

Exploitation transition protocol

Introduction

The risks, which children, young people and adults now face are multi-faceted and constantly changing as with society. This means that in order to effectively support adults at risk or children at risk of harm a single agency response is not going to be effective in managing a range of risks.

Many people of all ages may be vulnerable to exploitation and many types of abuse arise from a context of exploitation. The Care Act Guidance (14.17) states that Local Authorities should not limit their view on what constitutes neglect or abuse where the S42 legal requirement is met.

Exploitation is a common theme in all forms of abuse such as:

- Physical Abuse
- Domestic Abuse
- Sexual Abuse
- Psychological Abuse
- Financial or material Abuse
- Modern Slavery
- Discriminatory Abuse
- Organisational Abuse
- Neglect and Acts of Omission

Exploitation could be from a number of sources including Gang Activity, County Lines, Cuckooing, Sexual Exploitation, Missing and Trafficked individuals and Modern Slavery. As with all areas of abuse, consideration must be given by the Local Authority in relation to its legal responsibility where such concerns are identified.

All exploitation concerns must be considered alongside the S42 duty of the Care Act (2014), which is:

- Aged 18 years or over
- Has needs for care and support (whether or not those needs are being met)
- As a result of those needs is unable to protect him or herself against the abuse or the neglect or the risk of it

The Care Act Statutory Guidance also outlines the steps to take for young people who are 'likely to have needs' at transition and for young people who are not in receipt of Children's services. The guidance states that 'the adult needs arise from or are related to a physical or mental impairment or illness. Local Authorities must consider at this stage if the adult has a condition as a result of either physical, mental, sensory, learning or cognitive disabilities or illnesses, substance misuse, brain injury...a formal diagnosis of the condition should not be required' (Care Act Guidance, 6.104). It is also clear that where there are safeguarding concerns raised and the person is aged over 18 but still receiving Children's services, the safeguarding should be responded to by Adult Services and involve engagement from Children's Services and other partners, where appropriate (16.75).

What is Exploitation?

People of all ages may be vulnerable to exploitation. Victims of exploitation can be children, young people or adults, male or female. It is the vulnerability (whether that be age, disability, illness, poor life experiences, previous victims of abuse, isolation) of the alleged victim that is important, not just their age.

There is currently no specific definition of exploitation; however, for the purpose of this protocol the following definition is being used:

Exploitation is the deliberate maltreatment, manipulation or abuse of power and control over another person; to take advantage of another person or situation usually, but not always, for personal gain from using them as a commodity. It may manifest itself in many forms including slavery, servitude, forced or compulsory labour, domestic violence and abuse, sexual violence and abuse, or human trafficking. This list of types of harmful conduct is not exhaustive or listed here in any order of priority. There are other indicators that should not be ignored. It is also possible that if a person is being harmed in one way, he/ she may very well be experiencing harm in other ways.

Types of Exploitation

(Child) Sexual Exploitation

There is no statutory definition for the sexual exploitation of adults; however, the following could be applied to both children and adults:

Child sexual exploitation is a form of child sexual abuse. It occurs where an individual or group takes advantage of an imbalance of power to coerce, manipulate or deceive a child or young person under the age of 18 into sexual activity (a) in exchange for something the victim needs or wants, and/or (b) for the financial advantage or increased status of the perpetrator or facilitator. The victim may have been sexually exploited even if the sexual activity appears consensual. Child sexual exploitation does not always involve physical contact; it can also occur through the use of technology. (Statutory Definition of Child Sexual Exploitation - 'Working Together to Safeguarding Children').

Additional guidance regarding (C)SE can be found in Adult Social Care Adult Safeguarding Practice Guidance (2018)

County Lines, Gangs and Cuckooing

County lines is a term used to describe gangs and organized criminal networks involved in exporting illegal drugs into one or more importing areas [within the UK], using dedicated mobile phone lines or other form of "deal line". They are likely to exploit children and vulnerable adults to move [and store] the drugs, money, and they will often use coercion, intimidation, violence (including sexual violence) and weapons. Securing bases within the homes of a vulnerable adult for storage or supply of drugs is known as cuckooing.

Modern Slavery

"Modern slavery is a complex crime that takes a number of different forms. It encompasses slavery, servitude, forced, compulsory labour, and human trafficking. Traffickers and slave drivers coerce, deceive and force individuals against their will into a life of abuse, servitude and inhumane treatment. Victims may be sexually exploited, forced to work for little or no pay or forced to commit criminal activities against their will. Victims are often pressured into debt bondage and are likely to be fearful of those who exploit them, who will often threaten and abuse victims and their families. All of these factors make it very difficult for victims to escape. (HM Government, 2014)

Additional guidance regarding Modern Slavery can be found in Adult Social Care Adult Safeguarding Practice Guidance (2018).

It is critical that in the transition to adulthood for these young people, they do not fail to understand who they can turn to when they become 18. Transition plans for young people need to include the alternative routes to meet needs which arise as a result of the risks they face.

In the absence of national and regional guidance around transitions for young people at risk of exploitation, this protocol seeks to bridge the gap.

It is important that as stakeholders we consider this as a transition to adulthood, rather than a transition to adult services. As not all of these young people will meet the criteria for on-going support. As stated by the National working group (2018):

“It has been noted that to consider a change in language to preparation for adulthood could support in promoting a sense of shared responsibility for the issue and remove the sense of the cliff edge that accompanies talk of transition” (NWG, 2018)

“There will be some cases that are absolutely and resolutely the responsibility of adult services but where Care Act legislation does not...fit, there needs to be consideration of alternative pathways” (NWG, 2018).

Effective Transitions for young people at risk / experiencing exploitation involve:

- A planned and careful journey, adult services are notified about these referrals in advance of their 16th birthday to enable planning for possible transition (Care & Support (Statutory Guidance) 2014 states it should begin from when the child is aged 14).
- All of the relevant current documentation is received from Children’s Services to Adult Services. Therefore, that everyone has a clear and holistic picture of the situation.
- Evidence that steps have been taken to ask the young person whether they consent to having a referral made to adult services. Or evidence is clear where it has been required to complete a referral in the best interests of the young person, or in order to manage the presenting risks.
- That young people are prepared and aware of the difference between children and adult services i.e. financial contributions etc. if eligible.

Partner agencies who are responsible for enabling effective transitions for young people at risk/experiencing exploitation:

- Children’s Social Care
- The Police
- Adult Social Care
- Voluntary agencies such as Street teams or drug and alcohol services
- Clinical Commissioning Group’s
- Education services
- Housing
- Benefits services including citizen’s advice.
- Other relevant agencies that are part of a young person’s holistic assessment.

Why an Exploitation transition protocol is needed in Walsall:

- In concurrence with the Walsall Safeguarding Children board and voluntary agencies such as the National Working Group and The Children's Society, we are seeing young people who are at risk of experiencing all forms of exploitation. As stated 'in recent years, new forms of exploitation have been un-covered and we need to learn the same lessons as we had to do with child sexual exploitation...'
(The Children's Society, 2018).
- Research evidence has demonstrated that there are multiple risks to children at risk of sexual exploitation including criminal behaviour, drug and alcohol misuse, domestic abuse and mental health difficulties. Therefore, joined up partnership working is paramount to ensure that the needs of the young person have been met holistically in the build up to their transition to adulthood.
- Different forms of exploitation are coming more and more to the surface. We are now moving towards the wider exploitation of children and young people including criminal exploitation. The transition to adulthood for these young people requires careful planning, consistency and consideration at the earliest opportunity.

Exploitation Transition Protocol

(Please use this protocol in conjunction with the relevant Children's and Adults services operational guidance for safeguarding):

1. Where there are concerns about a young person being exploited, Adult services need to know in advance of the young person's 16th birthday so that Adult services can consider eligibility.
2. Where there are disagreements regarding the transition of a case between Children's and Adult's, these are to be raised with the relevant Group Manager for Children's and Adult services to resolve in a timely manner and before the young person turns 18.
3. Review of MASE (Multi- agency sexual exploitation) or MAE (Multi-agency exploitation) (forums for discussion of exploitation cases) to determine if there is a need for on-going support post 18 from agencies. This should take place no later than when the young person is 16. Children's Practitioner should ensure that they follow the current guidance in place for MASE or MAE.
4. Adult services to be invited to MASE or MAE meeting involving transition discussion and planning for the young person.
5. Children's Practitioner to refer the young person to all relevant agencies, which should provide support post 18 not just Adult services. This includes agencies who are responsible partner agencies based on the young person's holistic assessment.
6. Children services to update risk assessment and evidence:
 - a. Whether they have considered the Mental Capacity of the young person to make decisions.
 - b. What legal advice around the situation for the young person they have taken and explored with consideration to their adulthood. (E.g. have you considered legal remedies such as: civil injunctions etc. that can be considered in order to protect the young person prior to them turning 18).
7. Children's services should obtain the consent of the young person or consider seeking consent from whomever has parental responsibility for a referral to adult services. Children's services must explain the purpose of the referral. Details of the current risk management plan and exploitation concerns must be detailed clearly in the request for an assessment.
8. Referral from Children's to Adult services must include current risk assessments in place, the plan for on-going education, assessments of need, and any other assessments that have been completed. Adult Access point to screen referral, and send to the appropriate locality team based on GP surgery.

9. Adult's team to prioritise assessment prior to the young person turning 18. Then, allocate assessment that is to be completed within 28 days (where possible). Where there are issues with engagement with the young person the assessment may take longer.
10. Adult Practitioner will assess to determine whether the young person has care and support needs in accordance with the Care act 2014 eligibility criteria:
- Care and support needs as defined in the Care act are those that arise from/or are related to a physical or mental impairment or illness. This includes if the adult has a condition or physical mental, sensory learning or cognitive disability or illness, substance misuse or brain injury. Because of the needs, the Adult is unable to achieve two or more of the specified outcomes within the Care Act. As a result of this there is or is likely to be a significant impact on the individual's well-being'
12. If the young person **does not** meet Care Act eligibility criteria, Adult services practitioner will notify Children's services immediately and then arrange for a meeting with Children services Practitioner, Adult's Practitioner and legal services around assessment outcome and Children's services will continue to consider whether there are any legal remedies to address the management of risk in the situation. Adult services may consider commencing a Non-statutory safeguarding enquiry when the young person reaches 18.
13. Children's services to take lead on the transition plan for the young person, and will include and refer to the relevant agencies in a timely manner:
- NRM referral and protocol – will support with co-ordinating the victim and assigning them to the appropriate service.
 - Police involvement/intervention
 - On-going support from Mental Health services.
 - Housing
 - Any physical health services
 - Street teams (for on-going support post 18)
 - Community services and resources.
 - Education services
14. If the young person does not meet the criteria for Adult Care and support or Adult Safeguarding, under the care act Adult services can use their discretion to consider a Non-Statutory s42 enquiry. However, this will be considered on a case-by-case basis.
15. Children's will need to ensure that there is a robust and comprehensive transition plan clearly identifying the relevant agencies. Adult services will consider if a Non-statutory enquiry in accordance with the Care Act 2014 is required. A multi-agency meeting with need to be held to share this transition plan with partner agencies detailing who will support the young person at adult hood with the young person's views and wishes at the centre.
- If the young person **does** meet the criteria for Adult services, Adult services will lead the safeguarding enquiry and safeguarding plan as part of a multi-agency response. Adult services will work in partnership with Children's to implement the transition plan including the services post 18 that the young person can access (these services might not necessarily be from adult services).
15. Adult services will lead multi-agency safeguarding process at 18 and continue with supporting the Adult with other agencies.

Adult safeguarding duty under Care Act 2014 refers to Adults with Care and support needs:

This refers to an Adult, aged 18 or over who:

HAS needs for care and support (whether or not the local authority is meeting any of those needs) and;

IS experiencing, or at risk of, abuse or neglect and

AS a result of those care and support needs is unable to protect themselves from either the risk of, or the experience of abuse or neglect.

Adult services to follow adult safeguarding practice guidance in relation to supporting the Adult at risk of harm.

References

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- Walsall Council (2018) *Adult Social Care: Adult Safeguarding Practice guidance*.
- Hampshire Safeguarding Children Board (2018) *Missing, exploited and trafficked Children Strategy 2016 – 2018*.
- Criminal Exploitation of children and vulnerable adults (2017) *County lines guidance*. Home office.
- National Working Group (2018) *Sexual exploitation the journey into adulthood: IT DOES NOT STOP BECAUSE YOU TURN 18*. National Working Group.
- Buckinghamshire Safeguarding Children Board (2017) BSCB Audit summary findings: Child Sexual Exploitation and Transition Services. BSCB
- Harrow Council (2015) *Safeguarding Children to Safeguarding Adults Transition Protocol*. Harrow Council
- Cheshire East Council (2016) *CSE Transition to Adult Services Protocol*. Cheshire East Council.

Abbreviations

MASE - Multi agency sexual exploitation meeting

MAE - Multi agency exploitation meeting

NRM - National Referral Mechanism

NON - Statutory enquiry - Council's are not required by how to carry out enquiries for those individuals who do not fit the criteria, however they may do so at their own discretion.