



Championing Children and Young People in England

Office of the Children's Commissioner:

**Response to the All Party Parliamentary Group
Inquiry into children who go missing or run away
from care**

April 2012

Office of the Children's Commissioner

The Office of the Children's Commissioner is a national organisation led by the Children's Commissioner for England, Dr Maggie Atkinson. The post of Children's Commissioner for England was established by the Children Act 2004. The United Nations Convention on the Rights of the Child (UNCRC) underpins and frames all of our work.

The Children's Commissioner has a duty to promote the views and interests of all children in England, in particular those whose voices are least likely to be heard, to the people who make decisions about their lives. She also has a duty to speak on behalf of all children in the UK on non-devolved issues which include immigration, for the whole of the UK, and youth justice, for England and Wales. One of the Children's Commissioner's key functions is encouraging organisations that provide services for children always to operate from the child's perspective.

Under the Children Act 2004 the Children's Commissioner is required both to publish what she finds from talking and listening to children and young people, and to draw national policymakers' and agencies' attention to the particular circumstances of a child or small group of children which should inform both policy and practice.

The Office of the Children's Commissioner has a statutory duty to highlight where we believe vulnerable children are not being treated appropriately in accordance with duties established under international and domestic legislation.

1. General comments

Introduction

The Office of the Children's Commissioner welcomes the All Party Parliamentary Group Inquiry into children who go missing or run away from care. We are aware that children who go missing, or run away, from care are a highly vulnerable, but far from homogenous, group. We hope that this Inquiry will contribute to the developing body of knowledge regarding the needs and experiences of children who go missing, or run away, from care, and that it will highlight the complex and differential vulnerabilities of this group.

Framework for the Response

This response is framed within the United Nations Convention on the Rights of the Child (UNCRC), with specific reference to the following Articles:

Article 11 (kidnapping and trafficking): Government must take steps to prevent children being taken out of their own country illegally or being prevented from returning.

Article 12 (respect for the views of the child): Every child has the right to say what they think in all matters affecting them, and to have their views taken seriously.

Article 19 (protection from all forms of violence): Governments must do all they can to ensure that children are protected from all forms of violence, abuse, neglect and mistreatment by their parents or anyone else who looks after them.

Article 20 (children deprived of a family): If a child cannot be looked after by their family, governments must make sure that they are looked after properly by people who respect the child's religion, culture and language.

Article 22 (refugee children): If a child is a refugee or seeking refuge, governments must ensure that they have the same rights as any other child. Governments must help in trying to reunite child refugees with their parents. Where this is not possible, the child should be given protection.

Article 25 (review of treatment in care): If a child has been placed away from home (in care, hospital, or custody, for example) they have the right to a regular check of their treatment and conditions of care.

Article 32 (child labour): Governments must protect children from work that is dangerous or might harm their health or education.

Article 34 (sexual exploitation): Governments must protect children from sexual abuse and exploitation.

Article 35 (abduction): Governments must ensure that children are not abducted or sold.

Article 36 (all other forms of exploitation): Governments must protect children from all forms of exploitation that might harm them.

In addition the following Articles apply:

Article 3 (Best interests of the child): The best interests of children must be the primary concern in making decisions that may affect them.

Article 4 (Protection of rights): Governments have a responsibility to take all available measures to make sure children's rights are respected, protected and fulfilled.

Evidence Base

The Office of the Children's Commissioner (OCC) has conducted work in the field of missing and runaway children, children in care, and trafficked children for a number of years. Of most relevance to this Inquiry is:

- Our work on Vietnamese children going missing from the care of Kent Social Services in 2010.
- Our work on safeguarding, including talking with children and young people about risk and their experience of child protection.
- Our current Inquiry into Child Sexual Exploitation in Gangs and Groups (CSEGG).
- Our ongoing visits to the secure estate conducted under:
 - a) the National Preventive Mechanism (NPM), which is the implementation of the UK Government's responsibilities as a Signatory to the United Nations Optional Protocol for the prevention of cruel, inhuman or degrading treatment, to which the OCC has been appointed by the Government.
 - b) the powers conferred to the Children's Commissioner by the Children Act 2004, Part 1, Section 2, Paragraph 8 and 9 which allow us to enter any premises, other than a private dwelling, for the purposes of interviewing any child accommodated or cared for there; and if the child consents, interview the child in private.

Our position and recommendations in this submission draw upon evidence gathered through all of the above mechanisms, and the following attachments have been provided as further evidence:

- CSEGG Inquiry: Terms of Reference
- Collated information on unaccompanied Vietnamese children arriving in Kent in 2010
- Analysis of the collated information on unaccompanied Vietnamese children arriving in Kent in 2010

2. Key emerging issues in relation to child sexual exploitation and missing children that have come from the CSEGG Inquiry

Children at risk of sexual exploitation

In October 2011 the Office of the Children's Commissioner launched an Inquiry into Child Sexual Exploitation in Gangs and Groups (CSEGG). The objectives of the Inquiry are to identify the scale, scope, extent and nature of the abuse taking place, and to identify remedial activity required to address it. We will publish an interim report of our findings in September 2012 and a final report in September 2013. However, we considered it important to share some emerging concerns with this APPG Inquiry that are relevant to children who run away, or go missing from care.

Responses to, and recording of, missing incidents

Children who run away, or go missing, are at significant risk of child sexual exploitation. The CSEGG Inquiry acknowledges that the relationships between missing incidents and child sexual exploitation are complex, and that children can go missing as a consequence of sexual exploitation in addition to their missing episodes placing them at risk of sexual exploitation. We have received evidence from around the country which indicates that:

- where children are being identified, recorded and reported as missing

AND

- the area is proactively working to identify child sexual exploitation

those areas are identifying missing children who are being sexually exploited. Some of these children will be those missing from care and some will be missing from home. Emerging evidence implies that children missing from care, however, present with additional vulnerabilities to child sexual exploitation that require further consideration.

However, at this stage in the Inquiry we also wanted to highlight emerging concerns that we have about the linkages being made between missing reports and child sexual exploitation, and specific groups of children who may be missed with datasets when the above process is applied.

Children Missing from Care

The CSEGG Inquiry has been provided with evidence, from a number of areas, about specific vulnerabilities for children who are in care. We have been informed about children's homes being targeted by perpetrators of child sexual exploitation, with multiple children across extended periods of time being groomed and abused by the same perpetrators. We have also been informed of an inconsistent response amongst care service providers to children who go missing or runaway from care, with different thresholds being applied for absence and for children who are missing for part of the night etc. When we have conducted further analysis on the evidence we have received we will be able to inform the APPG about the extent of both of these concerns, but thought it important to raise it as part of this Inquiry in the interim.

Black and Ethnic Minority Children

The CSEGG Inquiry is aware that Black and ethnic minority children who are victims of child sexual exploitation are not being identified in all cases. Emerging evidence would indicate that there may be potential gaps in data on children from ethnic minority backgrounds who run away or go missing. BME children may not be reported as missing to the police for a number of complex reasons, ranging from fear of statutory agencies and the police, fear of shame, preference for finding children through informal networks, potential links to missing/running away as a result of forced marriage etc. As a result, the OCC is concerned that the numbers of BME children who run away or go missing is misrepresented in statistics, and that the vulnerability of this group of children to child sexual exploitation may be under identified as a consequence.

Boys and Young Men

Emerging evidence to the CSEGG Inquiry also indicates that there are specific risks and gaps in relation to the identification of missing boys and young men. Firstly, we are concerned that the potential for sexual exploitation may not be considered when boys and young men are reported missing. Secondly, we are concerned that boys and young men may not be reported missing at the same rate as girls and young women, as professionals or families may respond differently to boys staying out overnight, or going out with a group of slightly older males and not be considered at risk. While we are unable to comment further on this point, at this stage in the CSEGG Inquiry, we thought it important that it be highlighted to the APPG.

Children in gang-affected neighbourhoods

During our evidence gathering process in Phase 1 we have become concerned that some children who run away, stay away from home, or go missing are not readily identified as they are 'expected to' go missing. Children living in gang-affected neighbourhoods, particularly those who have a gang-association, may be perceived as staying out, truanting, etc as part of their offending behaviour. As such, we may be presented with missing figures for children who are 'looked-after' for example, but not for children who continue to live in gang-affected neighbourhoods, but are with their families. When missing behaviour is expected, and not linked with sexual exploitation, we are concerned that it is not always being appropriately identified and responded to.

Internal Trafficking

The CSEGG Inquiry has been presented with evidence in relation to the internal movement of children around England for the purposes of sexual exploitation. Patterns of movement have been implied, and the use of trainlines as well as vehicles has been raised on multiple occasions. We would encourage the APPG to consider the impact, and influence of, internal trafficking on the missing behaviours of children and young people and as a result consider the role of transport and accommodation providers in identifying missing children.

CSEGG Inquiry Data Collection

As part of the CSEGG Inquiry, we are seeking to collect data on the numbers of children who are: repeatedly reported as missing to the police; reported as missing from care; recorded as missing from education, either through persistent absence or due to being missing from school roll. We will publish these figures once they have been analysed alongside other indicators of risk for child sexual exploitation, and the APPG should find this data useful for the purposes of their Inquiry.

The Government's 2011 Human Trafficking Strategy commits to tackling the issue of trafficked children who go missing from care. What can local authorities and voluntary organisations do to better safeguard trafficked or exploited children and ensure they do not go missing from care?

Local Authorities must ensure their staff, including those in emergency duty teams, are fully trained in understanding and identifying the risk indicators for children who have been or are at risk of being, exploited and, or trafficked.

Placements need to be risk assessed so that vulnerable children are not placed in environments that further compound their risk of exploitation or being re-trafficked.

Such assessments must include: locality, access to transport hubs, vulnerability and associations of children already resident, capacity of staff to protect children and whether the unit, placement is or has ever been a target of traffickers or exploiters. Such units should have waking night staff to ensure 24 hour vigilance.

Children who have been sexually exploited should not be placed in the same unit with others who have suffered child sexual exploitation because of the risks of re-victimisation arising from extended patterns of behaviour and dependence on the abuse.

3. Vietnamese children going missing from the care of Kent County Council in 2010

Background to OCC's research on Vietnamese children placed into Kent County Council care in 2010

In August 2010, the Children's Commissioner and a team from her office visited Millbank – a reception and assessment centre for 16 and 17 year old unaccompanied asylum seeking children arriving in Kent run by the County Council. The visit resulted in the publication of a report, *Landing in Kent*, in February 2011. This research threw up some specific concerns around what happens to Vietnamese children who arrive in England. A request was subsequently made to the Refugee Council's Children's Panel for a full list of children identified as being from Vietnam and with a Dover (DVE) port reference number referred to them by the UK Border Agency (UKBA) in 2010 ('The sample'). The sample will have provided a comprehensive list of all Vietnamese children detected by the authorities in Kent on or shortly after entry in 2010 as UKBA refers all unaccompanied children who arrive in the UK to the Children's Panel as part of a long standing arrangement between the two organisations.

The list received from Refugee Council was put into a data sheet and sent to Kent County Council (KCC) in May 2011 with a request for information about what had happened to each individual and in particular whether they remained in KCC care and if not, what had happened to them.

Further to replies from Kent County Council, liaison with the Kent Local Immigration Team of UKBA and Kent Police, a comprehensive record of what is known about what happened to these children was compiled. This record, along with a summary of the data, is attached as an appendix to this submission.

Relevance to the APPG inquiry into children who go missing or run away from care

This part of OCC's evidence to the inquiry relates to issue five, 'Safeguarding trafficked

children who go missing from care'. The five questions asked about in this part of the inquiry appear to be directed to individual local authorities. As the Office of the Children's Commissioner we cannot of course respond on behalf of Kent County Council. However, in responding we have retained the questions asked by the inquiry in their original form and inserted our observations as an independent body.

Specific questions from the inquiry on safeguarding trafficked children who go missing from care

- a) *Please give your assessment of how well your local authority complies with the Children Act duties to safeguard and protect trafficked /exploited children. Does your local authority provide an effective standard of care and suitable accommodation for all trafficked or exploited children? How do they ensure the child's best interests are at the centre of their decision-making?*

It is clear from the responses from Kent County Council to OCC that there is a problem in identifying whether Vietnamese children arriving alone in Kent are trafficked. The detailed response from the authority identifies categories such as 'no evidence of trafficking' and 'suspicion but no evidence of trafficking'. In two of the three cases where children were later reported to Kent Police as having been found working in cannabis factories, KCC had indicated 'no evidence of trafficking' and in the third case 'suspicion but no evidence'. Given that virtually all of the Vietnamese children who arrived in Kent in 2010 went missing (see appendix for a full breakdown of the data) and the only ones recovered (to date) were those found working in cannabis factories, OCC is of the view that *all* unaccompanied Vietnamese children should be regarded, prima facie, as having been trafficked. It is only when this approach is adopted that KCC (or any local authority) could begin to take the necessary *immediate* interventions that may dissuade these children from reuniting with their traffickers. Our evidence suggests that the window for making any positive intervention is very narrow – mostly less than three days and sometimes a matter of less than 24 hours.

The evidence collected by OCC indicates that three placement types were used for the initial accommodation of the Vietnamese children: foster care, a children's home and the reception and assessment facility 'Millbank' (for those assessed as 16 or 17 years old). The type of placement appears to have made no difference to the speed at which the children went missing from care. There is one exception to this in the data set. A girl remained in foster care for 41 days before going missing. This case deserves and requires full investigation.

- b) *Are there any differences in local authority care and accommodation provision for children under immigration control (UASC) compared to services provided to other looked after children?*

The funding for the accommodation and care of unaccompanied *asylum seeking*

children arriving in Kent is provided through a 'block' grant to KCC by the UK Border Agency. This distinguishes Kent from most other local authorities (other than the other 'gateway' authorities of Hillingdon and Croydon who have a similar arrangement) who are reimbursed by UKBA on a 'per capita' basis. UKBA does not provide a grant for the care of unaccompanied children who are subject to immigration control but who do not claim asylum. Funding for their care therefore has to be found from the ordinary allocation to social services from Council Tax etc. This puts an additional and heavy burden on local authorities who have to accommodate and protect trafficked children (such as Kent). Very few of the Vietnamese (and we are given to understand, certain other foreign national children) claim asylum so no formal financial support is made available to them through the UKBA or other central government agency. Providing an adequate level of protection in the first few days following arrival when these children are particularly vulnerable to going missing is likely to be resource intensive and it seems inequitable that the financial burden should rest entirely with the local authorities that happen to be a 'gateway' to the United Kingdom. While the resource issue is recognised in respect of asylum seeking children through the UKBA reimbursement grant system there does not currently appear to be a parallel system of financial support for trafficked children who may not claim asylum on arrival.

It is unclear whether the different funding streams lead to a difference in care between UASC and other children in the care system. In 2010, when our research was conducted, non-asylum seeking foreign national children were not dealt with by the county asylum service. We understand that, following our research, this has now changed and that all unaccompanied foreign national children – irrespective of their asylum status – are dealt with by the same team.

- c) *The Government's 2011 Human Trafficking Strategy commits to tackling the issue of trafficked children who go missing from care. What can local authorities and voluntary organisations do to better safeguard trafficked or exploited children and ensure they do not go missing from care?*

Our experience enables us to make some provisional suggestions in relation to Vietnamese children only. We would suggest research into the pattern of other foreign national children going missing from care is made by the relevant authorities, including local safeguarding children's boards, in order to understand how quickly children go missing and whether there is a difference between different groups and different types of care placement.

In respect of the Vietnamese children, the key must be *immediate* intervention – preferably within 24 hours of being placed into care. It is unclear whether these children are aware that they will be sent to cannabis farms as 'gardeners'. They should be confronted with this reality and the very real prospect that they will end up being prosecuted and imprisoned. There are a number of ways in which this information could be communicated and this merits further discussion within Government and in

dialogue with child care professionals and the voluntary sector. However, it must be recognised that children will not necessarily respond to such interventions by remaining in care. This is due to the 'debt bondage' they are under from their traffickers. As an example, the Deputy Children's Commissioner recently met a Vietnamese child in a Young Offenders Institution on an unannounced visit (April 2012). He explained that if he did not work as required by his traffickers, his parents would have their house taken away from them. They had used their house as collateral in order to pay the expense of getting their child to the UK to 'work'. A further example relates to a young Vietnamese man who hanged himself in Chelmsford Prison in July 2011. He had initially been found in a cannabis factory in Norfolk. He was prosecuted but released into the care of Norfolk social services on the basis that he was a child and had been trafficked. He went missing from care and was next found in a cannabis factory in Yorkshire. He was prosecuted and imprisoned. While in custody he was linked to further offences committed in Essex. Clearly, he was highly susceptible to being re-trafficked even after having been identified as a trafficked child and narrowly escaping imprisonment on the first occasion. The most likely explanation for this is debt bondage.

It appears that the method by which traffickers contact the children is by mobile phone. Leaving mobile phones in the hands of these children is very risky as they will contact their traffickers. At the same time mobile phones may be the only way in which these children remain in contact with parents. Current police powers should be used to the full extent to confiscate the mobile phones of those suspected of being trafficked, while the numbers on the SIM card are analysed and intelligence gathered. If necessary the law should be changed to facilitate police investigation of mobile phones of children suspected of being trafficked. Intelligence gained from such interventions is likely to provide a link to the traffickers themselves for police to follow up on. Providing any access to a telephone for a child at risk of being trafficked will dramatically increase the risk of them being reunited with their traffickers. The initial placement of a child suspected of being trafficked needs to be considered in this light.

d) How can the police better identify, track, protect and safeguard trafficked or exploited children who have gone missing from care. Please also give your assessment of police responses to trafficked children in your area.

We understand from reliable sources within Kent Police that our research into this issue from May 2011 onwards acted as a 'wake up' call. The Chief Constable acted promptly, 'old' missing children cases were reopened and it is now believed that Kent Police are very alert to the issue and are collaborating with other agencies in Kent (including the local authority, UKBA, health services etc) under the auspices of a trafficking and sexual exploitation sub-group of the Kent Safeguarding Children Board. The sub-group is chaired by a Police Superintendent.

Work on identifying trafficked children is continuing within the sub-group. A recent

exercise to try and match the data sets of the police, the local authority and UKBA found that there was not a single match of a suspected trafficking case despite each agency having compiled a list of those they suspected of being trafficking cases.

OCC believes that current approaches rely too heavily on 'de-briefing' in order to assess whether a child is a victim of trafficking. We suggest that objective factors such as being of a certain nationality with a known trafficking profile, not claiming asylum, having a mobile phone in possession, should carry greater weight and that protective interventions by the local authority should be made on this basis.

In the case of the Vietnamese children we would recommend that consideration is given to police surveillance of potential victims. Given that the Vietnamese children in our sample tended to go missing quickly we believe that it would be a fruitful investment to carry out surveillance operations with the aim of catching those responsible for trafficking children to work in cannabis cultivation and bringing them to justice.

e) How would providing a guardian for separated migrant children as set out in International Legislation help protect trafficked or exploited children going missing from care?

OCC has a position that all unaccompanied children, whether suspected of being a victim of trafficking or not, should be provided with a guardian as a matter of course. At a practical level although it may seem very difficult to allocate a guardian within the first few days of an unaccompanied child's arrival, this appears to happen in mainland Europe where guardianship systems operate. However, it is unclear to us how even an immediate appointment might assist with countervailing the pressure on the child to go with the trafficker. A guardian will need to build up a relationship of trust with the child in order to have an influence on their choices about their situation. We believe that guardianship could make a difference but, unfortunately, more for those who are found involved in criminal enterprise or having been otherwise exploited rather than at the point where an agency suspects that they may be being trafficked. Distinguishing potentially trafficked children from the wider pool of unaccompanied foreign national children is fraught with difficulty and is a further reason why *all* unaccompanied children should be provided with a guardian.

4. Experiences of children and young people: Evidence from OCC work on safeguarding, including talking with children and young people about risk and their experience of child protection.

At the OCC we regularly engage with groups of children in connection with consultations and our research programme into children's experiences of child

protection. In the course of this work we have heard a number of important messages from children and young people about getting help. We believe that many of these messages are relevant to the context within which children and young people go missing or run away. It is important to understand the abusive, unsafe or inappropriate environments that children may be running away from, in addition to the harm, or perceived safety, which they may be running towards. Many are escaping from abusive environments and most are running from their families and/or towards something else. They need understanding outreach from adults and safe places to stay. The above sections of this submission have outlined the risks to children and young people who run: below are messages about getting help.

- Young people do not necessarily see risk in the same way as do adults. They may well underestimate how serious it is and many seek to check out with other young people whether their experience is 'normal' or abusive.
- It is difficult for young people to know where to go for help. We know that young people are unlikely to contact formal services, may be poorly informed about the possible outcome or may have had difficult experiences of social care and may therefore fear the consequences for their family. Those in care may already be experiencing challenging or inappropriate support, impacting on their relationships with wider support services.
- Young people may have grown up with domestic violence, or be in an abusive, violent or exploitative relationship themselves. Children and young people may fear the consequences for a mother who is living with domestic violence if they tell about this, or fear for themselves – with justification. They may have tolerated abuse for some time while a supportive parent is present but not be able to remain in the home – or indeed be effectively forced out – when this parent is rendered ineffective in protecting them.
- Many young people will only talk to someone they trust. Young people have told us of not being believed when they have told an adult about their abuse. Their fears are therefore often well founded and based on prior experience of being disbelieved. Trust can be built up with understanding adults but the first contact by a young person can be crucial to this. This is particularly important in relation to the use of return interviews for children who go missing or run away.
- Young people develop a range of coping strategies to deal with abuse and family problems and each young person's ways of coping need to be understood as this may otherwise appear to be troublesome behaviour. Some young people's way of coping with their worries is to self-harm and abuse substances. Some may miss school to avoid being bullied. Others become violent or commit offences. Such harmful coping behaviour can lead to further problems.

- Children and young people may take on responsibility for family problems and blame themselves for what happens. This can become more pronounced when there is professional intervention, given the impact of that upon the family.

5. Closing Remarks

There are indications that the kind of understanding response needed by young people who run or go missing is not systematically forthcoming, and that the child protection system is not geared to older children and young people. We have stated in submissions to the Munro Review of child protection that agencies and professionals involved in child protection need to recognise the risks and develop an appropriate outreach response to older children and teenagers as part of their early intervention strategies. There is a lack of suitable accommodation and also pressure on placements under Section 20 of the Children Act 1989, particularly in the context of increasing numbers of children coming into care. Young people may be seen as troublesome and simply difficult, in some way more resilient or hard to help. Yet the barriers for them in seeking help are not well understood while their vulnerability can be as serious as that of young children.

Understanding the needs of children and young people means understanding what they are running from, be it in this country or in another, and also what they may be running to. We know from Children's Society research that a quarter of UK-born children who run away have been abused and that the majority are running from their families. A significant number run away from care and there is a need to understand why and to ensure that there are safe places for them to go. This makes it essential that the right placements are available and that consistent work is undertaken to help young people feel safe and address potentially long-standing emotional needs. A troubled family life, or inappropriate placement, may make it hard for young people to settle into a safe placement, and they may run back to an unsafe environment because it is familiar. We know how much children and young people need secure and supportive relationships with consistent adults and that many older young people who have been in care do not have this experience but rather one of movement and instability and poor attachments.

Children and young people who have had these experiences can contribute ideas for improvement and the kind of services and adult responses they need. There is a need for adults to listen to children's experience – individually and collectively – and to act on this in the spirit of Article 12 of the UNCRC.

Sue Berelowitz, Deputy Children's Commissioner, is due to provide oral evidence to the APPG on 30th April 2012.

For more information, contact:

Adrian Matthews, Principal Policy Advisor: Asylum and Immigration
Adrian.matthews@childrenscommissioner.gsi.gov.uk

Carlene Firmin, Principal Policy Adviser (Child Sexual Exploitation, Victimisation and Abuse)
Carlene.firmin@childrenscommissioner.gsi.gov.uk

Jenny Clifton, Principal Policy Advisor: Safeguarding
Jenny.clifton@childrenscommissioner.gsi.gov.uk

Tel: 020 7783 8330

www.childrenscommissioner.gov.uk

April 2012

Appendices

Office of the Children's Commissioner Inquiry into child sexual exploitation in gangs and groups

Terms of Reference

Legal Context

In establishing an Inquiry into child sexual exploitation in gangs and groups (CSEGG) the Office of the Children's Commissioner (OCC) invokes powers under the Children Act 2004 – Part 1, s3 and the Local Government Act 1972, s250 (1-6) and will act within the general functions outlined in 2004 Children Act Part 1, s(2) . From hereon in this Inquiry will be called the CSEGG Inquiry.

Specifically, for the purposes of the CSEGG Inquiry:

- The Children's Commissioner or a person authorised by him/her may for the purposes of his/her function under this section at any reasonable time:
 - (a) Enter any premises, other than a private dwelling, for the purposes of interviewing any child accommodated or cared for there; and
 - (b) If the child consents, interview the child in private (2004 Children Act – Part 1, s2 (8))
- The Children's Commissioner may only conduct an inquiry under this section if he/she is satisfied that the inquiry would not duplicate work that is the function of another person (2004 Children Act – Part 1, s3 (2))
- Where the Children's Commissioner has published a report under this section containing recommendations in respect to any person exercising functions under any enactment, he/she may require to person state in writing, within such period as the Children's Commissioner may reasonably require, what action the person has taken or proposes to take in response to the recommendations (2004 Children Act – Part 1, s3 (7))
- The Children's Commissioner may summons require any person to attend, at a time and place stated in the summons, to give evidence or to produce any documents in his/her custody or under his/her control which relate to any matter in question at the inquiry, and may take evidence under oath, and for that purpose administer oath. (Local Government Act 1972, s250 (2))

Provided that –

- a) no person shall be required, in obedience to such summons, to attend to give evidence or to produce any such documents, unless the necessary expenses of his attendance are paid or tendered to him/her; and
 - b) nothing in this section shall empower the person holding the inquiry to require the production of the title, or any instrument relating to the title, of any land not being the property of a local authority
- Every person who refuses or deliberately fails to attend in obedience to a summons issued under this section, or to give evidence, or who deliberately alters, suppresses, conceals, destroys, or refuses to produce any book or other document which he is required to produce for the purpose of this section, shall be liable on summary conviction to a fine not exceeding level three on the standard scale, or to imprisonment for a term not exceeding six months, or to both (Local Government Act 1972, s250 (3))

Subject Context

This CSEGG Inquiry focuses specifically on child sexual exploitation linked to gangs and groups, and is not intended to cover all models of child sexual exploitation. The CSEGG Inquiry will not duplicate the work of other organisations in the field of child sexual exploitation.

It is the purpose of the CSEGG Inquiry will not be to identify and rescue children. However, if any information emerges which indicates risk to individual children then the appropriate safeguarding response will be initiated, and appropriate referrals made.

Purpose

1. To promote children's rights to protection from sexual exploitation in accordance with the UN Convention on the Rights of the Child which states that every child shall be protected from all forms of exploitation, victimisation and abuse and receive help. Specifically:
 - Article 19 Protection from all forms of violence
 - Article 34 Protection from sexual abuse and exploitation
 - Article 35 Protection from abduction
 - Article 37 Protection from torture
 - Article 39 Right to rehabilitation from abuse, exploitation and torture
2. To conduct the CSEGG Inquiry in the spirit of, and will be compliant with articles:

- 3 The best interest of the child must be a top priority in all actions concerning children
 - 12 Every child has the right to say what they think in all matters affecting them, and to have their views taken seriously
3. To ensure that the Coalition Government is fully informed about the nature and extent of gang and group associated child sexual exploitation, victimisation and abuse, in support of its plans for preventing and combating this abuse of children.

Aims

The aims of the CSEGG Inquiry are to:

1. To identify the scale, scope, nature and extent of child sexual exploitation, victimisation, and abuse linked to gangs and groups in England.
2. To identify the cultural, sociological, demographic, technological and economic factors that contribute to and help to perpetuate child sexual exploitation, victimisation and abuse linked to gangs and groups.
3. To hear and promote the experiences and views of children and young people who have been sexually exploited, victimised and abused in order to inform the process and outcomes of the inquiry.
4. To identify the physical, psychological and emotional impact on children and young people of being sexually exploited, victimised, and abused.
5. To identify and map effective interventions for the identification, rescue, support, and rehabilitation of child victims and survivors, and approaches for building the resilience of those at risk.
6. To identify and make proposals concerning necessary improvements to relevant identification, investigative and legal processes, specifically those which impact on children as witnesses
7. To make recommendations to national action plans and related policies to prevent, address, and combat sexual exploitation, victimisation and abuse, linked to gangs and groups, including identifying and promoting best practice.
8. To make recommendations to central and local government, the NHS, police and other key agencies on how to: combat child sexual exploitation, victimisation, and abuse linked to gangs and groups; develop preventative programmes; and deliver effective intervention and rehabilitation for victims.
9. To influence and advise local authority child protection services, local safeguarding and health and well-being boards, police and crime commissioners, amongst other local stakeholders to recognise and respond to child sexual exploitation, victimisation, and abuse, linked to gangs and groups as a pernicious form of sexual abuse and meet their

obligations to protect victims.

Definitions

For the purpose of the CSEGG Inquiry the following definitions will apply:

Children and young people

Any person aged up to 18 years, up to 24 years for children in the care system and up to 25 years for disabled children. The use of the term 'children' incorporates 'young people'.

Sexual exploitation

The sexual exploitation of children and young people is a form of child sexual abuse. Safeguarding Children from Child Sexual Exploitation (DfE 2009) describes sexual exploitation as follows:

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.

Gang

The term 'Gang' will be used to refer to Criminal Gangs only and is defined using both John Pitts' 2008 definition in *Reluctant Gangsters* and the 2009 definition in the Centre for Social Justice Report, *Dying to Belong*:

'A relatively durable, predominantly street-based, social group of children, young people, and, not infrequently adults, who see themselves, and are seen by others, as affiliates of a discrete, named group who (1) engage in a range of criminal activity and violence, (2) identify or lay claim over territory, (3) have some form of identifying structural feature, and (4) are in conflict with other, similar groups; variously described as a crew, 'fam' (Family), massive, posse, or as brerrs (brothers/'bredderin'), cousins, soldiers, sabbos (saboteurs), boys or mandem' (although such phrases can also be used to described non-criminal social groups)'

Group

Two or more people, of any age, connected through formal or informal associations or networks, including, but not exclusive to, friendship groups

Gang-associated sexual exploitation, victimisation and abuse

Sexual exploitation, sexual victimisation and sexual abuse that involves one or multiple perpetrators, who are themselves gang-associated and where the sexual exploitation, victimisation or abuse takes place as a form of intra or inter gang-related violence. As such 'gang associated' refers specifically to the motive of the violence and/or the gang association of the perpetrator and/or victim, rather than the number of perpetrators involved in the violence.

Group-associated sexual exploitation, victimisation and abuse

Sexual exploitation, sexual victimisation and sexual abuse carried out by multiple perpetrators who are connected through formal or informal associations or networks between themselves or between victims, including but not exclusive to friendship groups. Such exploitation can involve individual, repeat or multiple victims. 'Group' refers specifically to the numbers of perpetrators involved in the violence.

Peer-on-Peer sexual exploitation, victimisation and abuse

This is defined to distinguish between groups of adults and groups of children. Sexual exploitation, victimisation and abuse of children and young people by other children and young people; in some, but not all, cases the children and young people who perpetrate this abuse are exploited by adults to do so.

Trafficking

Article 3 of the Palermo Protocol states:

(a) "Trafficking in persons" shall mean 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 shall include, at a minimum, the exploitation of 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.'

(c) 'The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of

exploitation shall be considered “trafficking in persons” even if this does not involve any of the means set forth in subparagraph (a) of this article.’

Under the Palermo Protocol it is irrelevant whether a child has consented to their transportation or not.

Governance

1. The CSEGG Inquiry will be chaired and led by the Deputy Children’s Commissioner (DCC)
2. The CSEGG Inquiry will be advised and supported by the Principle Policy Advisor CSEGG, who will also head its Secretariat
3. A CSEGG Inquiry Panel of experts will be established with representation from the police, health, academia and voluntary sectors. The role of the Panel will be to advise and assist the DCC in her capacity as chair of the CSEGG Inquiry
4. There will be a parallel group of senior government officials from Department for Education, Department of Health, the Home Office, Department for Communities and Local Government, and the Ministry of Justice for ongoing information exchange
5. An advisory group of specialists and sector representatives will advise the DCC and Panel.
6. Specialist time limited advisory groups will be established for specific issues
7. Children and young people’s participation will be integral to the CSEGG Inquiry. Given the potential risks for children engaged in the Inquiry, further detailed consideration will be given to the ethical issues regarding their engagement in this work from both a participatory and governance perspective, through the development of a participation strategy
8. The CSEGG Inquiry will establish links, formal and informal, with other related initiatives.

Scope

The following will be in scope:

1. The CSEGG Inquiry will cover England only
2. Boys and girls aged up to 18 years, up to 24 years for children in the care system and up to 25 years for disabled children with a primary focus on children aged 10 and above. The use of the term ‘children’ incorporates ‘young people’.
3. Victims, witnesses and survivors
4. Some consideration will be given to victims and survivors in transition to adulthood
5. All perpetrators, male and female, of all ages, who are gang and group-associated whether operating individually or in groups. This will include third party abuse in a familial setting
6. The use of technology in child sexual exploitation, victimisation and abuse, linked to gangs and groups.

The following will be out of scope:

1. Sexual exploitation in the devolved administrations
2. Broader child sexual abuse including Intra-familial sexual abuse and paedophile networks
3. Duplication of work currently undertaken Child Exploitation and Online Protection Centre (CEOP)
4. The process of trafficking children from abroad
5. Exploited adults.

Work Programme

1. The CSEGG Inquiry will launch on 14th October 2011 and conclude in October 2013.
2. A literature search has already been completed and will be published at the launch.
3. Year one will focus on scale, scope and prevalence of gang and group associated child sexual exploitation, victimisation and abuse.
4. An interim report will be published in July 2012.
5. A call for evidence for year one of the Inquiry will commence in October 2011 and closes on 20th January 2012.
6. Year two will focus on identifying remedial action.
7. A call for evidence for year two of the Inquiry will commence in October 2012 and close in March 2013. A final report will be published in September 2013.
8. Face to face evidence sessions will be conducted throughout the CSEGG Inquiry process
9. Records and data will be requested from relevant agencies as required e.g.
 - Local and national police
 - Health agencies
 - Local authority children's services
 - Youth Offending Services
 - Local Safeguarding Children's Boards
 - Schools and other educational establishments
10. Extensive fieldwork will be undertaken including:
 - speaking to children and young people, including, but not exclusively, those who identify as being gang or group-associated, or who identify as being victims, survivors and/or perpetrators of child sexual exploitation linked to gangs and groups
 - visits to schools, pupil referral units, sexual health clinics, youth offending services, CAMHS, youth provision, the secure estate, specialist services and other relevant agencies
11. Case studies of both victims and perpetrators will be reviewed to establish evidence about individual pathways. This work will reflect the range of age, demographic, cultural and

ethnic profiles of both victims and perpetrators.

12. Research has been commissioned from the University of Bedfordshire into scale, scope and underpinning drivers for gang associated child sexual exploitation, victimisation and abuse. This is a two year research project with interim findings published at the same time as the interim CSEGG Inquiry report. Six sites in England are being examined in depth.
13. There will be a particular focus on the following groups of children because of their heightened vulnerability or because their voices and/or experiences are often under-represented and unheard on this issue:
 - Children in care
 - Children in the justice system
 - Missing children and runaways
 - Refugee and asylum seeking children
 - Children with learning difficulties
 - Disabled children
 - Black and Ethnic Minority Children
 - Boys and young men who are victims of sexual exploitation, victimisation and abuse
 - Children excluded from school
 - Children who are trafficked within England
14. Effective preventative and remedial practice will be identified, both nationally and internationally, and methods for dissemination proposed.
15. A communication strategy will be developed to address public perception, media attitudes, and the effective promotion of the CSEGG Inquiry findings and recommendations.
16. A participation strategy will be developed to ensure safe, ethical and appropriate engagement and meaningful involvement of children and young people throughout the CSEGG Inquiry.
17. A support framework and disclosure procedure will be in place to support adults and children involved with the CSEGG Inquiry.
18. The CSEGG Inquiry will be rooted in an understanding of the broader societal contexts within which child sexual exploitation, victimisation and abuse linked to gangs and groups takes place, and will draw specific reference to manifestations of this when required.

Key issues and risks

1. The perpetrators of sexual exploitation, victimisation and abuse can be violent. These are criminal activities and the risks to those who disclose and investigate these matters must not be underestimated. Protective and mitigating actions will be put in place to secure the safety of all those involved in the CSEGG Inquiry, particularly professionals, children and

their families. This will include full anonymity, use of safe sites for interviews, using trusted professionals and community groups to access children and taking advice from the police on effective protection methods

2. The CSEGG Inquiry Panel members and all contractor agencies will be fully compliant with all OCC child protection procedures including the necessity for enhanced CRB checks.
3. Informed consent will be obtained in writing for all children and young people giving their stories to the CSEGG Inquiry, from children themselves and parents/carers, as necessary and appropriate
4. The emotional impact of the work is fully recognised and supervision and /or debriefing will be provided for the Deputy Children's Commissioner, secretariat, panel members and any other staff and participants as required
5. A full risk assessment will be undertaken and mitigating actions identified
6. The CSEGG Inquiry will be placed on the Office of the Children's Commissioner's risk register which is scrutinised by the independent Audit and Risk Committee.

Ethical Considerations

An Ethics Strategy will be developed specifically for the CSEGG Inquiry. Underpinning this strategy will be the following considerations:

1. Securing external ethical oversight of the CSEGG Inquiry
2. Always questioning 'why' are we doing things and therefore being clear on the purpose of all evidence gathering throughout the CSEGG Inquiry
3. The safety and well-being of children who engage in the CSEGG Inquiry will be our overriding principle of participation and will cannot be compromised
4. Safeguarding the physical and emotional well-being of the Inquiry Chair, Secretariat and Panel at all times
5. Being realistic with the proposed aims and objectives of the CSEGG Inquiry and communicating these to all stakeholders
6. Ensuring an ethical process rather than individual points of ethical action, from planning through evidence gathering and in the write-up and dissemination phases.

Children and Young People's Governance and Participation Ways of Working

The active engagement of children and young people will be integral to the CSEGG Inquiry. All contacts, levels and methods of engagement and participation will be driven by a commitment to preserving the physical, emotional and psychological integrity and safety of the children and young

people concerned. Detailed ways of working are set out in the CSEGG Inquiry participation strategy. These will feature tiered engagement of children and young people and will be based on the established principles for engagement with children and young people:

1. Ensuring children's rights under Article 12 of the UN Convention on the rights of the child are promoted and protected
2. Recognising the child's agenda – understanding what they want to say, not just answering questions posed by adults
3. Recognising that many of the issues touched upon will be sensitive and challenging
4. Reaching out to as many children and young people as possible, and targeting those that are most affected or most likely to be unheard
5. Ensuring a referral mechanism is in place and is utilised when contact is made with children and young people who are not accessing a support service

Frequency of meetings

Panel – meeting frequency to be agreed. Likely to consist of:

- Panel away day September 2011
- Planning meeting in October 2011
- Visits and face-to-face evidence sessions with professionals and children between October 2011 and March 2012 and October 2012 and March 2013. These are likely to be at least once per month with a duration of at least two hours.
- Meetings to agree draft reports April/May 2012 and May/June 2013

Advisory group

- To meet at least quarterly commencing in October 2011
- March 2012 and March 2013 to discuss results of call for evidence
- May 2012 and June 2013 to discuss draft reports

Specialist advisory groups

As these groups will be established when the Inquiry requires specialist input or advise it is not possible to anticipate or plan the frequency of meetings at this stage. Some groups may need to meet only once whereas input may be required on multiple occasions from others.

Government officials' parallel group – Meeting frequency to be agreed. Likely to consist of:

- First meeting September/October 2011
- At least quarterly regular updates and information sharing throughout 2011 – 2013

Panel ways of working

The role of the CSEGG Inquiry Panel is to assist and advise the Deputy Children's Commissioner and the Principal Policy Advisor on the CSEGG Inquiry. A quorum for the Panel will consist of the Deputy Children's Commissioner and any three additional members. Members will be involved in the planning of the CSEGG Inquiry, and member's attendance will be sought, where possible, at all evidence gathering sessions in Phase 1 and Phase 2 of the CSEGG Inquiry. Members should seek to attend as many Panel meetings (draft schedule set out above) as possible. However, the Deputy Children's Commissioner is aware that it is unlikely that all members will be able to attend all meetings.

Members' views will be sought on the information received through the CSEGG Inquiry call for evidence and their views will be taken into account in the drafting of the CSEGG Inquiry's interim and final reports.

Members of this group are there on an *ex officio* basis, representing their organisation. As such, they will provide the response of the organisation, rather than the individual.

All Panel discussions will be confidential.

Every effort will be made to reach consensus and recommendations arising from the CSEGG Inquiry. However, in the event of difference of opinion the final decision rests with the Deputy Children's Commissioner, drawing on the advice from the Panel members and Principal Policy Advisor.

The CSEGG Inquiry Panel has no legal status and carries no statutory responsibilities vis a vis the Children's Commissioner, and is not accountable in any way for the policies and financial management of the Children's Commissioner. Conversely, becoming a member of the Panel does not imply agreement with the policies established by the CSEGG Inquiry.

Advisory Group ways of working

The role of this group is to act as an advisory body and critical friend at a small number of key points in the CSEGG Inquiry. A draft schedule for their involvement is set out above.

Members of this group are there on an *ex officio* basis, representing their organisation. As such, they will provide the response of the organisation, rather than the individual.

Meetings will be confidential.

The advisory group will provide feedback on the CSEGG Inquiry. It is likely that different members will have different views, and the role of the meetings is to gather and discuss these differing views, rather than to seek to achieve consensus. It will be for the Deputy Children's Commissioner to decide what account to take of the views raised.

As with the CSEGG Inquiry Panel, this group has no legal status and carries no statutory responsibilities vis a vis the Children's Commissioner, and is not accountable in any way for the policies and financial management of the Children's Commissioner. Conversely, becoming a member of the advisory group does not imply agreement with the policies established by the CSEGG Inquiry.

Specialist Advisory Groups

The role of these groups will be to act as advisory bodies and critical friends to specific elements of the CSEGG Inquiry. These will be established as the CSEGG Inquiry progresses and respond to the needs of the CSEGG Inquiry. As such, a draft schedule has not been produced.

Specialist Advisory Group members may be a mix of individual or organisational representation dependent on the specialist aspect of the Inquiry that is being considered.

Meetings will be confidential.

Specialist advisory groups will provide feedback on specific elements of CSEGG Inquiry. It is likely that different members will have different views, and the role of the meetings is to gather and discuss these differing views, rather than to seek to achieve consensus. It will be for the Deputy Children's Commissioner to decide what account to take of the views raised.

As with the CSEGG Inquiry Panel and Advisory Group, Specialist Advisory Groups will have no legal status and will carry no statutory responsibilities vis a vis the Children's Commissioner, and is not accountable in any way for the policies and financial management of the Children's Commissioner. Conversely, becoming a member of a specialist advisory group does not imply agreement with the policies established by the CSEGG Inquiry.

Government Officials' Parallel Group

The role of the Government Officials' Parallel Group will be to share information with the Deputy Children's Commissioner and Principal Policy Advisor regarding any relevant policy or strategic work development. Meetings will also provide the Deputy Children's Commissioner with an

opportunity to update Government officials on the progress of the CSEGG Inquiry.

Members of this group are there on an *ex officio* basis, representing their Government department. As such, they will provide the response of the organisation, rather than the individual.

Meetings will be confidential and held on a no-surprises basis.

As with the CSEGG Inquiry Panel and Advisory Groups, this group has no legal status and carries no statutory responsibilities vis a vis the Children's Commissioner, and is not accountable in any way for the policies and financial management of the Children's Commissioner. Conversely, becoming a member of the Government Officials' Parallel Group does not imply agreement with the policies, findings, and recommendations, established by the CSEGG Inquiry.

www.childrenscommissioner.gov.uk/info/csegg1



Collated information on unaccompanied Vietnamese children arriving in Kent in 2010

The information below has been collated from 3 principle sources. The starting point was the list of 'returns' of Vietnamese under 18's with a DVE port reference made to the Refugee Council Children's Panel (**RC** or **CP**) by UKBA in 2010. UKBA routinely provide the Panel with the details of all unaccompanied children arriving in the UK. The Children's Commissioner has been in correspondence with Kent County Council Children's Service (**KCC**) and UKBA's Local Immigration Team in Kent (**UKBA**) for further information on what happened to these young people. A forth source of information is **Kent Police** indicated in 3 cases. The source for each piece of information below is indicated by the use of bold text following the information itself. 'Clusters' refer to children who arrived/ were located as part of a group. The circumstances of their discovery is described in the narrative before each case in the cluster.

CP Ref/ date referred

October 2009

50952 DEU/**2928391**, 17 year old male (18 at time of referral to CP on 02.03.10) (**RC**); 1 of 7 (6 x VNM and 1 x IRN) located in a lorry at Lympne Industrial Estate. Police were contacted and transferred them to Folkestone custody for referral to Immigration (**UKBA**). Referred to KCC on 17.10.09. Went missing after 10 days (**KCC**)

March 2010

50961 DEU/**3131798**, 14 year old male referred to the CP on 08.03.10 (**RC**); Driver approached police at J11 services of M20 advising he had heard banging from rear of his lorry. 1 of 3 VNM found inside (**UKBA**) Referred to KCC on 06.03.10. Went missing after 1 day (**KCC**);

April 2010

Cluster 1

Three Vietnamese (2 recorded as children) found concealed in a lorry having been scanned by UKBA Customs (**UKBA**). Returned to Immigration the day following referral to KCC (**KCC**)

51086 DEU/**3190893**, 15 year old male. Referred to CP on 06.04.10 (**RC**); Referred to KCC 06.04.10; Returned to immigration on 07.04.10. KCC advised by UKBA that he went missing while in UKBA care (**KCC**); 'Returned to France under the Gentleman's agreement' (**UKBA**)

51087 DEU/**3190894**, 15 year old male. Referred to CP on 06.04.10 (**RC**); Referred to KCC 06.04.10; Returned to immigration on 07.04.10. KCC *not* advised by UKBA that he went missing while in their care (**KCC**); **NB** Implication of KCC information is that he went missing from UKBA care on return to port but that this was not reported to KCC; 'Returned to France under the Gentleman's Agreement' (**UKBA**)

51097 DEU/**3195825**, 15 year old male. Referred to CP on 12.04.10 (**RC**); Female - 1 of 16 subjects (8 x IND, 4 x VNM, 3 x LKA, 1 x PAK) found within concealment of a 7.5 tonne box van after its arrival in Ramsgate. **NB** UKBA records suggests subject was female not male (as initially reported by them to RC) (**UKBA**). Referred to on KCC 10.04.10, missing after 3 days (**KCC**)

Cluster 2

Two of 5 VNM referred to UKBA by Maidstone Police on 23.04.10 having been encountered on the A20 at Lenham (**UKBA**)

51149 DEU/**5215944**, 15 year old male. Referred to CP on 21.04.10 (**RC**); Subject was 1 of 4 VNM found by UKBA Customs within a vehicle at Dover docks on 20.04.10 and was removed from the UK to France the same day under the 'Gentleman's Agreement'. The three other males found with him were all adults. The subject was then encountered again three days later (23.04.10) with another child - DEU/3224904 (**UKBA**) Referred to KCC 23.04.10. Went missing after 4 days. KCC say may be a duplicate of 51165 (DEU/5215944) (**KCC**)

51171 DEU/**3224904**; 14 year old male. Referred to CP on 23.04.10 (**RC**). Referred to KCC 24.04.10. Went missing after 3 days. 'Suspicion but no evidence of child trafficking' (**KCC**). Arrested in Birmingham in a cannabis factory (**Kent Police**)

51165 (See above CP Ref **51149** – Duplicate case) No Port reference on the return from UKBA to RC. 15 year old male. Referred to CP on 23.04.10 (**RC**); Referred to KCC 23.04.10. KCC note that he *'appears to be a duplicate of 51149 (DEU/5215944) as all known information is identical'* (**KCC**). NB: KCC assumption of being a duplicate seems correct as he was initially returned to France and then re-entered the UK three days later. This would also explain why CP

were not provided with a Port reference on this occasion.

Cluster 3

Subjects arrested by Folkestone Police at J9 of the M20 London-bound. Police had responded to several calls from the public advising that people had been seen jumping out of the back of a lorry. Police saw 5 individuals at the scene but they dispersed upon sight of the police and only two were arrested. Both were children **(UKBA)**.

51167 DEU/**3225878**; 15 year old male. Referred to CP on 24.04.10 **(RC)**. Referred to KCC 23.04.10. Went missing after 2 days **(KCC)**;

51166 DEU/**3225879**; 14 year old female. Referred to CP on 24.04.10 **(RC)**. Referred to KCC 24.04.10. Went missing after 41 days **(KCC)**

Cluster 4

Three VNM males found together in lorry having arrived at Ramsgate from Belgium **(UKBA)**

51170 DEU/**3225884**, 15 year old male. Referred to CP on 24.04.10 **(RC)**. Gave a DOB of 14/10/94 upon encounter by UKBA. Fingerprint results showed him to be a match with himself when he applied for a UK visa in 2007. His passport gave his DOB as 04/10/87 and he was therefore treated as an adult from that point on. **(UKBA)**. *'Awaiting*

confirmation' from KCC (KCC) NB: Possible 'Gentleman's Agreement' return.

- | | |
|-------|--|
| 51168 | DEU/ 3225886 , 16 year old male. Referred to CP on 24.04.10 (RC); Referred to KCC out of hours service on 24/04/10 at 18:40hrs. Released into KCC care later that evening (UKBA). Referred to KCC 24.04.10. Went missing after 6 days (KCC); |
| 51169 | DEU/ 3225888 , 17 year old male. Referred to CP on 24.04.10 (RC); Referred to KCC 24.04.10. Went missing after 4 days (KCC) |

May 2010

- 51271 DEU/**3267285**; 14 year old male. Referred to CP on 27.05.10 (**RC**). 1 x VNM male referred by police having been encountered at a service station on Sheerness. Admitted illegal entry in a lorry **NB: Correct Port reference is DEU/3267185 - reference incorrectly recorded on spreadsheet as DEU/3267285) (UKBA)**. Referred to KCC on 26.05.10. Went missing after 13 days in foster care. 'No evidence of child trafficking' (**KCC**). Arrested in Wales working in a cannabis factory (**Kent Police**)
- 51324 DEU/**3284175**; 16 year old male. Referred to CP on 10.06.10 (**RC**); 1 x VNM referred by Maidstone Police having been found at J5 of M2 following reports of 2 males walking along the motorway. Police attended and saw two males hiding in a woodland area near the slip road. As police approached they ran off. Only one could be located. Referred to KCC out of hours and was collected from Dover at 21:50hrs on 09/06/10. (**UKBA**) '*Awaiting confirmation*' from KCC (**KCC**)

Cluster 5

Two 14 year old females found at Lenham storage in Maidstone having come out of the back of a lorry recently arrived in the UK
(UKBA)

51426 DEU/**3322329**; 14 year old female. Referred to CP on 09.07.10 (**RC**) Referred to KCC on 09/07/11. Released into foster care out of hours (details of carers available if required) **(UKBA)** *Awaiting confirmation' from KCC (KCC)*;

51425 DEU/**3322330**; 14 year old female. Referred to CP on 09.07.10 (**RC**); Referred to KCC 08.07.10. Went missing after 2 days, returned after a further day. Claimed asylum (**KCC**); NB: not clear from KCC information if she went missing again after her return.

Cluster 6

2 VNM males found in the back of a lorry at berth 6 within Dover Eastern Docks having just arrived from France. Both were removed together to France the same day under the 'Gentleman's Agreement' and therefore were not referred to KCC (**UKBA**).

51424 DEU/**3322254**; 17 year old male. Referred to CP on 09.07.10 (**RC**); *'Awaiting confirmation'* from KCC (**KCC**);

51427 DEU/**3322358**; 17 year old male. Referred to CP on 09.07.10 (**RC**); Found with DEU/**3322254** (**UKBA**). *'Awaiting confirmation'* from KCC (**KCC**)

Cluster 7

2 VNM Children, 1 male , 1 female found in a group of 10 VNM found concealed in a freight vehicle having arrived in the UK from Coquilles via the Channel Tunnel. Both removed under the Gentleman's Agreement.

51418 DEU/**3322186**; 16 year old female. Referred to CP on 09.07.10 (**RC**); 1 of 10 VNM. Not referred to KCC as she was removed the same day to Coquilles under the Gentleman's Agreement. (**UKBA**) *'Awaiting confirmation'* from KCC (**KCC**);

51428 No Port ref from RC . 16 year old male. Referred to CP on 09.07.10 (**RC**); No one was encountered by Dover on 09/07/10. A nil return was sent to the RC Children's Panel that day. There was however a referral to the Children's Panel on 08/07/10 of a VNM male with the DOB 24/07/93 (DEU/3322185). He was removed that same day to Coquilles under the Gentleman's Agreement so was not referred to KCC. (**UKBA**) *'Awaiting confirmation'* from KCC (**KCC**)

Cluster 8

Part of a group of 8 subjects in total (6 x VNM and 2 x IRN) found in the back of a lorry at Berth 1 within Dover Eastern Docks having just arrived in the UK (**UKBA**)

- 51448 DEU/**3328283**; 14 year old male. Referred to CP on 15.07.10 (**RC**); Referred to KCC 13.07.10. Went missing after 5 days; 'claimed asylum' (**KCC**);
- 51449 DEU/**3328287**; 15 year old male. Referred to CP on 15.07.10 (**RC**); Referred to KCC 13.07.10. Went missing after 2 days (**KCC**);

Cluster 9

Part of a group of 10 subjects in total (5 x VNM, 4 x IRN and 1 x AFG) found in the rear of a tanker lorry in a lay by on the A20 near Wrotham. All three referred to KCC on the same day (**UKBA**)

- 51447 DEU/**3328369**; 16 year old female. Referred to CP on 15.07.10 (**RC**); Referred to KCC 13.07.10. Went missing after 10 days. 'Claimed asylum' (**KCC**);
- 51445 DEU/**3328402**; 15 year old male. Referred to CP on 15.07.10 (**RC**); Referred to KCC 13.07.10. Went missing after 2 days. 'Claimed asylum' (**KCC**)
- 51446 DEU/**3328387**; 15 year old male. Referred to CP on 15.07.10 (**RC**); Referred to KCC 13.07.10, missing after 10 days; 'claimed asylum' (**KCC**);

Cluster 10

Part of a group of 3 VNM referred by Tonbridge Police. Police attended an Industrial Estate in Aylesford following a report that 6 males had been seen exiting a Tesco lorry. Search of the area could only produce the location of 3 of the males (**UKBA**)

51391 DEU/**3312273**; 15 year old male. Referred to CP on 02.07.10 (**RC**); Referred to KCC 01.07.10. Went missing after 1 day (**KCC**); NB RC appear to have incorrectly recorded the date of referral to them as 20.07.10 rather than 02.07.10.

51392 DEU/**3312279**; 12 year old male. Referred to CP on 02.07.10 (**RC**); Referred to KCC 01.07.10. Went missing after 1 day (**KCC**);

51488 DEU/**333931**; 16 year old male. Referred to CP on 20.07.10 (**RC**) Found alone concealed in a lorry that had recently arrived in the UK from Coquilles (Channel Tunnel) (**UKBA**) Referred to KCC 20.07.10. Went missing after 5 days (**KCC**)

Cluster 11

Part of a group of 5 VNM arrested by Kent Police at a farm in Hunton Hill having jumped out the back of a lorry (**UKBA**)

51487 DEU/**3339372**; 15 year old male. Referred to CP on 20.07.10 (**RC**). Referred to KCC 20.07.10. Went missing after 3 days (**KCC**)

51486 DEU/**3339375**; 11 year old male. Referred to CP on 20.07.10 (**RC**). Referred to KCC 20.07.10. Went missing after 1

day. KCC say DOB on his KCC file is 23.10.95 (as opposed to 92) making him 14 rather than 11 at the date of referral (**KCC**)

51485 DEU/3339376; 14 year old male. Referred to CP on 20.07.10 (**RC**); Referred to KCC 20.07.10. Went missing after 1 day. 'No evidence of child trafficking' (**KCC**) Kent Police informed subject arrested in Reading working in a cannabis factory on 23.07.10. (**Kent Police**)

51483 DEU/3339460; 15 year old male. Referred to CP on 20.07.10 (**RC**). Encountered inside a vehicle at Dover Eastern Docks trying to leave the UK. Admitted in a PACE interview that he had entered illegally in the back of a lorry in November 2009. During interview he was asked why he was leaving the UK and he replied that he was going to France to look for work. UKBA do not prosecute for attempts to leave the UK illegally in the back of a lorry where no documents are involved so he was not subject of any prosecution. He was released into the care of KCC at 20:50hrs on 21/07/10. (**UKBA**) Referred to KCC on 20.07.10. Went missing after 3 days (**KCC**).

Cluster 12

Part of a group of 12 subjects seen exiting a lorry. 5 were arrested by Kent Police (**UKBA**) NB: others presumed to have run off

51516	DEU/ 3349280 ; 16 year old female. Referred to CP on 26.07.10 (RC). Claimed asylum on 26.07.10 claiming to be a minor and was transferred to KCC care. UKBA informed on 29.07.10 that she had gone missing from foster care and was found and returned by police. UKBA had evidence that she was in fact an adult and she later admitted falsely claiming to be a minor. No substantive asylum claim heard as she was registered as an absconder on 04.09.10 after being dispersed to Glasgow. (UKBA) Referred to KCC on 20.07.10 but also recorded as 'extraneous' in their reply of 19.07.11; 'Home Office subsequently confirmed her age as 27' (KCC).
51519	DEU/ 3349294 ; 16 year old male. Referred to CP on 27.07.10 (RC). Referred to KCC on 26.07.10. Has never been missing from care. One of only 6 known by KCC from the CP list as having claimed asylum (KCC).
51521	DEU/ 3349306 ; 16 year old male. Referred to CP on 27.07.10 (RC); Referred to KCC on 26.07.10. Went missing after 18 days (KCC);

51583 DEU/**3368664**; 16 year old male. Referred from Leeds RC who supplied the incorrect port ref to RC Children's Panel. Subject reported by project worker as having run away from a cannabis factory and then age disputed by Nottingham City Council. Claimed date of arrival in UK 05.08.10 (**RC**) UKBA say reference number relates to an IRN adult and can find no trace of having dealings with a VNM minor around this time (**UKBA**). Recorded as 'extraneous' in KCC reply of 19.07.11 to OCC's data request; 'Known to UKBA as an Iranian adult' (**KCC**).

September 2010

51660 DEU/**3390641**; 16 year old male. Referred to CP on 03.09.10 (**RC**). Found on his own walking along the M20 London-

bound carriageway having entered the UK in the back of a lorry (**UKBA**). Referred to KCC 02.09.10. Went missing after 1 day (**KCC**).

Cluster 13

Part of a group of 5 (3 x VNM and 2 x IRN) found by North Kent police on 07/09/10 and transferred to Dover overnight having entered the UK illegally in the back of a lorry. They were interviewed on 08/09/. All referred to KSS on 08/09/10 at 13:00hrs and were released to their care later that day. (**UKBA**)

51680 DEU/**3395702**; 16 year old male. Referred to CP on 09.09.10 (**RC**). Referred to KCC 08.09.10. Went missing after 1 day (**KCC**).

51682 DEU/**3395707**; 16 year old male. Referred to CP on 09.09.10 (**RC**). Referred to KCC 08.09.10. Went missing after 1 day (**KCC**)

51679 DEU/**3395734**; 16 year old male. Referred to CP on 09.09.10 (**RC**). Referred to KCC 08.09.10. Went missing after 1 day (**KCC**)

51870 DEU/**3732780**; 15 year old female. Referred to CP on 03.11.10 (**RC**). 1 x VNM found concealed in the bunk of a cab of a lorry that had just entered the UK. UKBA officers in Calais and Dunkerque had also detected her in Sept and October 2009 trying to enter the UK illegally. On both occasions she claimed to be an adult. On encountering her on 02.11.10 in Dover Eastern Docks in the rear of a vehicle, she claimed to be a minor but was age assessed by the CIO as over 18 taking into account her physical presence and previous claims. She was transferred to initial accommodation in Croydon awaiting dispersal. She absconded on the 04.11.10. (**UKBA**). Recorded as 'extraneous' in KCC's reply of 19.07.11(**KCC**).

Analysis of the collated information on unaccompanied Vietnamese children arriving in Kent in 2010

Refugee Council Children's Panel originally provided us with 42 records stated to be Vietnamese children with a DVE (Dover) Port Reference number who had been referred to them by UKBA in 2010.

Two of these records can be deleted with confidence. CP Ref **51165** is a duplicate of **51149** for reasons explained below. **51583** is now accepted by all parties to be an Iranian adult whose port reference number was mistakenly included. This leaves a data set of 40 cases on which the analysis below is based.

Of the 40 cases, 34 have been confirmed by either KCC or UKBA as transferred to KCC care.

- Of the 6 cases not referred to KCC by UKBA, 2 (**51170 & 51870**) were considered to be adults due to documentation or CIO assessment. The other 4 (**51418, 51424, 51427, 51428**) were removed directly to France under the 'Gentleman's agreement'. One of these was the duplicate case **51165**)

Of the 34 cases confirmed to us as placed into KCC care, KCC have yet to find the information on 2 cases (**51324 & 51426**)

- **51324** is a 16 year old male and was referred to the out of hours service at 21.50 on 09.06.10. **51426** is a 14 year old girl and was released into foster care 'out of hours' on 09.07.11. UKBA have the details.

Of the 32 cases referred by UKBA and accepted as known by KCC, 1 was subsequently assessed as an adult (**51516**) following going missing and then being returned to care. KCC have recorded this as 'extraneous'.

Of the 31 remaining cases, 30 have gone missing and only 1 remains in KCC care. KCC have informed us that in 2 cases (**51086** and **51087**) the subjects went missing on their return to the immigration office. On enquiry from us, UKBA confirmed that both were returned to France under the 'Gentleman's agreement'. They are not therefore to be counted as 'missing from care'.



- Kent Police have confirmed that in three of these cases (**51171**, **51271** and **51485**) other police forces have arrested the subjects working in cannabis factories. **51171**, for whom KCC had a 'suspicion but no evidence of trafficking' was arrested in Birmingham. **51271**, for whom KCC had 'no evidence of child trafficking' was arrested in Wales. **51485** was arrested in Reading. All were 14 years old at the time of going into care.