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**To: Communities, Housing and Planning Policy Board**

**On: 14 January 2020**

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**Report by: Director of Communities, Housing and Planning Services**

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**Heading: COSLA – Human Trafficking and Exploitation Guidance for Scottish Local Authorities**

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## **1. Summary**

- 1.1 On Anti-Slavery Day, 18 October 2019, COSLA launched Human Trafficking Guidance for Scottish Local Authorities. Human Trafficking and Exploitation is a growing concern across Scotland with all 32 local authorities having reported instances of this occurring over the past year. Recent reports in the national media giving coverage of the tragic deaths of Vietnamese nationals in Essex have highlighted some of the risks and dangers inherent in this activity.
- 1.2 In Renfrewshire Human Trafficking is addressed through collaborative working across a range of partners who work together to try and minimise the impact on the people affected within Renfrewshire. There are ongoing and successful joint operations with Border Force and Police Scotland to target the trafficking of individuals through Glasgow Airport. This work is supported by the Community Protection (Prevent) Steering Group chaired by the Head of Communities and Public Protection and reporting to the Renfrewshire Community Protection Chief Officers Group.
- 1.3 The Human Trafficking guidance has been developed by CoSLA to recognise the national concerns and in order to support Scottish local authorities to raise awareness, develop good practice to identify, refer and support victims of human trafficking and exploitation and disrupt and deter criminal activities. It seeks to provide clear practical guidance on how different services in local authorities and their partners can contribute to identifying potential victims of trafficking and/or disrupt the activity of perpetrators.
- 1.4 The guidance is available on-line at and can be found at:  
<http://www.migrationscotland.org.uk/resources/human-trafficking-exploitation-guidance>

- 1.5 The guidance is split into 8 parts including providing a description of what constitutes human trafficking and exploitation and providing information regarding the law within Scotland in relation to this agenda.
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## **2. Recommendations**

- 2.1 It is recommended that the Communities, Housing and Planning Policy Board:
- (i) notes the COSLA guidance that has been issued to Scottish Local Authorities with regards to Human Trafficking and Exploitation; and
  - (ii) notes the role of the Community Protection (Prevent) Steering Group in working with partners to implement the guidance and address this concern.
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## **3. Background**

- 3.1 The COSLA Human Trafficking and Exploitation guidance for Scottish Local Authorities was launched on 18 October 2019.
- 3.2 The guidance is split into 8 parts:
- **Part 1** - Provides the definition of the crime of human trafficking and exploitation in Scotland, and the legislative and strategic context which underpins our work in this field.
  - **Parts 2, 3 and 4** – Provide an overview of the ways in which local authority staff may come across victims of human trafficking and exploitation, the instances in which local authority staff may identify victims, and the means by which local authorities are required to refer and support victims and deter and disrupt criminal activities. They outline approaches in partnership working and include a checklist of some of the common potential signs of trafficking and an overview of the purpose and the benefits of the National Referral Mechanism (NRM), and the referral process.
  - **Part 5** - Considers local authorities' duties to safeguarding and supporting adult and child victims. There is a flowchart of the referral and support process, and a fact sheet outlining key consideration which providing support
  - **Part 6** - Outlines local authorities' specific powers to disrupt and deter criminal activity via regulatory and licensing duties, community safety partnerships, and responsible procurement practices to seek to remove human trafficking and exploitation from supply chains
  - **Parts 7 and 8** - provide a directory of useful websites and resources, including a list of training providers and a suite of tools that can be used for awareness raising and training.

- 3.3 There are a range of different forms of trafficking and exploitation that are considered to be covered by the guidance including:
- 3.3.1 **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 made to live in very poor 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.
- 3.3.2 **Child sexual exploitation** - 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.
- 3.3.3 **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 by their exploiters and they may be made to live in very poor conditions and under constant threat. Victims may also be regularly physically, emotionally, sexually abused, assaulted or raped as part of their experience.
- 3.3.4 **Forced criminality** – where individuals who have been the victims of human trafficking or exploitation are vulnerable to being forced to participate in a range of illegal activities including pick pocketing, shop lifting, cannabis cultivation, county lines exploitation and other activities. The Lord Advocate has published specific instructions against prosecution for victims of trafficking, slavery, servitude or forced or compulsory labour who have committed offences as a consequence thereof.
- 3.3.5 **Organ harvesting** – where victims are trafficked in order for their internal organs (typically kidneys or the liver) to be harvested for transplant.
- 3.3.6 **Domestic servitude** - victims work in a household where they may be ill-treated, humiliated, subjected to exhausting hours, forced to work and live under unbearable conditions or forced to work for little or no pay.
- 3.3.7 **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.

3.3.8 **Financial exploitation** - for example, benefit fraud, where benefits are falsely claimed by perpetrators on behalf of their workers; bank accounts being opened in a victim's name but used by perpetrators; or workers' wages being paid directly into the exploiters' own bank accounts by companies who think they are paying the worker.

3.3.9 **'County Lines'** - is a term used when drug gangs from big cities expand their operations to smaller towns, often exploiting children and vulnerable people as drug runners. These dealers will 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 and networks are based, so drug runners are needed to transport the drugs and collect payment.

3.4 The guidance highlights that:

- 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.

## 4. Next Steps

4.1 The key to targeting and responding to these threats is effective multi agency working. In Renfrewshire this will be led through the Community Protection (Prevent) Steering Group, which is a multi-agency group that operates within the prevent space – best understood in relation to Counter Terrorism but also applicable to organised crime and relates to understanding and tackling issues of vulnerability and community dynamics which can lead to exploitation such as human trafficking, cyber-crime, drugs, missing persons, anti-social behaviour and violence.

4.2 The principle is that resilience and the effectiveness of individual services can be increased if related areas of activity are brought together and managed in joint teams / services. Community protection and prevention requires us to better understand and mitigate vulnerabilities that could lead to criminal or harmful activities, and support individuals and communities to better outcomes. Success requires co-ordinated multi-agency working and interventions and the development of appropriately targeted diversionary and intervention activities. Community Protection services in Renfrewshire already make good use of data, evidence and intelligence to target resources to best effect and to monitor and evaluate impact.

- 4.3 Much of this has been collected from across partners through information sharing approaches and protocols. This is a key area of strength for the work currently undertaken within Renfrewshire. Confidence amongst partners in proportionate sharing and use of intelligence and data (in particular through the community safety partnership hub) has strengthened working relationships across partners and led to significant joint successes in targeted operations and interventions that require confident and resilient multi agency approaches. This has particularly benefited our response to issues such as human trafficking. Opportunities exist to build on these foundations and extend the targeted use of intelligence and evidence to further harden and strengthen the community against organised crime groups and to pre-emptively target particularly vulnerable individuals and communities and support them to improved outcomes – and in this instance to avoid being victims of trafficking groups or other exploitation. The guidance developed by CoSLA will be used to co-ordinate and focus the work of partners in relation to this agenda.
- 4.4 To support this work an Information Sharing Protocol for community protection covering the whole of Police “K” Division has now been updated, agreed and signed by the relevant parties – Renfrewshire Council, Inverclyde Council and Police Scotland and Community Partners are now also signing up. This is a significant step as it covers the whole of Police K Division with a wide-reaching information sharing protocol that supports the proportionate and relevant sharing of information between a range of public and third sector partners for a range of public protection purposes. It gives clarity and confidence in the appropriate sharing of information that will protect individuals and communities from coming to harm and supports a range of interventions including daily tasking, MARAC, Counter Terrorism and Serious Organised Crime as well as the Human Trafficking agenda. So far it is believed to be the first of its kind in Scotland.

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## Implications of the Report

1. **Financial** - None
2. **HR & Organisational Development** - None
3. **Community/Council Planning** –
  - *Our Renfrewshire is safe* - By targeting human trafficking and exploitation within Renfrewshire with appropriate partners, the Council are ensuring people are safe within Renfrewshire.
4. **Legal** - None
5. **Property/Assets** - None
6. **Information Technology** - None

## 7. **Equality & Human Rights**

- (a) The Recommendations contained within this report have been assessed in relation to their impact on equalities and human rights. No negative impacts on equality groups or potential for infringement of individuals' human rights have been identified arising from the recommendations contained in the report. If required following implementation, the actual impact of the recommendations and the mitigating actions will be reviewed and monitored, and the results of the assessment will be published on the Council's website.

8. **Health & Safety** - None

9. **Procurement** - None

10. **Risk** - None

11. **Privacy Impact** - None.

12. **COSLA Policy Position** – Not Applicable

13. **Climate Risk** – Not Applicable

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## **List of Background Papers**

- a) Background Paper 1: COSLA guidance on Human Trafficking and Exploitation for Scottish Local Authorities.

The foregoing background papers will be retained within Communities, Housing and Planning for inspection by the public for the prescribed period of four years from the date of the meeting. The contact officer within the service is the Communities and Regulatory Manager.

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