

## Trafficking and Exploitation Strategy A Scottish Government consultation

The overall **Vision** of the Strategy is to eliminate human trafficking and exploitation. The Strategy sets out **three Action Areas** that will help us to achieve this vision. These are

- Identify victims and support them to safety and recovery
- Identify perpetrators and disrupt their activity
- Address the conditions, both local and global, that foster trafficking and exploitation

***Do you agree that these Action Areas taken together will help to achieve the vision?***

**Yes**

***Are there any other comments you wish to make?***

In general, it is useful to have the triangle of focus on victims, perpetrators and the environment. However, we note that elements of the recent anti-migrant and anti-refugee sentiment portrayed in some areas of the media may affect the overall impact of the Strategy. A national campaign to create awareness of the real life experiences of victims in Scotland to promote better understanding and social responsibility would be helpful.

We note also that whilst there are issues amongst professionals and the public in understanding trafficking generally, promoting understanding of domestic trafficking is a further challenge and needs to be adequately represented in the Strategy.

It would be useful to ensure that the Strategy makes appropriate links with existing related strategies. We note for example that this is a non-gendered strategy which whilst makes mention of Equally Safe, doesn't explicitly make the links. A more gendered analysis would be useful as for example we know that there is an over representation of women and girls involved in sexual exploitation. There should also be significant linkage made to the work of the National CSE Working Group and National Action Plan. Whilst the Strategy makes reference to Scotland's Serious and Organised Crime Strategy, it would be useful for the document to be more explicit in making the links and how for example the annual multi-agency strategic threat assessment would feed into the monitoring of progress.

It would be useful to understand how the Strategy will be resourced financially. It is an ambitious document and there is a danger that without appropriate resourcing it will fall short of its commitments.

Section 3 of the Strategy covers each Action Area and sets out:

- what is already happening,
- what we need to improve and
- what actions we will take.

***Do you think the particular actions listed on pages 15 and 16 will help in achieving this?***

**Yes**

We note that any public campaign needs to be clear, concise and linked to the same messages used to raise awareness amongst professionals. Messages need to take account of the indigenous population also being at risk and the specific ways in which genders and ages are at risk based on evidence.

However, whilst there is a need to raise awareness and build the confidence of the public to come forward, we also note that for many reasons some people will not feel comfortable reporting issues to the police. It may be useful to consider whether other avenues of support are available and can be publicised, such as the Modern Slavery Helpline.

In the longer term, exposure to these issues needs to be at an early stage through schools focusing on trafficking and exploitation as part of positive relationships discussions.

As victims of trafficking and exploitation can often be part of a “hidden” population, we need to consider how to create awareness and empower victims themselves to come forward. Publicising the Lord Advocate’s instructions regarding presumption against prosecution would be helpful, as would building on other initiatives to support victims accessing help in an unobtrusive way, such as the Lincolnshire “Ask for Angela” campaign response to sexual violence and learning from previous CSE and domestic abuse campaigns. Similarly, good practice already in place such as the NHS “Routine Sensitive Enquiry” could be extended to help identify victims.

In addition to disrupting and prosecuting perpetrators, further consideration as to how we inhibit those members of the public who are profiting from exploitation such as those who are paying for sex, receiving cheaper manicures etc would be useful.

We note that with regards to professional awareness, some organisations are already facing significant staff training challenges. It would be useful if there were materials developed nationally, linked to any public facing campaign which focus on the human stories, which could be shared to support organisations in delivering training.

With regard to the specific supports required by victims, we note the very particular issues in relation to access to appropriate mental health supports for both adults and children. In order to meet the commitment within the Strategy, more needs to be

done in relation to ensuring the consistent availability of counselling and specialist mental health supports.

The Strategy and resourcing of the actions would be more effective if they take into account regional variations and in particular the differences in the challenges between rural and urban areas. The collation and sharing of data would be a significant step forward in targeting resources more effectively. As there is an unequal distribution of these issues nationally, supporting the use of data and opportunities for collaborative practice would perhaps help to better manage the burden of those areas where the issue is concentrated and increase the expertise of those areas with less experience.

Action Area 2 (pages 17-20) deals with identifying perpetrators and disrupting their activity.

***Do you think the particular actions listed on pages 19 and 20 will help in achieving this?***

**Yes**

Whilst we welcome the actions contained within this section, there needs to be consideration of the resources required to implement them.

With regard to the specific Orders, we note that there has been concerns about the use of similar existing Orders such as that in relation to sexual offences. There has been experience on some occasions of Orders either falling or not being requested because of the view taken as to whether a witness could be considered reliable. It will be important for Government to work closely with the judiciary and Police Scotland to ensure that there is sufficient understanding of how a victim is affected by trafficking and exploitation to support the positive introduction of these new Orders.

As resources are finite, it may be useful to consider and build on what is already known about where exploitation is happening and focus on disrupting those markets using the opportunities already available such as licensing activity, health and safety inspections, days of action etc.

In order to deter perpetrators, publicising stories with successful prosecutions would be helpful in deterring both perpetrators and possibly those benefitting from exploitation.

***Is there anything you would add to Action Area 2 on identifying perpetrators and disrupting their activity?***

Please see response in previous answer.

Action Area 3 deals with addressing the conditions that foster trafficking and exploitation.

***Do you think the particular actions listed on page 24 will help in achieving this?***

**Yes**

It is important to work with source countries and credible NGOs to target the issues which are causing the problem. In addition, more could be done by those businesses with manufacturing arrangements to ensure that robust inspections of the supply chain are undertaken. It may also be useful to consider whether businesses should publicise these arrangements or whether there should be a public register of businesses where they are found to be adhering to standards.

We would also note that it is important to continue to address the domestic conditions which can foster exploitation including poverty.

**Section 4 of the Strategy deals specifically with children.**

***Do you think the particular actions listed will improve support for children in Scotland?***

**Yes**

We welcome the actions set out in this section and in particular the clear message that the trafficking and exploitation of a child is child abuse.

Currently, unaccompanied children under the age of 16 years are placed in the care of local authorities under s25 of the Children (Scotland) Act 1995. This gives them rights to accommodation, education and support commensurate with their needs and in line with what would be provided to any child looked after by local authorities. Legal opinion and case law has developed in favour of unaccompanied children aged 16 – 17 years also being treated as looked after children, where previously they may have been supported under section 22 of the Children (Scotland) Act 1995.

We welcome the Scottish Government's intention to bring forward guidance regarding the use of the sections of the Act and would welcome dialogue in shaping this. Inappropriate accommodation and support can increase the risk of unaccompanied children absconding or disappearing from care, presenting a risk to their immediate safety and wellbeing. We also note the risk to other looked after and accommodated children from placing unaccompanied children inappropriately.

Whilst we welcome the introduction of presumption of age under the Human Trafficking and Exploitation (Scotland) Act 2015 and the Scottish Government's intention to revise age assessment guidance, this is an area of practice which continues to require significant resourcing and expertise.

Age disputes have grown disproportionately relative to numbers of unaccompanied children according to the Scottish Refugee Council- from 318 in 2014 to 766 in 2015, a rise of 141% compared with a 56% rise in claims. Arguably the disparities between an exclusionary adult system and a more supportive system for children can be attractive for adults attempting to access greater support, which only increases the complexity of the age assessment task. Flawed, inaccurate or missed age assessments may result in young people being housed inappropriately, left without education or additional support and vulnerable to the adult asylum system and the risks of destitution, detention and deportation. There is conversely the risk of age disputed young people with no background information who may in fact be adults being housed with vulnerable looked after children.

The new legislation supports that the young person should be presumed to be a child where there are reasonable grounds to believe that they are a child unless the person is proven or assessed to be over 18. However, robust guidance and resourcing must be in place in order for this to be fully achieved. We note that since the collaboration between Glasgow City Council and the Scottish Refugee Council in 2012, in England this has been built upon with the introduction of guidance in 2015 from the Association of Directors of Children's Services. There is no current national social work focussed training in Scotland which supports the development of practice regarding age assessment, despite this being a highly specialised area of work unlikely to have been undertaken by a social worker in any other area of practice. It would be extremely helpful if support was provided to address this.

It is important that age assessment is carried out proportionate to need and not as routine. There should be exploration of a holistic and multi-disciplinary approach to assessing age in relation to need. Social workers should not be expected to carry out age assessments alone but should be able to draw on the particular knowledge and skills from multi agency partners, most notably health and education. A more collaborative system may also make better use of the specialist role of the guardianship service.

We note the importance of the provision of support in statute for a Child Trafficking Guardian in contributing to the protection of unaccompanied children. However, there is a systemic tension between the age assessment process and the provision of advocacy through the current guardianship service. Legal challenges are the only recourse that young people have against age assessments that they consider to be flawed or inaccurate. In these circumstances the guardianship service will support an appeal for those young people whose age has been assessed as 18 years or over. This currently involves a request for internal review, then the commissioning of an advocate's opinion for the Court of Session/High Court. This is a difficult process for the young person and has significant financial implications for local authorities. Whilst it is important that a right to appeal is enshrined in any process, alternative avenues for appeal need to be explored.

***Is there anything you would add to this Section?***

Please see previous response.

**4. Section 5** of the Strategy sets out the measures we plan to use to assess the progress that has been made with the Strategy.

***Do you agree that these measures will be effective in measuring progress?***

**Yes**

***Please expand on your response if you wish to.***

We would note that it would be important to also look at other data relevant to this area of practice including national crime statistics, child protection register, children's hearings etc.

***Are there any that you would add?***

Please see previous response

**5.** When we implement the Strategy we will want to do that by focusing on victims; by working in partnership; and by always looking to improve what we are doing. Pages 4-8 of the Strategy give more background information on this.

***Do you have any views on the best way to implement the Strategy?***

A national launch with strong political leadership would be useful in giving a clear and unified voice, however this must be accompanied by a robust publicity campaign.

Social Work Scotland  
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