertaken and suspicions about trafficking become apparent the CTA should be completed in conjunction with them to focus on trafficking specific concerns.

When the assessment is completed, sections 1 to 10 can be copied into section G of the NRM form as evidence if a referral is being made to UKHTC.

It is likely the CTA will be informed by the use of the indicator matrix for trafficking – the matrix is not an exhaustive list of indicators, *or an assessment* of future risk. Other factors may also be present that are not included on the matrix – eg, for internal trafficking movement may be between cities and accommodation rather than countries.

If there are indications, or intent, of movement (section 2) and exploitation / abuse (section 3) – the minimum requirements for child trafficking – a referral should be made to the National Referral Mechanism following CPC guidelines.

The presence of other indicators may also be sufficient for a referral to the NRM (please discuss with child protection team or trafficking unit).

In completing the assessment remember that background information may be available from agencies and organisations outside the UK – eg, NGOs working in country of origin; country of origin embassies; social services in countries of origin.

1. Background details

Include social / economic circumstances of the family; why child left the family; continued contact with family; any previous work / employment;

2. Movement

- Trafficking can occur at any stage throughout a child's journey; it is not limited to the final destination.
- UK nationals are also vulnerable to internal trafficking (movement between and within cities and between people) and may also be trafficked out of UK.
- A child may be trafficked through legitimate routes and with legal documents, in addition to covert routes with no documents.
- Child may arrive alone or accompanied.
- Once trafficked may be at increased risk for future trafficking.
- Are child movements restricted and / or accommodation locked?

3. Exploitation / abuse

What is the nature of the exploitation? Where did it occur? Is it ongoing?

- Trafficking is a process, not a single event.
- Trafficked children may be forced into criminal activity.

4. Trafficker(s)

- Children may remain in contact with the trafficker or the person who brought them into the country.
- Contact may be lost only to be recommenced days / months / years later.
- Children may describe the trafficker as a 'friend' 'boy/girl friend'.
- Who are the people involved in a child's life.

5. Means of control

- Children may be physically threatened
- Children may be controlled psychologically
- Consider threats to family
- Trafficked children may be groomed

6. Other risk factors

- Consider factors that may be concerning, but on their own not indicative / evidence of trafficking
- There are no validated risk assessments for child trafficking
- Children may move in and out of trafficking situations

7. Agency involvement

- Agencies may have been previously involved and not identified trafficking as an issue.

8. Views of young person

- Children do not usually say they have been trafficked.
- Children may deny any exploitation / abuse
- Children may not consider their experiences exploitative

9-10. Analysis and conclusions

Trafficking is an extremely complex area of child protection and any analysis and conclusions will be subject to change.

NB Trafficking and its assessment is not a static process - due to the nature of child trafficking it is likely that much of the required information may not be initially available, or sketchy; it is important that the assessment is regularly updated

Appendix 4 NRPF



No Recourse to Public Funds Procedure

MAIN RESPONSIBILITY : Heads of Service
Service Manager/ Locality Managers
Team Managers
Practitioners

LEGISLATION : Children (Scotland) Act 1995
Children's Hearing (Scotland) Act 2012
EU Directive 2011/36
Human Rights Act 1998
Immigration (European Economic Area) Regulation 2006
Immigration and Asylum Act 1971
Immigration and Asylum Act 1999
National Assistance Act 1948
Nationality, Immigration and Asylum Act 2002
NHS Regulations 1989 and NHS Act 2006
Social Work (Scotland) Act 1968

1.0 PURPOSE

1.1 In Dundee, decision making about access to public funds, where a person has No Recourse to Public Funds, is made in consultation between representatives of Dundee City Council Welfare Rights Service, Dundee Health and Social Care Partnership, Children and Families and Neighbourhood Services.

1.2 This is a Dundee City Council, and Dundee Health and Social Care Partnership procedure.

1.3 This procedure provides guidance on responding to requests about provision of public funds, where a person has No Recourse to Public Funds, including roles and responsibilities of those involved. Person (s) who request an assessment for public funds are referred to throughout this procedure as Principal Applicant(s).

2.0 NO RECOURSE TO PUBLIC FUNDS OVERVIEW

2.1 What is No Recourse to Public Funds?

No Recourse to Public Funds (thereafter known as NRPF) applies to a person who is subject to immigration control in the UK and has no entitlement, or a limited entitlement to, welfare benefits, public (local authority) housing.

These restrictions are set out in [Section 115 Immigration and Asylum Act 1999 \(IAA\)](#). 'No recourse to public funds' may be stamped on the visa of a foreign national living in the UK. Other groups of migrants who have NRPF include:- Asylum Seekers, Refused Asylum Seekers, Visa Over Stayers, Non EEA Nationals, Sponsors, Overseas Visitors and Other Irregular Migrants.

Provided the Principal Applicant is in the UK legally and does not have '*No Recourse to Public Funds*' stamped on their visa, it should be assumed that they do have access to public funds.

Public funds include a range of benefits that are given to people on a low income, as well as housing support. The following are examples what counts as a 'public fund':

- Income-based jobseeker's allowance;
- Income support;
- Employment and support allowance
- Universal credit
- Child tax credit*;
- Working tax credit*;
- Child benefit*;
- A social fund payment;
- Housing benefit;
- Council tax reduction;
- Council tax benefit
- State pension credit;
- Attendance allowance;
- Severe disablement allowance;
- Carer's allowance;
- Disability living allowance;
- Personal independence payment;
- An allocation of local authority housing;
- Local authority homelessness assistance.

* Indicates that the person may be eligible, if with an eligible partner from a country that has an agreement with the European Union, or where support from overseas stops for a short while – (NB to be repaid in the latter).

What is Not Included as Public Funds?

Benefits not considered as Public Funds under the Immigration Rules include:

- Contribution based Jobseeker's Allowance
- Guardian's allowance
- Incapacity Benefit
- Contribution-based Employment and Support Allowance (ESA)
- Maternity allowance
- Retirement pension
- Statutory maternity pay
- Statutory sickness pay
- Widow's benefit and bereavement benefit

More information about 'public funds' can be found on the [Home Office Guidance on Public Funds website](#).

2.2 What Responsibilities does Dundee City Council have?

Individuals who are **legally present** in the country may be able to access the support from Dundee City Council if they are considered to be usually resident of Dundee and have need for care and accommodation beyond the result of actual or anticipated destitution (e.g. if circumstances such as, but not limited

to the following, apply in their case: disability, illness, domestic abuse, human trafficking, risk of harm etc.).

Please note that the Social Work (Scotland) Act 1968 states that assistance cannot solely be provided to avoid destitution. Other circumstances such as those listed above should also apply.

Support (whether financial or otherwise) in such instances is typically considered under Section 22 of the Children's (Scotland) Act 1995, if the Principal Applicant is a Parent/ Guardian or Section 21 of the National Assistance Act 1948 or Section 12 Social Work (Scotland) Act 1968 for Adults with a community care need.

Where the applicant is an unaccompanied Child under the age of 18 a request will be sent to Care and Protection Service at Seymour House (01382 307940).

2.3 Our Principles

In responding to any requests about No Recourse to Public Funds we have adopted key principles to inform our practice. All Officers of Dundee City Council or Dundee Health and Social Care Partnership are expected to follow these principles.

All persons who present requesting support with accommodation and subsistence will be:

- | | |
|--------------------|---|
| Principle 1 | Treated with dignity and respect. |
| Principle 2 | Provided with consistent information and a clear pathway to support (with timescales) regardless of which council officer or service they present to. |
| Principle 3 | Supported to identify or be provided with an interpreter if the lack of interpretation would place a person at a disadvantage. |
| Principle 4 | Supported to identify or be provided with an Independent Advocate if this will assist the person to communicate their views, particularly where the applicant has a disability, mental disorder or have communication difficulties. |
| Principle 5 | Involved in a person centred assessment which provides information and analysis of the potential solutions and options which respond to needs and risks identified through the assessment. |
| Principle 6 | Communicated with in an honest and transparent way which meets individual requirements; Information about the assessment and potential outcomes will be explained from the outset. |
| Principle 7 | Enabled to find alternative solutions to their situation and offered, where appropriate and lawful, appropriate options to assist. |

Principle 8

Provided with signposting to immigration advice by those qualified to do so. It is a criminal offence to provide immigration advice where organisations are not registered with the Office for Immigration Services Commission (OISC)

3.0 NO RECOURSE TO PUBLIC FUNDS ASSESSMENT PROCESS

There are four fundamental steps that Dundee City Council and Dundee Health and Social Care Partnership undertakes in assessing whether we have a duty to support or provide assistance to the Principal Applicant and their Children where the Principal Applicant is a Parent/ Guardian:

1. Identify a Principle Applicant and gather information in order to allow for an eligibility test to be conducted
2. Conduct a NRPF eligibility assessment; and
3. Carrying out assessment(s) of need and risk.
4. Making a decision about whether to provide public funds.

Please find flowchart in Appendix 1 which explains the process of deciding whether an applicant should receive public funds.

- **STEP 1: Request for a NRPF Assessment (Referring Officer)**

3.1 All new referrals are only available to support adults with care needs who are subject to immigration control and who do not have recourse to public funds including Housing Benefit, Universal Credit and other mainstream welfare benefits. All other potential sources of funding including family support should have been considered and exhausted before a request for a NRPF Assessment is made by a referring officer.

3.2 Where an Officer of Dundee City Council or Dundee Health and Social Care Partnership or partner organisations receives a request for or identifies a need for a NRPF Assessment, the officer will be required to gather sufficient information in order to send this request to the Welfare Rights Team. Step 1 of the No Recourse to Public Funds Assessment document should be completed to the best of the referring Officer's ability and sent within 1 working day for an NRPF Eligibility Assessment to be undertaken. Where emergency assistance is already being provided (e.g. homeless accommodation) then this should be highlighted in step 1 of the NRPF Assessment document with ongoing costs included (where known).

The request should be sent to the Welfare Rights email address at welfare.rights@dundeecity.gov.uk.

Where there is an immediate risk to Children or Adults identified a response should be undertaken in line with current procedures

Children: [External Link](#) 'Tayside IRD Guidance Jan 2020.docx'

Adults: [External Link](#) 'Dundee Health and Social Care Partnership Operating Procedures INDEX with Hyperlinks'

3.3 Legitimacy to be in Scotland

Please note that all assessments will consider the Applicant's legitimacy to be in Scotland. In cases where the person is unlawfully present in the UK, or is an asylum seeker or a failed asylum seeker, paragraph 14 of Schedule 3 of the Nationality, Immigration and Asylum Act 2002 requires the Local Authority to inform the Secretary of State. Therefore Welfare Rights staff should inform the Immigration Service (Enforcement Unit, Edinburgh Airport 0131 335 4864)

forthwith that support has been requested from the Local Authority. Principal Applicants must be made aware of this requirement from the outset.

- **STEP 2: Conduct a NRPF Eligibility Assessment (Welfare Rights Team)**

3.4 **Assessment Process**

The Welfare Rights Team will undertake an assessment of the Principal Applicant immigration status and eligibility for Public Funds. This will include a Human Rights Assessment.

Where a translator and/or interpreter is required this should be implemented to ensure that the person can be fully involved in the assessment process and able to express their views. In addition, assessors should consider whether Independent Advocacy or any other support will support the Principal Applicant communication and ability to share their views and wishes. The assessment will also include an assessment of the Principle Applicant's legitimacy to be in Scotland as outlined at 3.1c above.

3.5 **Process if an Applicant is Eligible for Public Funds**

If the Principal Applicant is deemed eligible for public funds then appropriate advice and assistance will be provided by Welfare Rights with regards to accessing relevant benefits.

3.6 **Process if an Applicant is Not Eligible or has Limited Eligibility for Public Funds**

If the Principal Applicant is assessed by Welfare Rights Team as not eligible or has limited eligibility for public funds, the Welfare Rights Team will then request a Joint Children & Families/ Health & Social Care, Neighbourhood Services and Welfare Rights NRPF Needs Assessment within 1 working day of completion of their assessment.

3.7 The NRPF Eligibility Assessment undertaken by the Welfare Rights Team should be concluded within 3 days from provision of all relevant evidence and documentation needed to establish the Principle Applicant's immigration status.

Appendix 5

Interpretation/Translation Procedures

Fife Community Interpretation Service:

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

NHS Interpretation & Translation Service:

Contact the service for a booking form.

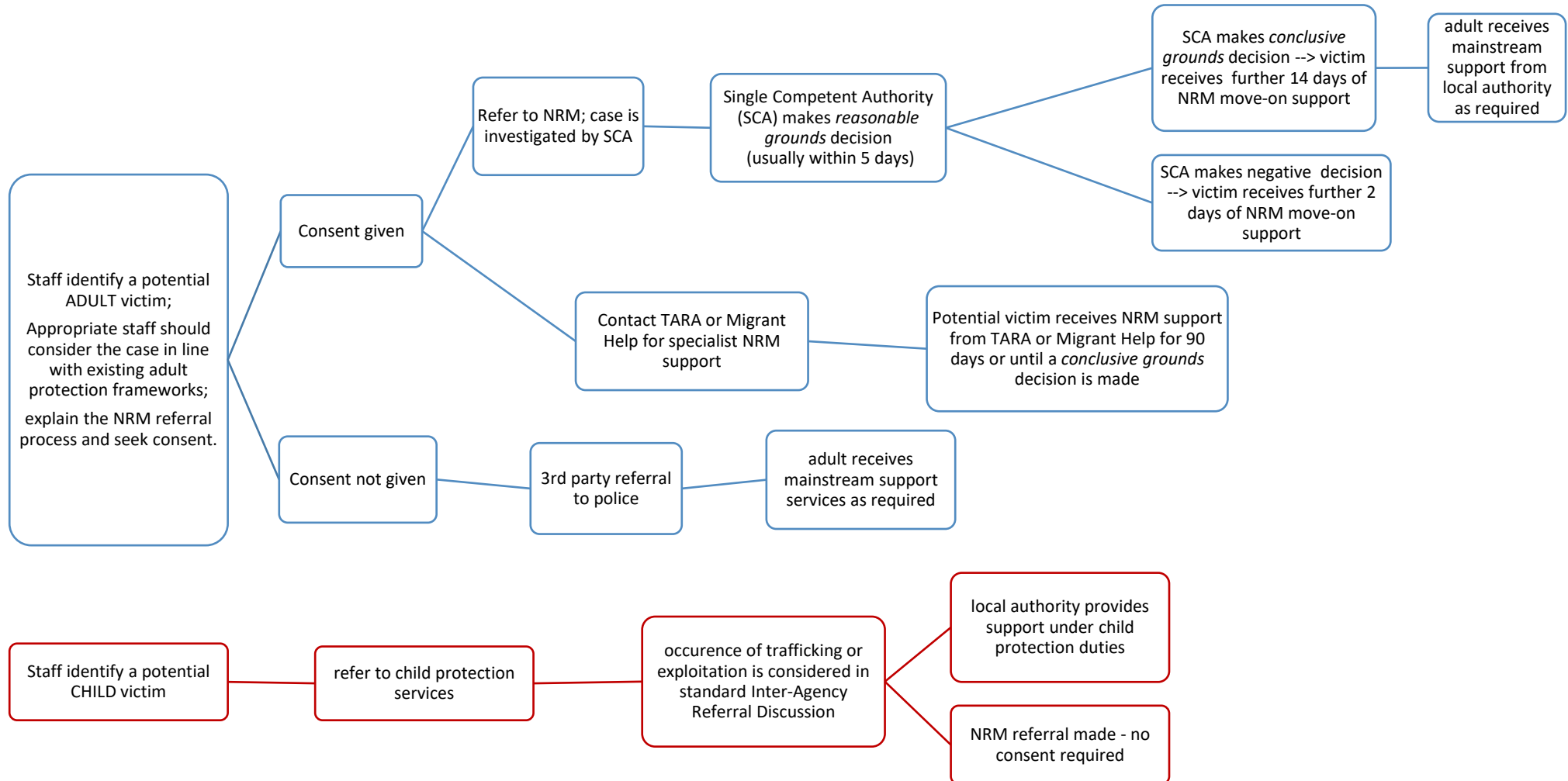
Telephone: 01382 425691 (x35691); Email: tay-uhb.interpreterbookings@nhs.net

Telephone Translation: Language Line

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

Appendix 6

NRM Referral Process



Appendix 7

One Chance Checklist

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

Do not:

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

Inquire about trafficking-related circumstances in front of others, including the individual's companion.