

SECTION 5

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SECTION 5**SECTION 47 ENQUIRIES IN SPECIAL CIRCUMSTANCES****5.1 CHILD ABUSE IN ADOPTIVE FAMILIES IN WARWICKSHIRE**

This procedure applies to children who have been placed for adoption in Warwickshire before an Adoption Order has been made. In the event of allegations of child abuse being made which implicate members of the adoptive parents household the general Child Protection Procedures and Guidelines will apply.

When an allegation is received it is the responsibility of the Children's Operations Manager in the area in which the prospective adopters live to decide whether the matter constitutes an allegation of abuse, or whether it is a cause for concern that does not meet the threshold for Child Protection Procedures to be invoked. Where the matter is seen as a Child Protection issue, it is the Children's Operations Manager's responsibility to ensure a Social Worker is appointed to investigate the allegation who will have no previous involvement with children in the household or the prospective adopter.

The Children's Operations Manager should also advise the Adoption Operations Manager, who has responsibility for reporting Child Protection concerns to OFSTED given their role as the regulatory authority for Local Authority and Independent Adoption Agencies. The Adoption Operations Manager will also be responsible for ensuring that independent support is made available to the prospective adopters/adoptive parents in these circumstances

Where the initial enquiries and assessment indicate the need to continue the Child Protection investigation, the Children's Operations Manager will convene a Strategy Discussion meeting in accordance with the Child Protection procedures. In addition to the usual membership, the meeting will include the prospective adopters' Social Worker, the Social Worker for the child placed for adoption, and the investigating Social Worker.

Where the child placed, or the adopters' approving agency, is different from Warwickshire, the membership should include representatives from these respective agencies.

The Strategy Discussion Meeting will address the following issues:

- the nature of the information and support to be given to the prospective adopters during the investigation;
- whether any other children should be interviewed;

- whether the placement should be suspended during enquiries, and how the move back to foster care should be managed. In cases where the application to adopt has been lodged, legal advice must be sought;
- how much information should be shared with birth parents and others involved in this stage of the child's life.

When the enquiries are completed the Children's Operations Manager and investigating Social Worker will decide whether a Child Protection Conference is required. Even where no further action is proposed under the Child Protection procedures a post enquiries meeting will be convened.

The reports of these meetings will be submitted to the Adoption Manager to determine what information to share with the Adoption Panel who will make a recommendation as to the future adoption status of the adopters.

Children Placed For Adoption Outside Warwickshire

Where Child Protection concerns have been raised for a Warwickshire child placed for adoption outside the County, the Social Worker for the child must refer the matter to the local Children's Team where the family live. The Child Protection procedures for that area will apply.

If it is decided that Children Protection enquiries are to be pursued the Children's Operations Manager should notify OFSTED to ensure that the OFSTED for the locality of the adoptive home is alerted to the enquiry.

Once enquiries are completed in respect of any Warwickshire approved adopters, a report will be submitted to the Adoption Manager who will decide what information to share with the Adoption Panel who will make a recommendation as to the future adoption status of the adopters.

Historical Allegations Of Abuse From Children And Adults

Children, young people who have been adopted and adult adopted people may disclose incidents of historical abuse.

The alleged incidents may relate to

- (i) their current care and treatment within the adoptive placement
- (i) their care and treatment when previously living with a Warwickshire approved foster carer
- (ii) their care and treatment when previously living with a Warwickshire approved foster carer outside of the Local Authority area

- (iii) their care and treatment when previously living with a foster carer approved in another Local Authority area or an Independent Fostering Agency placement or residential unit

and in relation to adult adopted people when

- (iv) previously living with their adoptive family in Warwickshire or in another Local Authority area.

When an allegation is received it is the responsibility of the Children's Operations Manager in the area where the family resides to follow WCSB Interagency Child Protection Procedures.

In respect of historical allegations against Warwickshire approved foster carers or in circumstances where the child was placed in a foster home outside Warwickshire, the Managing Allegations Against People who work With Children (Section 6) should be followed

In circumstances where an adopted adult living in Warwickshire is disclosing alleged incidents of historical abuse the Operations Manager for Adoption Services, will convene a Strategy Discussion Meeting as soon as possible to discuss the allegation and plan the next steps to be taken.

The Strategy Discussion Meeting should include the Children's Team Operations Manager for the area where the alleged perpetrator lives if this is in Warwickshire, the Police, and other agencies as appropriate, particularly those services who might be currently working with the adopted adult.

A Strategy Discussion **MUST**:

- share available information;
- plan how enquiries should be handled and determine who needs to be contacted and by whom.
- agree what action is needed immediately to safeguard any children known to be resident in the household
- consider issues of consent or refusal by the adopted adult to give permission for the allegation or their circumstances to be known. Where this is a possibility legal services should be invited to join the Strategy Discussion Meeting to provide advice.
- agree who should be interviewed, by whom, for what purpose and when
- determine any further or ongoing support needs for the adopted adult and how they will be advised of the outcome of pending enquiries and the implications for them

Any information shared, all decisions reached, and the basis for the decisions should be clearly recorded by all parties to the discussion. This must include:

- a list of action points, with the agreed timescales, and the identity of the person responsible for carrying out each action point.

The Service Manager (Child Protection), LADO and OFSTED are to be notified and irrespective of the outcome of the investigations conducted a written summary of the allegation, the actions taken and decisions reached is to be given to the adoptive parent and retained on the adopter's case file for 100 years from the date of the adoption order. At the conclusion of the investigation Adoption Panel are also to be advised of the allegation and the outcome of the investigation by the Adoption Panel Advisor.

Where the alleged historical abuse took place in another Local Authority the information must be shared with their area within 48 hours of the Strategy Discussion Meeting. This should be sent by recorded delivery or secure email with a 'return receipt' acknowledgement.

5.2 ABUSE BY PERSONS OUTSIDE THE IMMEDIATE FAMILY

Some significant harm will have been committed by a person or persons known to the child and family, but outside the immediate family. Such a person may be a member of the extended family, a family friend or acquaintance, or a person who had contact with the child in a professional or voluntary capacity or activity.

The impact of the harm on the child and the family will vary according to the nature of the relationship between the child and the abuser and the nature of the abuse.

All such extra-familial abuse should be recognised, investigated and assessed in the same way as inter-familial abuse in accordance with the WSCB Child Protection Procedures, in order to establish that the child's parents have acted appropriately. The child concerned may well need to be assessed as a "child in need".

Where the person who had contact with the child was acting in a professional or voluntary capacity or activity, then the Managing Allegations Against People Who Work With Children (Section 6) should be applied.

Consideration will need to be given to the protection of other children who may continue to have contact with the alleged abuser.

5.3 YOUNG PEOPLE WHO DISPLAY ABUSIVE BEHAVIOUR

Abuse By Children and Young People

All children but particularly those living away from home are vulnerable to physical, sexual and emotional bullying and abuse by their peers. Such abuse should always be taken as seriously as abuse perpetrated by an adult.

It should be subject to the same safeguarding procedures as apply in respect of any child or young person who is suffering or at risk of suffering significant harm from an adverse source.

A significant proportion of sexual offences are committed by teenagers and on occasions, such offences are committed on younger or more vulnerable children. Professionals and carers of children and young people need clear guidance to identify the difference between consenting and abusive, appropriate or exploitative peer relationships. Professionals should not dismiss some abusive sexual behaviour as “normal” between children and young people, they should not develop high thresholds before taking action.

Professionals working with children and young people who abuse others, including those who sexually abuse/offend, should recognise that such children are likely to have considerable needs themselves and also that they may pose a significant risk of harm to other children and young people.

Evidence suggests that children who abuse others may have suffered considerable disruption in their lives, been exposed to violence within the family, may have witnessed or been subject to physical or sexual abuse, have problems in their educational development and may have committed other offences. Such children and young people are likely to be children in need, some will in addition be suffering or be at risk of suffering significant harm and may themselves be in need of protection.

Children and young people who abuse others should be held responsible for the abusive behaviour, whilst being identified and responded to in a way which meets their needs as well as protecting others.

Intervention Principles

There should be a coordinated approach on the part of Children’s Services; Warwickshire Youth Justice Services (WYJS); Education (including educational psychology services); Health (including Child and Adolescent Mental Health Services/CAMHS); Police; and the National Offender Management Service as appropriate.

The needs of children and young people who abuse others should be considered separately from the needs of their victims.

An assessment must be carried out in each case, appreciating that these children and young people have considerable unmet developmental needs, as well as specific needs arising from their behaviour. Where the behaviour of the young person has been seen as abusive, involving some power imbalance, coercion or force, the situation **will always** be managed within the child protection process.

A parallel assessment of the child or young person’s family will also be conducted.

In responding to cases involving children or young people who have committed sexually abusive behaviours, **all teams will consult with the County's Sexualised Inappropriate Behaviours Service (SIBS), for advice, consultation or provision of a direct service.** A wide range of practice guidance, knowledge and therapeutic materials has been developed by SIBS, to inform the interventions relating to children and young people with sexual behaviour difficulties.

Assessment

In assessing a child or young person who has abused another, relevant considerations include:

- The nature and extent of the abusive behaviours. In respect of sexual abuse, there are sometimes perceived to be difficulties in distinguishing between normal childhood sexual development and experimentation, and sexually inappropriate or aggressive behaviour. **Expert professional judgement** may be required within the context of knowledge about normal child sexuality (the SIB Service can provide advice on this issue).
- The context of the abusive behaviours.
- The child/young person's development, family and social circumstances.
- Need for services, specifically focusing on the child/young person's harmful behaviour as well as other significant needs.
- The risks to self and others, including other children in the household, extended family, school, peer group or wider social network. This risk is likely to be present unless: the opportunity to further abuse is ended, the young person has acknowledged the abusive behaviour and accepted responsibility and there is agreement by the young person who has abused and his/her family to work with relevant agencies to address the problem.

Sexual Offences

Decisions for local agencies (including the Crown Prosecution Service where relevant) made according to the responsibilities of each, include:

- The most appropriate course of action within the criminal justice system, if the child/young person is above the age of criminal responsibility.
- Whether the child or young person who has abused should be subject of a child protection conference.
- What plan of action should be put in place to address the needs of the young person who has abused, detailing the involvement of all relevant agencies.

Interventions for young people who have committed sexual offences, will need to balance criminal justice issues against the need for the child or young person, to receive a therapeutic intervention at the earliest possible stage.

When a young person has been PACE interviewed for a sexual offence, the Police must inform the local Children's Team and the Warwickshire Youth Justice Service as soon as possible and within 24 hours. The Police may request a WYJS practitioner to attend the PACE interview as an appropriate adult and may

subsequently request WYJS to complete an AIM 2 assessment, to help them decide on their disposal.

Child Protection

Where the Police or WYJS have referred a child or young person who has been PACE interviewed to the local Children's Team, **the Team will invoke the Child Protection Procedures (Children Act 1989, Section 47).**

These circumstances will be potentially more complicated where the child or young person denies the offence, however, criminal justice issues, child protection and safety issues will still have to be considered and this will be within the child protection process.

In most circumstances, when there is to be a prosecution, the long term intervention will need to be undertaken or supervised by WYJS. There will still be a need for the Children's Team to consider the wider needs of the child or young person and also the protection and safety of others (for example, within the family, school and social networks).

Apart from when there is a prosecution, **it is the responsibility of the Children's Team to set up a SIBS intervention for the child or young person as a matter of urgency.**

Where the referral of sexually abuse behaviour comes from another source and there is evidence to support the referral, **the Child Protection procedures will be invoked.**

Where the referral is from another source and the Police and a criminal offence may have occurred but the referrer has yet to advise the Police, the Children's Team will ensure the Police are notified at the earliest possible time and within 24 hours.

Strategy Discussion and other Multi-Agency Meetings

Where the child protection procedures have been invoked a Strategy Discussion will be held. Where possible this should take place within 24 hours of the referral, however, if key agencies or information are not available the meeting may be delayed. In such circumstances the reasons for the delay will be recorded and agencies will be advised.

When the child is over 10 and a sexual offence has been committed, the meeting should include representatives from the Police and WYJS. For all children the meeting should seek to include representatives from Health, Education and all other professionals working with the child/young person and their family. Sometimes it may be necessary to include the National Offender Management Service.

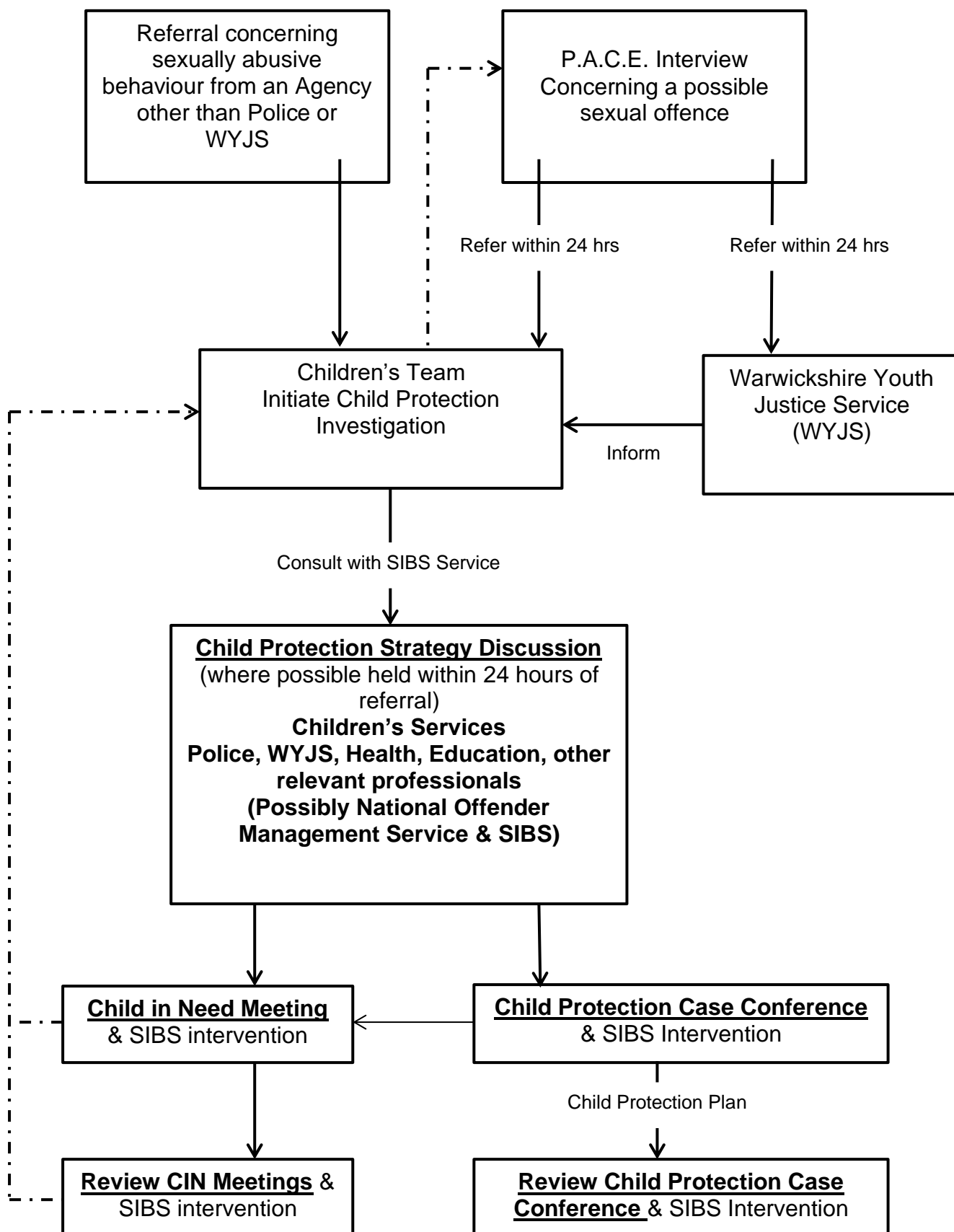
The Sexually Inappropriate Behaviour Service must be notified of all such Strategy Discussions and be invited to them. The Service will always offer consultation and advice and decide if they need to attend.

The Purpose of the Strategy Discussion is to:

- Share all relevant known information about the child or young person and their family.
- Inform all agencies of the risks present to and by the child or young person.
- Consider all possible courses of action to meet the child or young person's needs.
- Specify an intervention plan, to be implemented via a case conference or a multi-agency child in need meeting.
- Clarify and agree respective roles for each agency.

The Strategy Discussion must include a discussion as to whether child sexual exploitation is an issues or possibility. If it is believed child sexual exploitation is an issue, then the relevant WSCB procedures will be followed.

One possible outcome of the Strategy Discussion is a Child in Need meeting and plan. If during the Child in Need process new child protection information comes to light, the Child Protection Procedures should be invoked again.

Protocol For Interventions with Child and Young People Who Abuse

5.4 ELECTRONIC MEDIA AND CHILD ABUSE

Introduction

The Internet and other electronic forms of communication may be used as an instrument of abuse. This may take a number of forms:

- Children viewing adult pornographic images;
- Communication of indecent images of children by children;
- Children viewing abusive images of children;
- Children subject to assault online ('happy slapping');
- Grooming children on-line for sexual abuse offline;
- Procuring children on-line for abuse offline;
- Procuring children on-line for abuse on-line;
- Adults viewing abusive images of children;
- Making abusive images of children;
- Cyber bullying.

When these circumstances come to light and there are particular concerns about specific children, there may be a need to initiate a Section 47 Enquiry. This is a complex form of harm and will require close multi-agency working, particularly between the Police and Children's Services.

Recognition

Following receipt of information indicating that a child may be experiencing abuse through misuse of the internet or other electronic forms of communication, a Strategy Meeting will be convened chaired by the relevant Children's Operations Manager. The meeting will include a representative from the Independent Reviewing Service to enable such cases to be monitored, so that professionals can be supported in the timing of a decision to bring the case to a Child Protection Conference.

In cases where an adult has been found to have been viewing abusive images of children, the Police will share information with the Children's Operations Manager about the content of the hard drive. If the adult works as a volunteer with children the Procedure in Section 6 should be invoked. This information will have been gathered from the Preview by the Police Technical Unit within 7 days of seizure of the suspect's hard drive.

A Strategy Meeting will take place within 24 hours of receipt of a Hard Drive Preview by the Children's Operations Manager, where this indicates that criminal offences have been committed.

In circumstances where serious concerns come to light *before* a hard drive preview is obtained – for example information is provided by a partner or child indicating serious offences and/or harm to a child(ren) – then the Children's Operations Manager may convene a Strategy Meeting. In such circumstances, information obtained from the Preview will be shared at the Initial Child Protection Conference in the restricted section, following a Section 47 Enquiry.

At an early stage, the individual's access to children should be established within the family and employment contexts, and in other settings. In addition to the possibility of offences involving misuse of the internet having been committed, the Strategy Meeting will consider any evidence that indicates the suspect has been involved in *Contact Abuse* involving specific children.

Strategy Meeting

This meeting requires the involvement of key professionals from Police and the Children's Team (and possibly a legal advisor) but may also include other professionals working on a day to day basis with the child and family and the meeting will need to agree what, if any, further initial investigation/monitoring is required, for how long and how the process will be concluded.

The Strategy Meeting should ensure that maximum confidentiality is maintained while seeking the involvement of any professional who may have relevant information or may have responsibility for future monitoring or the collection of evidence.

The Strategy Meeting must consider the following:

- Which forms of misuse of the internet or other forms of electronic communication are indicated?
- What is the nature and seriousness of the criminal offences that are indicated by this misuse?
- What evidence exists to support the judgement that these offences have been committed?
- Is legal advice needed to evaluate the available information?
- What contact does the individual have with children and where?

- In circumstances where the possible offences involve viewing abusive images of children, are there any indications of *Contact Abuse* involving specific children?
- Does the evidence that exists provide the basis for a Section 47 Enquiry?
- If so, how is this to be conducted?
- If not a Section 47 Enquiry, is any further monitoring activity necessary and what form should this take?
- What further information is required about the child(ren) and how should it be obtained?
- Is immediate action required to safeguard the child(ren)?
- Are contingency child protection plans necessary?
- What are the needs of siblings or other children who may be involved in the situation?
- What action needs to be taken in respect of them?
- What are the needs of the parents/carers?
- Should information be shared with them? How and at what point?

It may be necessary to have more than one strategy meeting where the circumstances are very complex and the evidence-gathering process needs to continue. A number of discussions may be required to consider whether to move to a Child Protection Conference.

In circumstances where the information suggests that serious offences may have been committed, which may include grounds for believing a child has been or is being harmed, the Strategy Meeting will make a decision as to whether the child should be jointly interviewed in accordance with *Achieving Best Evidence*.

As with all Section 47 enquiries, the outcome may be that concerns are not substantiated. While no further action may be required under child protection procedures the child may still be a Child in Need, and the case managed accordingly.

Alternatively, concerns may be substantiated but an assessment made that the child is not at continuing risk of harm. In this case, the decision not to proceed to conference must be endorsed by the Service Manager following consultation with the police. The Social Work Assessment and Children in Need plan will need to be completed. This will be important because it may be risky to assume that if, for example, the suspect leaves the setting in which he

has had contact with children then the children are no longer at continuing risk of harm from him.

When concerns are substantiated and the child judged to be at continuing risk of harm, a Conference must be convened within 15 days of the last Strategy Meeting and the Social Work Assessment commenced. All evidence should be thoroughly documented by this stage and the Interim Protection Plan for the child already in place.

Careful planning will need to be undertaken as to how parents/carers are advised of the enquiries that have been made and the decisions reached.

In circumstances where two or more enquiries are made about whether a child is subject to a Child Protection Plan, including those prompted by concerns of possible abuse involving misuse of the internet, a Section 47 Enquiry may follow.

5.4 MANAGEMENT OF CHILDREN/YOUNG PEOPLE WHO ARE SEXUALLY EXPLOITED

Sexual exploitation of children and young people under 18 involves exploitative situations, contexts and relationships where young people (or a third person or persons) receive 'something' (e.g. food, accommodation, drugs, alcohol, cigarettes, affection, gifts, money) as a result of them performing and/or another or others performing on them, sexual activities. Child sexual exploitation can occur through the use of technology without the child's immediate recognition; for example being persuaded to post sexual images on the Internet/mobile phones without immediate payment or gain. In all cases, those exploiting the child/young person have power over them by virtue of their age, gender, intellect, physical strength and/or economic or other resources. Violence, coercion and intimidation are common, involvement in exploitative relationships being characterised in the main by the child or young person's limited availability of choice resulting from their social/economic and/or emotional vulnerability.

In all cases where professionals have concerns that a child or young person under 18 is being, or is at risk of being, sexually exploited, the WSCB procedure for Safeguarding Children and Young People from Sexual Exploitation should be followed. (Appendix 7)

This procedure aims to

- Identify of those *at risk* of sexual exploitation, as well as those where there is evidence it has already occurred,
- Develop multi-agency intelligence gathering,
- Promote preventative measures such as awareness raising, preventative education and disruption activities

- Implement effective safeguarding interventions for young people where particular risks are identified.

A risk assessment is used to evaluate the presenting risk factors, and where this results in risk being assessed as medium or high a referral to Children's Social Care should be made with a view to holding a Multi-agency sexual exploitation meeting (MASE meeting). This meeting will be used to share information, identify intelligence which should be passed to the police, and draw up a Protection and Support plan for the child. This process should be followed for all children.

In addition, where sufficient evidence is available to suggest offences have been committed, or there is concern that a child or young person's parenting is putting them at increased risk of significant harm, either because it is neglectful or collusive with the possible perpetrators, a Strategy Discussion will be held. This may arise out of a MASE meeting, or be convened separately.

The Strategy Discussion Meeting will determine whether Section 47 enquiries will take place within the WSCB procedures, and plan how these will proceed.

This process will be conducted in parallel with the information sharing and case planning process to be followed for all children assessed at medium or high risk of CSE, although if the thresholds are met for either having a child protection plan or the child becoming 'looked after', the protection and support plan will be incorporated into the child protection plan or care plan as appropriate.

5.5 CHILDREN IN WHOM ILLNESS IS FABRICATED OR INDUCED

Introduction

This form of abuse includes:

- Fabricated illness by proxy;
- Factitious illness by proxy;
- Munchausen Syndrome by Proxy.

Definition

This is a form of abuse whereby a child, usually under the age of five, suffers harm through the deliberate action of her/his main carer, in most cases the

mother (but sometimes fathers or other carers) which is attributed by the adult to another (often medical) cause.

The four main ways of the carer fabricating or inducing illness in a child are:

- Fabrication of signs and symptoms, including fabrication of past medical history;
- Falsification of hospital charts, records, letters and documents and specimens of bodily fluids;
- Induction of illness by a variety of means.
- Exaggeration of symptoms causing professionals to undertake investigations and treatment which may be invasive, are unnecessary, may be harmful and possibly dangerous.

Harm to a child may be caused through unnecessarily or invasive medical treatment, which may be harmful and possibly dangerous, based on symptoms that are falsely described or deliberately manufactured by the carer, and lack independent corroboration.

Recognition

This is a complex form of abuse and will involve multi-agency working and consultation with experts in this field.

Medical clinicians may be concerned at the possibility of a child suffering significant harm as a result of having illness fabricated or induced by their carer. These concerns may arise when:

- Reported symptoms and signs found on examination are not explained by any medical condition from which the child may be suffering;
- Physical examination and results of medical investigations do not explain reported symptoms and signs; or
- There is an inexplicably poor response to prescribed medication and other treatments; or
- New symptoms are reported on resolution of previous ones; or
- Reported symptoms and found signs are not seen to begin in the absence of the caregiver; or
- Over time the child repeatedly presents with a range of symptoms; or

- the children's normal activities are being curtailed beyond that which might be expected for any medical disorder from which the child is known to suffer.

Following receipt of a referral regarding possible fabricated or induced illness a Strategy Meeting must be convened and chaired by the Children's Services Operations Manager and including a representative from the Independent Reviewing Service. This is to enable such cases to be monitored, so that professionals can be supported in the timing of a decision to bring the case to a Child Protection Conference.

The Strategy Meeting

This meeting requires the involvement of lead, named or designated professionals at a Senior level from Health, the Police and Children's Team and possibly a legal advisor as well as other professionals working on a day to day basis with the child (e.g. schools, nurseries, Health Visitor). Its purpose is to consider situations where concerns are felt to be at an early stage or there is limited known corroborative information. The meeting will identify the nature and degree of concern and agree what, if any, further monitoring is required, for how long and how the process will be concluded. Further Strategy Meetings, if required, will determine if there are firmer suspicions of fabricated or induced illness, making sure the child remains safe whilst further plans are made.

Strategy Meetings should ensure that maximum confidentiality is maintained while seeking the involvement of any professional who may have relevant information or may have responsibility for future monitoring or the collection of evidence. The need for confidentiality and secure storage of recorded information will have a bearing on the venue used for Strategy Meetings. For example, it would never be appropriate to hold a Strategy Meeting in a room on a ward in hospital where a child is placed or at a school the child attends.

Strategy Meetings must consider and decide the following:

- The need for expert consultation;
- Arrangements for the medical records of all family members, including children who may have died or no longer live with the family, to be collated by the designated child protection doctor or nurse;
- The designated medical practitioner to oversee and co-ordinate the medical treatment of the child and to control the number of specialists and hospital staff the child may be seeing;
- Obtaining legal advice for evaluation of the available information (where a legal advisor was not present at the meeting);

- Where physical examination and results of investigations do not explain reported symptoms and signs found on examination;
- There are inexplicably poor responses to prescribed medication and treatment;
- Where new symptoms are reported on resolution of previous ones;
- Where reported symptoms and signs are not observed independently of the carer;
- Where the child's normal, daily life activities are being curtailed beyond that which the child is known to suffer.
- What immediate or contingency child protection plans are necessary;
- What further information is required about the family and how it should be obtained;
- If the child requires constant professional observation, and if so, whether this should be with the carer present;
- Who will carry out further paediatric assessments;
- Any particular factors, such as race, ethnicity and cultural which will need to be taken into account;
- The needs of siblings and other children with whom the alleged abuser has contact;
- The nature and timing of any police investigations including analysis of samples and covert surveillance;
- The needs of the parents and carers, including consideration of **whether and when** information should be shared with them, what plans might need to be in place and any necessary support for staff involved.

Concerns may be raised by other professionals, e.g. nurses, teachers or social workers who are working with the child and who may notice discrepancies between reported and observed medical conditions, such as incidence of fits.

Referral

The referral should be made **without** prior discussion with parents, so that they are not prematurely alerted, which may put the child's welfare and safety at risk.

Strategy Meeting

The most important issues in dealing with cases of suspected induced illness in children are:

- The need for extreme care over confidentiality including careful management of recording and limiting attendance to those with a need to know and those with the most relevant information;
- That signs and symptoms require careful medical evaluation for a range of possible diagnoses;
- The necessity for multi-agency co-operation in information gathering and planning (best co-ordinated through strategy meetings).

It may be necessary to have more than one Strategy Meeting where the child's circumstances are very complex and a number of discussions are required to consider whether to move to a Child Protection Conference.

As with all Section 47 enquiries, the outcome may be that concerns are not substantiated e.g. tests may confirm a medical condition which explains the signs and symptoms. No further action may be required within the Child Protection framework, but the child may still be a Child in Need.

Alternatively concerns may be substantiated, but an assessment made that the child is not at continuing risk of harm. In this case, the decision not to proceed to conference must be endorsed by the Service Manager following consultation with the relevant health professional and the relevant Designated Child Protection Doctor and Nurse. The Social Work Assessment and Children in Need plan will need to be completed.

When concerns are substantiated and the child judged to be at risk, a Conference should be convened within 15 days of the last Strategy Meeting and the Social Work Assessment commenced. All evidence should be thoroughly documented by this stage and the Interim Protection Plan for the child already in place.

Careful planning will need to be undertaken as to how parents / carers are advised of the enquiries that have been made and the decisions reached.

This is dissimilar to most other forms of child protection enquiry, where some communication with parents or carers would usually take place. The difference in these cases is that to inform parents / carers may lead them to be wary of future contact with medical professionals even when their child may be genuinely unwell - thereby potentially resulting in harm to the child. Informing parents / carers where further monitoring is required or agencies feel there is insufficient evidence to formalise concerns at this time, could also lead to a child be placed at risk of harm if this exacerbates a situation where Fabricated or Induced Illness is present at a low or developing level.

In such cases Strategy Meetings should take advice from the Local Authority Solicitors to determine the most appropriate course of action.

Initial Child Protection Conference

The Conference should be held within 15 working days from the last strategy meeting in accordance with the procedures set out in Section 6.

In situations of Induced or Fabricated illness the following must also be considered:

- The advisability of having a medical professional who has expertise in the branch of paediatric medicine which deals with the symptoms and illness processes caused by the suspected abuse. This will enable the medical information to be presented and evaluated from a sound evidence base;
- The health history of any sibling not under consideration under Child Protection procedures;
- Particular attention should be paid if the child's life has been threatened by attempted smothering, poisoning or introducing noxious substances intravenously to ensure these actions cannot take place in future;
- Where a decision is made to separate the child from the abusing parent contact must be managed so that it does not offer another opportunity to repeat the abuse. A professional with a level of knowledge to be alert to the precursors of further abusive behaviour should supervise contact;
- Knowledge of the parents' medical and psychiatric histories should be considered, in particular the abusing parent's history;
- Where a decision is made to institute legal proceedings it is important that the doctors involved agree to support this action, since it is their medical evidence which will form a key part of the evidence presented to Court.

5.7 CHILDREN MISSING FROM CARE AND FROM HOME

The protocol for children missing care and from home can be found in Appendix 21.

5.8 MANAGEMENT OF YOUNG PEOPLE FACING FORCED MARRIAGE AND HONOUR BASED VIOLENCE

Introduction

Forced Marriage and Honour Based Violence should be seen in the context of domestic abuse, and in the case of people under 18 years, as child abuse.

“Marriage shall be entered into only with the free and full consent of the intending spouses”
(Universal Declaration of Human Rights Article 16 (2))

Forced marriage cannot be justified on religious grounds; every major faith condemns it and freely given consent is a prerequisite of Christian, Jewish, Hindu, Muslim and Sikh marriages. Warwickshire Safeguarding Children Board is committed to providing services to children who find themselves trapped in what is a very complex and sensitive issue.

Honour Based Violence is a cultural, not a religious phenomenon, impacting upon a range of communities. Among the challenges for professionals is to develop responses that keep children and young people safe and hold perpetrators to account without stereotyping, stigmatising or making assumptions about any given individual or community.

Definition

ARRANGED MARRIAGE:

There is a clear distinction between a forced marriage and an arranged marriage. In arranged marriages, the families of both spouses take a leading role in arranging the marriage but the choice whether or not to accept the arrangement remains with the prospective spouses.

FORCED MARRIAGE:

A forced marriage is a marriage in which one or both spouses do not (or, in the case of some adults with learning or physical disabilities, cannot) consent to the marriage and duress is involved. Duress can include physical, psychological, financial, sexual and emotional pressure.

HONOUR-BASED VIOLENCE:

The terms “honour crime” or “honour-based violence” or “izzat” embrace a variety of crimes of violence (mainly but not exclusively against women), including assault, imprisonment and murder, where the person is being punished by their family or their community.

They are being punished for actually, or allegedly, undermining what the family or community believes to be the correct code of behaviour. In transgressing this correct code of behaviour, the person shows that they have not been properly controlled to conform by their family and this is to the “shame” or “dishonour” of the family.

All forms of forced marriage and honour-based violence are a fundamental breach of a person’s human rights.

These procedures should be read in conjunction with:

“The Right to Choose: Multi-agency statutory guidance for dealing with forced marriage.” (HM Government, 2nd Ed 2010). Visit: www.fco.gov.uk/resources/en/pdf/3849543/forced-marriage-right-to-choose

“Multi-agency practice guidance: Handling cases of Forced Marriage.” (HM Government 2009) Visit: www.fco.gov.uk/resources/en/pdf/3849543/forced-marriage-guidelines09.pdf

Warwickshire Against Forced Marriage and Honour Based Violence: Warwickshire Multi-Partnership “Statement of Intent.” WSCB, WASB
Warwickshire Against Domestic Abuse 2010
Visit: www.warwickshire.gov.uk/wscb

Working Together to Safeguard Children (HM Government 2010 pp104-109).

Recognition

These are complex forms of abuse and will involve multi-agency working and consultation with experts in this field.

A range of professionals may be concerned at a child suffering significant harm as a result of being forced into a marriage. In respect of Forced Marriage, these concerns may arise when:-

- A family history of older siblings leaving education early and marrying early;
- Depressive behaviour including self-harming and attempted suicide;
- Unreasonable restrictions such as being kept at home by their parents (“house arrest”)
- Being unable to complete their education;
- Young person always being accompanied to school and doctors’ appointments;
- A young person may talk about an upcoming family holiday that they are worried about;
- Fears that they will be taken out of education and kept abroad;
- Direct disclosure that they are worried they will be forced to marry;
- A third party reports that a young person has been taken abroad for the purpose of a forced marriage.

A comprehensive list of potential indicators is to be found on P.15 of: “Multi-agency practice guidance: Handling cases of Forced Marriage.” (HM Government 2009) and Page 5 of the Warwickshire Joint Statement of Intent (see above). Whilst these factors may be, collectively or individually, an indication that someone is facing forced marriage, it should not be assumed that it is forced marriage simply on the basis that someone presents with one or more of these warning signs. These warning signs may indicate other types of abuse that will also require a multi-agency response.

Forms of, and indicators, of possible Honour Based Violence include:

- Murder;
- Domestic imprisonment;
- Kidnapping and abduction of children;
- Forced marriages;
- Female genital mutilation;
- Acid attacks;
- Rape;
- Financial abuse;
- Deprivation from education and employment.

There may also be a number of precursors/ triggers for HBV:

- Identification as having lost virginity prior to marriage;
- Causing gossip
- Refusing an arranged marriage;
- Being in a non-approved relationship;
- Seeking a divorce (especially when dowry present);
- Coming ‘out’;
- Involving authorities in child custody issues, or leaving with a child;
- Running away from home;
- Perceived to be living a Westernised lifestyle;

- Reporting abuse or forced marriage to Police;
- Being a victim of rape;
- Pregnancy outside marriage.

Key Principles in Responding to Forced Marriage and Honour Based Violence

The following principles apply to both cases of Forced Marriage and Honour Based Violence.

The Danger of Involving the Family & Community

Involving families in cases of possible forced marriage and honour based violence is dangerous:

It may increase the risk of serious harm to the victim. Experience shows that the family may not only punish them for seeking help but also deny that the person is being forced to marry, expedite any travel arrangements and bring forward the marriage

- Involving the family includes visiting the family to ask them whether they are intending to force their child to marry or writing a letter to the family requesting a meeting about their child's allegation that they are being forced to marry;
- Relatives, friends, community leaders and neighbours should not be used as interpreters or advocates – despite any reassurances from this known person. If it is appropriate to use an advocate then an independent advocate should be used.

Meeting With The Child Or Adult At Risk Of FM Or HBV

Isolation is one of the biggest problems facing those trapped in, or under threat of, a forced marriage. These feelings of isolation are very similar to those experienced by victims of other forms of domestic abuse, adult abuse and child abuse. Third party views from family, friends, and community members cannot be trusted in cases of FM & HBV and so it is critical to meet the child or adult at risk of FM or HBV individually and face-to-face.

The “One-Chance” Rule

All practitioners working with victims of forced marriage and honour-based violence need to be aware of the “one chance” rule. That is, they may only have one chance to speak to a potential victim and thus they may only have one chance to save a life. This means that all practitioners working within statutory agencies need to be aware of their responsibilities and obligations when they come across forced marriage cases. If the victim is allowed to walk

out of the door without support being offered, that one chance might be wasted. Therefore, every organisation concerned with the welfare and protection of children should take adequate steps to protect that young person immediately.

In all circumstances the following should be considered:

- The young person's wishes;
- Personal safety and level of risk to the young person;
- Confidentiality;
- Accurate information about rights and choices;
- Referral to Children's Safeguarding;
- Personal safety of staff involved;
- Advice sought from specialist colleagues.

Following receipt of a referral regarding possible forced marriage or honour based violence a strategy meeting must be convened and chaired by the Children's Operations Manager and including a representative from the Independent Reviewing Service. This is to enable such cases to be monitored, so that professionals can be supported in the timing of a decision to bring the case to a Child Protection Conference.

Process

This Strategy Meeting / Discussion requires the involvement of key professionals from Education, School, Health, The Police, Children's Safeguarding and possibly a legal advisor. The purpose of the first strategy meeting is to consider the situation where concerns are felt to be at an early stage or there is limited known corroborative information. The meeting will identify the nature and degree of concern and decide whether there is sufficient concern at this stage to continue with child protection processes.

A further Strategy Meeting(s) will be needed to consider situations where there are firmer suspicions of forced marriage or honour based violence and to plan subsequent investigations and interventions.

Strategy Meetings should ensure that maximum confidentiality is maintained while seeking the involvement of any professional who may have relevant information or may have responsibility for future monitoring or the collection of evidence. The need for confidentiality and secure storage of recorded information will have a bearing on the venue used for strategy meetings.

The Strategy Meeting must consider the following:

- The need for expert consultation;
- As much information as possible about the family is required (gathered discreetly)
- A safe means by which contact may be made with the young person;
- Establish the nature and level of risk to safety of the individual;
- Establish if there are any other family members at risk of forced marriage or honour based violence or if there is a family history of forced marriage, abuse and honour based violence;
- Establish if there are any other family members at risk of forced marriage or honour based violence or if there is a family history of forced marriage, abuse and honour based violence.
- Record details about any threats or hostile actions against the young person, whether reported by the victim or a third party;
- What immediate or contingency Child Protection Plans are necessary;
- Safety of staff must be considered;
- Any particular factors relating to race, ethnicity and cultural factors which will need to be taken into account;
- The needs of siblings and other children within the family;
- The nature and timing of any Police investigations;
- The need for extra care over confidentiality, including careful management of recording and limiting attendance to those with a need to know and those with the most relevant information.

As indicated, it may be necessary to have more than one strategy meeting where the child's circumstances are very complex and a number of discussions are required to consider whether to move to a Child Protection Conference.

As with all Section 47 enquiries, the outcome may be that concerns are not substantiated. No further action may be required within the Child Protection framework, but the child may still be a Child in Need.

Alternatively concerns may be substantiated, but an assessment made that the child is not at continuing risk of harm. In this case, the decision not to proceed to conference must be endorsed by the Service Manager following consultation with colleagues from lead agencies. The Social Work Assessment and Children in Need plan will need to be completed.

When concerns are substantiated and the child judged to be at risk a Conference should be convened within 15 days of the last Strategy Meeting and the Social Work Assessment commenced. All evidence should be thoroughly documented by this stage and the interim protection plan for the child already in place.

Careful planning will need to be undertaken as to how parents / carers are advised of the enquiries that have been made and the decisions reached.

As previously indicated, FM and HBV is dissimilar to most other forms of child protection enquiry, where some communication with parents or carers would usually take place. The difference in these cases is that to inform parents / carers may lead them to be wary of future contact with professionals potentially resulting in harm to the child. Informing parents / carers where further monitoring is required or agencies feel there is insufficient evidence to formalise concerns at this time, could also lead to a child be placed at risk of harm.

Contacting the *Forced Marriage Unit*

If there are concerns that a child (male or female) is in danger of forced marriage, in addition to following these procedures, the Forced Marriage Unit should be contacted. This is a joint Home Office/Foreign and Commonwealth Office Unit and it runs a public helpline that provides confidential advice and support to victims and practitioners handling cases of forced marriage. The helpline number is: 0207 008 0151 (9am – 5pm). Other contact details are:

Emergency duty officer: 0207 008 1500

Email: fmufco.gov.uk

Website: <http://www.fco.gov.uk/en/travel-and-living-abroad/when-things-go-wrong/forced-marriage/>

For Honour Based Violence concerns advice may be sought at:

The UK Honour Network Helpline (Karma Nirvana) telephone: **0800 5999 247**
9.30am – 5pm

Female Genital Mutilation concerns:

Contact FORWARD, telephone: **020 8960 4000**

Forced Marriage Protection Orders

The Forced Marriage (Civil Protection) Act 2007 enables the Courts to make Forced Marriage Protection Orders (FMPO). The purpose of the Orders are to protect individuals against being forced into marriage without their free and

full consent and to protect those individuals who have already been forced into marriage.

Forced Marriage Protection orders can include prohibitions, restrictions and / or requirements to stop or change the behaviour or conduct of those who would force the victim into marriage. This could include spouses, family members, neighbours and members of the wider community. It can include provisions to prevent a marriage, locate a missing person or prevent a person being taken abroad.

For example, an order could:

- Prohibit a marriage taking place between named persons;
- Prohibit a church / named premises holding a wedding ceremony in relation to the victim;
- Order disclosure of itemised phone bills, possibly setting out the geographical area to assist in locating an individual;
- Require a child's passport / birth certificate to be handed over;
- Require a person to attend Court with particular documents, e.g. travel documents;
- Require a person to produce the victim or disclose their whereabouts;
- Prevent a person being removed from the jurisdiction;
- Allow particular premises to be searched for a person or for particular documents;
- Prevent a person from contacting the victim, either face to face or indirectly;
- Prevent a person from harassing the victim;
- Require a person to be interviewed on their own to establish their wishes and feelings about the marriage / proposed marriage, e.g. where the person is already abroad.

Forced Marriage Protection Orders are civil orders and a breach is a contempt of Court. In some circumstances where there has been violence or a threat of violence, FMPSs can also have a power of arrest attached to them.

The Government has announced its intention to make Forced Marriage a specific criminal offence in England and Wales. This is likely to come into effect in 2013 / 14.

Applications for a FMPO can be made by the victim, by Local Authorities and by the Police. Any other persons wishing to make an application require the permission of the Court. The standard of proof applied is the balance of probabilities.

The Order is not binding within foreign countries but High Court Orders are persuasive on other foreign authorities.

In cases involving children, other options such as Emergency Protection Orders, Interim Care Orders, Police Protection and Wardship should be considered alongside FMPOs.

5.9 SAFEGUARDING TRAFFICKED CHILDREN

INTRODUCTION

Standard Child Protection processes continue to apply in respect of children and young people who may have been trafficked. This procedure focuses specifically on the management of these cases, and is drawn from regional guidance developed by the West Midlands Child Trafficking Group. The full guidance, containing important additional background information that will assist practitioners in these cases, may be accessed on the Warwickshire Safeguarding Children Board website (www.warwickshire.gov.uk/wscb)

DEFINITIONS

The definition of child trafficking used in this procedure is that described in Article 3 of the United Nation's Palermo Protocol: "Trafficking in persons" means the recruitment, transportation, transfer, harbouring or receipt of persons, by means of fraud or 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 shall include, at a minimum, the exploitation or 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. 'Control' is assumed for children under 18 yrs.

The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation is to be considered "trafficking in persons" even if this does involve any of the means described above. As elsewhere in these procedures, a child is any person under eighteen years of age.

Trafficking can also take place *within* the UK when young people are moved from one location to another for purposes of exploitation.

ACTION TO SAFEGUARD AND PROMOTE THE WELFARE OF TRAFFICKED CHILDREN

Referral To Children's Safeguarding

Any agency, individual practitioner or volunteer who has a concern regarding possible trafficking and exploitation of a child should contact the local Children's Team for the area in which the child currently resides and consider what immediate action they could take to maintain contact with the child.

The Children's Team will clarify the nature of the concerns with the referrer and ask the referrer to confirm their concerns in writing in order to ensure a clear audit trail. They will consult with other agencies as appropriate and, in particular will:

- Check if the carer or guardian or other members of the household understood to be at the residential address are known to the Police, Children's Team or Community Health Services;
- In the case of a referral from a school or other educational institution, obtain a copy of the documentation provided at admission; if necessary consult with the *United Kingdom Human Trafficking Centre[UKHTC]* (Tel: 0114 252 3891) or the *NSPCC Child Trafficking Advice and Information Helpline* (Tel:0800 47 7057) in order to address any professional concerns which may have arisen;
- Undertake a check with the *United Kingdom Border Agency Intelligence (UKBA)* to clarify status of the child/ren and the adult/s caring for them, and share information relevant to safeguarding (Tel Midlands and East Region UKBA at: 0121 713 3265). It is increasingly common practice for the *UKBA* to have a digital photograph of the child on their database and this may aid identification;

The Children's Team will decide on a course of action within 24 hours. Where necessary, including where there is a likelihood that the child may go missing, they will take prompt action within the 24 hours.

Social Work Assessment

The Children's Team will conduct an assessment to decide whether:

- Arrangements for the child have been made by her/his parents/ carers;
- There are grounds to accommodate the child;
- The child is in need of immediate protection;
- A Section 47 Enquiry (Child Protection Enquiry) should be initiated.

If it is believed that the child may have been trafficked this assessment may be very brief and a Section 47 Enquiry should be commenced.

At no stage of this process should the adult purporting to be the child's parent, sponsor or carer be present at interviews with the child, or at meetings to discuss future actions. In undertaking this assessment and all subsequent work with the child, a suitable interpreter must be provided.

Immediate Protection

If there is a risk to the life of the child or a likelihood of serious immediate harm, the Children's Team and the Police will take emergency action to secure their safety prior to pursuing Section 47 Enquiries. Immediate action to secure the child's safety could be on a voluntary basis, following an Emergency Protection Order, or following the use of police powers.

Specific Action During the Social Work Assessment

The assessment should be carefully planned, with clarity about who is doing what, as well as when and what information is to be shared with the parents. The planning process and decisions about the timing of the different assessment activities should be undertaken in collaboration with all those involved with the child and family. The process of assessment should involve:

- Seeing and speaking to the child (according to their age and understanding) and family members as appropriate;
- Drawing together and analysing available information from a range of sources (including existing records); and
- Involving and obtaining relevant information from professionals and others in contact with the child and family.

All relevant information (including historical information) should be taken into account. This includes seeking information from relevant services if the child and family have spent time abroad. Professionals from agencies such as Health, Local Authority Children's Social Care or the Police should request this information from their equivalent agencies in the country or countries in which the child has lived. Information about who to contact can be obtained via the *Foreign and Commonwealth Office* on 0207 008 1500 or the appropriate Embassy or Consulate based in London (see the London Diplomatic List (The Stationery Office), ISBN 0 11 591772 1 or the FCO website www.fco.gov.uk

During the assessment, a Social Worker should check all the documentation held by the referrer and other relevant agencies. Documentation should include (if available), passport, Home Office papers, birth certificate and proof of guardianship. This list is not exhaustive and all possible types of documentation should be considered. A recent or new photograph of the child

should be included in the social worker's file together with copies of all relevant identification documentation.

When assessing any documentation attention should be given to the details. If a passport is being checked the official should:

- verify the date of issue;
- check the length of the visa;
- check whether the picture resembles the child;
- check whether the name in the passport is the same as the alleged mother/father, and if not, why not; and
- check whether it appears to be original and take copies to ensure further checks can be made if necessary.

Immigration staff will be able to provide a clear explanation of the immigration process, different forms of documents and leave to enter the UK and an opinion on the validity of a document. The regional Immigration Service may be contacted at: 0121 713 3265.

Even if there are no apparent concerns, child welfare agencies should continue to monitor the situation until a child is appropriately settled. The Social Worker should advise the referrer of their decision and the proposed plan. In each case of a child with immigration issues UKBA should be informed so that they can co-ordinate the immigration processes with the child's Protection Plan.

Decision To Interview As Part Of Section 47 Enquiries

Once the relevant information has been gathered, the Social Worker and their supervising manager, together with the Police should decide whether to convene a Strategy Discussion, and then whether to conduct a joint interview with the child and, if necessary, with the family or carers. The enquiries may involve the Police Child Protection Unit, other Police Officers, the UKBA Intelligence, UKHTC Tactical Advisor and Social Care as required.

The Strategy Meeting must:

- Share information – this will involve UKBA Intelligence, UKHTC Tactical Advisor, the Police, Local Authority Children's Social Care and any other relevant professionals;
- Develop a strategy for making enquiries into the child's circumstances, including consideration of a video interview;

- Develop a plan for the child's immediate protection, including the supervision and monitoring of arrangements (for Looked After Children this will form part of the Care Plan);
- Agree what information can be given about the child to any enquirers;
- Agree what support the child requires;

If the child is being sexually exploited the procedures referring to "Children Who Are Sexually Exploited" (Appendix 7) will be followed.

In the longer-term, information gathered at an interview might help to resolve the child's immigration status. Intelligence gathered from the interview could also stop others being trafficked from overseas. It is important that Social Workers bear in mind that Immigration processes and Section 47 Investigations are separate.

Where it is decided that the family should be visited and interviewed, standard Social Work practice should be followed. The child should be seen alone, preferably in a safe environment. The Social Worker should ensure that the carers are not in proximity. **Under no circumstances should the child and their family members or carers be interviewed together.** Children will usually stick to their account and not speak until they feel comfortable. Professional interpreters, who have been approved and CRB checked, should be used where English is not the child's preferred language. Under no circumstances should the interpreter be the sponsor or another adult purporting to be a parent, guardian or relative. Every child should be given ample opportunity to disclose any worries away from the presence of the sponsor.

The interview should focus on the following areas:

- Family composition, brothers, sisters, ages;
- Parents' employment;
- Tasks done around the house;
- Length of time in this country;
- Where they lived in their country of origin;
- Where they went to school in their country of origin; and
- Who cared for them in their country of origin;
- Where they went to school in the UK;
- Who has cared for them in the UK.

The adults in the family should be interviewed separately covering the same areas. A comparison can then be made between the answers to ensure they match.

All documentation should be seen and checked. This includes Home Office documentation, passports, visas, utility bills, tenancy agreements, and birth certificates. Particular attention should be given to the documentation presented to the school at point of admission. It is not acceptable to be told that the passport is missing or that the paperwork is missing. It is extremely unlikely that a person does not know where their paperwork/official documentation is kept and this information could be considered as an indicator the child may have been trafficked.

The interview should be conducted as fully and completely as possible, both to ensure accuracy and to avoid intrusion into the family for a longer period than is absolutely necessary.

On completion of the Section 47 enquiries, a meeting should be held with the Social Worker, their supervising manager, the referring agency as appropriate, the Police and any other professionals involved, to decide on future action. Further action should not be taken until this meeting has been held and multi-agency agreement obtained to the proposed plan unless emergency action is required.

Where it is found that the child is not a family member and is not related to any other person in this country, consideration should be given as to whether the child needs to be moved from the household and/or legal advice sought on making a separate application relating to immigration status.

Any law enforcement action regarding fraud, trafficking, deception and illegal entry to this country is the remit of the Police. The Local Authority should assist in any way possible. However, the responsibility for taking legal action usually remains with the criminal justice agencies (exceptions include benefit fraud which is the responsibility of the Department of Work and Pensions).

Supporting Child Witnesses

Assessing the willingness and capacity of a child victim to testify in court against a trafficker is complicated. This also applies to the process of gathering information that might support Care Proceedings. Like victims of domestic abuse, the child usually fears reprisal from the traffickers and/or the adults with whom he or she was living in the UK if they co-operate with Children's Social Care or the Police. For children trafficked from abroad an additional level of anxiety may exist because of fear of reprisals against their family in their home country. They may also fear being deported, having entered the UK illegally. Children, who might agree to testify in a criminal case, fear that they will be discredited in Court because they were coerced into lying on their visa applications or immigration papers. No child should be coerced into providing information or testifying in Court against a trafficker.

Children should be allowed plenty of time to reflect on the information they wish to disclose.

Returning Trafficked Children to their Country of Origin

In many cases, and with advice from their lawyers, trafficked children apply to the UKBA for asylum or for humanitarian protection. This is often because of the high risk they face of coming to harm if they are forced to return to their countries of origin. All such claims must be carefully considered. Among the factors to consider if the child is deported is the risk of him or her being re-trafficked with the possibility of further exploitation and abuse. When considering the child's application it will be important to gather information about the child's family, community and general conditions in the country of origin. This will be done by the child's lawyer and information considered by UKBA.

If the child does not qualify for asylum or humanitarian protection or any form of discretionary leave, and adequate reception arrangements are in place in the country of origin, the child will usually have to return. The process of returning the child should be handled sensitively and will require close cooperation between the UKBA and the child's Social Worker.

It is important that appropriate steps are taken to minimise the possibility of the child going missing once a decision to return him or her to their country of origin has been made. Equally, the Social Worker may be best placed to reconcile the child to being returned, and in helping the child access the assistance with reintegration which is available through voluntary return schemes (which are always the preferred way of carrying out any return to the child's country of origin).

Identifying and Recording Victims of Child Trafficking through the National Referral Mechanism (NRM)

The NRM is a formal process for identifying and referring potential victims of trafficking to support services. A Children's Team that suspects that a child is a potential victim of trafficking should refer the child to a designated Competent Authority. These are based at the UK Border Agency (UKBA) and the UK Human Trafficking Centre (UKHTC).

The NRM Referral Report to the Competent Authority complies with the ICS and CAF and can be accessed at:

<http://www.crimereduction.homeoffice.gov.uk/humantrafficking005.htm>

The form should be completed and the referral sent to the Competent Authority, including the full social work assessment to ensure all risk information is available to them, at the address at the top of the Referral Report.