

# TRAFFICKING & EXPLOITATION PROCEDURE CHILDREN AND ADULTS



Sexual exploitation



Forced labour



Debt bondage



Domestic servitude



Organ removal



Forced begging



Child soldiers



Forced marriage

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## Introduction

Human trafficking and exploitation are complex and hidden crimes, as well as abuses of human rights and dignity. Trading adults and children<sup>1</sup> as commodities and exploiting them for profit or personal benefit degrades victims and can cause lasting physical and psychological damage. The many purposes for which people are used - including commercial sexual exploitation, labour exploitation, criminal exploitation (e.g. benefit fraud, drugs cultivation), domestic servitude, sham marriages and organ trafficking - are continually evolving. Victims can be subjected to more than one form of exploitation.

Human trafficking and exploitation are not only international issues. Trafficking happens in Scotland and is not confined to cities. There is also a perception that trafficking is about people from outside the UK, however adults and children, including UK citizens, are trafficked and exploited within and between communities in Scotland and the wider UK.

This procedure should be read in conjunction with the [Edinburgh & Lothians Multi-agency Child Protection Procedures 2023](#) and the [National Guidance for Child Protection in Scotland 2021](#) and the [West Lothian Multi-Agency Adult Support & Protection Procedures 2023](#)

### 1. Purpose

The aim of this procedure is to:

- ensure a consistent response and approach to victims of trafficking;
- support and encourage staff from all relevant organisations across W. Lothian to work collaboratively to support people who have experienced trafficking and;
- support the investigation and prosecution of those who coerce, exploit and abuse people.

### 2. Who is trafficked and/ or exploited?

Anyone can be vulnerable to being trafficked and exploited. Women and girls, men and boys from a wide range of nationalities and backgrounds, including Scottish/British, have been identified as possible victims of human trafficking and exploitation in Scotland.

### 3. What makes someone vulnerable to trafficking and/ or exploitation?

Whilst not all potential victims experience these, common vulnerabilities include:

- Poverty
- Debt
- Gender inequality
- Lack of employment/educational opportunities
- Homelessness/Destitution
- Fleeing civil instability or seeking refugee status
- Insecure immigration status
- Fleeing or surviving other forms of violence against women and girls (VAWG) such as domestic abuse, FGM, child sexual abuse, rape, prostitution
- Separation from other protective factors such as family and friends
- Health and Learning difficulties

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<sup>1</sup> A child is a person under the age of 18

## 4. Definition

The offence of human trafficking is defined in section 1 of the [Human Trafficking and Exploitation \(Scotland\) Act 2015](#) as the recruitment, transportation or transfer, harbouring or receiving or exchange or transfer of control of another person for the purposes of exploiting them. The arrangement and facilitation of these actions also constitutes the offence. This offence does not always require coercive means such as threats or intimidation to be present and it is irrelevant if the victim 'consented' to any part of the action. It also does not require the victim to have been moved. The offence of 'slavery, servitude and forced or compulsory labour' is defined in section 4. A person commits an offence where they know or ought to know that they are holding another person in slavery or servitude. A person also commits an offence where the person knows or ought to know that they are requiring another person to perform forced or compulsory labour. Both offences now carry a maximum sentence of life imprisonment. The offence of human trafficking is aggravated by being committed against a child (as defined in the 2015 Act as a person under the age of 18 years old) (section 6)

Human Trafficking is often confused with people smuggling. Smuggling involves transfer across international borders, while trafficking can occur across international borders or within a country. In smuggling, there is usually one single transfer of money and once the individual has arrived at a destination they disengage from the smuggler and are free to make their own decisions, while in trafficking the victim is exploited over a period of time. Although two distinctively different crimes, the underlying factors that give rise to each are often linked, and it is not uncommon that individuals who are smuggled into the UK become victims of trafficking and exploitation. The same people acting as traffickers may also act as smugglers, and use the same routes for trafficking and smuggling. Conditions for smuggled persons may be so bad that it is difficult to believe they consented. The distinction between trafficking and smuggling is therefore difficult to make, and the primary consideration should be the safety and protection of any potential victim.

There is **presumption against prosecution** of persons who are the victims of trafficking, slavery, servitude or forced or compulsory labour and who have committed offences as a consequence thereof.<sup>12</sup>

The [Human Trafficking and Exploitation \(Scotland\) Act 2015](#) put the Independent Child Trafficking Guardian on a statutory footing. This means that Ministers have a duty to provide a guardian for every eligible child, and that relevant authorities have a duty to refer any eligible child to a guardian.

This guardian will:

- act as a point of contact and continuity as they progress through the asylum and immigration system
- make them aware of their rights
- explain to them the aspects of the asylum, trafficking and welfare system
- introduce them to social opportunities and begin to integrate them into community life

## 5. Why are people trafficked?

People are trafficked for different purposes and are often exploited in more than one way. Purposes include:

- **Commercial Sexual exploitation:** victims may be forced into prostitution, pornography or lap dancing for little or no pay. They may be deprived of their freedom of movement, subjected to threats and violence or the perpetrator may be psychologically controlling and abusive. They may be forced to live in very poor

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<sup>2</sup> [Lord Advocate's instructions for non-prosecution of victims of human trafficking | COPFS](#)

conditions and forced to have sex with their perpetrators or other paying customers. Victims may be advertised online, in 'mainstream' sex markets and sexual entertainment venues.

- **Child sexual exploitation** is a form of child sexual abuse in which a person(s), of any age takes advantage of a power imbalance to force or entice a child into engaging in sexual activity *in return for something* received by the child and/or those perpetrating or facilitating the abuse. As with other forms of child sexual abuse, the presence of perceived consent does not undermine the abusive nature of the act.
- **Labour exploitation:** a victim is made to work with little or no pay, and may face violence or threats. If they are foreign nationals, their passports may be confiscated and they may be made to live in very poor conditions, under constant threat. Victims may also be regularly physically, emotionally, sexually abused, assaulted or raped as part of their experience.
- **Forced criminality:** victims may be forced to participate in a range of illegal activities including pick pocketing, shop lifting, cannabis cultivation, county lines exploitation etc.
- **Organ harvesting:** victims are trafficked in order for their internal organs (typically kidneys or liver) to be harvested for transplant.
- **Domestic servitude:** victims work in a household where they may be ill-treated, humiliated, subjected to exhausting hours, forced to work and live in unbearable conditions or forced to work for little or no pay.
- **Debt bondage** can be present in many forms of exploitation, and can take a range of forms. Debts may arise out of the exploitation itself, for example in relation to accommodation or travel fees, with victims having little or no control over their debt and little or no way to pay it back. Costs may be deducted from their wages, leading to further debts being accrued. A person may be forced to work to pay off the debt and it can also be used as a means of controlling a victim and keeping them enslaved.
- **Surrogacy:** There may be a link between forced commercial surrogacy and trafficking in human beings. Social determinants such as poverty, debt, a vulnerable social position and illiteracy may force a woman to become a surrogate.
- **Financial exploitation:** for example, benefit fraud, where benefits are falsely claimed by perpetrators on behalf of their workers; bank accounts are opened in a victim's name but used by perpetrators; or workers' wages are paid directly into the exploiters' own bank accounts by companies who think they are paying the worker.
- **'County Lines'** is a term used when drug gangs from cities expand their operations to smaller towns, often exploiting children and vulnerable people as drug runners. The dealers use dedicated mobile phone lines, known as 'deal lines', to take orders from drug users. In most instances, the users or customers will live in a different area to where the dealers are based, so drug runners are needed to transport the drugs and collect payment.

It is unrealistic to expect victims of human trafficking to self-identify in explicit or obvious ways. Parents and relatives may be involved in the exploitation of a child. Children are likely to be loyal to their parents or carers, and are unlikely to seek protection on their own initiative.

**Victims CANNOT give consent to being trafficked or exploited (even if they think they have)  
Victims DO NOT HAVE TO BE MOVED for a trafficking offence to have taken place  
Victims CAN BE UK or foreign nationals, male or female, children or adults.**

## 6. Obstacles to victims coming forward

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

- punishment at the hands of their traffickers
- punishment at the hands of the authorities
- deportation
- ritual oaths
- discrimination by their community and families
- dependency on controller for survival
- some victims, e.g. people with a learning disability or cognitive impairment, may not recognise that they are being trafficked
- the stigma attached to trafficking; knowledge and understanding of trafficking is limited and individuals may associate the term 'trafficking' with prostitution
- being accused of being complicit in an illegal activity connected to their trafficking situation; and
- reprisals against them, their children or families. It is common for traffickers to use threats against the victim's family to manipulate and control them.

## 7. Possible indicators of trafficking & exploitation

Appendix 3 provides a list of potential indicators of human trafficking & exploitation, based on best available information. The indicators may apply to both UK nationals and/or migrants, and to both males and females, and should be kept in mind when making an initial assessment.

Trafficked people may not show any obvious signs of distress or harm and may refuse assistance. Victims often feel both relief when identified and fear, suspicion and anger towards the identifying officer, particularly those from the police or immigration services. Traffickers often tell them the authorities will return them to their home country, have made threats against the victim's family and/or because many people arrive from countries where the police and other officials are corrupt and abusive and even complicit in trafficking.

## 8. The National Referral Mechanism (NRM)

The Single Competent Authority (SCA) operates the National Referral Mechanism (NRM) which is responsible for processing referrals for potential victims of modern slavery (human trafficking and/or slavery, servitude and forced or compulsory labour) sent in by designated First Responders.

Referrals to the NRM must be made by 'First Responders'. In Scotland, these are police, designated non-governmental organisations (TARA and Migrant Help), local authorities and the UK Visas and Immigration (formerly UK Border Agency) The quality of the information submitted is vital to the investigation and the outcome for the victim. First responders should use the online process to submit an NRM referral or Duty to Notify form whether the victim is an

adult or child. The form has been designed to be responsive, and will change depending on the options selected. The form can be accessed [here](#)

After submitting the form (which will be sent to the SCA) a link is sent to download a copy. Once it's been received by the SCA it will be assigned a reference number which will be emailed to the first responder submitting the form. If any further information becomes available at a later date that would be helpful in making a decision about whether the person is a victim of modern slavery it should be emailed to [nationalreferralmechanism@homeoffice.gov.uk](mailto:nationalreferralmechanism@homeoffice.gov.uk) with the reference number in the subject line.

The NRM makes it easier for agencies to co-operate, share information and facilitate access to advice, accommodation and support. Formally identifying a person as a victim of trafficking helps to ensure the person is appropriately safeguarded and protected.

Once a decision has been reached, the referring agency and the potential victim will be notified. A referral to the NRM does not require a criminal level of 'evidence', as a decision can be made where there are suspicions and reasonable grounds to believe that a child or adult has been trafficked. Indicators of trafficking which merit further investigation should be identified. The threshold for referring a case is low and there is no minimum requirement for justifying a referral. Responsibility for the care and protection of trafficked children in Scotland remains with lead child protection agencies. Local authority and police duties of care remain, irrespective of the NRM decision.

## Procedure

As with all suspected abuse, reporting concerns about trafficking is everyone's business. It is essential to take timely and decisive action where human trafficking is suspected because of the high risk of the person being moved. Consulting the **indicators for children and adults (Appendix 4)** may help professionals.

### 9. Children and pregnant women

For cases involving **children and/or pregnant women**, child protection procedures must be followed and a referral made to Social Work or Police. Trafficked children often disappear, a photo should be taken in case they go missing. Immediate action may be required before an IRD is initiated and legal advice should be sought if appropriate. When families with children or pregnant women have no recourse to public funds, the welfare of the child and child protection is paramount. Social work services can support families financially via section 22 of the Children (Scotland) Act 1995.

### 10. IRD

In addition to the normal information sharing, decision making and interim safety plan, the IRD participants should -

- agree which first responder organisation will refer the child to the NRM. This is an online form. Guidance and the form can be found [here](#) (Adults must consent to a referral being made.)
- decide whether to consult UK Visas and Immigration.
- ensure that the child is referred to Guardianship Scotland. All unaccompanied asylum seeking and trafficked children in Scotland are entitled to be referred to Guardianship Scotland. Scottish Local Authorities have a duty to refer Children and Young People as soon as reasonably practicable. Information can be found here: [Guardianship Scotland: Child Trafficking Support Service](#)
- whether information should be gathered from overseas sources (if applicable)

## 11. Child Protection Planning Meeting

- Reports will be provided in the usual way
- Consideration should be given to inviting UK Visas and Immigration
- Is an interpreter required?
- If there is doubt over the age of a child an age assessment must be completed by two qualified social workers, one from a Children and Families team and one from an Adults team. Until an age assessment is completed it must be assumed that the person is a child (under the age of 18). That assumption is to be made for the purposes of a number of specified support functions under the Children (Scotland) Act 1995 and the Children and Young People (Scotland) Act 2014 and is to last either until a local authority age assessment determines the victim's age or the victim's age is determined by some other means. Guidance on age assessments can be found [here](#)

## 12. Adults

For cases involving **adults**, an IRD should still be initiated; irrespective of whether the person is an "adult at risk" as defined by the Adult Support and Protection (Scotland) Act 2007. This is because any trafficked individual, regardless of the existence of a medical condition or disability will be vulnerable by the very nature of the trafficking experience. A person's capacity to make decisions will be severely influenced by their experience. Subsequently, it is crucial to give victims the choice of where and from whom to receive services. Where there is significant risk of harm, **Social Work Services or the Police** should be contacted to ensure a record of potential victims of human trafficking and their needs is started and professional help is offered. [Trafficking Awareness Raising Alliance \(TARA\)](#) can provide advice on how best to support women who may have been trafficked for sexual exploitation. [Migrant Help](#) can provide advice on how best to support men who may have been trafficked for any form of exploitation and for women who may have been trafficked for any form of exploitation other than sexual exploitation.

## 13. IRD

- Any trafficked individual, regardless of the existence of a medical condition or disability will be vulnerable by the very nature of the trafficking experience. All individuals will be subject to inter- agency referral discussion and a supportive multi-agency approach.
- During the course of involvement of services, should it become apparent that the person has a learning disability or mental disorder, consideration should be given to responsibilities to act under Mental Health, Adults with Incapacity or Adult Protection legislation.
- The IRD may include other relevant agencies. A member of UK Visas and Immigration (formerly UK Border Agency) should be consulted, as required.
- The IRD should consider ongoing risks, agree actions and consider the need for a multi-agency response.
- The discussion should also agree whether the case should to be referred to the National Referral Mechanism Guidance and the form can be found [here](#) and which agency is going to make the referral. Before a referral is made, adults who have capacity to do so must give their consent and confirm this in writing. Victims may be at serious risk from their traffickers. If they are referred to another organisation, their situation must be made clear, so that adequate protection is put in place immediately.

Where asylum/immigration issues are also apparent, UK Immigration and Visas should be consulted when completing the assessment. It is likely there may not be substantial information



at this initial stage and international agencies and organisations may need to be consulted during the assessment.

Where adults do not have children, TARA/Migrant Help may be contacted for assistance, for example with arranging temporary safe accommodation.

A potential victim may suffer a wide range of physical, emotional, psychological health problems. If a victim requires urgent medical assistance, arrangements must be made for them to see a medical professional immediately. Victims or potential victims of human trafficking are entitled to free healthcare.

Other needs of potential victims of trafficking may include:

- material assistance, including assistance for a person with special needs caused by pregnancy, physical or mental health, disability, or being the victim of serious psychological, physical or sexual violence
- information, including the National Referral Mechanism process
- translation and interpretation services
- legal advice and/or representation, either through legal aid or other means
- assistance in applying for compensation
- job and life skills training
- substance misuse services (drugs are often used to help victims deal with their situation, or in some cases, victims may be coerced into using drugs or alcohol by traffickers)
- family reunification or repatriation.

Victims have a valuable role to play but often their focus is on keeping themselves and their families safe rather than bringing traffickers to justice. Support and assistance may be necessary to enable victims to engage with the criminal justice system. The effective protection of victims is key to combating trafficking and ensuring successful prosecution. Where a victim has entered the UK illegally, it is important they are treated as a victim of human rights violations not as an offender. It is also important to remember that a UK citizen or a person with a legal entitlement to reside in the UK may be trafficked.

NB. Where children and/or adults are assessed as not having been trafficked, there may still be child/ adult protection concerns. The possibility of trafficking should not be dismissed at this point, as it may be that further information becomes apparent at a later stage.

#### 14. Strategy Meeting

- A strategy meeting should be arranged and held within 72 hours of a potential victim being identified;
- The meeting will be chaired by a senior manager from Social Work Services;
- Invitees should include: police; UK Visas and Immigration (if appropriate); relevant social worker, team and group managers; residential unit manager (if appropriate); representative from NHS Lothian;
- The meeting should: share information; consider risks & needs; agree actions attributable to individuals/organisations; agree a date for review if required;

## Appendix 1 Contacts – information, support and advice

The NRM toolkit for first responders can be found [here](#)

**Trafficking Awareness Raising Alliance (TARA)** provides a service for adult women who have been trafficked and exploited. Women must consent to a referral.

Tel: 0141 276 7724 (24/7) Website: [TARA - Tara Scotland](#)

**Migrant Help** Migrant Help supports male and female adult victims of labour exploitation and domestic servitude, and adult male victims of sexual exploitation.

Tel: 0141 884 7900/Out of Hours 0141 212 8553 Website: [Migrant Help \(migranthehelpuk.org\)](#)

### **UK National Crime Agency**

The National Crime Agency leads the UK's fight to cut serious and organised crime, protecting the public by targeting and pursuing those criminals who pose the greatest risk to the UK.

Website: [Modern slavery and human trafficking - National Crime Agency](#)

**SACRO:** Sacro provides support for people experiencing abuse, violence or intimidation based on their gender. [Gender Based Services | Sacro](#)

### **NHS Sexual Health Services**

Website: [Lothian Sexual Health | Sexual Health advice for Edinburgh and the Lothians](#)

### **Minority Ethnic Health Inclusion Service (MEHIS)**

The Minority Ethnic Health Inclusion Service is part of NHS Lothian and can provide information and advice on health and other services and search out information resources in the person's own language or assist them to understand information from English language resources. The aim of the project is to improve the quality of and access to Primary Health Care services by the Black/Minority ethnic and refugee communities across Lothian.

Phone: 0131 536 9544 Email: [MEHIS@nhslothian.scot.nhs.uk](mailto:MEHIS@nhslothian.scot.nhs.uk)

Address: Craigmillar Medical Group, 106 Niddrie Mains Road, Edinburgh EH16 4DT

**Shakti Women's Aid and Shakti Children's Services** work with black and minority ethnic women and children affected by domestic abuse, providing advice and information on options and choices including forced marriage and immigration rights. Shakti can assist staff in other services who are working with black and minority ethnic women.

Tel: 0131 475 2399, Website: [Shakti Women's Aid \(shaktiedinburgh.co.uk\)](#)

**Guardianship Scotland:** Guardianship Scotland is a specialist statutory service providing Independent Child Trafficking Guardians (ICTG) to all unaccompanied asylum-seeking children, victims of trafficking and children vulnerable to trafficking who arrive in Scotland. [Guardianship Scotland: Child Trafficking Support Service](#)

**Scottish Women's Rights Centre** is a partnership project between Rape Crisis Scotland, JustRight Scotland and the University of Strathclyde Law Clinic. It offers free legal information and advice to women who have been affected by violence and abuse. <https://www.scottishwomensrightscentre.org.uk/>

**The Gangmasters & Labour Abuse Authority** works in partnership to protect vulnerable and exploited workers. <http://www.gla.gov.uk>

## Appendix 2 One chance checklist - Adults

There may only be one chance to speak to a potential victim of human trafficking and, therefore, only one chance to:

- see the victim on her/his own – even if s/he is accompanied by others
- see her/him immediately in a secure and private place where you will not be overheard; try to limit the number of professionals in the room and consider seating arrangements
- reassure her/him that you will not give information to her/his family/friends or community
- take seriously what s/he says
- ensure an independent interpreter<sup>1</sup> is available if necessary and offer the interpreter a debrief to avoid disclosure. Use telephone interpreters if necessary
- be aware a woman may not be allowed or willing to speak to a male worker alone; offer a choice of a female/male worker as far as possible
- recognise and respect her/his wishes
- obtain as much information as possible from her/him about the situation and the risks faced
- agree a way to contact her/him safely (for example, agree a code word)
- obtain full details and record these to pass on to TARA, Migrant Help and/or Social Work Services or the police, with consent if possible, and ensure the victim is aware of the role of the different organisations
- explain all the options to her/him and their possible outcomes as much as you are able
- give her/him (or help her/him) memorize your contact details and/or those of a support agency; consider the impact of trauma on memory and that individuals may be overwhelmed
- consider the need for immediate police involvement, protection and placement away from the current place and arrange this if necessary; this includes any action to stop her/him from being removed from the UK
- do everything you can to keep her/him safe.

### **Do not:**

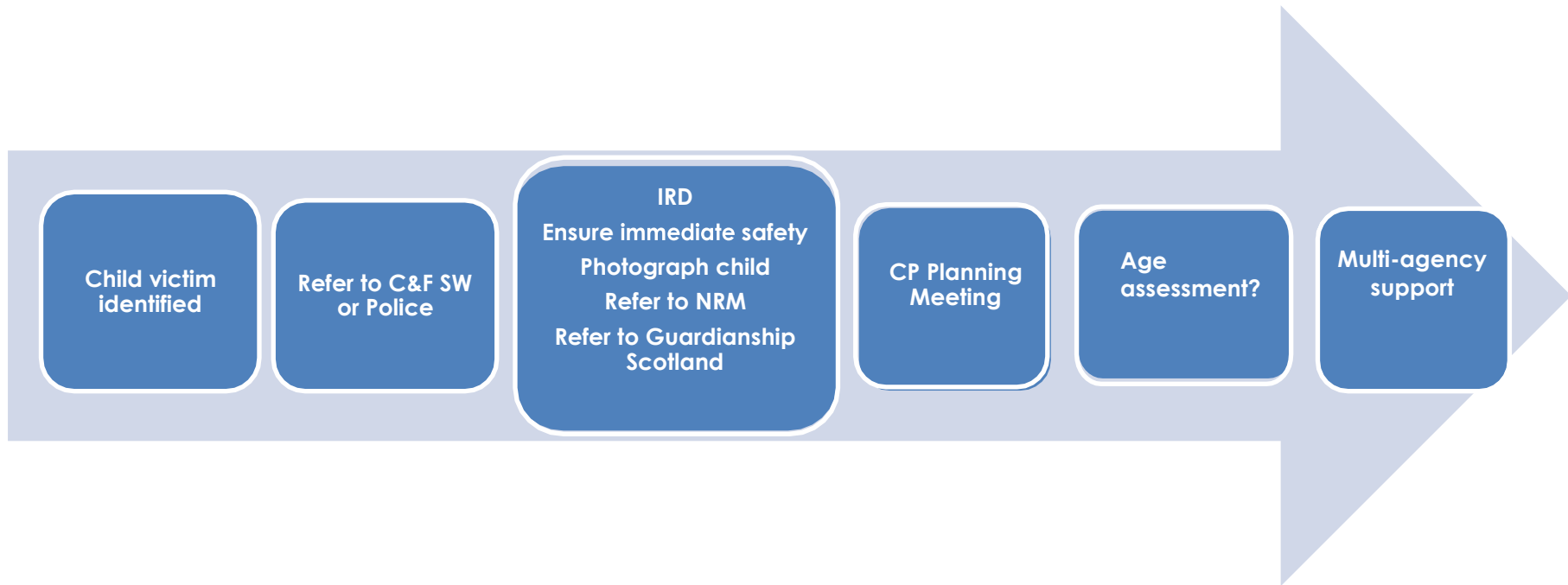
- send her/him away, and try not to let them leave without a safety plan and follow up arrangements
- approach her/his companions
- share information with anyone without her/his expressed consent (unless there is a risk of immediate harm to her/him or any children or other vulnerable person or s/he lacks capacity to give consent or s/he is unable to give informed consent)
- attempt to mediate with people who are with her/him or inquire about trafficking related circumstances in front of others, including the individual's companion.

There are risks in using interpreters. Ensure they are professional, independent and have no links with the victim's friends/relatives/companions. Make sure the interpreter understands their role is to translate verbatim and not "interpret" the message or censor/omit any of the information.

## Appendix 3 Indicators of Human Trafficking

<p><b>General indicators</b></p> <ul style="list-style-type: none"><li>• Passport or documents held by someone else.</li><li>• Others speaking for people you are talking to.</li><li>• Fear, anxiety or hypervigilance.</li><li>• The person is withdrawn or submissive</li><li>• Excessive working hours.</li><li>• Highly distrustful of law enforcement or authorities.</li><li>• Person has false documents.</li><li>• Found in/connected to a location likely to be used for exploitation.</li><li>• Not knowing address of where they work or live.</li><li>• Poor living accommodation</li><li>• Injuries apparently as a result of an assault.</li><li>• Injuries apparently from restraint measures.</li><li>• Lack of access to earnings.</li><li>• Any evidence of control over movement either as an individual or a group.</li><li>• The person acts as if instructed by another.</li><li>• Afraid of saying what their immigration status is.</li><li>• Their appearance suggests general physical neglect.</li><li>• They appear to be moving location frequently.</li><li>• They are not registered with a GP, nursery or school.</li><li>• They have old or serious injuries left untreated or treated late and are vague and reluctant to explain how the injury occurred.</li><li>• They give a vague and inconsistent explanation of where they live, their work or schooling.</li></ul>	<p><b>Forced Labour</b></p> <ul style="list-style-type: none"><li>• Large number of individuals living in the same address.</li><li>• Occupants change regularly.</li><li>• Van transporting people at unusual times of the day and/or night.</li><li>• Workers movements are monitored and/or controlled by others.</li><li>• Workers may seem fearful of employers, police or any other external agency and poorly integrate with the wider community.</li><li>• Employers, or someone else, are holding their passport and/or legal documents.</li><li>• Workers have no days off or holiday time.</li><li>• Workers display signs of physical abuse i.e. bruises, cuts and signs of untreated medical problems.</li><li>• Workers display signs of malnutrition, dehydration, exhaustion and poor personal hygiene.</li></ul>
<p><b>Sexual exploitation</b></p> <ul style="list-style-type: none"><li>• Many foreign women living together</li><li>• The women may change regularly</li><li>• Occupants are rarely seen outside</li><li>• The women may be chaperoned by men or other women when outside</li><li>• Men come and go at all hours and only stay for a short time</li><li>• Sexual items such as condoms, call cards or adverts can be found close by.</li></ul>	<p><b>Domestic Servitude</b></p> <ul style="list-style-type: none"><li>• The person is rarely allowed out of the house, unless their employer or guardian is with them.</li><li>• They have no private space or a proper place to sleep i.e. on the floor or sofa.</li><li>• They have a poor diet or are given the family's leftover food to eat.</li><li>• They are subject to mental, physical, sexual abuse, threats or other cruelty.</li><li>• A child may have poor attendance at school, no access to education and no time to play with their peers.</li><li>• There is no interaction with the family, friends or other authorities.</li><li>• Multiple female foreign nationals living at the same address.</li></ul> <p>This list is not exhaustive.</p> <p>Source: <a href="#">Police Scotland</a></p>

Appendix 4 Flow Chart – Children



Appendix 5 Flow Chart - Adults

