

# 01 Background

When does trafficking of children take place?

Whenever a child (i.e., anyone under 18) is moved from one place to another for the purposes of being exploited.

**Where can I find out more information?** Further information is available in the NSCB Child Sexual Exploitation Practice Guidance which is available from [here](#) and Trafficking guidance [here](#)

# 02

## When is a person considered to be trafficked?

The Modern Slavery Act 2015 establishes that a person commits an offence if the person arranges or facilitates the travel of another with a view to being exploited, this involves cases where:

- the person intends to exploit the person being trafficked (in any part of the world) during or after the travel, or
- the person knows or ought to know that another person is likely to exploit the person being trafficked (in any part of the world) during or after the travel

# 03

## Doesn't trafficking just relate to people trying to get into the country?

A popular media image portrayed for trafficking of human beings involves the transportation of children and adults using covert methods such as cargo containers, etc, (this is actually smuggling which is a different issue)

However, wherever a child has been recruited, transported or transferred for the purpose of exploitation, they should be considered to be a victim of trafficking, this includes whether or not they have been forced, deceived or the child/young person believes that they are traveling willingly from one location to another, for example, where a child takes a bus or walks from one location to another for the purpose of exploitation.

**Remember: A child cannot legally give consent to being trafficked.**

# 07

## What happens next?

Once a referral has been made, trained decision makers will assess and make a decision on whether an individual is a victim of trafficking or modern slavery. There is a two stage process where trained decision maker will decide if there are "reasonable grounds" to believe the child/young person has been the victim of trafficking (normally within 5 working days of receipt of the referral). The first 5 days also provides for a child to be kept in safe accommodation (i.e. away from the trafficker). A "conclusive decision" will be made regarding whether the child has been the victim of trafficking after a 45 day reflection period.

## Does that mean any arrangements put in place will be superseded?

No, a referral into the NRM and any subsequent decisions do not replace or supersede established child protection processes, which should continue in tandem.

# 06

## What to do

Any agency and organisation that has concern for a child they believe may be a victim of human trafficking should make a referral immediately to First Contact Children's Services and notify the police. This is to ensure that arrangements can be put in place to safeguard the child or young person and the police are made aware that a potential crime has been committed. When age is in doubt, the presumption has to be that the person is a child.

### What else should happen?

Organisations like Local Authorities, the Police and the NSPCC are "first responder" organisations. When the Children and Family Service and the Police have assessed the indicators of trafficking and arrangements have been put in place to safeguard the child, first responders should refer the child to the National Referral Mechanism (NRM) using their referral form ([available here](#)).

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