

# Notice of meeting and agenda

## Corporate Policy and Strategy Committee

**10.00am, Tuesday, 1 December 2015**

Dean of Guild Court Room, City Chambers, High Street, Edinburgh

This is a public meeting and members of the public are welcome to attend

### Contact

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Tel: 0131 529 4264

## **1. Order of business**

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- 1.1 Including any notices of motion and any other items of business submitted as urgent for consideration at the meeting.

## **2. Declaration of interests**

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- 2.1 Members should declare any financial and non-financial interests they have in the items of business for consideration, identifying the relevant agenda item and the nature of their interest.

## **3. Deputations**

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- 3.1 If any

## **4. Minutes**

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- 4.1 Minute of the Corporate Policy and Strategy Committee of 3 November 2015 (circulated) – submitted for approval as a correct record.

## **5. Forward planning**

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- 5.1 Corporate Policy and Strategy Committee Key Decisions Forward Plan January to April 2016 (circulated)
- 5.2 Corporate Policy and Strategy Committee Rolling Actions Log (circulated)

## **6. Business Bulletin**

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- 6.1 Corporate Policy and Strategy Committee Business Bulletin 1 December 2015 (if any)

## **7. Executive decisions**

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- 7.1 Corporate Performance Framework - Performance to September 2015 - report by the Deputy Chief Executive (circulated)
- 7.2 E-cigarettes (Vapourisers) – Update on Health Considerations– report by the Deputy Chief Executive (circulated)
- 7.3 Workplace Policy on Alcohol, Drug and Substance Misuse – report by the Deputy Chief Executive (circulated)
- 7.4 Filming in Edinburgh – report by the Executive Director, City Strategy and Economy (circulated)

- 7.5 Addressing Sexual Exploitation and Human Trafficking – report by the Chief Social Work Officer (circulated)
- 7.6 Edinburgh, the Lothians and Scottish Borders Multi-Agency Public Protection Arrangements – Annual Report 2014/15 – report by the Chief Social Work Officer (circulated)
- 7.7 Committee Report Process - referral from the Governance, Risk and Best Value Committee (circulated)
- 7.8 Common Good – referral from the Governance, Risk and Best Value Committee (circulated)

## **8. Routine decisions**

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If any

## **9. Motions**

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If any

### **Carol Campbell**

Head of Legal and Risk

## **Committee Members**

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Councillors Burns (Convener), Howat (Vice-Convener), Burgess, Child, Edie, Godzik, Ricky Henderson, Hinds, Lewis, Main, Mowat, Rankin, Rose, Ross and Rust.

## **Information about the Corporate Policy and Strategy Committee**

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The Corporate Policy and Strategy consists of 15 Councillors and is appointed by the City of Edinburgh Council. The Corporate Policy and Strategy Committee usually meets every four weeks.

The Corporate Policy and Strategy Committee usually meets in the Dean of Guild Court Room in the City Chambers on the High Street in Edinburgh. There is a seated public gallery and the meeting is open to all members of the public.

## **Further information**

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If you have any questions about the agenda or meeting arrangements, please contact Louise Williamson, Committee Services, City of Edinburgh Council, Business Centre 2.1, Waverley Court, 4 East Market Street, Edinburgh EH8 8BG, Tel 0131 529 4264, e-mail [louise.p.williamson@edinburgh.gov.uk](mailto:louise.p.williamson@edinburgh.gov.uk) .

A copy of the agenda and papers for this meeting will be available for inspection prior to the meeting at the main reception office, City Chambers, High Street, Edinburgh.

The agenda, minutes and public reports for this meeting and all the main Council committees can be viewed online by going to [www.edinburgh.gov.uk/cpol](http://www.edinburgh.gov.uk/cpol).

## **Webcasting of Council meetings**

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If you have any queries regarding this, and, in particular, if you believe that use and/or storage of any particular information would cause, or be likely to cause, substantial damage or distress to any individual, please contact Committee Services on 0131 529 4105 or [committee.services@edinburgh.gov.uk](mailto:committee.services@edinburgh.gov.uk) .

## Corporate Policy and Strategy Committee

10.00 am, Tuesday, 3 November 2015

### Present

Councillors Burns (Convener), Howat (Vice-Convener), Booth (substituting for Councillor Burgess), Child, Edie, Fullerton (substituting for Councillor Ross), Godzik, Ricky Henderson, Hinds, Lewis, Main, Mowat, Rankin, and Rust.

### 1. Minute

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#### Decision

To approve the minute of the Corporate Policy and Strategy Committee of 29 September 2015 as a correct record.

### 2. Corporate Policy and Strategy Committee Key Decisions Forward Plan December 2015 to February 2016

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The Corporate Policy and Strategy Committee Key Decisions Forward Plan for December 2015 to February 2016 was presented.

#### Decision

To note the Key Decisions Forward Plan for December 2015 to February 2016. (Reference – Key Decisions Forward Plan December 2015 to February 2016, submitted.)

### 3. Corporate Policy and Strategy Committee Rolling Actions Log

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Details were provided of the outstanding actions arising from decisions taken by the Committee.

#### Decision

- 1) To agree to close Action 4 – Sustainable Energy Action Plan.
- 2) To agree that the Smoke Free Policy Update report be submitted to the next meeting of this Committee.
- 3) To otherwise note the Rolling Actions Log.

(Reference – Rolling Actions Log, submitted.)

### 4. Committee Decisions – November 2014- June 2015

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The Governance, Risk and Best Value Committee had agreed increased monitoring for the dissemination and implementation of committee decisions.

Details were provided on the assurance work undertaken together with the implementation of Corporate Policy and Strategy Committee decisions covering the period November 2014 to June 2015.

### **Decision**

- 1) To note the position on the implementation of Corporate Policy and Strategy Committee decisions as detailed in the appendix to the report by the Deputy Chief Executive.
- 2) To note that an annual summary report would be presented to Committee in 12 months time.

(References – Governance, Risk and Best Value Committee 19 June 2014 (item 9); report by the Deputy Chief Executive, submitted.)

## **5. Business Bulletin**

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The Corporate Policy and Strategy Business Bulletin for 3 November 2015 was presented.

### **Decision**

To note the Business Bulletin.

(Reference – report by the Deputy Chief Executive, submitted.)

## **6 Welfare Reform - Update**

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An update was provided on the progress being made by the Council and partners to develop arrangements in regard to the UK Government's welfare reforms.

### **Decision**

- 1) To note the status of Universal Credit in Edinburgh.
- 2) To note the Council's ongoing activities relating to Welfare Reform.
- 3) To note the new welfare reforms, effective from April and additional paper on projected effects for Edinburgh Citizens.
- 4) To note the current projection of spend on Discretionary Housing Payments.
- 5) To note the current projection of spend on Council Tax Reduction Scheme.
- 6) To note the current projection of spend on Scottish Welfare Fund.

(References – Corporate Policy and Strategy Committee 22 January 2013 (item 7); report by the Deputy Chief Executive, submitted.)

## **7. Corporate Resilience: Annual Report (1 October 2014 to 30 September 2015)**

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Details were provided of corporate resilience activities and initiatives undertaken during the period 1 October 2014 to 30 September 2015.

## **Decision**

- 1) To note the resilience activities undertaken during the period 1 October 2014 to 30 September 2015.
- 2) To note the reporting structure as set out in Appendix 4 of the report by the Deputy Chief Executive.
- 3) To approve the proposed forward Corporate Resilience Workplan as set out in Appendix 5 of the report.

(References – report by the Deputy Chief Executive, submitted.)

## **8. Carbon, Climate and Sustainability Process – Assurance Statement**

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Details were provided of the key findings of a review which had been carried out for policies falling within the carbon, climate and sustainability remit of Corporate Governance.

### **Decision**

- 1) To note that the seven carbon, climate and sustainability policies detailed in the report by the Deputy Chief Executive had been reviewed and five were considered as being current, relevant and fit for purpose.
- 2) To agree to update the Fair Trade Policy and Resource Use Policy for committee consideration within 12 months.

(References – Corporate Policy and Strategy Committee 3 September 2013 (item 4); report by the Deputy Chief Executive, submitted.)

## **9. ICT Acceptable Use Policy – Annual Review**

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The Committee had approved a new ICT Acceptable Use Policy clarifying the Council's expected standard of behaviour in relation to staff who used ICT at work or at home.

The Policy required to be reviewed annually and details of the revised policy were provided.

### **Decision**

- 1) To approve the revised Policy.
- 2) To note that the Policy would continue to be reviewed annually unless otherwise requested.
- 3) To note that the next review would be undertaken with a view to reporting to Committee in November 2016.

(References – Corporate Policy and Strategy Committee 2 December 2014 (item 5); report by the Deputy Chief Executive, submitted)

## 10. Festival and Events Core Programme 2016 and Some Events in 2017 and 2018

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The Council had agreed that the strategic overview of Council events should be added to the remit of the Corporate Policy and Strategy Committee to enhance the corporate oversight of high profile strategic city events.

Details were provided on the Committee's strategic oversight of the proposed core programme of Festivals and events for 2016 together with some events for 2017 and 2018.

### Decision

- 1) To note that a corporate response to *Thundering Hooves 2.0, A Ten Year Strategy to Sustain the Success of Edinburgh's Festivals*, was in preparation and would be reported to the Culture and Sport Committee, and this Committee, in due course.
- 2) To agree to provide strategic oversight of the proposal to make a sum of £200,000 available to the Festivals over the period 2015/16 to 2017/18 to enable forward planning and commissioning for the 70th anniversary year of Edinburgh's Festivals in 2017.
- 3) To agree to provide strategic oversight of the following planned events and the proposed funding contributions towards them:
  - a) a third public art light installation in St Andrew Square Garden in spring 2016 – note that to enable timely procurement of a suitable partner, a contribution of £42,000 was approved under delegated authority by the Deputy Chief Executive, in consultation with the Festivals and Events Champion and Convener of Culture and Sport
  - b) Euro 7 Nations Junior Diving Championships in the RCP in March 2016 – proposed funding contribution of £15,000
  - c) British Diving Championship in the RCP in June 2016 – proposed funding contribution still to be confirmed at the time of writing
  - d) Sport Relief Mile in Princes Street Gardens in March 2016 – proposed funding contribution of £15,000
  - e) Guinness Pro 12 Rugby Final in May 2016 at BT Murrayfield – funding contribution still to be negotiated
  - f) European Professional Club Rugby (EPCR) Finals in May 2017 at BT Murrayfield – funding contribution still to be negotiated
  - g) Climbing World Cup in the Edinburgh International Climbing Arena (EICA) in September 2016 – proposed funding contribution of £50,000
  - h) European Climbing Championships in the Edinburgh International Climbing Arena in September 2017 – proposed funding contribution of £50,000

- i) Challenge Edinburgh Triathlon in the city and East Lothian, in July 2017 – proposed funding contribution of £62,500; and Corporate Policy and Strategy Committee – 3 November 2015 Page 3
  - j) European sports Championships in August 2018 – funding contribution still to be negotiated.
- 4) To refer the report to the Culture and Sport Committee of 30 November 2015 for approval.

(References – Act of Council No 12 of 24 October 2013; report by the Deputy Chief Executive, submitted)

### **Declaration of Interests**

Councillor Booth declared a non-financial interest in the above item as a Director of Edinburgh Leisure.

Councillor Lewis declared a non-financial interest in the above item, as a Director of Edinburgh International Festival council, Edinburgh International Jazz and Blues Festival and Edinburgh Leisure.

## **11. Sustainable Energy Action Plan**

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The Committee had approved the draft Sustainable Energy Action Plan (SEAP) and to the Council signing up to the Covenant of Mayors programme.

Details were provided on the plan's proposed actions and initiatives to reduce carbon emissions by 42% by 2020 across the city. Work was continuing to develop further actions with key stakeholders across the city to further close the gap and build on the momentum that had been created.

### **Decision**

- 1) To note the report by the Executive Director, City Strategy and Economy.
- 2) To note that an annual performance report on the Sustainable Energy Action Plan would be presented in March 2016.

(Reference – Corporate Policy and Strategy Committee 24 February 2015 (item 1); report by the Executive Director, City Strategy and Economy, submitted)

## **12. Response to Scottish Government Consultation on the Circular Economy**

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Details were provided on the Council's proposed response to the Scottish Government's consultation on the Circular Economy.

### **Decision**

- 1) To approve the response to the Scottish Government's consultation on the circular economy.
- 2) That the Council's concerns regarding VAT being added to the cost of repairs to properties be incorporated into the Council's response.

(Reference – report by the Executive Director, City Strategy and Economy, submitted)

### **13. World Creative Economy Summit - Shanghai**

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Details were provided on a fully funded invitation from Shanghai Creative Association and the Organising Committee of the World Economy Summit for elected member and officer representation at the World Creative Economy Summit in Shanghai on 8-9 November 2015.

#### **Decision**

- 1) To note acceptance of the invitation to Councillor Lewis and the Museums and Galleries Manager to attend the World Creative Economy Summit in Shanghai on 8-9 November 2015.
- 2) To note the action taken by Executive Director of City Strategy and Economy and the Council Leader in approving the visit under the urgency provisions set out in paragraph 3 of the Committee Terms of Reference, due to the need to confirm urgent travel plans.
- 3) To note that further information on the benefits of attendance would be provided after the event.

(Reference – report by the Executive Director, City Strategy and Economy, submitted)

### **14. Encouraging Live Music in Edinburgh: Update – referral from the Culture and Sport Committee**

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The Culture and Sport Committee had referred a report providing a summary of the progress made by the Music is Audible Working Group which had been set up to examine the best ways to balance the interests of residents and live music venues within the limits of legislation. The Committee was asked to note the report.

#### **Decision**

- 1) To note the report by the Culture and Sport Committee.
- 2) To ask that the consultation referenced at paragraph 1.4.1 in the referral report by the Culture and Sport Committee be as wide ranging and inclusive as possible.

(Reference – Culture and Sport Committee 20 October 2015 (item 9); referral report from the Culture and Sport Committee, submitted)

## Corporate Policy and Strategy Committee January to April 2016

Item	Key decisions	Expected date of decision	Wards affected	Director and lead officer	Coalition pledges and Council outcomes
1.	External Funding Progress	19 January 2016		Executive Director, City Strategy and Economy Lead officer: Elaine Ballantyne, Head of External Relations and Investor Support <a href="mailto:elaine.ballantyne@edinburgh.gov.uk">elaine.ballantyne@edinburgh.gov.uk</a>	CO24-26
2.	Corporate Debt Policy Annual Report	23 February 2016		Deputy Chief Executive Lead officer: Fraser Rowson, Principal Accountant – Corporate Accounts <a href="mailto:fraser.rowson@edinburgh.gov.uk">fraser.rowson@edinburgh.gov.uk</a>	CO24-26
3.	Citywide Review of Council-Owned Sports Facilities and Services - Key Findings and Recommendations - Progress Report	23 February 2016		Deputy Chief Executive Lead officer: Stephanie–Anne Harris, Strategic Development Manager <a href="mailto:stephanie-anne.harris@edinburgh.gov.uk">stephanie-anne.harris@edinburgh.gov.uk</a>	CO24-26

Item	Key decisions	Expected date of decision	Wards affected	Director and lead officer	Coalition pledges and Council outcomes
4.	Avoidance of Bullying and Harassment Policy - Review	23 February 2016		Deputy Chief Executive Lead officer: Stewart Cassie, Employee Relations Officer <a href="mailto:stewart.cassie@edinburgh.gov.uk">stewart.cassie@edinburgh.gov.uk</a>	CO 24-26
5.	NFLA Membership	12 April 2016		Deputy Chief Executive Lead officer: Andy Nicholl, <a href="mailto:andy.nicholl@edinburgh.gov.uk">andy.nicholl@edinburgh.gov.uk</a>	CO24-26
6.	Progress Report: Citywide Review of Council-owned Sports Facilities and Services: Key Findings and Recommendations	12 April 2016		Deputy Chief Executive Lead officer: Joanne Lennon <a href="mailto:joanne.lennon@edinburgh.gov.uk">joanne.lennon@edinburgh.gov.uk</a>	CO24-26

## Corporate Policy and Strategy Committee

1 December 2015

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
1	06.11.12	The Future Management and Ownership of Easter Craiglockhart Hill Local Nature Reserve (LNR) – motion by Councillor Burns  <a href="#">(Agenda for 6 November 2012)</a>	To provide information on the possibility of community ownership and management of the woodland and open space in the area in the longer term and how this might be achieved, with ownership transferring to the Council as an interim measure, with a view to the eventual transfer of ownership and management, to a community organisation.	Deputy Chief Executive and Acting Director of Services for Communities	Spring 2016 or earlier if appropriate		The Craighouse planning permission conditions require the developer to carry out landscaping works in the woodland areas within 12 months of the start of site development. The Council must be satisfied with these works prior to the developers transferring ownership to the Council.  A report will then

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
							Be forthcoming to look at longer term options for the ownership and management of the woodland.
2	22.01.13	<a href="#">Welfare Reform - Further Update</a>	To ask the Director to provide members with update briefings on a regular basis.	Deputy Chief Executive	Ongoing		Bi monthly updates to the Committee. Changed to quarterly reports on 30 September 2014.
3	30.09.14	<a href="#">Corporate Debt Policy - Annual Update</a>	To note the intention to present to Council an updated policy, incorporating a number of minor changes to the level of late-payment fees and relevant responsible officers, as part of a wider governance update later in the year.	Deputy Chief Executive	February 2016		

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
4	12.05.15	<a href="#">Follow-up Report 2014 Edinburgh People Survey</a>	To request that regular reports are made to the relevant Committees on each of the areas of concern detailing improvements and that the Transport and Environment Committee considers how street cleanliness can be measured because current measures show a static or improving situation whilst the survey shows growing dissatisfaction with the cleanliness of streets.	Deputy Chief Executive	Ongoing		The draft 2015 survey has been issued for consultation. Following an initial overview report to this Committee, specific reports will be submitted to the Executive committees. The one for the Transport and Environment Committee will address the issue of street cleanliness measurement.
5	12.05.15	<a href="#">Physical Activity for Health Pledge</a>	To note that an update on progress will be presented to this Committee in May 2016.	Director of Health and Social Care	May 2016		

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
6	12.05.15	<a href="#">Edinburgh's Multi Agency Sexual Exploitation Policy</a>	To agree that details of the further strategies be submitted to the Committee in August 2015.	Chief Social Work Officer	November 2015		Recommended for Closure
7	09.06.15 <a href="#">Minute of 9 June 2015</a> (items 6 and 16) 01.09.15	<a href="#">Safecall CEC 114 - Update Report on Management Action</a>  B Report	1) To note the report by the Chief Executive and to accept all the recommendations in Appendix 2 and that progress on their implementation be reported to the Education, Children and Families Committee.  2) To recognise that no further disciplinary action would be instigated in relation to these matters until all	Chief Executive	Ongoing		

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
			<p>relevant information was available.</p> <p>3) To agree that a further report would thereafter be considered by Committee advising of any further management action.</p>				
8	09.06.15	<a href="#">Sustainable Edinburgh 2020 Annual Report 2014-15</a>	To acknowledge the work programme for SE2020 for the coming year 2015/16, and add a request to the Edinburgh Sustainable Development Partnership that a clear Action Plan setting out aims, objectives, targets, timescales and responsibilities from the present to 2020 be developed and presented	Deputy Chief Executive	Not specified		The Partnership work programme has now been updated to include a RAG assessment and budget allocation for each action. This will be considered at the Partnership's next quarterly meeting on 16 December

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
			as soon as possible.				2015, and thereafter presented to members.
9	04.08.15	<a href="#">Bullying and Harassment at Work Policy</a>	To agree to a review of the policy 6 months after implementation.	Deputy Chief Executive	Spring 2016		
10	04.08.15	<a href="#">Policies - Assurance Statement</a>	To note that a further report on wider Council policies would be submitted to	Deputy Chief Executive	Not specified		
11	04.08.15	<a href="#">Common Good Assets Register</a>	<p>1) To note that further reports would be brought to Committee</p> <p>a) once Scottish Ministers' guidance about common good registers had been issued; and</p> <p>b) to consider the implications arising from compliance with the Land Registration</p>	Acting Director of Services for Communities	2016		<p>Scottish Ministers guidance is not expected until summer 2016.</p> <p>Reports to Committee will not be able to be submitted until Q3 2016 earliest. Consequently, completion of the register itself will not take place until</p>

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
			<p>(Scotland) Act 2012.</p> <p>2) To note that the common good definition in Section 3 of the report by the Acting Director of Services for Communities was not intended to be exclusive and that there would be clarification of the definition with the next report to Committee.</p>				<p>sometime 2017.</p> <p>See also referral from the Governance, Risk and Best Value Committee on today's agenda</p>
12	04.08.15	<a href="#">Eurocities AGM and Conference</a>	To note that further information on the benefits of attendance would be provided after the event.	Executive Director, City Strategy and Economy	19 January 2016		

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
13	01.09.15	<a href="#">Smoke Free Policy</a>	To call for an update on the developing evidence on e-cigarettes as it related to this smoke free policy, in 2 cycles.	Deputy Chief Executive	1 December 2015	1 December 2015	Recommended for Closure
14	29.09.15	<a href="#">Citywide Review of Council-owned Sports Facilities and Services - Key Findings and Recommendations</a>	To request a progress report within six months, including a timeline for a phased changeover.	Deputy Chief Executive	March 2016		
15	29.09.15	<a href="#">Update on Proposal for a New Meadowbank - Improved Funding Package</a>	1) To note from the report by the Deputy Chief Executive the potential to sell Council land at Meadowbank to the Housing Revenue Account in order to build new Council housing, which as well as generating a	Deputy Chief Executive	Not specified		

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
			<p>capital receipt would provide an ongoing revenue stream from Council rents.</p> <p>To therefore agree that this option should be fully explored as a priority and the conclusions reported back as part of the forthcoming report to the Finance &amp; Resources Committee.</p>				
			<p>2) To request an update report at the next Gateway stage to this Committee.</p>	Deputy Chief Executive	Not specified		

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
16	29.09.15	<a href="#">Managing Customer Contact in a Fair and Positive Way - Annual Review</a>	To agree to receive an annual update	Deputy Chief Executive	Ongoing		
17	29.09.15	<a href="#">Public Bodies Climate Change Duties Report 2014-15</a>	To note the omission from the Council's Climate Change Duties Report of any carbon reduction projects and therefore request an update report on these projects once they were devised.	Deputy Chief Executive	Not specified		
18	29.09.15	<a href="#">Energy for Edinburgh</a>	To note that the ESCO business plan would be brought to the Corporate Policy and Strategy Committee within three cycles at the latest.	Executive Director, City Strategy and Economy	January 2016		

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
19	03.11.15	<a href="#">Carbon, Climate &amp; Sustainability Policies - Assurance Statement</a>	To agree to update the Fair Trade and Resource Use Policy for Committee consideration within 12 months	Deputy Chief Executive	November 2016		
20	03.11.15	<a href="#">ICT Acceptable Use Policy - Annual Review</a>	To note that the next review should be undertaken with a view to reporting to Committee in November 2016	Deputy Chief Executive	November 2016		
21	03.11.15	<a href="#">Festivals and Events Core Programme 2016 Etc</a>	To note that a corporate response to <i>Thundering Hooves2.0, A Ten Year Strategy to Sustain the Success of Edinburgh's Festivals</i> , was in preparation and would be reported to the Culture and Sport Committee and this Committee, in due course	Deputy Chief Executive	Not specified		

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
22	03.11.15	<a href="#">Sustainable Energy Action Plan</a>	To note that an annual performance report on the SEAP would be presented in March 2016	Executive Director, City Strategy and Economy	March 2016		
23	03.11.15	<a href="#">World Creative Economy Summit - Shanghai</a>	To note that further information on the benefits of attendance would be provided after the event	Executive Director, City Strategy and Economy	Not specified		

# Corporate Policy and Strategy Committee

10.00am, Tuesday 1 December 2015

## Corporate Performance Framework – Performance to September 2015

Item number	7.1
Report number	
Executive/routine	
Wards	All

### Executive summary

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This report provides a six monthly update on performance against corporate performance measures and targets for all the Council strategic outcomes described in the Council Business Plan 2015-18.

This report is presented in line with the procedures for performance scrutiny approved by the Corporate Policy and Strategy Committee in December 2013. Performance information is reported to committee through the Corporate Business Insight Dashboard and is accessible by elected members through the dedicated iPad app.

### Links

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Coalition pledges	All
Council outcomes	All
Single Outcome Agreement	All

## Corporate Performance Framework – Performance to September 2015

### Recommendations

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- 1.1 It is recommended that the Corporate Policy and Strategy Committee:
  - 1.1.1 Note Council performance for the period to September 2015 on delivery of outcomes reported via the Corporate Business Insight Dashboard.

### Background

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- 2.1 The Council Strategic Plan was first developed in 2012 and outlined priorities for the period 2012-17. The plan formed the central part of the Council's planning and performance management framework, and was reviewed and updated each year to take consideration of new developments, emerging priorities and actions.
- 2.2 To meet the annual review commitment, the 2015 update has built on the strategic direction set out in the Council Transformation Programme and the 'Organise to Deliver' papers to refresh the approach the plan takes to communicating the Council's vision and purpose. This refresh was proposed in order to ensure the plan remained fit for purpose through a period of change and promoted staff and customer engagement.

### Main report

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- 3.1 The Council Business Plan for 2015-18 has been developed in June 2015. The plan adopts a single vision for the city, shared with all Council partners. To deliver this vision, the plan sets out overlapping strategic themes common to the work of all service areas. These themes set out a commitment for the Council to:
  - 3.1.1 Improve quality of life
  - 3.1.2 Ensure economic vitality, and
  - 3.3.3 Build excellent places.
- 3.2 Across all these themes, the plan sets out a further common commitment to provide best value and to deliver lean and agile Council services.

## Council Strategic vision and purpose

Vision for our city

**Edinburgh is a thriving, sustainable capital city in which all forms of deprivation and inequality are reduced**

To deliver this vision, Council services focus their work around three overlapping strategic themes

**Improve quality of life**

**Ensure economic vitality**

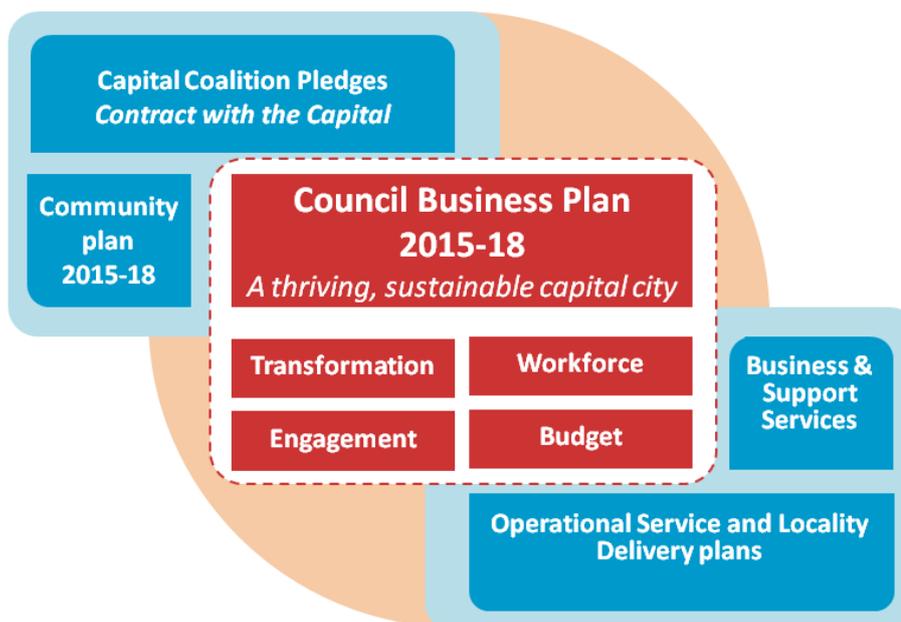
**Build excellent places**

Across all these themes, we aim to:

**Deliver lean and agile Council services**

- 3.3 This business plan forms part of a cohesive planning and performance framework that connects the strategic priorities of the Council to:
- 3.3.1 Commitments and pledges set out by the Council leader and the Capital Coalition.
  - 3.3.2 Commitments and action plans agreed by the Council with its Community Planning partners through the Edinburgh Partnership.
  - 3.3.3 Detailed operational action plans for the delivery of frontline services.
  - 3.3.4 Local area plans guiding the delivery of services in our communities.
- 3.4 Further details on commitments and targets for each element of this framework are available on the [Strategy and Performance](#) pages of the Council website.

## Council Planning Framework



- 3.5 The Council Performance Framework sets out the specific targets and measures through which the Council monitors performance towards its objectives.
- 3.6 In line with previous recommendations, agreed by the Corporate Policy and Strategy Committee in December 2013, performance against these measures and targets is scrutinised:
- 3.6.1 On a six monthly basis by the Corporate Policy and Strategy Committee. For this committee performance reports are to be provided through the Corporate Business Insight Dashboard accessible by elected members on ipads via the dedicated app.
  - 3.6.2 On a six monthly basis by Executive Committees. For these committees, performance reports are provided as an extract from the corporate dashboard focusing only on those measures of relevance to each committee.
- 3.7 The Corporate Business Insight Dashboard available through the dedicated iPad app provides an overview of performance for the period to September 2015. The Dashboard will also be published on the [Strategy and Performance](#) pages of the Council website.

## Measures of success

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- 4.1 This report outlines performance measures against delivery of the Council's strategic themes for the period to September 2015.

## Financial impact

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- 5.1 The financial impact is set out within the Corporate Performance Framework.

## Risk, policy, compliance and governance impact

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- 6.1 Risk, policy, compliance and governance impact is integrated within the Corporate Performance Framework.

## Equalities impact

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- 7.1 Reducing poverty, inequality and deprivation is integrated within the Corporate Performance Framework.

## Sustainability impact

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- 8.1 The sustainability impact is set out within the Corporate Performance Framework.

## Consultation and engagement

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9.1 Measures, priorities and outcomes within the Corporate Performance Framework have been developed in consultation with stakeholders and will continue to evolve based on continued engagement.

## Background reading / external references

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The [Council's Performance Framework](#) approved by Corporate Policy and Strategy Committee on 9 June 2015.

The '[Review of political management arrangements](#)' report approved by Council on 24 October 2013.

### Alastair D Maclean

Deputy Chief Executive

Contact: Jo McStay, Business Intelligence Manager

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### Links

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<b>Coalition pledges</b>	All
<b>Council outcomes</b>	All
<b>Single Outcome Agreement</b>	All
<b>Appendices</b>	

# Corporate Policy and Strategy Committee

10.00am, Tuesday 1 December, 2015

## E-cigarettes (vapourisers) - update on health considerations

Item number 7.2  
Report number  
Executive/routine  
Wards

### Executive Summary

---

In September 2015, the Corporate Policy and Strategy Committee approved the Smoke Free Policy, which introduces smoking restrictions to e-cigarettes (vapourisers). Members requested an update on developments in relation to evidence on the health risks from the inhalation of e-cigarettes as it relates to the Smoke Free Policy.

The health risks of e-cigarettes will take time to fully emerge. Given the relatively short time they have been in widespread use, there is still a lack of data on the long term health effects of their use and for public health.

There is also a lack of conclusive evidence on the role of e-cigarettes in reducing smoking rates. Whilst the Scottish Government recognises that e-cigarettes may help some smokers to stop or reduce their tobacco use, it recognises there is not the weight of evidence from good quality clinical trials which would allow the public health community to advise on how they can be used to support smoking cessation.

In the absence of any material developments since September 2015 in relation to evidence on the health risks from the inhalation of e-cigarettes, no change to the Smoke Free Policy is recommended.

### Links

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Coalition pledges  
Council outcomes  
Single Outcome Agreement

## E-cigarettes (vapourisers) - update on health considerations

### 1. Recommendations

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- 1.1 The Corporate Policy and Strategy Committee is requested to note the update on health considerations for e-cigarettes (vapourisers) as it relates to the Smoke Free Policy. Also to note that any material changes which develop, such as Scottish or UK Government advice or significant public health research findings, will be reported to Committee, together with any implications for the Smoke Free Policy.

### 2. Background

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- 2.1 The Smoke Free Policy ('Policy') was approved by the Corporate Policy and Strategy Committee on 1 September, 2015. The implementation date is 1 December, 2015.
- 2.2 The Council recognises its role in exemplifying Scotland's smoke free ambitions. For the purposes of this policy, restrictions have been applied to the use of e-cigarettes: these will be treated in the same way as cigarettes. Smoking is not permitted in enclosed areas including Council premises and vehicles used on Council business, nor in surrounding areas for Council premises (including entrances areas, car parks, playgrounds and courtyards). In addition, smoking restrictions will apply in outdoor areas under the Council's jurisdiction such as play parks.
- 2.3 Members requested an update on any subsequent developments in relation to evidence on the health risks from the inhalation of e-cigarettes.

### 3. Main report

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- 3.1 In March 2013, the Scottish Government launched its current tobacco control strategy (Creating a Tobacco-free Generation). The strategy recognises the challenges for tobacco control by novel products, including e-cigarettes.
- 3.2 Subsequently, the Health (Tobacco, Nicotine etc. and Care) (Scotland) Bill was introduced by the Scottish Parliament on 5 June, 2015. The main objectives of part 1 of the Bill are to support its tobacco control strategy.

- 3.3 The Bill introduces restrictions on the sale of nicotine vapour products (NVPs) such as e-cigarettes and shisha pipes. These restrictions will include; a minimum purchase age of 18, prohibiting the sale of NVPs via vending machines, requiring NVP retailers to register on the tobacco retailer register, prohibiting proxy-purchasing for under 18s, restricting domestic advertising and promotions, implementing an age verification policy for the sale of NVPs and banning staff under the age of 18 from selling tobacco and NVPs. The Bill would also make it an offence to smoke within a designated no-smoking area around buildings in NHS hospital grounds.

The Stage 1 report was published on 9 November, 2015. The general principles of the Bill are supported, and the Health and Sport Committee have recommended that the Scottish Parliament agrees to them.

Scottish Parliament will debate the general principles of the Bill and will vote on the next stage by 11 December, 2015.

- 3.4 The health risks of e-cigarettes will take time to fully emerge. Given the relatively short time they have been in widespread use, there is still a lack of data on the long term health effects of their use and for public health.
- 3.5 There is also a lack of conclusive evidence on the role of e-cigarettes in reducing smoking rates. Whilst the Scottish Government recognises that e-cigarettes may help some smokers to stop or reduce their tobacco use, it recognises there is not the weight of evidence from good quality clinical trials which would allow the public health community to advise on how they can be used to support smoking cessation.
- 3.6 In the absence of any material developments since September 2015 in relation to evidence on the health risks from the inhalation of e-cigarettes, no change to the Smoke Free Policy is recommended.

#### **4. Measures of success**

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- 4.1 A safer, healthier environment in all Council owned properties and designated external areas under the jurisdiction of the Council.

#### **5. Financial impact**

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- 5.1 There will be costs associated with provision of signage in Council grounds.

#### **6. Risk, policy, compliance and governance impact**

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- 6.1 No impact is envisaged.

## 7. Equalities impact

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7.1 No impact is envisaged.

## 8. Sustainability impact

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8.1 No impact is envisaged.

## 9. Consultation and engagement

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9.1 Full consultation with our recognised Trade Unions has been undertaken.

9.2 The draft policy was reviewed by the Corporate Leadership Team.

9.3 The proposed policy was approved by the Corporate Policy and Strategy Committee.

## 10. Background reading/external references

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[Smoke Free Policy - Report to Corporate Policy and Strategy Committee, 1 September 2015](#)

Minutes of CP&S Committee, 1 September 2015

The Scottish Parliament Health and Sport Committee: Stage 1 Report on Health (Tobacco, Nicotine etc. and Care) (Scotland) Bill, 14th Report, 2015 (Session 4)

### **Alastair D Maclean**

Deputy Chief Executive

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### **Links**

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**Coalition pledges**

**Council outcomes**

**Single Outcome**

**Agreement**

**Appendices**

# Corporate Policy and Strategy Committee

10.00am, Tuesday 1 December 2015

## Workplace Policy on Alcohol, Drug and Substance Misuse

Item number	7.3
Report number	
Executive/routine	
Wards	

### Executive summary

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This is an existing Council Policy, which provides a positive and constructive approach to dealing with employees' alcohol and substance misuse problems. It has recently undergone its annual review, to ensure that it is still fit for purpose. While the Policy offers support to employees who seek help for alcohol or drug-related problems, the consequences for employees who not seek help or who take drugs and alcohol in the workplace have been highlighted, in line with feedback from HR and Organisational Development colleagues, managers and the trades unions.

### Links

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Coalition pledges	P27
Council outcomes	CO27
Single Outcome Agreement	SO1

## Workplace Policy on Alcohol, Drug and Substance Misuse

### Recommendations

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- 1.1 Corporate Policy and Strategy Committee are asked to approve the revised and updated Procedure and note this report.

### Background

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- 2.1 The Workplace Policy on Alcohol, Drug and Substance Misuse was approved by the Corporate Policy and Strategy Committee on 9 August 2011. It has now been reviewed, in order to ensure it remains fit for purpose and to reflect feedback from HR and Organisational Development colleagues, managers and the trades unions that it did not adequately deal with situations where employees did not seek help with identified drug or alcohol issues or had been found to be taking drugs or alcohol in the workplace.

### Main report

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- 3.1 The policy sets out the rules regarding the use of intoxicating substances so that employees are aware of the likely consequences for their employment of misusing them. It also raises staff awareness of the risks and potential harm to health associated with the use of intoxicating substances.
- 3.2 Alongside this, the policy aims to create a climate that encourages employees who may be misusing drugs or alcohol to come forward and seek help and provides a framework to enable instances of substance misuse by employees to be handled in an appropriate, fair and consistent manner.
- 3.3 Overall, the policy aims to achieve a balance between supporting employees who come forward with a problem and the overriding need to preserve:
  - the health, safety and welfare of employees, service users and the public;
  - the organisation's reputation; and
  - the delivery of high-quality, effective services.

## Measures of Success

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- 4.1 Fewer instances of misuse of drugs and alcohol in the workplace, due to early management intervention and successful resolution.
- 4.2 Improved employee satisfaction, as drug and alcohol issues are dealt with consistently and fairly across the Council.

## Financial impact

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- 5.1 There are no costs associated with this procedure.

## Risk, policy, compliance and governance impact

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- 6.1 None.

## Equalities impact

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- 7.1 There are no adverse equality issues arising from this report which will impact on employee groups with protected characteristics as defined by the Equality Act 2010.

## Sustainability impact

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- 8.1 No impact.

## Consultation and engagement

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- 9.1 The Procedure is a Local Collective Agreement and has been agreed by the Corporate Leadership Team (CLT) and Council Trades Unions. The procedure and associated documents will be placed on the Orb as well as the Council's external website.

## Background reading/external references

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None.

### **Alastair D Maclean**

Deputy Chief Executive

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## Links

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<b>Coalition pledges</b>	P27: Seek to work in full partnership with Council staff and their representatives
<b>Council outcomes</b>	CO27: The Council supports, invests in and develops our people.
<b>Single Outcome Agreement</b>	SO1: Edinburgh's economy delivers increased investment, jobs and opportunities for all.
<b>Appendices</b>	Appendix 1 – Workplace Policy on Alcohol, Drug and Substance Misuse

# Workplace Policy on Alcohol, Drug and Substance Misuse

**Implementation date:**

## Control schedule

**Approved by**

**Approval date**

**Senior Responsible Officer** Martin Glover

**Author** Stewart Cassie

**Scheduled for review** Annually following Committee approval

## Version control

Version	Date	Author	Comment
0.1			

## Committee decisions affecting this policy

Date	Committee	Link to report	Link to minute
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# Workplace Policy on Alcohol, Drug and Substance Misuse

## Policy statement

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- 1.1 The Council recognises that alcohol and drug misuse are primarily matters of health and social concern. As a responsible employer, the Council recognises the importance of having appropriate strategies and arrangements in place to help and support to employees.
- 1.2 The inappropriate use of alcohol or drugs can damage the health and well-being of employees and have far-reaching effects on their personal and working lives. At work, alcohol or drug misuse can result in reduced levels of attendance, sub-standard work performance and increased health and safety risks. These risks concern not only the individual but also work colleagues, members of the public, contractors and service users. Furthermore, the effects of alcohol or drug misuse are likely to be detrimental to the organisation's reputation, image and its ability to deliver high-quality services.
- 1.3 The Council's aim is to provide a positive and constructive approach to dealing with the effects the misuse of alcohol and drugs have on employees and their performance in workplace. The policy encourages employees to take responsibility for their alcohol and drug related problems by offering support to employees through a range of options, whilst ensuring appropriate standards of attendance, conduct and performance are maintained.
- 1.4 The Council will provide support when an employee comes forward and asks for help. However, where an alcohol or drug-related problem has been identified and employees refuse support or fail to conclude the treatment they were given, then appropriate action, up to and including dismissal, will be taken.
- 1.5 Where no alcohol or drug-related problem has been identified or it is found that employees have been taking drugs or alcohol at work or are under the influence of drugs or alcohol while undertaking their duties, again, appropriate action, up to and including dismissal, will be taken, in line with Council policy.
- 1.6 The Council is committed to providing a safe and productive work environment and to promoting the health, safety and well-being of its employees. This Policy is designed to ensure that employees are aware the consequences, including the legal consequences, of their actions and of the risks associated with alcohol and drug misuse in the workplace.
- 1.7 No employees should be under the influence of alcohol or drugs at work.

## Scope

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- 2.1 The Council defines substance misuse as the continual or intermittent use of alcohol or any drugs (including New Psychoactive Substances (NSPs), which adversely affects an employee's health and welfare, social interaction at work, conduct or work performance.
- 2.2 In this Policy, the term 'drugs' will include:
- any illegal drugs (Class A, B, and C);
  - any prescription drugs (whether prescribed for self or others) which have been knowingly misused;
  - any over-the counter remedy or prescription drug taken in excess of the stated dose;
  - New Psychoactive Substances (NPS) previously referred to as legal highs, these can any substance which has had or is intended to have a psychoactive effect on the user;
  - any volatile substances or solvents, including lighter gas refills, aerosols, glues, paint thinners, and correcting fluids (other than where employees use these substances for their intended purpose as part of their job).
- 2.3 The policy applies to all employees, including chief officers, teachers, fixed-term employees and casual workers. Agency staff and contractors are also required to comply with this policy with any conduct issues being dealt with under their own organisation's policies, unless their contract specifies otherwise.

## Definitions

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- 3.1 See Appendix 1 for definitions.

## Policy content

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### **BACKGROUND**

- 4.1 The Health and Safety at Work etc Act 1974 and Misuse of Drugs Act 1971 place a duty of care on the Council to ensure the health, safety and welfare of all employees. The Health and Safety at Work Act also places a duty of care on employees to consider their own health and safety and that of their colleagues. This duty includes the need to address issues of alcohol and drug misuse in order to protect employees, their colleagues, and members of the public.

### **IDENTIFYING ALCOHOL OR DRUGS PROBLEMS**

- 4.2 There are many ways in which alcohol or drug problems are discovered, for example:
- employees may tell their manager or a colleague that they have a problem;

- managers, colleagues, service users or any other person can raise a concern about behaviour in the workplace;
  - problems might be disclosed at any point during performance management or sickness absence processes.
- 4.3 Once a problem has been identified, the action taken will depend on the circumstances of the case. However, in all cases, staff with an alcohol or drug problem will be referred to Occupational Health. If Occupational Health finds that the employee has a dependency issue, the support mechanisms noted in Section 6, below, will normally be put in place.
- 4.4 If an employee is going through a disciplinary process, a performance management process or an attendance management process, and says their behaviour was a result of alcohol or drug dependency, the formal process will be put on hold until the employee has been assessed by Occupational Health. If the employee refuses to engage with Occupational Health, then the formal process will continue. If the employee is undergoing treatment or has been recommended for treatment, the process can continue while that is taking place, provided the employee is fit enough to take part in the process.
- 4.5 Employees can be subject to action under more than one procedure at the same time. Disciplinary, Managing Work Performance, Managing Attendance and any professional support (i.e. referral to a counselling agency) can all take place at the same time, if the particular circumstances of the case need that to happen.
- 4.6 If gross misconduct is alleged and established and the employee admits to alcohol or drug dependency, that will be taken into consideration as part of the disciplinary process and may require further medical advice being sought.

#### **WHERE AN ALCOHOL OR DRUG RELATED PROBLEM IS IDENTIFIED**

- 4.7 Employees who:
- admit that they have an alcohol or drug problem; or
  - whose manager has identified that they have an issue; or
  - have had alcohol or drugs problems confirmed
- will be treated as sensitively and as confidentially as possible. However, employees must be aware that it may be necessary to involve other line managers or Human Resources & Organisational Development. Employees are encouraged to seek help from their GP, Occupational Health or other appropriate agencies.
- 4.8 Employees may attend agencies either by referring themselves or by being referred by Occupational Health or their GP. If employees are referred to agencies by Occupational Health, their managers will receive updates on their progress through the Occupational Health reports. Further information on the Occupational Health Service referral process is [available on the Council's Intranet](#).

- 4.9 If an employee is referred for counselling or treatment, this will not normally affect their ability to do their job unless:
- they are unfit to fulfil their job;
  - their being at work would be a health and safety risk;
  - there is a conflict between their job and the long-term resolution of a drug or alcohol problem.
- 4.10 If an employee needs a reasonable amount of time off work to attend a programme to help with their drug or alcohol problem, managers should make every effort to accommodate their request, in order to give the employee the support this Policy aims to provide, as detailed below.
- 4.11 If an employee has acknowledged that they have a drug or alcohol problem, the Council's offer to refer for help and treatment is made on the following basis:
- short-term absences can be covered by flexi-time; annual leave; temporarily changing shift patterns or working hours; use of TOIL; or unpaid leave;
  - if the treatment results in the employee being off work long-term, this will be considered to be sickness absence. The employee must cover the absence with medical certificates;
  - if the employee is absent from work while undergoing treatment or has had to stop doing certain duties while being treated, they will return to their substantive post and their full duties when the treatment is finished.
- 4.12 If the treatment has finished and has not been successful, the employee's manager will carry out a risk assessment to see whether the employee can return to their normal duties safely. If the employee is not able to do some of their normal duties, this will be considered as them being unable to fulfil their full contractual duties.
- 4.13 If employees' standard of work performance, attendance or conduct remains unsatisfactory after the treatment has finished, the employee will normally be subject to the Council's Managing Work Performance, Managing Attendance or Disciplinary procedures. This is also the case if similar issues occur once the treatment finishes.
- 4.14 If, following return to employment during or after treatment, work performance, absence levels or conduct is again affected as a result of alcohol or drug-related problems, each case will be considered on its own merits. In exceptional circumstances, a further opportunity for assistance and treatment may be offered. In this respect, advice will be sought from the Occupational Health Service.
- 4.15 A programme of support/treatment does not, however, remove the requirement for employees to be able to competently undertake the contractual duties of their post free from the adverse effects of alcohol or drugs.
- 4.16 No employees should be under the influence of alcohol or drugs at work and should not consume alcohol or drugs at work. See Section 4.21 and 4.22 below.

## **WHERE SUPPORT IS REFUSED**

- 4.17 If an employee has a dependency issue but refuses help, they will normally be subject to the Council's Disciplinary or the Managing Work Performance Procedures as appropriate.
- 4.18 This applies in situations where the employee:

- denies that alcohol or drug misuse is the cause of their problems;
- does not accept the offer of referral for assessment or a programme of treatment;
- stops a programme of treatment before it has ended satisfactorily; or
- continues to underperform once the treatment has finished.

## **NO ALCOHOL OR DRUG PROBLEM**

- 4.19 If an employee who does not have an alcohol or drug-related problem is found to be unfit to do their job due to consumption of drugs or alcohol, they will be sent home for the rest of that working day. This also applies to employees who become unfit while at work, having initially appeared fit for work. If necessary, they may be accompanied if it is judged that they are not capable of making their way home on their own. The matter will be dealt with in accordance with the Council's Disciplinary Procedure when the employee is fit to return to work. The employee will be paid for the remainder of the day.
- 4.20 If Occupational Health indicate there is not a dependency issue and the employee confirms there is not a dependency issue, then the situation will be managed under the Council's Disciplinary Procedure.

## **ALCOHOL AND DRUGS IN THE WORKPLACE**

- 4.21 Employees are not allowed to consume alcohol or drugs in the workplace during normal working hours. Exceptionally, alcohol may be permitted as part of an approved workplace event, such as retirements or other notable events. These events should be held outwith normal working hours and must be approved by the Chief Executive or an appropriate service area Director.
- 4.22 Employees need to be aware that if they have consumed alcohol in their own time, then they may be unfit for work and may be asked to go home. Managers will take appropriate action once the employee returns to work.
- 4.23 Many over-the-counter medical remedies and prescription drugs can have side effects which can impair an individual's performance and ability to carry out their work in a safe manner. Employees are responsible for checking with their GP or pharmacist whether the medication they are taking has the potential to cause any such impairment and to inform their manager accordingly.

## Implementation

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- 5.1 Senior management are responsible for cascading this information to their management teams and ensuring that it is brought to the attention of all employees in their service area. This policy forms part of the induction programme for all new employees.
- 5.2 In addition, the Council will provide employees with information on the adverse health effects of alcohol and drugs and information on sensible drinking as part of ongoing health and wellbeing activities.

## Roles and responsibilities

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- 6.1 Line managers are responsible for enforcing this policy. Support and advice is available from Human Resources & Organisational Development. [There is information on the Orb](#) for managers on how to initiate potentially difficult conversations. There is also an e-learning module on CECiL called Advanced Communication which gives advice on skills and techniques to help with assertive conversations.
- 6.2 Training is available to assist managers in how to recognise alcohol and drug problems, so that these can be addressed in a consistent manner across the Council. Details are available from the Council's Learning and Development Team.

## Related documents

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- 7.1 [Workplace Policy on Alcohol, Drug and Substance Misuse Toolkit](#)
- 7.2 [Information Sheet on Alcohol Abuse](#)
- 7.3 [Information Sheet on Drug Abuse](#)

## Equalities impact

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- 8.1 There are no adverse equality issues arising from this report which will impact on employee groups with protected characteristics as defined by the Equality Act 2010.

## Sustainability impact

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- 9.1 No impact.

## Risk assessment

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- 10.1 There is no risk associated with this policy.

**Review**

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11.1 This policy will be reviewed annually.

## Definitions

<b>Intoxicating substance</b>	A substance that changes the way the user feels mentally or physically. It includes alcohol, illegal drugs, legal drugs, prescription medicines (for example tranquillisers, anti-depressants, over-the-counter medicines), solvents, glue, lighter fuel.
<b>Controlled drugs</b>	Drugs covered by the Misuse of Drugs Act 1971. They include both drugs with no current medical uses as well as medicinal drugs that are prone to misuse. All are considered likely to result in substantial harm to individuals and society.
<b>Substance misuse</b>	Use of an intoxicating substance or some other substances that harms health, physical, psychological, social or work performance but without dependency being present
<b>Dependency</b>	A compulsion to keep taking an intoxicating substance either to avoid effects of withdrawal (physical dependence) or to meet a need for stimulation or tranquillising effects or pleasure (psychological dependence).
<b>Addiction</b>	A state of periodic or chronic intoxication produced by the repeated intake of an intoxicating substance. This means that a dependency has developed to such an extent that it has serious detrimental effects on the user and often their family as well, and the individual has great difficulty discontinuing their use. The substance has taken over their life.

# Corporate Policy and Strategy Committee

10.00 am, Tuesday, 1 December 2015

## Filming in Edinburgh

Item number	7.4
Report number	
Executive/routine	
Wards	All

### Executive summary

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It is proposed that, where practical, Film Edinburgh is consulted on changes in Council policies relating to traffic management with the potential to impact on filming in Edinburgh. The Committee is asked to approve in principle the introduction of a scheme that will enable filmmakers filming in Edinburgh to apply for a “notice of no objection” and to refer this report to the City of Edinburgh Council to reflect the addition to the Scheme of Delegation. The Committee is asked to note the proposed development of a 35 hectare film and television studio complex at Old Pentland in the Midlothian local authority area which has the potential to significantly increase filming in Edinburgh.

## Filming in Edinburgh

### Recommendations

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- 1.1 To note the potential for changes in Council policies relating to traffic management in Edinburgh to impact upon the delivery of the Film Charter and agree that, where practical, Film Edinburgh should be consulted on proposals of this nature to determine any negative impacts on filming in Edinburgh.
- 1.2 To approve in principle the introduction of a “notice of no objection” scheme wherein filmmakers will be able to apply for a non-contractual notice stating that the Council has no objection to them filming on the street provided the Code of Practice for filming in Edinburgh is adhered to. Authority to endorse the notices will be delegated to the Director of City Strategy and Economy.
- 1.3 If agreed, to note that appropriate adjustments will be made during the current review of the Scheme of Delegation to Officers.
- 1.4 To note the proposed development of a film and television studio complex at Old Pentland in the Midlothian local authority area.

### Background

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- 2.1 Edinburgh is a popular filming location. In 2014, 361 productions filmed in and around Edinburgh, up 6% on 2013. This generated an estimated £4.6 million for the local economy
- 2.2 Film Edinburgh is the film commission for Edinburgh, East Lothian and the Scottish Borders. It provides support for producers who are filming in Edinburgh. Film Edinburgh is part of Marketing Edinburgh Ltd, an arm’s length company of the City of Edinburgh Council.
- 2.3 Although Edinburgh and, more widely, Scotland is a popular filming location, the lack of large studio spaces in Scotland means the country is unable to compete for the largest and most high impact productions. For example, the producers of the television series “Games of Thrones” considered filming in Scotland but ultimately chose Ireland due to its superior facilities. In May 2013, the Scottish Government established a Film Studio Delivery Group to address the lack of a large-scale film studio facility in Scotland.

- 2.4 In 2014, Pentland Studios Ltd announced plans to develop a 35 hectare film and television studio complex at Old Pentland to the south of Edinburgh. The development would be privately funded with no reliance on state aid. In light of the potential benefits to Edinburgh of having an industry-standard film studio on the city's outskirts, the Council's Investor Support team has worked closely with Pentland Studios Ltd to support its plans. An application for planning permission in principle was made to Midlothian Council in May 2015. Pentland Studios Ltd hopes to begin construction in the first quarter of 2016.
- 2.5 On 6 March 2014, the Economy Committee approved an updated Film Charter and Code of Practice for filming in Edinburgh. These documents – developed in conjunction with Film Edinburgh – set out the Council's policies on filming in Edinburgh: how the Council and Film Edinburgh will facilitate filmmaking and the Council's expectations of the conduct of filmmakers.
- 2.6 In April 2015, the City of Edinburgh Council introduced an upfront administrative charge of £10.00 for granting single yellow line dispensations. Film Edinburgh has stated that this policy makes it more challenging for filmmakers to undertake location filming in Edinburgh and has expressed concern that it was not consulted in advance on the introduction of the charges. Film Edinburgh is now working with the film industry to assess the impact of the new policy on filming in Edinburgh and has indicated a desire to work with the Council more closely on policy changes which have an impact in future.

## Main report

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### Film Charter

- 3.1 The Council's Film Charter sets out how the Council will support filming in Edinburgh. In practice, the main area of interaction between the Council and filmmakers is around outdoor filming and its requirements for traffic management. Changes to the Council's policies on traffic management can therefore have implications for filmmakers.
- 3.2 In light of the economic benefits to Edinburgh from filming undertaken in the city, it is desirable that, where possible, filming is facilitated and policies are not introduced that unduly restrict filming. As the film industry is an important source of investment into the city and the Council manages and funds Marketing Edinburgh Ltd, the Investor Support team acts as a conduit between Film Edinburgh and the Council.
- 3.3 As an arm's length Council company with the mandate of supporting filming in Edinburgh, Film Edinburgh is well placed to act as an intermediary between the Council and the film industry and to advise the Council of any potential

implications for filming in Edinburgh of changes to policies relating to traffic management to avoid any unanticipated negative impacts. It is proposed that, where practical, Film Edinburgh is consulted on policy changes of this nature with the potential to impact on filming in Edinburgh.

### **Notice of no objection**

- 3.4 A notice of no objection is a notice stating that the Council raises no objection to filming being undertaken on a road in Edinburgh. The Council has no statutory powers to restrict anyone from filming on roads in Edinburgh, and a notice of this nature therefore has no legal weight. Despite this, filmmakers frequently request notices of no objection as they are often found to be helpful when approached by police officers, private security guards and members of the public. Film Edinburgh currently receives on average between 100 and 200 requests for notices of no objection each year which it is currently unable to respond to.
- 3.5 A number of local authorities in the UK currently offer notices of no objection. These include the London Borough of Hammersmith & Fulham and the London Borough of Richmond upon Thames.
- 3.6 In response to the demand from filmmakers, a notice of no objection template has been prepared by the Council's Investor Support team. It is proposed that Film Edinburgh will receive applications for notices from filmmakers, pass the applications to the Council's Director of City Strategy and Economy along with a recommendation as to whether a notice be granted and pass ratified notices to the filmmaker.

### **Pentland Studios**

- 3.7 Pentland Studios Ltd made an application to Midlothian Council in May 2015 for planning permission in principle for a 35 hectare film and television studio complex. If planning permission is secured, the company hopes to begin development in the first quarter of 2016, with the first buildings complete in 2017.
- 3.8 While the development site is outwith the boundaries of the City of Edinburgh Council, its scale and proximity means that it would impact on the city economy. An assessment of the potential economic impact of the development by WSP concluded that it could potentially support 320 full-time equivalent jobs upon completion, rising to 900 during filming. Film Edinburgh has stated that the establishment of the complex could be expected to significantly expand the number of film productions in Edinburgh.
- 3.9 The Council's City Strategy and Economy service and Film Edinburgh have worked with Pentland Studios Ltd since June 2014 to help progress the project.

## **Measures of success**

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- 4.1 Film Edinburgh publishes annual figures relating to the number of enquiries received from filmmakers, the number of film productions undertaken in Edinburgh and the surrounding area and the value thereof to the economy. All other factors being equal, increased support for filming in Edinburgh can be expected to deliver improved performance against all three metrics.

## **Financial impact**

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- 5.1 There are no identifiable financial impacts associated with this project.

## **Risk, policy, compliance and governance impact**

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- 6.1 There is a risk that introducing policies on traffic management in Edinburgh without prior consultation with Film Edinburgh could result in unforeseen negative impacts on filming in Edinburgh to the detriment of the economy. By consulting with Film Edinburgh in advance where practical, any potential negative impacts can be better understood.

## **Equalities impact**

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- 7.1 There are no identifiable equalities impacts associated with this project.

## **Sustainability impact**

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- 8.1 There are no identifiable sustainability impacts associated with this project.

## **Consultation and engagement**

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- 9.1 Consultation on the “notice of no objection” has taken place with Film Edinburgh and with the Council’s Roads Services: Events & Project Development section.

## **Background reading / external references**

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“Film Charter and Code of Practice” (report to the Economy Committee, 6 March 2014)

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# Links

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<b>Coalition pledges</b>	P28 – Further strengthen our links with the business community by developing and implementing strategies to promote and protect the economic well being of the City
<b>Council outcomes</b>	CO8 – Edinburgh’s economy creates and sustains jobs opportunities. CO23 – Developed our reputation and ensured customers have a positive perception of the Council. CO26 – Visibly enhanced our city’s cultural and sporting future.
<b>Single Outcome Agreement Appendices</b>	SO1 – Edinburgh’s economy delivers increased investment, jobs, and opportunities for all

# Corporate Policy and Strategy Committee

10.00, Tuesday, 1 December 2015

## Addressing Sexual Exploitation and Human Trafficking

<b>Item number</b>	7.5
<b>Report number</b>	
<b>Executive/routine</b>	
<b>Wards</b>	All

### Executive summary

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This report presents to Corporate Policy and Strategy Committee the guidance on child sexual exploitation and Edinburgh's multi-agency support protocol for victims of human trafficking (children and adults). The child sexual exploitation guidance is designed to assist practitioners in preventing child sexual exploitation, protecting children and young people who are at risk of abuse or are abused through sexual exploitation, and disrupting and prosecuting those who perpetrate this form of abuse. The support protocol for victims of human trafficking aims to raise awareness about human trafficking and its indicators, and to facilitate a consistent response to victims. The documents are attached at appendices 1 and 2. Both documents were endorsed by Edinburgh's multi-agency Chief Officers' Group – Public Protection on 9 October 2015.

### Links

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<b>Coalition pledges</b>	P1, P43
<b>Council outcomes</b>	CO1, CO5, CO10, CO11, CO15, CO21 and CO26
<b>Single Outcome Agreement</b>	SO2, SO3, SO4

## Addressing Sexual Exploitation and Human Trafficking

### Recommendations

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- 1.1 It is recommended that the Corporate Policy and Strategy Committee
  - a) approves the guidance on addressing child sexual exploitation attached at Appendix 1
  - b) approves the multi-agency support protocol for victims of human trafficking (children and adults) attached at Appendix 2
  - c) notes that associated action plans to address sexual exploitation of children and adults are being developed and their progress monitored as part of ongoing improvement activity
  - d) notes that associated training and publicity plans are being developed.

### Background

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- 2.1 The sexual exploitation of children or vulnerable adults is both abusive and criminal. It is an often hidden form of sexual abuse, with distinctive elements of exploitation and exchange. In all cases, those exploiting vulnerable individuals have power over their victims by virtue of their age, gender, intellect, physical strength and/or economic or other resources. Violence, coercion and intimidation are often common features.
- 2.2 Child sexual exploitation was identified as a priority for the Edinburgh Child Protection Committee's improvement plan. Lessons learned from the independent inquiry into child sexual exploitation in Rotherham, published in 2014, and the subsequent report of inspection of Rotherham Metropolitan Borough Council, published in 2015, were reviewed by a multi-agency working group established in Edinburgh to agree the development of policy, strategies and action plans in response to the sexual exploitation of both children and adults. This led to the development of Edinburgh's Multi-agency Sexual Exploitation Policy. Following the adoption of the policy by Council in May 2015, the guidance has been developed to assist practitioners across agencies in preventing sexual abuse and protecting children.
- 2.3 Trafficking of children and adults is a global criminal business, which targets and victimises the most vulnerable people for transportation, abuse and exploitation

across the world. It is a largely hidden problem and is often described as a form of modern-day slavery. The children and adults involved are in no way responsible for their predicament, having been coerced, bribed or forced into, and unable to escape from, the control of traffickers.

- 2.4 A multi-agency support protocol for victims of human trafficking for sexual exploitation was implemented in Edinburgh in 2004. The protocol has been updated in order to broaden its scope to include both adults and children trafficked for different purposes, including, for example, sexual exploitation, forced labour and domestic servitude. The protocol takes account of emerging legislative changes as well as recent research.

## Main report

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### The child sexual exploitation guidance

- 3.1 Sexual exploitation of children and young people always requires a child protection response. This is reflected in the Edinburgh and Lothians Inter-Agency Child Protection Procedures (2015). The guidance has been developed alongside Edinburgh's inter-agency public awareness campaign and our inter-agency learning and development strategy. It is designed to enable practitioners to recognise the signs of child sexual exploitation and give them the confidence they need to confront it. The guidance applies to male and female children up to the age of 18 years, irrespective of whether they are living at home, with carers, in a residential setting or independently.
- 3.2 An action plan and a training plan for staff are being developed and will be implemented and monitored.

### The multi-agency support protocol for victims of human trafficking

- 3.3 Tackling trafficking requires a coordinated response, involving research, intelligence, awareness raising and training, on a multi-agency basis. The protocol aims to raise awareness of human trafficking and its potential indicators among staff from all organisations; facilitate a consistent response and approach to victims; support and encourage staff from all relevant organisations across Edinburgh to work collaboratively in developing and delivering appropriate and effective services to individuals with experience of trafficking; and support the investigation and prosecution of those who coerce, exploit and abuse people.
- 3.4 The protocol provides practical advice to staff on potential indicators of trafficking, on obstacles to victims coming forward and action to take when it is suspected that someone has been trafficked.

3.5 A training plan for staff will be implemented.

## Measures of success

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- 4.1 Child sexual exploitation and human trafficking feature in our public awareness activity from December 2015.
- 4.2 Child sexual exploitation training and human trafficking training are integrated into our inter-agency learning and development strategy by 30 November 2015.
- 4.3 An inter-agency child sexual exploitation action plan is developed for Edinburgh and implemented by 31 January 2016.
- 4.4 There is an increase in the number of assessments undertaken using the Sexual Exploitation Risk Assessment Framework (SERAF).

## Financial impact

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- 5.1 The associated training plans may have financial implications. These will be considered in detail and reported on as necessary, but will require to be addressed within partner organisations' long-term financial plans.

## Equalities impact

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- 7.1 Addressing the issue of sexual exploitation and human trafficking reflects partner agencies' responsibilities in respect of equalities. Any service developments will be subject to equalities impact assessment.

## Sustainability impact

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- 8.1 There are no sustainability impact issues arising from this report.

## Consultation and engagement

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- 9.1 The documents have been developed in consultation with the City of Edinburgh Council, NHS Lothian, Police Scotland and voluntary sector partners. Advice has also been sought from the Scottish Government, Trafficking Awareness Raising Alliance (TARA) and Migrant Help.

## Background reading/external references

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[Edinburgh's Multi-agency Sexual Exploitation Policy](#), May 2015

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## Links

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<b>Coalition pledges</b>	<b>P1</b> - Increase support for vulnerable children, including help for families so that fewer go into care <b>P43</b> - Invest in healthy living and fitness advice for those most in need
<b>Council outcomes</b>	<b>CO1</b> - Our children have the best start in life, are able to make and sustain relationships and are ready to succeed <b>CO5</b> - Our children and young people are safe from harm or fear of harm, and do not harm others within their communities <b>CO10</b> - Improved health and reduced inequalities <b>CO11</b> - Preventative and personalised support in place <b>CO15</b> - The public are protected <b>CO21</b> - Safe – Residents, visitors and businesses feel that Edinburgh is a safe city <b>CO26</b> - The Council engages with stakeholders and works in partnership to improve services and deliver on agreed objectives
<b>Single Outcome Agreement</b>	<b>SO2</b> - Edinburgh's citizens experience improved health and wellbeing, with reduced inequalities in health <b>SO3</b> - Edinburgh's children and young people enjoy their childhood and fulfil their potential <b>SO4</b> - Edinburgh's communities are safer and have improved physical and social fabric
<b>Appendices</b>	<ol style="list-style-type: none"><li>1. Guidance on child sexual exploitation</li><li>2. Edinburgh's multi-agency support protocol for victims of human trafficking</li></ol>

# City of Edinburgh Inter-Agency Guidance on Child Sexual Exploitation



November 2015





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**This guidance has been adapted and draws heavily from the Barnado's Scotland/West of Scotland Child Protection Consortium, which was originally developed in 2012. Barnado's Scotland is a member of the multi-agency Edinburgh Child Protection Committee.**



## Introduction

The sexual exploitation of children always requires a child protection response. This is reflected in the Edinburgh and Lothians Inter-Agency Child Protection Procedures (2015) and the National Guidance for Child Protection in Scotland (2014).

Child sexual exploitation is a distinct form of child abuse, which can affect both boys and girls. Children and young people affected are victims of abuse.

The issue of child sexual exploitation is receiving an increased level of political and public interest across the UK. The Independent Inquiry into Child Sexual Exploitation in Rotherham (1997 – 2013) has been instrumental in changing our perceptions in how we tackle child sexual exploitation in Scotland. In November 2014, the Scottish Government published its National Action Plan to tackle Child Sexual Exploitation. In Edinburgh, the Child Protection Committee has included tackling the child sexual exploitation in its 2014-2016 improvement plan.

It is critical that all partner agencies responsible for the protection of children learn from these reviews, from research and best practice, and from what our children and young people tell us. We need to improve our knowledge and understanding of the issue and ensure that all staff across sectors and agencies recognise the indicators of child sexual exploitation and are confident in tackling it.

Early intervention and protection of children, together with disruption and prosecution of perpetrators are the key features of an effective approach.

This guidance has been developed alongside learning and development materials for practitioners who may be unfamiliar with child sexual exploitation and need information on what they should do if they have concerns about a child or young person. It is designed to enable practitioners to recognise the signs of child sexual exploitation and give them the confidence they need to confront it.

When developing a response to child sexual exploitation, public sector bodies have a general equality duty to consider the role of gender and other protected characteristics in order to eliminate discrimination, harassment and victimisation. Referring to violence as 'gender-based' highlights the need to understand violence within the context of the way in which society is ordered; the relationships between men and women; the social, political and cultural environment within which they operate; and the code of conduct expected of them.

A gendered analysis lets us consider the way in which girls and boys may be more at risk from different forms of sexual exploitation. For example, boys and young men may be more at risk of online abuse, whereas girls and young women may be more at risk from an older 'boyfriend' or controlling adult. The impact of sexual exploitation on young men may be different because their abusers are mostly male. A gendered analysis of child sexual exploitation helps us understand which children may be more at risk, how abuse impacts differently on victims and how our detection and responses may need to vary accordingly. A gendered analysis also encourages us to take account of how wider societal expectations

and gender roles contributes to the context which allows abuse to thrive.

By acknowledging these links, this guidance seeks to play its part in developing a culture where everyone feels safe, respected and equal in our communities and where attitudes that allow sexual exploitation to flourish are challenged.

The guidance applies to male and female children up to the age of 18 years, irrespective of whether they are living at home, with carers, in a residential setting or independently. All references in this guidance to children or young people mean those under the age of 18, as defined in the Children and Young People (Scotland) Act 2014.

## **Purpose of guidance**

This guidance is designed to assist practitioners in preventing child sexual exploitation, protecting children and young people who are at risk of abuse or are abused through sexual exploitation, and disrupting and prosecuting those who perpetrate this form of abuse.

The guidance is supported by the Edinburgh Child Protection Committees public awareness and learning and development strategies. Everyone must take responsibility for protecting children from abuse and that means not only knowing your role, but also understanding the roles of other agencies and individuals.

This guidance is intended to support local agencies in applying Getting It Right for Every Child (GIRFEC) effectively in relation to child sexual exploitation. It should help local agencies to:

- identify those at risk of being sexually exploited
- take action to protect and promote the well-being of particular children and young people who are being or are at risk of being sexually exploited
- take action against those who are intent on abusing and exploiting children and young people in this way.

Sometimes the background and experiences of children and young people who are exploited sexually impact negatively on their behaviour, which may be challenging. The key principle for all practitioners is that children and young people who are sexually exploited are the **victims of abuse**. The responsibility for their sexual exploitation lies with the abuser. The focus of police investigations and of prosecutions should be on those who coerce, exploit and abuse children and young people.

## **What is child sexual exploitation?**

The sexual exploitation of children and young people is an often hidden form of child sexual abuse. A number of different definitions have been developed through the work of researchers and practitioners, although the concepts of exploitation and exchange are central to each. Child sexual exploitation is defined in s.572-584 of [The National Guidance](#)

[for Child Protection in Scotland \(2014\)](#) and [Scotland's National Action Plan to tackle Child Sexual Exploitation](#).

Sexual exploitation is a form of sexual abuse, in which a young person is manipulated or forced into taking part in a sexual act. This could be as part of a seemingly consensual relationship or in return for attention, affection, money, drugs, alcohol or somewhere to stay. The young person may think that their abuser is their friend, or even their boyfriend or girlfriend, but they will put them into dangerous situations, forcing the young person to do things they do not want to do.

The abuser may be male or female; they may threaten the young person physically or verbally, or be violent towards them. They will control and manipulate them, and try to isolate them from friends and family.

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 or on a mobile phone, without immediate payment or gain. In all cases, those exploiting the child or young person will 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 is characterised in the main by the child or young person's limited choice, resulting from their social, economic and emotional vulnerabilities.

### **Who does it affect?**

Young people from any background can be exploited for sex in this way. Boys and young men are abused, as well as girls and young women. The grooming and abuse can happen in person or online, and although most abusers are adults, some victims are exploited by their peers. There is often a misconception that only children from disadvantaged or chaotic backgrounds can be drawn into sexual exploitation because of their existing vulnerabilities. Whilst these children may be more at risk, abusers are very clever in the way they manipulate and take advantage of the children they abuse. Any child or young person can be taken in by their deception, no matter their background.

### **How does it happen?**

There are numerous routes into sexual exploitation, many of which involve grooming. There is a growing understanding within agencies responsible for child protection that grooming plays an integral part in the sexual exploitation of children and young people. This is recognised within Section 1 of the [Protection of Children and Prevention of Sexual Offences \(Scotland\) Act 2005](#), which makes it a criminal offence to groom a person under the age of 16.

Many young people are groomed by an abusing adult who befriends the young person and makes them feel special by buying gifts or giving them attention. In most cases, the abuser will have power of some kind over the young person. It may be that the abuser is older or more emotionally mature, physically stronger, or that they are in a position where they are able to control the young person. There are some situations that can make young people

more vulnerable to exploitation. Young people who are having difficulties at home, who go missing regularly, or who have experienced care may be particularly vulnerable.

Barnardo's has distinguished three **distinct models of abuse**, which practitioners may find helpful in understanding how perpetrators operate:

- **Inappropriate relationships:** this usually involves just one abuser who has power – physical, emotional or financial; or control over a young person. The young person may believe they have a genuine friendship or loving relationship with their abuser.
- **Boyfriend:** the abuser grooms the victim by striking up a normal relationship with them, giving them gifts and meeting them. A seemingly consensual sexual relationship develops, but later turns abusive.
- **Organised exploitation and trafficking:** victims are trafficked through criminal networks, often between towns and cities, and can be forced or coerced into sex with multiple men. They may also be used to recruit new victims. This serious organised activity can involve the buying and selling of young people.
- **Technology:** young people's access to the internet makes traditional protective factors more difficult to apply. Protection messages for children and young people on the safe use of technology should include reference to raising awareness on child sexual exploitation and the appropriate response if they are concerned about their own safety or that of others. All young people may be at risk, whether due to a lack of confidence and experience in the online world, or high exposure due to increased accessibility.

### **Where does the risk come from?**

**Content** – children and young people accessing pornographic material or being exposed to unwelcome sexual content.

**Contact** – being targeted by a stranger who develops a relationship with the intent of sexually exploiting the child/young person.

**Conduct** – children and young people creating, uploading or seeking out sexually inappropriate material.

**Combinations** – content, contact and conduct are intrinsically linked and young people can be exposed to different risks at different times.

### **Policy and legislative context**

[The Edinburgh and Lothians Inter-Agency Child Protection Procedures](#) (2015) reflect our collective commitment to inter-agency collaboration and joint responsibility, and will be followed by all services in dealing with child protection concerns. For children, young people

and their families, these procedures set out what can be expected from the professionals who have a responsibility for their protection.

[Edinburgh's Policy Statement on Sexual Exploitation](#) is a statement of commitment by all the partners in Edinburgh. It provides a set of guiding principles and definitions in relation to the prevention of sexual exploitation, the support and protection of victims and the disruption and prosecution of offenders. It is based on the shared belief that sexual exploitation of vulnerable individuals is unacceptable and will not be tolerated. We aim to reduce the risk by challenging misunderstandings about the children, young people and adults who are victims of sexual exploitation, and emphasise the need to focus on disrupting perpetrators.

[The United Nations Convention on the Rights of the Child](#) (1989) is an international agreement, which protects the human rights of children under the age of 18. It forms the basis for GIRFEC, and the Scottish Government has committed to embed this agreement into all of its work with children and young people. The United Nations Convention on the Rights of the Child (UNCRC) is clear within articles 35 and 36 that the state shall protect children from sexual exploitation and abuse, including 'prostitution', trafficking for sexual purposes and involvement in the production of child sexual abuse images.

[Getting It Right for Every Child](#) provides a framework for all those who work with children and young people. The framework puts children and young people at the heart of service provision, as well as encouraging inter-agency working to ensure children and young people have the best start in life. GIRFEC is being worked into policy and practice. The [Children and Young People \(Scotland\) Act, 2014](#) embeds the core principles of GIRFEC in legislation.

The 'Lead Professional' is the person within the network of practitioners supporting the child and family who will make sure that all agencies act as a team and the help they offer fits together seamlessly to provide appropriate support. The 'Named Person' acts as a main point of contact for children and families to help them access universal services.

[Vulnerable Children and Young People: Sexual Exploitation through Prostitution \(2003\)](#) highlights that sexual exploitation is abuse and should be treated accordingly. Any criminal justice action must focus on investigating and prosecuting those who are involved in abusing children. This includes not only those who sexually abuse children directly, but also those who coerce and are involved in the sexual exploitation of children in any way.

[The National Guidance for Child Protection in Scotland \(2014\)](#) provides a framework for all those working with children and young people to enable all organisations, services, agencies, practitioners and individuals to protect children and promote their wellbeing. The guidance sets out key responsibilities and information regarding strategic planning of services and their delivery. Guidance on specific issues, such as child trafficking is also provided for practitioners working at local level. The guidance has specific sections, which should be read alongside this document.

[The National Risk Framework to support the Assessment of Children and Young People \(2012\)](#) is a national risk assessment toolkit for child protection to support

practitioners in identifying and acting on child protection risks for children and young people. Based on the GIRFEC approach to well-being and on the National Practice Model, it sets out a process for assessing risk to enable practitioners to consider key factors in the child or young person's life. The factors include risk as well as resilience and protective issues. It can be used alongside any other assessment frameworks specifically designed to assess particular circumstances where children or young people may be at risk of harm or abuse at home or in the community.

## Identification and Prevention

Child sexual exploitation is a hidden form of abuse and is not visible until we recognise some of the signs and begin to enquire further. Therefore staff should apply professional curiosity when there is any indication of a child or young person being exploited.

Children and young people who are the victims of sexual exploitation often do not recognise that they are being exploited. This makes it very hard to identify victims. It is therefore essential that we are able to recognise the signs and provide an appropriate response or intervention.

Children at risk of sexual exploitation may find themselves in high risk situations, isolated from protective, nurturing adults. Of particular relevance is the impact of those who may have groomed and conditioned children in order to coerce and abuse them. Children may be under very strong pressure, intimidated, afraid or dependent on those who have exploited them, especially where substance misuse is a factor. Children may therefore reject offers of help and support, and we need to work creatively with them to address this.

There are a number of signs that a child may be being groomed for sexual exploitation. Practitioners who have regular contact with children and young people have a key role in understanding the connections between these behaviours and the wider context of the young person's life.

Practitioners should exercise professional curiosity. If it is believed that there is any indication, however slight, that a child could be at risk, action should be taken and information should be shared.

Child sexual exploitation is widespread and can affect all young people, but there are certain vulnerabilities, which can make a young person more susceptible to exploitation.

### **Vulnerability Factors include:**

- **A disrupted family life:** young people who get drawn into child sexual exploitation often have a chaotic or disrupted home life. This can include parental breakdown or separation and being looked after by the local authority.
- **A history of abuse and disadvantage:** this can include emotional, physical and sexual abuse as well as neglect.

- **Problematic parenting:** an evaluation of several child sexual exploitation services in the UK found that there was a huge deficit in the parenting capabilities of many parents of children who were exploited sexually. Fathers were often absent. Some young people move into adult life prematurely.
- **Disengagement from education:** school plays an important safeguarding role in a young person's life; if they disengage from education, they can be left vulnerable. They may become disconnected from their peers and lose sense of a regular routine.
- **Learning difficulties:** a young person with learning disabilities may be less able to recognise the risky situations they may be getting themselves into and they may be more susceptible to exploitation.
- **Going missing:** many young people have a history of going missing from home or care for various reasons. This leaves them susceptible to exploitative adults who may offer them a place to stay or somewhere to pass the time.
- **Poor health and well-being:** low self-esteem in adolescence may leave some young people vulnerable to older people who compliment them and make them feel good about themselves by offering them gifts and giving them attention.
- **Drug and alcohol misuse:** alcohol and drugs are frequently used in the grooming process. For young people who already have problems with substance misuse, this makes them easier targets for exploitation. They are more likely to be lured into risky situations by the incentive of drink or drugs. In the evaluation of several child sexual exploitation services in the UK, substance misuse was a key factor in approximately three quarters of cases.

### **The impact of drink and drugs**

Underage drinking (offences related to sale and supply) and drug taking are criminal activities. Substance misuse can mask the exploitation and criminality and make adults less sympathetic to the young person's situation.

Perpetrators may lure young people in with the promise of drugs, alcohol, parties and a good time. Young people may come to rely on drink and drugs to cope with the sexual exploitation they are experiencing.

### **Know the signs – risk indicators**

There are a number of indicators to which practitioners should be alert as signs of child sexual exploitation. These indicators should trigger concerns and a proportionate response.

Risk indicators can include, but are not restricted to:

- **Staying out late and going missing:** does the young person regularly return home late? Is the young person missing overnight or for longer with no known home base?

- **Multiple callers:** does the young person regularly receive calls or messages from unknown adults or young people who may be slightly older than them? Perpetrators of child sexual exploitation routinely use mobile phones as a means of controlling their victims.
- **Excessive use of a mobile phone or multiple mobile phones:** does the young person use their mobile phone more than would otherwise be expected of them? Are they secretive about who they are contacting and why? Young people are often given more than one mobile phone so that perpetrators can contact them.
- **Expressions of despair:** is the young person displaying signs of self-harm, overdosing, eating disorders, challenging behaviour or aggression?
- **Disclosure of abuse followed by withdrawal of allegation:** has the young person disclosed being abused and then retracted the allegation? This can indicate fear and intimidation.
- **Sexually Transmitted Infections (STIs) and unwanted pregnancies:** has the young person contracted an STI or disclosed an unwanted pregnancy? These are often signs of unsafe sex and could indicate sex with multiple people.
- **Peers involved in sexual exploitation:** has the young person disclosed peers being sexually exploited? It is very common for peers to be the gateway into child sexual exploitation.
- **Drug and alcohol misuse:** has the young person started experimenting with drugs or alcohol? Drink and drugs are a central part of the grooming process. Young people may start to normalise the sexual behaviour that follows, even if they don't like it at first, because it leads to the good feelings of drugs and alcohol.
- **Use of mobile devices that cause concern:** does the young person spend more time than usual online? Are they secretive? Are they accessing inappropriate websites? The internet is a very effective means for perpetrators to connect with, groom and exploit young people. They can have almost unlimited access to young people via social networking and gaming sites, whilst grooming them for face to face exploitation.
- **Lack of positive relationship with a protective or nurturing adult:** does the young person have a strong adult figure in their life to whom they can turn? If they do not have a nurturing adult in their lives, they may look elsewhere.
- **Truancy or exclusion:** has the young person been excluded from school or been truanting persistently? Young people who are not in school during the day may be more at risk of sexual exploitation. Living independently and failing to respond to attempts by a worker to keep in touch: has the young person started withdrawing from their social and formal networks? Perpetrators will try and separate young people from their networks of support. They may try and convince the young person that their family and friends do not care about them.

- **High number of sexual partners:** is the young person displaying signs of sexual behaviour with multiple partners? This may be a sign of exploitation; the young person may be being coerced or forced into having sex with others.
- **Unexplained amounts of money or other material items:** does the young person turn up with expensive clothing or other items? Children who appear to have new clothes, jewellery, mobile phones or money that cannot plausibly be accounted for may be being groomed.

Other **significant** risk indicators to look out for include:

- presence of an older boyfriend or relationship with a controlling adult
- abuse by boyfriend or controlling adult
- entering and leaving vehicles driven by unknown adults
- frequenting areas known for street prostitution
- physical injury or symptoms of abuse
- children under 13 years asking for sexual health advice
- being taken to flats, houses or hotels and engaging in sexual activity.

### **Lack of disclosure and response**

Disclosure of sexual exploitation is always difficult for children. The sophisticated grooming and priming processes executed by abusing adults and the exchange element of this form of abuse can act as additional barriers, which increase denial and make disclosure especially difficult.

Children and young people who are victims of sexual exploitation can display disruptive and difficult behaviour and often fail to recognise that they are being exploited. This presents practitioners with many challenges in providing the support they need to escape exploitation. The grooming process may be so effective that young people believe they are in a real relationship over which they have control.

Young people are unlikely to disclose information to people they do not trust. If they feel as though an adult does not understand or that they will judge them, they are unlikely to disclose what is happening.

### **Challenges practitioners face in identifying and responding to sexual exploitation as a child protection issue:**

- **Age** of the child or young person – responses can vary if the child is 16 years and over. Nevertheless, there should be a robust inter-agency response.
- **Gender** of the child or young person – responses can vary if the child is male. Practitioners should guard against making assumptions based on gender.

- **Sexuality** of the child or young person – responses can vary if workers are focused on the possibility of young people exploring their sexuality.
- Difficult **behaviour** of the child or young person.
- **Scale of child sexual exploitation** – some disclosures may seem implausible to workers.
- Children may be involved in other **criminal activity**.
- **Lack of awareness or training** on the part of the practitioner.
- **Lack of understanding** of the child protection response to be triggered.
- **Lack of disclosure** – children do not see it as abusive or dangerous and trivialise or blame themselves.
- **Fear** of what follows disclosure.
- **Continuity** in support to young people aged 16 years.

**What prevents young people disclosing sexual exploitation?** Young people rarely self-disclose directly, sometimes because they **do not recognise** the exploitation. Other inhibiting factors are set out below.

- Loss of supply of alcohol, drugs
- Loss of “boyfriend” – love and attention
- Fear of retribution from other young people
- Fear of domestic abuse from “boyfriend”
- Shame – family, friends and workers finding out
- Fear of letting everybody down
- Fear of being labelled a prostitute or gay
- Fear of not being believed
- Fear of separation from family or change of placement
- Threat of secure accommodation
- Fear of loss of control following disclosure
- The perceived benefits of the exploitation appear to outweigh risks
- Fear that the situation will get worse

**All young people have a right to be:** listened to; respected; valued and feel valued.

These are key principles for practitioners when it comes to reading the signs of child sexual exploitation.

### **Key messages from recent significant case reviews (SCR)**

Several SCRs have been undertaken over recent years in response to cases of child sexual exploitation. The SCRs are intended to draw out what went wrong and find out what lessons can be learned for individual agencies, so that similar things do not happen again.

The SCR in Rochdale uncovered several themes.

- Services **not listening** to young people
- Young people felt that they had given sufficient information for the agencies to protect them, but **nothing changed** and the abuse carried on
- Parents were told by the police that their daughter was associating with the wrong crowd and was **making choices** about relationships and sexual partners
- Perpetrators had **control** over every element of their lives
- **Threats** and the **use of violence** – towards young people and their families
- **Threats towards families** as one of the main reasons for not telling parents and coming forward to services
- Young people were told they would **not be believed**
- Young people with **no hope** of escape
- Even when the young people cooperated with services, nothing changed and **the abuse continued**

### **Emerging themes contained within the Independent Inquiry into Child Sexual Exploitation in Rotherham are set out below.**

- Leadership, in particular from elected members, senior police and council officers is critical
- Inappropriate negative attitudes of agencies to challenging behaviour of looked after and accommodated children and young people, and/or young people presenting difficult behaviour in local communities
- Need for trauma-informed awareness
- Taxi services linked to organised crime
- Resources, volume of demand and pressures on staff
- Rarity of prosecutions

- Traditional statutory approaches versus the effectiveness of community and third sector resources, which may connect better with local communities
- The line between a reluctance to believe and active collusion
- Inaction justified by fear of accusations of racism; a simplistic understanding of a complex dynamic
- Need for effective:
  - awareness-raising
  - strategic planning
  - resource allocation
  - professional supervision
  - engagement with children, young people and their families
  - engagement with local communities
  - criminal investigations

## 16 and 17 year olds

It is important to remember that just because a young person is over the age of 16 – irrespective of whether they are subject to a statutory order – it does not mean they cannot be victims of child sexual exploitation. A young person who has been subject to a complex pattern of life experiences, including sophisticated grooming, does not stop needing support and protection when they reach the age of 16. They remain a vulnerable young person with ongoing needs. A person’s vulnerability will depend on their circumstances and environment, and each case must be judged on its merits.

Practitioners should take account of child protection and adult protection procedures when considering 16 and 17 year olds. **The age of the individual concerned should not be a barrier to an Inter-agency Referral Discussion taking place. A response proportionate to the level of risk being effected is the priority.**

## Roles and responsibilities

As all child sexual exploitation will warrant a child protection referral, individual and agency roles and responsibilities must accord with those set out in the [Edinburgh and Lothians Inter-Agency Child Protection Procedures](#) (2015).

**The Edinburgh Child Protection Committee** (CPC) is an inter-agency strategic partnership responsible for the design, development, publication, distribution, dissemination, implementation and evaluation of child protection policy and practice across the public, private and third sectors in Edinburgh. The CPC’s role is to provide individual and collective leadership and direction for the management of child protection services in the city.

### Monitoring

The CPC will ensure that monitoring arrangements are in place. The number of strategy meetings held under this protocol, number of children involved and any deficits in service provision will be recorded and monitored by the CPC in order to evidence local prevalence and need, and to ensure adequate service provision.

Member agencies are encouraged to collect information to monitor prevalence, activity patterns and effectiveness of interventions for children who are sexually exploited.

#### Understanding prevalence

Child sexual exploitation is a hidden issue. There is no central system for recording cases, meaning that it can be difficult to get an accurate picture of the number of young people at risk. However, without systems in place to monitor local levels of risk, young people who are experiencing exploitation are all the more likely to go unnoticed and unprotected.

#### Accessing specialist support

Child sexual exploitation is a child protection concern and support will always be available from the core agencies, alongside any other specialist supports, where available. It is vital that the right specialist support is available to help young people exit and recover from exploitative situations, and that there are clearly determined pathways from universal to specialist services.

#### Raising awareness

Professionals in universal services have a critical role in identifying and addressing sexual exploitation. Frontline staff in services for children and young people should be able to recognise the warning signs and risk factors of child sexual exploitation and know how to respond using child protection procedures. The Edinburgh Child Protection Committee has a role in engaging with the public to raise awareness of child protection issues, including child sexual exploitation, providing advice on what the public should do if they have concerns. A communication strategy has been developed to form part of the Speak Up – Speak Out publicity campaign.

### **Police Scotland**

The priority for Police Scotland is the safety and wellbeing of the victim. A child centred approach should always be adopted during efforts to secure evidence to prosecute offenders. All intervention and disruption opportunities for perpetrators should be fully explored and implemented. This role should be carried out in accordance with the principles of multi-agency cooperation to protect children.

The role of the police is central to tackling child sexual exploitation. Victims often display behaviours deemed anti-social and sometimes criminal, such as underage drinking, drug taking, underage sex, truancy and other risky behaviours. The police therefore are often on the frontline and are best placed to pick up on these indicators. A balance must be struck between dealing with anti-social or criminal behaviours and being alert to signs of child sexual exploitation.

The single force gives increased opportunities for national training on the issue, stronger

multi-agency relationships and action to ensure there is always a culture of support for victims.

Set out below is a checklist of core features for effective local policing of child sexual exploitation.

- Clear responsibility for the issue
- Officers with specialist knowledge
- Force-wide training; strong, local multi-agency links; strong cross-border police links
- System to identify child sexual exploitation on local police data bases
- Culture of support for young victims

#### Responsibility

Police action on child sexual exploitation needs strong leadership to ensure that it is not undermined by staff changes or resource pressures. This lead should be clear to police and external agencies.

#### Specialist Officers

Dealing with young people who may have been sexually exploited presents specific challenges, even for experienced officers. Having officers with specialist knowledge can help young people in giving evidence, enhance inter-agency working and assist in developing a picture of local abuse. Interviewing child witnesses requires a sensitive approach and tailored specialist support.

#### Force-wide training

Both frontline officers and senior officers should have training. Training senior staff promotes a force-wide understanding of the importance of tackling this abuse. Any training should be updated as knowledge of the issue continues to develop.

#### Database indicator

The interim Vulnerable Persons' Database (iVPD) enables Police Scotland to flag child sexual exploitation on the national database (whether known or suspected cases) to help police profile the local problem and manage individual risks.

#### Multi-agency links

Police Scotland is central to the efforts to tackle child sexual exploitation and is represented by senior staff on the Edinburgh Children's Partnership, Edinburgh Child Protection Committee and the Edinburgh Chief Officers' Group – Public Protection.

#### Cross-border links

Policing needs to respond to cross-border movement by abusers and victims. Systems for working with neighbouring police forces would reinforce individual efforts to tackle child

sexual exploitation.

### Culture of support

Young victims of sexual exploitation and young people who are highly vulnerable deserve to be treated sensitively by the police. Furthermore, they need confidence in the police before they will engage with efforts to protect them or prosecute the abusers.

### Missing from home

Police Scotland is also the main agency involved when a young person is reported missing, runs away from home or absconds from a residential unit. We know that children who go missing or run away regularly are at risk of becoming involved in sexual exploitation. Going missing may also be an indicator that sexual exploitation is occurring. Police Scotland has been instrumental in the development of new procedures for **Looked after Children who go Missing from Residential and Foster Care in Scotland**.

A UK survey conducted in relation to Barnardo's sexual exploitation services found that 44% of all service users had gone missing on more than one occasion. Findings were similar in the University of Bedfordshire study, which found that over half of young people using sexual exploitation services on one particular day were known to have gone missing.

The entrapment of children and young people in sexual exploitation does not occur overnight. They may become more vulnerable if they are spending a lot of time away from home, from their care placement or from school because they are running away. Each time a young person is reported missing the police should assess their level of risk. If a young person goes missing regularly, there is a danger that professionals become complacent, believing the young person will return as usual or that they can somehow manage. This is when they are at greatest risk and we know that the people who exploit children in this way are all too aware of how the system works.

Running away or going missing should not be seen as normal teenage behaviour, it should not be assumed that they will be okay if they are 'streetwise' and will return when they are ready. Unhappy, lonely young people are flattered and seduced by the attention of adults who will appear to sympathise with their situation. In short, they become highly vulnerable to the well-rehearsed grooming techniques of abusing adults.

The Edinburgh CPC will ensure that relevant agencies know what to ask a child or young person when they go missing, ensuring that the response and support are appropriate, sensitive and timely. Key questions are set out below.

- **Where have they been staying?** Have they been sleeping rough or staying with 'friends'? Perpetrators often offer accommodation to runaways as part of the grooming process.
- **In what locations have they been staying?** Internal trafficking of young people is an increasing problem. If a young person goes missing regularly and for several days at a time, they may have been taken to other towns or locations as part of the exploitation.

- **With whom have they been?** Those intending to exploit children sexually may specifically target and befriend young runaways by offering gifts and friendship. Other young people already involved in child sexual exploitation might be persuaded to draw in other vulnerable young people on the street.
- **Have they been drinking or taking drugs?** Substance misuse is a common facet of child sexual exploitation. Perpetrators may lure young runaways to 'parties' with the promise of drink and drugs to facilitate exploitation.
- **What problems led them to run away?** Finding the route cause is key to preventing the young person from going missing again.

## Social Work Services

Social work services have a statutory general duty for the promotion of the welfare of the person. Children's social work services have a specific responsibility for:

- supporting families to maintain children at home and in their community where appropriate
- investigating allegations of child abuse
- where necessary, providing appropriate care placements for children.

The Council has a statutory duty under the Children (Scotland) Act 1995 and the Children's Hearing (Scotland) Act, 2011 to safeguard and promote the welfare of children in need and to enquire into the circumstances of children and young people who may require compulsory measures of supervision, who may have been abused or neglected or be at risk of abuse or neglect, and take all measures to protect them from further harm.

All social work staff have responsibilities to respond to the needs of children who may be vulnerable or at risk of abuse. This includes those working in criminal justice, substance misuse workers, hospital social workers and child and adolescent mental health workers. All staff must work in close collaboration with their colleagues in children and families services to protect children who may be at risk of harm or abuse. **All staff across social work services** have a duty to contribute to the assessment of risk of all children.

All referrals received suggesting a child may be in need of protection will be dealt with through an Inter-Agency Referral Discussion, as a matter of the highest priority, on the same working day.

In all referrals suggesting that a child is in need of compulsory measures of supervision, social work staff will make enquiries and give the Children's Reporter all relevant information about the child.

Criminal justice social work staff have a statutory responsibility with the police for supervising and managing risk from adults who have committed offences against children.

### Corporate Parenting

There are difficult boundaries and balances around the roles and responsibilities of corporate parents with regard to the sexual activities of children in their care. However, there is often a danger that behaviour, which could be part of child sexual exploitation is sometimes not checked and challenged quickly enough in residential units or foster placements.

Edinburgh's Integrated Plan for Children and Young People is supported by the Corporate Parenting Action Plan. This was launched in March 2012, with 36 actions points under six key themes: Leadership; Health and Wellbeing; Education; Employment and Training; Support and Protection; and Accommodation. Following significant consultation and engagement with stakeholders, including children and young people, the refreshed Corporate Parenting Action Plan was launched in May 2014.

### Vulnerabilities of accommodated children

Looked after children and young people, especially those who are accommodated are particularly vulnerable to sexual exploitation. Perpetrators will often target residential homes because they know the young people there will have existing problems and vulnerabilities, which have led to them being accommodated. Residential workers must be able to recognise the signs and have a good understanding of what to look for, such as going missing, disengagement from education, appearing with unexplained gifts, and changes in temperament or mood. Staff should take positive action to clarify and record any concerns, and minimise the child's involvement in child sexual exploitation. If suspicions are confirmed, the following steps should be taken.

- **ALWAYS** treat as a child protection response.
- Treat the child as a victim.
- Ensure that all relevant information is recorded in the child's care plan and file concerning adults and identifying information, e.g. appearance, street names, car registration details, telephone activity, the child's patterns of going missing, together with decisions and directions for action.
- Make every effort to dissuade the child from leaving to engage in child sexual exploitation by talking to them, involving them in alternative activities, and ensuring they have the resources to attend those activities, including escorting where necessary.
- Consider the joint protocol in relation to children who go missing from local authority care.

- Ensure the child is aware of the legal issues involved, for example that those exploiting them are committing a range of offences.
- Monitor telephone calls, text messages and other correspondence, clarifying the possibility of police downloading information from young person's mobile phone (this is a measure Police Scotland may implement to evidence an enquiry). Reasons for intercepting letters and calls (for example, they relate to a dangerous adult) should be included and agreed as part of the care plan.
- Monitor callers to the home or adults collecting children by car. This may involve turning visitors away, or passing information directly to the police; monitor any suspicious activity in the vicinity of the home and inform the police.
- Use appropriate methods, in accordance with relevant guidance, to prevent the child leaving home to engage in child sexual exploitation (these should be recorded in the care plan).
- Where these efforts fail, and the child leaves, staff need to decide whether to follow them and continue to encourage them to return.
- If they will not return, staff should inform the local police that the child is missing and pass on all relevant information.
- Liaise with outreach agencies, so they can look out for a child who has gone missing.
- Offer sensitive and welcoming responses to children returning home.
- Identify or be able to describe the adults who are spending time with the young person.

## **Education Services**

Any concerns that a child is at risk of sexual exploitation should be raised with the relevant 'designated member' of education staff, who should share that information with social work, in line with the school's child protection procedures.

Many victims of child sexual exploitation are disengaged from education and may be either permanently or temporarily excluded from school, not attending school and not in employment.

Staff in schools, further education colleges and other education establishments are well placed to recognise and refer children who are exposed to the risk of sexual exploitation. Disengagement from education is a strong indicator of involvement in child sexual exploitation. Staff are also in a position to support children to reduce vulnerability and risk of sexual exploitation and to support abused children to recover.

- School staff should be alert and competent to identify and act upon concerns that a child is vulnerable to, at risk of, or experiencing abuse through child sexual exploitation. They should be familiar with vulnerability and risk factors and appropriate associated actions in relation to each level of risk.
- Relationship, Sexual Health and Parenthood studies (RSHPE) within curriculum for excellence provides a sound platform through which to explore ideas around healthy sexual relationships and to provide children and young people with a sense of control about their bodies and selves. This also needs to include opportunities for children and young people to understand the very real risks involved in staying out late and going missing from school, home or care.
- Staff should be aware of the importance of sharing any concerns related to children and young people who go missing during the school day and reporting information that perpetrators may be targeting the school.
- Any concerns should be passed to the school's 'designated member' of staff for child protection. They should monitor information to identify when more than one child in the school or community may be being targeted for child sexual exploitation. These lead individuals should have or develop a level of expertise in relation to child sexual exploitation. They should be able to advise within their school or service on identifying and referring a child at risk and how their agency can contribute to risk reduction work and a protection plan.
- All schools and educational facilities should ensure that staff receive appropriate training to ensure they are competent to identify a child who may be vulnerable to child sexual exploitation and act accordingly.

## **Health Services**

Any health professional with concerns that a child is at risk of, or is being abused through child sexual exploitation (based on vulnerability and risk factors set out in the sexual exploitation risk assessment framework) has an individual responsibility to share concerns with the on-call paediatrician for child protection, the NHS Lothian child protection advisor, police or social work, in line with child protection procedures. There should be no delay in sharing concerns.

Health professionals, and especially those working in sexual health clinics, are on the frontline when it comes to child sexual exploitation. Health provision is a universal service and staff may have more opportunities to spot indicators that a child or young person is being abused in this way.

Sexual health workers are in a position to communicate with young people and encourage disclosure if they suspect sexual exploitation. Health professionals in sexual health clinics may not be viewed in the same way as other professionals in a young person's life. Young people may feel less likely to be judged because staff deal with sexual health issues on a daily basis. It is important therefore that they and other health professionals who come into

contact with children and young people are able to recognise the signs of child sexual exploitation and can ask questions in a sensitive manner.

Health professionals are in a prime position to gather information and build trusting relationships with young people. These can result in positive outcomes in both meeting the needs of young people and identifying the perpetrators of child sexual exploitation.

Health professionals should be familiar with vulnerability and risk factors and appropriate associated actions in relation to each level of risk.

Signs to look out for in young people include:

- pregnancy, termination or miscarriage
- pregnancy in very young girls
- young people asking for contraception
- young people engaging in sexual activity at a young age
- young people disclosing rape and sexual assault
- young people being presenting multiple times at Accident and Emergency, particularly for sexual or physical assault
- sexually transmitted infections

Relevant information **MUST** always be shared when there is suspicion of child sexual exploitation or any form of abuse.

The National Guidance: *Under-age Sexual Activity: Meeting the Needs of Children and Young People and Identifying Child Protection Concerns (2010)* provides direction.

“The needs of each child and young person are the primary consideration when professionals decide upon the relevant and proportionate sharing of information... confidentiality does not prevent information sharing where there is the risk of significant harm to the young person or others.”

In addition, the Scottish Government Child Protection Guidance for Health Professionals 2013 states that:

“When it is recognised that a child or young person’s safety is compromised and/or that they are likely to experience significant harm, health care staff have a responsibility to follow local procedures for reporting and sharing these concerns”.

## **Other Services**

Everyone has a responsibility to act if they suspect a child is being harmed or abused in any way. The role of staff in relation to children abused through child sexual exploitation is in the prevention, recognition and referral stages.

Key frontline workers include street wardens, shopping centre security, concierges, CCTV operatives and staff in pubs, clubs or hotels. Most sexual exploitation takes place in private. However, public places such as cafes, hotels, B&Bs, cars, parks or taxis can be used to meet, groom and abuse children.

All staff must be vigilant – from landlords to security staff, and from petrol station attendants to takeaway workers. People working in the night time economy are particularly well placed to notice whether exploitation is occurring in their area and pick up valuable information.

If concerns are raised, they should be progressed in accordance with the Edinburgh and Lothians Inter-Agency Child Protection Procedures.

Signs to look out for include, but are not limited to a young person:

- being taken into a hotel room by one or more adults who do not seem to be family members
- being in a hotel room which is visited or requested by a number of additional adults
- going by taxi to a hotel or other venue to meet a group of adults who do not seem to be family members
- being out late with older adults who do not seem to be family members
- being bought alcoholic drinks by adults although they are already intoxicated
- being in the company of adults who are known or suspected of being involved in adult prostitution
- being bought food or drinks by a much older adult whom they seem to see as a boyfriend/girlfriend
- showing indications of sexual activity with one or more adult who is significantly older than the young person
- showing indications of sexual activity when they are known or suspected to be under 16
- being moved around for the purposes for sexual exploitation (internal trafficking).

Hotels, B&Bs and local authority tenancies can be central to the process of child sexual exploitation. Staff therefore must be aware of the signs and alert to groups of older men frequenting rooms with young people. The authorities should be contacted immediately if any illegal activity is suspected.

While housing staff will not be directly involved in the investigation of alleged or actual abuse, they may have important information regarding families or individual tenancies to contribute to a child protection investigation or assessment. They should be prepared to share this information and to attend case conferences, as required. Housing services often play a key role in the management of risk posed by dangerous offenders. Where the local authority does not provide the housing service, independent housing organisations and associations should play an active role in supporting and identifying vulnerable children.

## **Voluntary Sector and Community Groups**

Many young people are reluctant to engage with statutory services and might find voluntary agencies more approachable sources of help. By working in partnership with statutory bodies, voluntary agencies are able to offer services that help young people understand the grooming process, and raise awareness of risks and the implications of risk taking behaviour.

There is a wide range of specialist and other voluntary and community agencies and groups (youth clubs, sport, drama groups, faith groups, etc.), which might be well placed to identify children who are at risk of, or are being exploited. Voluntary and community sector agencies often have a close relationship with their local communities and can develop trusting relationships and maintain a link to the children or young person if they disengage from statutory services. Outreach agencies are often the first point of contact for children in risky situations, and specialist voluntary agencies often have the opportunity to provide vital support to reduce the risk.

- Staff should be alert and competent to identify and act upon concerns that a child is vulnerable to, at risk of, or experiencing abuse through child sexual exploitation.
- Agencies and services should pass any information or concerns to the designated child protection officer. These lead individuals should have or develop a level of expertise in relation to child sexual exploitation. They should be able to advise their team or service on identifying and referring a child at risk and how their agency can contribute to risk reduction and a protection plan.
- Any concerns that a child is at risk of sexual exploitation should be raised with their designated lead for child protection, who should share their concerns in line with the agency's child protection procedures.
- All agencies should ensure that their child protection procedures include reference to the responsibilities outlined in this guidance.
- It is essential that voluntary agencies and community groups operate as multi-agency network partners in order to provide children with access to the widest possible range of intervention and support services.

### **What should all practitioners be doing? Looking past the behaviours being displayed to find the root causes.**

A recent case review in Torbay following an incident of child sexual exploitation concluded a range of lessons to be learned.

“Action that was taken was often focused on addressing the immediate presenting concerns, such as offending behaviour, drugs and alcohol misuse and sexual activity, rather than identifying and addressing the underlying reasons why the young persons were presenting as they were. Their behaviour was often justified or excused as ‘their choice’ and as ‘adolescent behaviour’, and was not considered to be a reaction to

longer term deeper issues or current abusive relationships”

### **What can I do as a practitioner?**

As a practitioner working with children and young people, you may have opportunities to identify issues early, so it is important to familiarise yourself with the signs that a child or young person is being exploited and to share this information with your colleagues or practitioners in other agencies.

**Some of the steps you can take to help protect young people are set out below.**

- **Staying alert** to changes in behaviour or any physical signs of abuse and investigating these further.
- Ensuring you know the child protection lead in your work place and that you are **aware of the procedure** to follow if you have concerns about a young person.
- Thinking about ways that you might be able to **support and help young people** more effectively to share information if they are worried about their own or another young person’s situation.
- **Identifying opportunities to educate** young people and their parents about healthy relationships and about sexual exploitation.

**Barnardo’s has developed a model of practice called the 4 As for adults working with children.** Following this model may encourage children and young people to disclose any abuse or exploitation they are experiencing. This is more likely to result in the appropriate support being provided.

**Access:** services for children and young people should be provided in a safe, attractive environment; they should support young people on their own terms and most of all build trust.

**Attention:** give young people time and positive attention, focusing on what matters to them. Often, victims of child sexual exploitation will have been drawn to their exploiter through a need for love and attention that they may not have been receiving elsewhere.

**Assertive Outreach:** make consistent and persistent efforts to contact the young person through a range of methods. Victims of child sexual exploitation are often targeted because of their existing vulnerabilities. These children and young people may be seen as hard to reach or ‘troubled’. In addition, many victims will be reluctant to disclose or may not even realise they are a victim. It is therefore all the more important to persevere and not give up if the child or young person is not receptive to help initially.

**Advocacy:** support young people to get the services they need. It is very important

to advocate on behalf of the child and not stigmatise them for their involvement in sexual exploitation. Sign-posting young people to the appropriate services will enable them to get the support they need. Additional stigmatisation or criminalisation may push them further into exploitation.

### **Working with children and young people**

Working with children and young people for whom sexual exploitation is an issue requires a holistic approach and the investment of time and resources in long-term intervention. An important aspect of the work is maintaining contact and being available to children and young people until they reach a point where they are ready to think about their situation and accept support. The process and effort spent by a worker on relationship building are important factors in their reaching this stage. When these windows of opportunity present, they should be capitalised on fully, providing the right support at the time it is required by the young person. This can only be achieved through the cooperation and joint working of an established network of appropriate agencies.

Establishing a positive trusting relationship with vulnerable children and young people takes time. A relationship needs to be developed, which offers something tangible to the child or young person. At the same time, it is important to acknowledge that workers are not providing friendship, but a professional support and protection service. Change needs to happen at a pace that is set by the young person; provide real choices; and promote a sense of positive control for the young person. Working with children and young people who are exposed to risk and experiences of sexual exploitation requires an approach that is non-judgmental.

- Intervention should begin with relationship building, and assessment of risks and vulnerabilities with the child or young person.
- Honest discussions and inclusion in assessment and planning processes will assist the child or young person to feel included, and will create a sense of ownership and connection with the plan.
- The plan should address each of the identified areas of risk.

Workers need to be realistic about expectations and to understand that this is long-term, intensive work, where progress will not always be consistent.

If the child is in a residential unit, staff should be asked to take positive action to clarify and record any concerns and minimise the child's involvement in sexual exploitation.

If the child is in foster care, the social worker and fostering link worker should meet with the foster carer to decide which of the above steps could reasonably be taken by the foster carer as part of the multi-agency plan.

The child's behaviour and attitude may be extremely challenging, and carers and staff will require ongoing support, advice and training to allow them to respond appropriately and effectively. These needs must be considered and resources identified, either by the manager of the residential unit, or the fostering link worker. The Emergency Social Care Service

should be made aware of how to respond out-of-hours.

### **Young people aged 18 years and over**

In cases where a young person entitled to receive services under the Children and Young People (Scotland) Act, 2014 is assessed as at medium or high risk of abuse through sexual exploitation, the actions above should be followed.

The pathway planning should specifically identify their vulnerability to sexual exploitation, and address the factors known to impede successful recovery, e.g. homelessness, poverty, lack of educational and employment opportunities and lack of supportive social contacts.

Information and awareness raising actions, and where necessary, work to reduce the risk of sexual exploitation should be included in the pathway planning process. Risk should be assessed and addressed on an ongoing basis. For children and young people under the age of 18, liaison between social services and the Police Public Protection Unit is also required.

A young person who has been subject to negative life experiences, including sophisticated grooming, which have brought them to a point where they are at risk of, or are abused through, sexual exploitation will continue to need support and protection when they reach the age of 18 years. They remain vulnerable, with ongoing needs. A person's vulnerability will depend on their circumstances and environment, and each case must be judged on its merits. Consideration should always be given to referral through Edinburgh's [Adult Support and Protection arrangements](#).

Individuals with a learning disability, cognitive impairment and/or mental health problems are particularly vulnerable to sexual exploitation and abuse. Reasons for this include:

- society's attitudes and assumptions, which often devalue individuals with disabilities
- prejudice and misconceptions regarding people with learning disabilities, e.g. belief that they are insensitive to pain
- communication difficulties may make it difficult for individuals to be heard or understood
- failure by professionals to recognise the signs of exploitation and the misidentification of behaviour as symptoms of illness or impairment, e.g. self harm
- the individual may be isolated and prone to grooming via the internet and social media sites
- an impaired capacity to avoid or resist abuse
- a tendency to show affection easily to strangers and acquaintances
- the individual may have learned to be compliant, by having to fit in around others whose approval is essential for well-being or survival

- lack of sexual knowledge and understanding about sexuality
- the individual may have no other frame of reference and may not recognise that they are being exploited.

Edinburgh recognises commercial sexual exploitation, and in particular prostitution and trafficking, as a significant social problem, which disproportionately affects vulnerable people, as well as families and communities. Prostitution and trafficking are part of the same continuum – a widespread manifestation of violence and abuse. Violence, experience of abuse, homelessness, poverty and addiction are at the root of prostitution in Edinburgh. Women caught up in systems of prostitution and trafficking survive prolonged periods of emotional, physical, mental and sexual trauma. Women victims are amongst the most disadvantaged and marginalised in our community.

There is also an often hidden population of men and young people who engage in prostitution, and a similar partnership approach is in place to meet the needs of this equally vulnerable group.

### **Information sharing**

The key to good multi-agency working is information sharing. This is central to any multi-agency meetings. Successful exchange of information supports both the identification of victims and the development of appropriate responses.

The 'Getting it right for every child' (GIRFEC) approach focuses on early intervention. If a practitioner believes a child or young person's wellbeing is at risk or they are at risk of harm, this information needs to be shared.

"A Practitioner Guide to Information Sharing, Confidentiality and Consent to Support Children and Young People's Wellbeing" was produced by the Lothian Data Sharing Partnership in 2014 to assist staff in promoting, supporting and safeguarding the wellbeing of all children, young people and their families.

Guidance from the Information Commissioner's office on this matter states that:

"Where a practitioner believes, in their personal opinion, that there is risk to a child or young person that may lead to harm, proportionate sharing of information is unlikely to constitute a breach of the (Data Protection) Act in such circumstances".

## **Managing individual cases**

### The Barnardo's Sexual Exploitation Risk Assessment Framework (SERAF)

The risk assessment tool SERAF has been developed by Barnardo's to enable the identification of children and young people at risk of sexual exploitation. It was developed in

response to issues raised by practitioners. It is an additional tool, specific to child sexual exploitation, to be used alongside the National Risk Assessment Toolkit.

The development of a framework, which includes four categories of risk, is intended to inform appropriate responses in relation to protecting children and young people. Providing an appropriate response requires a protective network for children and young people. Effectiveness depends heavily on a multi-agency response. This response is delivered most effectively in the structure offered by local protocols. Different responses are required in relation to each level of risk. Each of the four categories of risk has an associated action.

### Sexual Exploitation Risk Assessment Framework (SERAF)

SERAF Category of Risk	Indicators of risk	Description	Associated actions
Category 1 Not at risk	No risk indicators but may have one or more vulnerabilities present.	A child or young person who may be 'in need' but who is not currently at risk of being groomed for sexual exploitation.	Educate to stay safe. Review risk following any significant change in circumstances.
Category 2 Mild risk	Educate to stay safe. Review risk following any significant change in circumstances.	A vulnerable child or young person who may be at risk of being groomed for sexual exploitation.	Consider multi-agency meeting to share information and agree a plan to address risk and/or need. Work on risk awareness and staying safe should be undertaken with this child/ young person. Review risk following any significant change in circumstances.
Category 3 Moderate risk	Multiple vulnerabilities and risk indicators present.	A child or young person who may be targeted for opportunistic abuse through exchange of sex for drugs, accommodation (overnight stays) and goods etc.	Convene multi-agency meeting under local procedures for sexually exploited children and young people to ensure effective exchange of information with multi-agency colleagues and agree safety plan. At least one review meeting to be convened.  Work should be undertaken with this child/ young person around risk reduction and keeping safe.

Category 4 Significant risk	Multiple vulnerabilities and risk indicators. One or more significant risk indicators also likely.	Indication that a child or young person is at significant risk of or is already being sexually exploited. Sexual exploitation is likely to be habitual, often self-denied and coercion/control is implicit.	Convene multi-agency meeting under local procedures for sexually exploited children and young people to ensure effective exchange of information with multi-agency colleagues and agree safety plan, including regular review meetings.  Protection plan should include long-term intensive direct work with the child or young person.
Moderate or Significant risk	As above	Young person aged <b>16 years</b> or above.	Where a young person is aged 16 years or over and not subject to statutory measures, the associated action in relation to Moderate and Significant risk: sexual exploitation should be addressed as an issue in relation to this young person through liaison between Social Work and Police Public Protection Unit to address the young person's protection.

### Category 1 – Not at risk of sexual exploitation

Children and young people in Category 1 do not have indicators of risk in relation to sexual exploitation. The majority of children and young people will not be at risk. However, children and young people in contact with support agencies, such as social work are likely to have some vulnerability.

Children and young people assessed as being in this category need access to basic information, which will enable them to develop an awareness of the risks that can lead to a situation in which they may be exposed to sexual exploitation. They need access to information that will equip them to avoid risky situations and to protect themselves. Social workers are well placed to deliver such information as part of their interaction with the children and young people with whom they are in contact.

The school Personal Health and Social Education (PHSE) curriculum provides a sound platform through which to deliver basic information, to explore ideas around 'healthy' sexual relationships and to provide children and young people with a sense of control about their bodies and selves. This also needs to include opportunities for children and young people to understand the very real risks involved in staying out late and going missing from school, home or care.

Health professionals, such as school health nurses, practitioners in young persons' advisory/sexual health clinics and GPs have a role in promoting the young person's health, which includes identification of immediate and ongoing health needs (including sexual health and emotional needs). As a universal service, health is well placed to offer support, counselling and information to enable young people to understand the risks and develop strategies for staying safe.

### Category 2 – Mild risk

A child identified as at mild risk is likely to have multiple vulnerabilities, such as problematic parenting and childhood experiences. One or two risk indicators may also be present. These vulnerabilities increase the risk of children and young people being groomed for sexual exploitation. Early intervention and preventative work are needed to protect children and young people who have multiple vulnerabilities.

A practitioner or agency view that a child is at mild risk (Category 2) may be inaccurate, and sharing information about that child may reveal them to be at moderate or significant risk – and in need of protection. Interventions to interrupt abuse and support children to recover a healthy lifestyle are more likely to be successful if a child who is at risk can be identified and concerns shared within a multi-agency support network as early as possible.

Consideration should be given to convening a multi-agency meeting to ensure all information is shared and to agree a child's plan to address risk and need. The plan should include a programme of direct work with the child to raise awareness of sexual exploitation and to provide tools for the child to self protect. The programme should raise risk awareness, provide information on keeping safe and address specific identified issues that pose a threat to safety. It should be delivered by a practitioner who has a good working relationship with the child or young person. It should include opportunities for the child to understand the very real risks involved in activities such as staying out late and going missing from school, home or care.

Risk must be reassessed regularly as part of the planned work undertaken with a child or young person. Any significant change in circumstances that might increase vulnerability, or any incidence of behaviour associated with risk should result in an immediate reassessment of risk using the sexual exploitation risk assessment.

### **Category 3 – Moderate risk**

A child or young person identified as at moderate risk is likely to have multiple vulnerabilities present as well as one or more indicators of risk. Children and young people at moderate risk may be groomed or targeted for opportunistic abuse and/or exploitative relationships by abusing adults.

It is in this category that any missing information can have the greatest effect on the accuracy of assessment and information sharing. A multi-agency strategy meeting for children at risk of abuse should always be convened in relation to child or young person assessed as at moderate risk. Multi-agency strategy meetings enable the effective exchange of information between representatives of key agencies. The meetings should include the individual who has identified the risk or raised concerns in relation to the child or young person and representatives from social work, police, health, education, placements and any specialist child sexual exploitation services. Multi-agency strategy meetings should respond to the needs of children and young people for whom risk of sexual exploitation is indicated but not known, as well as responding to cases where evidence of sexual exploitation is available.

The multi-agency strategy meeting should agree a protection plan and action to include direct work with the individual child or young person. The focus of any safeguarding plan and

of direct interventions should be the reduction of specific risks that are causing concern. In particular, where staying out late and/or going missing from school, home or care are identified, these should be addressed as a priority. The safeguarding implications of staying out late and going missing should not be underestimated by any agencies. The length of intervention required will be different in each case and is reliant on the specific circumstances of the child or young person and the nature of the risks that are being addressed. Individual children and young people may respond to intervention in different ways and this will also impact on the length of that intervention.

A change of circumstances, such as a placement change, may support the reduction of risks in a relatively short time. Conversely, a placement change could escalate risk. At least one review meeting by the multi-agency strategy group should be conducted to ensure that actions have been taken, and to assess progress, consider the impact of interventions, share further information and reassess the level of risk. Risks should be monitored carefully and reviewed over time in relation to children and young people for whom there have been concerns.

Risk should be reassessed regularly as part of the planned work undertaken with a child or young person. Any significant change in circumstances that might increase vulnerability, or any incidence of behaviour associated with risk should result in an immediate reassessment of risk using the sexual exploitation risk assessment.

The approach to working with children and young people at significant risk or who have been abused set out below can also be applied to children and young people in Category 3.

#### **Category 4 – Significant Risk**

This category is where a child is assessed as being at significant risk of sexual exploitation or where they are already being abused. This is likely to include cases where abuse is habitual, denied, and where coercion and control are strong factors.

A multi-agency strategy meeting for children at risk should always be convened in relation to a child or young person assessed as at significant risk. As with Category 3, multi-agency strategy meetings should ensure the effective exchange of information between representatives of key agencies. The meetings should include the individual who has identified the risk or raised concerns in relation to the child or young person, and representatives of social work, police, health, education, placements and any specialist child sexual exploitation services. Participants in the meeting should agree a protection plan and action to include long-term intensive direct work with the individual child or young person. Review meetings should be conducted regularly to ensure that agreed actions are implemented, and to assess the progress and impact of agreed interventions. Risk should be monitored closely and reassessed regularly, as part of the risk management plan.

A coordinated and synchronised approach by all agencies maximises the effectiveness of interventions and the impact of planned actions. All agencies should agree and adopt a consistent approach, which does not shy away from or collude with risky behaviour. All agencies and professionals need to be aware of the intensive and long-term nature of the approach required. The presence of multiple vulnerabilities and risks in the lives of children and young people at significant risk often means that they are difficult to engage and that

positive outcomes take time.

The use of a fit-for-purpose sexual exploitation risk assessment framework should allow for the identification of vulnerability and risk in relation to the majority of children and young people at an earlier stage. Over time, routine assessment, early identification and appropriate interventions should reduce the number of children and young people who are exposed to significant risk of sexual exploitation.

### **Strategy discussion**

In cases of child sexual exploitation, the Inter-Agency Referral Discussion (IRD) may determine that a SERAF assessment is required.

Following completion of the assessment, an initial strategy discussion may be required. A strategy discussion should always take place where a child is assessed as at moderate or significant risk of sexual exploitation. A strategy discussion may also take place where a child is assessed as at mild risk of sexual exploitation.

Police, health and social work should share and discuss all information gathered with other agencies as appropriate, and decide on the next steps within 24 hours, or immediately if there is imminent risk to the child. **This will be managed through the IRD process.** The person making the referral should be informed of the outcome of the strategy discussion.

### **Multi-agency strategy meetings**

Multi-agency strategy meetings for children at risk of sexual exploitation **MUST** always be considered by the IRD. A strategy meeting should always be convened for children at moderate or significant risk of sexual exploitation.

An Initial Strategy Meeting will be arranged and chaired by Police Scotland (Detective Inspector or above) within 10 working days of the IRD.

The following professionals, or a delegated representative, will attend the meeting:

- Service Manager, Children and Families Practice Teams
- Senior Education Manager
- Consultant Paediatrician for Child Protection
- Child Protection Advisor, NHS Lothian
- Senior Manager, Housing Services
- Lead Officer, Child Protection Committee
- Lead Professional/Named Person
- Any other relevant frontline practitioner who can contribute to the meeting.

Consideration should also be given to inviting any of the following professionals where their involvement with either the young person or the alleged perpetrator(s) is known:

- Manager of voluntary agency
- Sexual health service
- Senior Solicitor, Licensing Section, City of Edinburgh Council
- Manager of out of authority residential school or establishment
- Social Work Service Manager, Criminal Justice
- Psychiatrist
- Psychologist
- Social Work Service Manager Mental Health
- Social work managers from other local authorities
- Lead Officer for Child Protection, Adult Protection and/or Domestic Abuse

A record of the meeting will be taken by the Public Protection Committees Administrator.

### **Purpose of strategy meeting**

- Identify those who are at risk by sharing information and assessing risks
- Address the risks associated with victims, perpetrators and locations by proactive problem solving
- Work collaboratively to ensure the safety and welfare of children and young people who are being or are at risk of being exploited sexually
- Take effective action against those intent on abusing and exploiting children and young people in this way
- Carry out risk assessment(s)
- Develop a shared picture of intelligence on all threats
- Grade responses to the risks identified
- Provide early intervention to reduce the harm posed to children and young people
- Investigate, prosecute and disrupt perpetrators
- Adopt a collective watching brief to determine further interventions required
- Promote positive physical and emotional health and wellbeing
- Ensure relevant and timely access to appropriate health services

### **Roles and responsibilities – chair**

- Encourage all members to contribute to the meeting on equal terms
- Efficient administration of the meeting

- Ensure the information shared is recorded accurately and disseminated
- Advise the Child Protection Committee or nominated sub-group of the investigation, updated two-monthly and at conclusion of enquiry

### **Roles and responsibilities – participants**

- Attend any further meetings required
- Contribute to the information sharing to enable the meeting to fulfill its purpose
- Identify all risks (including those in the sexual exploitation risk assessment framework), agree action and make recommendations to address each risk
- Disseminate appropriate levels of information shared at the meeting to enable further integrated working with other frontline partners
- Contribute to the actions agreed during the meeting and provide timely reports on progress and outcomes
- Consider the likelihood of prosecution of relevant adults, and where prosecution is not likely, consider the range of alternative action against perpetrators
- Identify additional resources as required
- Represent and act as a communication link with their organisation
- Develop a **written** plan to safeguard the child or young person
- Agree a date to review the plan
- Identify the key worker to undertake direct work with the child or young person to promote recovery

### **Outcome of initial strategy meeting**

- No further action
- Child protection investigation
- Child sexual exploitation inquiry

### **Child sexual exploitation inquiry – role of initial strategy meeting chair**

- Refer to the Senior Police Officer (rank of Superintendent or above) with responsibility for public protection to consider establishing the structured command framework, including a Gold Group to provide direction and oversight and a Silver Group to provide tactical and operational accountability
- Specify the terms of reference for the inquiry/investigation
- Identify the strategic leads in the investigation
- Bring together a team of people with the necessary training, expertise and objectivity to manage and conduct the criminal investigation and/or child protection investigation

on a day to day basis

- Decide whether there is a need for an independent team to investigate the allegations, particularly where the alleged perpetrators are foster carers, prospective adopters or members of staff employed by a member agency of the Child Protection Committee
- Agree the terms of reference and accountability for the investigating team, including the parameters and timescales of their enquiries/investigation
- Ensure that appropriate resources are deployed to the investigation, including access to legal and other specialist advice, resources and information
- Ensure that appropriate resources are available to meet the needs of the children and families or adult survivors, including any specific health issues arising from the abuse
- Ensure the investigating team members are supported with personal counseling if necessary and that issues of staff safety are addressed
- Ensure that suitable accommodation and administrative support are available for the investigation
- Liaise as necessary with the Crown Office and Procurator Fiscal Service at an early stage before arranging services for a child in need of counseling or therapeutic help so that the help can be given in a way that is consistent with the conduct of any criminal investigation
- Identify how young people and their families are to be involved/informed
- Agree a communications strategy, including the handling of political and media issues, and communication as necessary with the Care Inspectorate
- Ensure that records are stored securely and a high level of confidentiality is maintained at all times
- Hold regular strategic meetings and reviews, which must be recorded, to consider progress, including the effectiveness of the joint working, the need for additional resources and next steps.

Following a multi-agency strategy meeting, Category 3 and 4 cases will require allocation to a social work team to progress the child in need or child protection plan. Where a child is already allocated, the child's plan must be amended accordingly to reflect the specific nature of child sexual exploitation.

Implementing an effective child in need or child protection plan for a child at risk of sexual exploitation may require professionals to be extremely persistent in continuing to offer support and services. It may be that a professional from an agency other than social work is best able to provide a direct service. Nevertheless, the case should remain allocated to a social worker as Lead Professional, whilst child sexual exploitation concerns remain, as a point of contact for the child, family and professionals, and to co-ordinate the plans. Plans should address each identified risk.

The priority for Police Scotland is the investigation and prosecution of offenders who have been involved in abusing the child through sexual exploitation.

Child sexual exploitation is a particularly hidden form of abuse and disclosure by the child is extremely rare. It may not always be appropriate to interview the child or young person in a formal manner, particularly where a child does not believe they are being exploited.

Evidence shows that a relationship with a protective, nurturing adult who challenges the perceptions of the young person over time can lead to an increase in the awareness of the child in relation to risks and experiences. Information may be gathered most effectively over time by practitioners who have gained the trust of the young person in a manner that does not alienate them, but involves them in the process, contributing to their own safety.

Where there may be limited evidence in relation to perpetrators, for example, the absence of a statement, action may still be taken in relation to particular concerns, such as reports of internal trafficking or that an address or vehicle is being used for the purpose of child sexual exploitation. All intelligence should be recorded and collated. The police will consider using the range of powers at their disposal.

The Multi Agency Public Protection Arrangements (MAPPA) provide a national framework for the assessment and management of risk posed by sexual offenders. This includes individuals who are considered to pose a risk or potential risk of harm to children. Offenders are referred to the MAPPA process following conviction for a relevant offence.

#### End of Inquiry

At the conclusion of the inquiry/investigation, the chair of the strategy meetings will evaluate the investigation, identify the lessons learned and prepare an overview report for the Child Protection Committee, highlighting any practices, procedures or policies that may need further attention and require either inter-agency or individual agency action plans.

#### Child's wishes and feelings

Children at risk of sexual exploitation will often be in high risk situations and isolated from protective, nurturing adults. They will need to be supported to express their wishes and feelings to make sense of their particular circumstances and contribute to decisions that affect them. Of particular relevance is the impact of those who may have groomed and conditioned children, in order to coerce and abuse them. Children may also be under very strong pressure, intimidated, afraid and/or dependent on the exploiters. Children may therefore reject offers of help and support. Interventions need to be designed to address this.

#### Intervention

Within the four categories of the Sexual Exploitation Risk Assessment Framework, a different response is required in relation to each level of risk. Each of the four categories of risk has associated safeguarding actions.

### **Identifying and prosecuting perpetrators**

Identifying, disrupting and prosecuting perpetrators must be a key part of work to protect children and young people from sexual exploitation. Whilst there should always be a proactive investigation aiming for successful prosecutions, a disruption plan targeting

suspected perpetrators can be extremely beneficial. A disruption plan might involve a number of activities, ranging from simple observation of an individual's activities, to the use of a range of civil orders, including Sexual Offences Prevention Orders and Risk of Sexual Harm Orders, depending on the type of behaviour and evidence available.

While the police and criminal justice social work lead on this aspect of work, the support of other partners, for example in recording information and gathering and preserving evidence is also vital. Identifying and prosecuting the perpetrators should be a key consideration of all agencies working to address the issue of child sexual exploitation locally. Any work to identify and prosecute perpetrators should not put children and young people at any further risk of harm.

Key action points for identifying and prosecuting perpetrators are set out below.

- Linking prosecutions to provision of support for children and young people
- Taking action against perpetrators
- Disrupting perpetrator behaviour
- Identifying offences committed
- Identifying individual perpetrators
- Tackling child sex offender or organised crime networks
- Evidence gathering and information sharing
- Managing offenders
- Victim and witness support
- Multi-agency public protection arrangements

The Council may be able to use its statutory powers to disrupt incidents of sexual exploitation. For example, if practitioners are aware of locations or venues, such as particular residential addresses, pubs and clubs where young people may be especially vulnerable to grooming, the Council's licensing or housing services may be able to exercise their powers to investigate venues and take necessary actions. Suspected perpetrators may also be identified through other work, such as community policing or work to tackle organised crime.

Below are the legislative tools available to Police Scotland and the Crown Office and Procurator Fiscal Service (COPFS) to prosecute those who exploit children and young people sexually.

### **[Sexual Offences \(Scotland\) Act 2009](#)**

The Sexual Offences (Scotland) Act 2009 introduced a range of new offences. The Act includes clauses relating to offences against children under 13, rape, sexual coercion, communicating indecently, as well as providing a concrete definition for 'consent' to mean

free agreement. In addition, part 5 of the Act provides for offences concerning abuse of positions of trust.

The Act provides that:

“It shall be an offence for a person in a position of trust over a child under the age of 18 or a person with a mental disorder to engage in sexual activity with that child or person.”

Details on when a person will be considered to be in a position of trust can be found at: [www.legislation.gov.uk/asp/2009/9/section/43](http://www.legislation.gov.uk/asp/2009/9/section/43).

### **[The Protection of Children and Prevention of Sexual Offences \(Scotland\) Act 2005](#)**

The Prevention of Sexual Offences (Scotland) Act 2005 was introduced to address crimes relating to child sexual exploitation. It creates an offence of ‘grooming’, which makes it an offence for a person to meet or travel to meet children for the purposes of committing a sexual offence, following earlier communications, and for specific offences concerning the sexual exploitation of children under the age of 18 through prostitution or pornography.

### **[Risk of Sexual Harm Order \(RoSHO\)](#)**

This is a civil order aimed at protecting children under the age of 16 from those who display inappropriate sexual behaviour towards them (designed to tackle grooming behaviour online). The person does not need to have committed a criminal offence or have any prior convictions.

### **[Sexual Offence Prevention Order \(SOPo\)](#)**

This is a civil order imposed by the court at the point of sentence, allowing restrictions to be applied to those convicted of sexual offences.

### **[The Children \(Scotland\) Act 1995 \(also S171\(2\) Children’s Hearing Scotland Act, 2012\)](#)**

This Act contains a clause related to ‘harbouring’, which can prosecute anyone who:

- (a) knowingly assists or induces a child to abscond in circumstances which render the child liable to arrest under subsection (1) or (3) of section 82 of this Act
- (b) knowingly and persistently attempts to induce a child so to abscond
- (c) knowingly harbours or conceals a child who has so absconded; or
- (d) knowingly prevents a child from returning

### **[Civic Government \(Scotland\) Act 1982](#)**

The sale, publication and possession of indecent images of children under the age of 18 are prohibited by Section 52 and Section 52A of this Act (as amended by the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005).

### **[Criminal Justice \(Scotland\) Act 2003](#)**

Section 22 of this Act prohibits trafficking for the purpose of prostitution or making or producing obscene material, including any child under the age of 18.

### [Criminal Justice and Licensing \(Scotland\) Act 2010](#)

Section 99 of this Act allows for the closing of premises associated with human exploitation.

## **Summary**

Sexual exploitation is a form of sexual abuse, in which a young person is manipulated or forced into taking part in a sexual act. Young people from any background can be exploited for sex in this way. Boys and young men are abused as well as girls and young women. In all cases, those exploiting the child or young person will have power over them by virtue of their age, gender, intellect, physical strength and/or economic or other resources.

Everyone must take responsibility for protecting children from this abuse and that means not only knowing your role, but also the roles of other agencies and individuals.

### Identification and prevention

Children and young people who are the victims of sexual exploitation often do not recognise that they are being exploited. This makes it very hard to identify victims and it is therefore essential that those working with children and young people are able to recognise the signs and intervene appropriately. Practitioners should exercise professional curiosity. If it is believed that there is any indication, however slight, that a child could be at risk, action should be taken and information should be shared among relevant agencies.

### Roles and responsibilities

Child Protection Committees, police, social work, education, health and voluntary and community groups all have their own roles and responsibilities in relation to recognising and dealing with child sexual exploitation. Each agency should be aware of its child protection procedures and take account of the information contained in this guidance about what to look out for.

### Managing individual cases

Barnado's Sexual Exploitation Risk Assessment Framework (SERAF) has been developed to enable the identification of children and young people at risk of sexual exploitation and facilitate interventions. The development of a framework, which includes four categories of risk is intended to inform appropriate responses in relation to children and young people's safeguarding needs.

### Identifying and prosecuting

Identifying, disrupting and prosecuting perpetrators must be a key part of work to protect children and young people from child sexual exploitation. Whilst there should always be a pro-active investigation aiming for successful prosecution, a disruption plan targeting suspected perpetrators can be extremely beneficial.

**List of lead contacts**

<b>Agency</b>	<b>Child sexual exploitation lead</b>	<b>Telephone Number</b>
Social Work		
Police		
Health		
Education		
Child Protection Committee		
Housing		
Child and Adolescent Mental Health Service (CAMHS)		
MAPPA co-coordinator		
Adult Support and Protection		
Probation		

Appendix A:

## **Edinburgh Child Protection Committee Agenda for Initial Strategy Meeting**



1. Introductions and apologies
2. Terms of reference for the inquiry/investigation
3. Identification of the strategic leads in the investigation
4. Consider each child – risks, vulnerabilities, action required
5. Consider each alleged perpetrator – evidence and intelligence of the risks, action/disruption tactics required
6. Consideration of resources/need for specialist resources or advice
7. Liaison with Crown Office and Procurator Fiscal Service
8. Identify how young people and their families are to be involved
9. Communications strategy (consider communication with media, partner agencies, CPC, families, etc.)
10. Date of review meeting



Appendix B:

**RESTRICTED ACCESS INFORMATION**

Initial Strategy Meeting Minute

Meeting details

Present	Designation	Agency	Contact Details
Apologies	Designation	Agency	Contact Details
Date of Meeting		Venue	

Terms of reference for the enquiry/investigation:

Name of Strategic lead in the investigation

Children/Young People

<b>Child 1</b>			
<b>Name</b>		<b>Home Address</b>	
<b>DOB</b>		<b>Current address</b>	
<b>Parent/Care Name(s)</b>		<b>Home Address</b>	
<b>DOB</b>		<b>Current address</b>	
<b>Sibling Name(s)</b>		<b>Home Address</b>	
<b>DOB</b>		<b>Current address</b>	
<b>Child 2</b>			
<b>Name</b>		<b>Home Address</b>	
<b>DOB</b>		<b>Current address</b>	
<b>Parent/Care Name(s)</b>		<b>Home Address</b>	
<b>DOB</b>		<b>Current address</b>	
<b>Sibling Name(s)</b>		<b>Home Address</b>	
<b>DOB</b>		<b>Current address</b>	
<b>Discussion</b>			

<p><b>Roles and Responsibilities</b></p> <p><b>SERAF assessment</b></p> <p><b>Intervention</b></p> <p><b>Review of each young person's plan (whether actions have reduced to date risks and what further action/support is required)</b></p> <p><b>Views of child / young person</b></p> <p><b>Additional young people / adults of concern identified</b></p> <p><b>Additional resource required or need for specialist support or consultation</b></p>
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**Alleged perpetrator / adult of concern**

Adult of concern				
Name				
Date of Birth				
Home Address				
Current Address				
Agency identifiers:	Police		Chronology provided?	
	NHS			
	Social Work			
	Education			
	Housing			
Known children with whom the adult has regular contact or for whom they have caring responsibility				

<b>Name</b>	
<b>Date of Birth</b>	
<b>Home Address</b>	
<b>Current Address</b>	
<b>Child 1</b>	
<b>Name</b>	
<b>Date of Birth</b>	
<b>Home Address</b>	
<b>Current Address</b>	
<b>Relationship to child</b>	
<b>Child 2</b>	
<b>Name</b>	
<b>Date of Birth</b>	
<b>Home Address</b>	
<b>Current Address</b>	
<b>Relationship to child</b>	

## Discussion

### Known contact with children

### Known offending history

UNIFI/CHS –

### Identification of risk

INFO

### VPD

**Is there any evidence that an offence has been committed?**

### Prevention

**Roles and Responsibilities**

**Disruption and investigation**

**Intervention**

**Identification and prosecution**

**Recovery support**

**Resources/need for specialist resources or advice**

**Liaison with Crown Office and Procurator Fiscal Service**

**Involvement of young people and families**

**Communication strategy**

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<b>Chair</b>	
<b>Minute Taker</b>	
<b>Date of Review Meeting</b>	



**Appendix C:**

**Child Sexual Exploitation Child / Young Person's Plan (one plan for each child)**

Identified Risks	Source of Risk	Evidence of Risk	Source of information	Desired Outcome	Action Required	Resources required	Person Responsible	By When



**Appendix D:**

**Perpetrator / Adult of Concern Plan**

Identified Risks	Evidence of Risk	Source of information	Desired Outcome	Action to target and limit perpetrator	Resources required	Person Responsible	By When



## Appendix E:

### Agenda for Review Strategy Meeting

1. Introductions and apologies
2. Consider each child (consider whether actions have reduced risks, what further action/support is required)
3. Consider each alleged perpetrator (update evidence and intelligence, consider whether actions have reduced risk or disrupted activity, what further action is required)
4. Consideration of resources/need for specialist resources or advice (consider whether additional resources or advice is required)
5. Liaison with Crown Office and Procurator Fiscal Service (consider whether this is effective or further action is required)
6. Review how young people and their families are to be involved/informed, consider whether further action is required
7. Communication strategy (consider whether communication with media, partner agencies, CPC, families, etc. has been effective or requires amendment)
8. Date of review meeting

## **Appendix F: SEXUAL EXPLOITATION – MULTI-AGENCY POLICY STATEMENT**

### **INTRODUCTION**

This policy is a statement of commitment by all the partners in Edinburgh. It provides a set of guiding principles and definitions in relation to the prevention of sexual exploitation, the support and protection of victims and the disruption and prosecution of offenders.

It is based on the shared belief that sexual exploitation of vulnerable individuals is unacceptable and will not be tolerated. We aim to reduce the risk by challenging misunderstandings about the children, young people and adults who are victims of sexual exploitation.

### **SCOPE**

This policy is adopted by all statutory and voluntary agencies with a role in relation to tackling sexual exploitation and/or providing care and protection services. Its principles are consistent with individual agency procedures.

This policy should be read in conjunction with the National Action Plan, Edinburgh's associated action plans, Edinburgh's Harm Reduction Framework, trafficking legislation and local policies and procedures.

### **DEFINITIONS**

The sexual exploitation of vulnerable children, young people and adults is an often hidden form of sexual abuse, with distinctive elements of exploitation and exchange.

In practice, sexual exploitation might involve people being coerced, manipulated, forced or deceived into performing, and/or others performing on them, sexual activities in exchange for receiving some form of material goods or other entity (for example, food, accommodation, drugs, alcohol, cigarettes, gifts, affection, avoidance of violence). Sexual exploitation can occur through the use of technology and in some situations, without the individual's understanding of what is happening to them.

In all cases, those exploiting vulnerable individuals have power over their victims by virtue of their age, gender, intellect, physical strength and/or economic or other resources. Violence, coercion and intimidation are often common features.

In some cases, the sexual activity may only take place between one individual and the perpetrator. In other situations, the individual may be passed for sex between two or more perpetrators or this may be organised exploitation (often by criminal gangs or organised groups).

Sexual exploitation is a complex issue and cannot be considered in isolation. It can be hard to identify, as the individual may not always see themselves as a victim. Some victims see themselves in a loving consensual relationship and do not recognise the exploitation. It is often mistaken by parents, carers or agencies for rebellious or challenging behaviour displayed by young people.

### **Child sexual exploitation**

Child sexual exploitation always requires a child protection response. This is reflected in the Edinburgh and Lothians Inter-Agency Child Protection Procedures (2015) and the National Guidance for Child Protection in Scotland (2014). However, tackling the sexual exploitation of children and young people effectively is not the sole responsibility of social work and police, but requires a coordinated response from youth work, education and health – from statutory agencies and voluntary organisations, and from families and communities.

The sexual exploitation of children has recently received an increased level of political and public interest across the UK. Partners in Edinburgh are committed to learning from high profile cases to improve identification and support of victims and the disruption and prosecution of perpetrators in Edinburgh.

Young people from any background can be exploited. As well as girls and young women, boys and young men are abused. Grooming and abuse can happen in person or online, and although most abusers are adults, some victims are exploited by their peers. There is often a misconception that only children from disadvantaged or chaotic backgrounds can be drawn into sexual exploitation because of their existing vulnerabilities. Whilst this group may be more at risk, any young person can be taken in by the deception of perpetrators, irrespective of their circumstances or background.

### **Sexual exploitation of individuals with disabilities**

Individuals with a learning disability, cognitive impairment and/or mental health problems are particularly vulnerable to sexual exploitation and abuse. Reasons for this include:

- society's attitudes and assumptions, which often devalue individuals with disabilities
- prejudice and misconceptions regarding people with learning disabilities, e.g. belief that they are insensitive to pain
- communication difficulties may make it difficult for individuals to be heard or understood
- failure by professionals to recognise the signs of exploitation and the misidentification of behaviour as symptoms of illness or impairment, e.g. self harm
- the individual may be isolated and prone to grooming via the internet and social media sites
- an impaired capacity to avoid or resist abuse
- a tendency to show affection easily to strangers and acquaintances
- the individual may have learned to be compliant, by having to fit in around others whose approval is essential for well-being or survival
- lack of sexual knowledge and understanding about sexuality
- lack of awareness with regards to consent and risk
- lack of access to appropriate sex education
- the individual may have no other frame of reference and may not recognise that they are being exploited.

### **Commercial sexual exploitation**

Edinburgh recognises commercial sexual exploitation, and in particular prostitution and trafficking, as a significant social problem, which disproportionately affects vulnerable people, as well as families and communities. Prostitution and trafficking are part of the same continuum – a widespread manifestation of violence and abuse grounded in gender inequality. Violence, experience of abuse, homelessness, poverty and addiction are at the root of prostitution in Edinburgh. Women and men caught up in systems of prostitution and trafficking survive prolonged periods of emotional, physical, mental and sexual trauma. Victims are amongst the most disadvantaged and marginalised in our community.

There is also an often hidden population of men who engage in prostitution, and a similar partnership approach is in place to meet the needs of this equally vulnerable group. Agency procedures, which derive from this policy, will be targeted at ending the social exclusion of people involved in prostitution, focusing on prevention, harm reduction and exit routes.

## **PRINCIPLES**

**This policy articulates partner agencies' commitment to the following principles.**

- Recognition of the harm done to individuals, families and communities.
- Respect for victims of sexual exploitation, prioritisation of their safety and well-being and the promotion of a non-judgmental approach to their identification.
- Commitment to tackling all forms of sexual exploitation, protecting victims, identifying locations and disrupting the activities of as well as prosecuting perpetrators.
- Recognition of the different needs and issues relating to different forms of exploitation, e.g. child sexual exploitation, trafficking.
- Commitment of all services to a non-judgmental and confidential approach to those involved in prostitution and other forms of sexual exploitation, including trafficking, lap dancing and pornography.
- Recognition of the importance of prevention, improved identification and more effective disruption.
- Commitment to the use of evidence and national data to inform our action planning.

### **Prevention**

Sexual exploitation can result in significant, lifelong psychological and physical trauma and impairment. It is therefore imperative that we adopt a proactive approach to reduce the risk of vulnerable people becoming victims. We aim to prevent sexual exploitation by raising awareness and equipping victims and potential witnesses with the knowledge and skills to recognise the predicative factors and indicators of sexual exploitation. In parallel, staff require support and training in identifying and tackling this difficult area of work.

Support and protection of victims are critical; however, we recognise that our strategies and actions need to target perpetrators just as effectively if we are to have a significant, long-term impact on sexual exploitation. In addition to awareness-raising among staff, communities and potential victims, the identification of locations as well as the disruption and prosecution of offenders are important elements of prevention.

### **Disruption and prosecution of offenders**

A comprehensive and robust response to perpetrators of sexual exploitation is an important part of our approach. Police Scotland will support this with a range of strategic and operational activity through the local public protection unit. The National Child Abuse Investigation Unit will maximise the impact of the range of specialist skills and expertise and improve the co-ordination and intelligence gathering in relation to child sexual exploitation.

### **Supporting individuals affected by sexual exploitation**

Our response to sexual exploitation will reflect the learning from reports and investigations across the UK to ensure support, protection and recovery measures are robust and responsive.

We will adopt a whole community approach, which will include parents, carers, families and victims themselves. It will take into account equality and diversity issues.

### **Action Planning**

We will develop action plans, which reflect this policy and which tackle the different aspects of sexual exploitation, e.g. child sexual exploitation, human trafficking, etc. Our action plans will ensure that practitioners across Edinburgh have the knowledge required to recognise and respond to sexual exploitation. The plans will ensure that scrutiny is applied to how services are delivered, as well as how the workforce is supported in that delivery. They will allow us to identify and consolidate best practice already in place, and build on it. Our action plans will:

- ensure effective leadership and challenge existing practices and culture
- identify the level of risk across Edinburgh
- co-ordinate multi-agency resources in this area to identify and share information regarding individuals at risk of sexual exploitation
- establish an awareness-raising and training programme for the workforce
- enhance public awareness of sexual exploitation, in particular with parents and carers, local businesses, community organisations, taxis, licensing and hotels
- review engagement arrangements for listening to victims, including the development of a network of champions who can represent the needs of victims
- ensure that vulnerable individuals are made aware of the issues around sexual exploitation and that preventive services are in place to reduce risk
- ensure effective information sharing in relation to potential abuse
- prevent and disrupt potential exploitation
- bring to justice the perpetrators of sexual exploitation and ensure that people most at risk are safeguarded and supported in the course of, and after, any criminal proceedings
- provide information to senior agency officers, elected members and board members to enable understanding, prioritisation and resource allocation.
- engage with the Crown Office and Procurator Fiscal Service and the Scottish Children's Reporter Administration to raise their awareness of sexual exploitation.

## **RESPONSIBILITIES**

This policy will be maintained by the multi-agency lead officers for child protection, adult

protection and domestic abuse, and will be reviewed annually by the Edinburgh Chief Officers' Group – Public Protection to ensure its continued relevance.

## **LEGISLATIVE AND POLICY CONTEXT**

- National Guidance for Child Protection in Scotland (2014)
- Scotland's National Action Plan to tackle Child Sexual Exploitation (2014)
- Vulnerable Children and Young People: Sexual Exploitation through Prostitution (2003)
- The National Risk Framework to support the Assessment of Children and Young People (2012)
- The United Nations Convention on the Rights of the Child (1989)
- Edinburgh and Lothians Inter-Agency Child Protection Procedures (2015)
- Children and Young People (Scotland) Act, 2014
- Getting it Right for Every Child (GIRFEC)
- Adult Support and Protection (Scotland) Act 2007
- Equally Safe: Scotland's strategy for preventing and eradicating violence against women and girls

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# **Edinburgh's Multi-agency Support Protocol for Victims of Human Trafficking (children and adults)**

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## 1. Introduction

Trafficking of children and adults is a global criminal business, which targets and victimises the most vulnerable people for transportation, abuse and exploitation across the world. It is a largely hidden problem and is often described as a form of modern-day slavery. The children and adults involved are in no way responsible for their predicament, having been coerced, bribed or forced into, and unable to escape from, the control of traffickers.

The effect of trafficking on children and adults is wide-reaching; many will experience significant harm as a result of their situation, and outcomes for them may be extremely poor as a result of lack of proper care, protection or access to universal services.

The [Inquiry into Human Trafficking in Scotland](#) by the Equality and Human Rights Commission published in 2011 highlights that it is reasonable to estimate that Scotland has around 75 potential victims each year. Figures for the United Kingdom Human Trafficking Centre indicate that a total of 99 people were referred by agencies in Scotland as potential victims of trafficking in 2013, an increase of 3% compared with the previous year. Of the 99 potential victims, 77 were adults and 22 were children. Statistics on human trafficking are not currently routinely collated at local authority level. It is widely acknowledged that the official figures are significant underestimates. The limited research that has been commissioned in the UK has reached some consensus that trafficking is a growing phenomenon.

Tackling trafficking requires a coordinated response, involving research, intelligence, awareness raising and training on a multi-agency basis. The City of Edinburgh Council, together with its partners in Police Scotland, NHS Lothian and the voluntary sector, has prepared this protocol based on the [Inter-Agency Guidance for Child Trafficking](#) published by the Scottish Government in 2013, the Scottish Government Social Research publication [Care and support for adult victims of trafficking in human beings](#) 2012, the [Home Office guidance for frontline staff on victims of human trafficking](#), published in 2013 and the [Trafficking Survivor Care Standards](#), published in 2015. The protocol provides information and guidance to all members of the statutory and voluntary sector workforce to ensure that victims are identified and can receive protection and support. The protocol should be read in conjunction with the Edinburgh and Lothians [Inter-Agency Child Protection Procedures](#), the [National Guidance for Child Protection in Scotland 2014](#) and the [City of Edinburgh Council's Adult Protection Procedures](#). This support protocol replaces the 'City of Edinburgh Support Protocol For Victims of Human Trafficking For Sexual Exploitation'.

The protocol should also be read in conjunction with [Edinburgh's multi-agency action plan to address sexual exploitation](#). Council staff should also follow the joint risk assessment policy, updated in August 2015.

## 2. Scope and purpose of the protocol

Working with children, young people and adults who are or have been trafficked is a complex area, and there is limited theoretical and conceptual understanding of the phenomenon or evidence regarding its prevalence in Scotland.

This protocol is designed for staff of statutory and voluntary sector organisations who may have contact with victims of human trafficking in Edinburgh. The identification, or lack of identification, of victims should not preclude or override any child or adult protection investigations.

The aim of this protocol is to:

- raise awareness of human trafficking and its potential indicators among staff from all organisations
- facilitate a consistent response and approach to victims of trafficking
- support and encourage staff from all relevant organisations across Edinburgh to work collaboratively in developing and delivering appropriate and effective services to individuals with experience of trafficking; and
- support the investigation and prosecution of those who coerce, exploit and abuse people.

## 3. Definition

Human trafficking as defined by the Council of Europe Convention on Action against Trafficking in Human Beings is a process made up of three basic components.

- **Act** (what is done) – recruitment, transportation, transfer, harbouring or receipt of persons, the exchange or transfer of control over another person, or the arrangement or facilitation of any of the aforementioned actions. Victims are generally moved to a place where there is a market for their services, often where they lack the language skills and other basic knowledge to seek help. This includes movement within the UK, referred to as internal trafficking.
- **Means** (how it is done) – threat, use of force, coercion, abduction, fraud, deception, abuse of power or vulnerability, or the giving of payments or benefits to a person in control of the victim.
- **Purpose/intent** – exploitation of a person, which includes prostitution and other sexual exploitation, forced labour, slavery or similar practices, and the removal of organs.

The Human Trafficking and Exploitation (Scotland) Bill was passed on 1 October 2015.

The Bill differentiates between human trafficking and slavery, servitude and forced or compulsory labour, and creates two separate offences. The offence of human trafficking does not look for the 'means' as set out above to have been present before an offence can be said to have been committed.

It is irrelevant whether the other person consents to any part of the relevant action such as transportation, recruitment, harbouring etc.

The distinction between trafficking and smuggling is often blurred. There are important differences between human trafficking and people smuggling. The main difference is the element of exploitation. People being smuggled as illegal migrants have usually consented to being smuggled. Trafficking victims have not consented, or have been tricked into consent. People who begin as smuggled migrants may become victims of trafficking, i.e. there is a change of circumstances at some point during the process. The same people acting as traffickers may also act as smugglers, and use the same routes for both 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.

#### 4. Why are people trafficked?

People are trafficked for different purposes and are often multiply exploited. Purposes include:

**4.1 Sexual exploitation:** human trafficking for the purpose of sexual exploitation primarily affects women and children. Globally, 49% of detected victims are adult women, 18% are adult men, 21% are girls and 12% are boys. 53% of detected victims globally are trafficked for sexual exploitation<sup>1</sup>. Most female victims of trafficking identified in the UK are exploited in prostitution against their will. They may go abroad based on false promises of good jobs and economic opportunities, often out of ambition to earn money and make a better life for their children or family. Some may know the type of work, but will have been unaware of the level of control over their freedom, movement or monetary arrangements. Many are beaten, raped and abused. The forcible or deceptive recruitment of women and girls for the purposes of forced prostitution or sexual exploitation is a form of gender-related violence. There is no typical experience of people who are trafficked for sexual exploitation. Some are held captive, assaulted and violated. Others are less abused physically, but are tormented psychologically, and live in fear of harm to themselves and their family members. Sexual exploitation of men also occurs, but there is currently only limited evidence that there are adult male victims of sexual exploitation in Scotland. People who are sexually exploited are often also subjected to forced labour.

**4.2 Forced labour:** the International Labour Organisation provides a definition of forced labour.

‘All work or service, which is exacted from any person under the menace of any penalty, and for which the person has not offered her/himself voluntarily.’

Forced labour is not restricted to a particular sector of the labour market, but typically takes place in manufacturing (sweat shops), agriculture and construction. It affects both children and adults, and represents a violation of human rights and a restriction of human freedom. It is a practice similar to slavery, debt bondage or serfdom.

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<sup>1</sup> United Nations Office on Drugs and Crime (2014): Global Report on Trafficking in Persons [https://www.unodc.org/documents/data-and-analysis/glotip/GLOTIP\\_2014\\_full\\_report.pdf](https://www.unodc.org/documents/data-and-analysis/glotip/GLOTIP_2014_full_report.pdf)

**4.3 Domestic servitude:** often involves people working in a household where they are ill-treated, humiliated, subjected to exhausting working hours, forced to live and work under unbearable conditions, for little or no pay. Sexual violence and exploitation is highly likely in these scenarios, too.

**4.4 Organ harvesting:** involves trafficking people to use their internal organs for transplant. Fraud often occurs if the individual is willing to have their organs removed at first, and they enter into a contract where they are promised a sum of money, but then are paid only part of the agreed sum or nothing at all.

Organ donors may be deceived by traffickers who mislead them or withhold important information about the medical intervention.

**4.5 Forced criminal activities:** such as growing cannabis, selling pirate DVDs or bogus charity collections.

**4.6 Surrogacy:** There may also be a link between forced commercial **surrogacy** and trafficking in human beings. Social determinants such as poverty, debt, a vulnerable social position and illiteracy can force a woman to become a surrogate mother.

## 5. Recognising and identifying trafficked individuals

It is unrealistic to expect victims of human trafficking to self-identify in explicit or obvious ways. This applies to children specifically who may appear to submit willingly to what they think is the will of their accompanying adults, even if they understand what is happening. Parents and relatives may be involved in the exploitation of a child. Children are likely to be very loyal to their parents or carers, and are unlikely to seek protection of their own initiative.

Identification is necessary for a variety of reasons, but critically, in order for an inter-agency assessment of risk to be initiated and for consideration of any protective measures to be taken. The route to achieving this will be the inter-agency Referral Discussion (IRD).

Where appropriate, the IRD will identify and direct victims to services, including health care, support and accommodation, and access to legal advice. Failure to identify an individual could compromise their safety and access to support; it can also mean that unidentified victims of human trafficking, with irregular immigration status may be labelled as criminals, detained and deported, without consideration of risks they face, particularly that of re-trafficking.

### 5.1 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

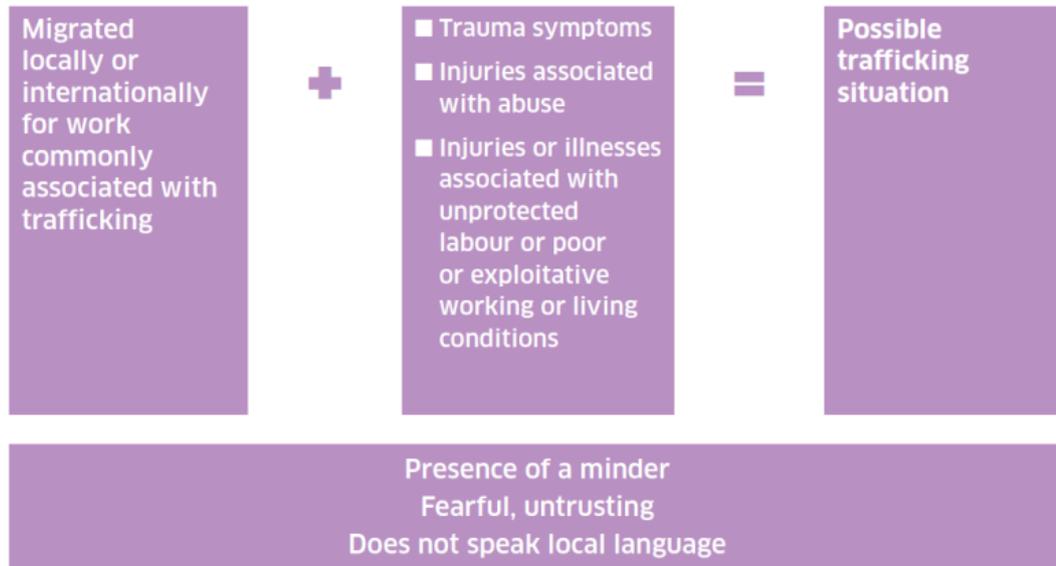
- ritual oaths
- discrimination by their community and families
- dependency on controller for survival
- some victims, for example people with a learning disability or cognitive impairment, may have no other frame of reference and may not recognise that they are being trafficked
- the stigma attached to trafficking; knowledge and understanding of trafficking is limited and most individuals will associate the term 'trafficking' with prostitution
- being accused of being complicit in an illegal activity connected to their trafficking situation; and
- reprisals against them or their children or families; in most trafficking situations, agents know or can easily discover personal information about the victim, their home, family and friends; it is very common for agents and employers to use threats against the victim's family, especially children, to manipulate and control the victim; the fear of reprisal against themselves or their family will have a huge impact on whether a potential victim of trafficking is willing to cooperate.

Victims may also suffer from Stockholm Syndrome, where due to unequal power, victims create a false emotional and psychological attachment to their controller. Exploited people may be unable and/or unwilling to think of themselves as 'victims'. They may see their current situation as temporary and blame it on their lack of understanding of the culture and labour market of the UK. They may tolerate their situation because they see it as a 'stepping stone' to a better future and compare it favourably to experiences at home.

A key symptom of post-traumatic stress is avoidance of trauma triggers, or of those things that cause frightening memories, flashbacks or other unpleasant physical and psychological experiences. Because of these symptoms a person may be unable to fully explain their experience until they have achieved a minimum level of psychological stability. A delay in disclosing of facts must not be viewed as manipulative or untrue. It may be the result of an effective recovery period and the establishment of trust with the person to whom they disclose the information.

## **5.2 Possible indicators of trafficking**

The relative invisibility of human trafficking means you may have been in contact with a victim without recognising it. There are no definitive symptoms by which to identify trafficking. There are certain circumstances, however, which should serve to raise questions around its possibility. The UN guidance notes that the following are potential 'red flags' that may indicate trafficking.



Source: *Human Trafficking, what health workers need to know, Scottish Government/NHS Scotland 2012*

Victims may describe the minder as a 'boyfriend'.

Injuries, illnesses and hazards associated with abuse and/or exploitative working conditions may be exposure to infectious diseases (such as tuberculosis and hepatitis B), chronic lack of food, malnourishment and dehydration, chronic lack of sleep and adequate shelter, lack of protective equipment, such as condoms or the empowerment to use them, as well as untreated and repeated sexually transmitted infections, including HIV.

Where people have no or a false passport/identification document, this may be an indicator of trafficking. EU nationals and those with a right to be in the UK are often misled by traffickers that they are in the UK illegally and risk deportation.

Appendices 2 and 3 to this protocol include a detailed list of potential indicators of human trafficking, based on best available information as to which factors in a child's or adult's circumstances may lead to the belief that a person has been trafficked. The indicators do not replace child or adult protection investigations, and the presence or otherwise of trafficking suspicions should not preclude implementation of the standard child or adult protection procedures.

The indicators may apply to both UK nationals and/or migrant children, and to both boys and girls, and should be kept in mind when making an initial assessment.

On discovery, people may not recognise or accept that they are or have been a victim of human trafficking. Trafficked people may not show any obvious signs of distress or imminent harm and may refuse assistance. Victims often feel both relief when identified and fear, suspicion and anger toward the identifying officer, particularly those from the police or immigration services. This is because their traffickers tell them the authorities will return them to their home country if they try

to escape, 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 and exploitation. It is common for the victims' feelings of fear and suspicion to give way to relief once they feel safe and come to trust the identifying officer.

## 6. When it is suspected someone has been trafficked

It is essential to take timely and decisive action where human trafficking is suspected because of the high risk of the person being moved. Whenever an agency or professional has concerns that a person with whom they are in contact is or may have been trafficked, they should consult the **indicator matrix for children and adults (Appendices 2 and 3)**.

For cases involving **children and/or pregnant women**, the Edinburgh and Lothians [Inter-Agency Child Protection Procedures](#) must be followed and a referral made to **Social Care Direct**. The Council's social work service is the primary service provider for safeguarding and responding to the needs of child victims of trafficking (recovered from Edinburgh), regardless of their nationality or immigration status<sup>2</sup>. The [practitioner guide to information sharing, confidentiality and consent to support children and young people's wellbeing](#) for Edinburgh and the Lothians and the Council's procedure regarding unaccompanied asylum seeking children provide additional information.

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 Care Direct** 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.

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<sup>2</sup> Potential victims under 18 must be referred to the Council's children's services. It can be difficult to establish the age of a potential child trafficking victim. If someone's appearance and presentation very strongly suggests they are significantly over the age of 18, you may treat them as an adult. In all other cases, the applicant must be given the benefit of the doubt and treated as a child until a detailed assessment of their age is completed by the Council. The [Age Assessment Pathway for Social Workers in Scotland](#) and the [Information Guide](#) provide more information.

### **One chance checklist**

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 she/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>3</sup> is available if necessary and offer the interpreter a debrief to avoid disclosure. Use telephone interpreters if there is a wait
- 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 safely to pass on to TARA, Migrant Help and/or Social Care Direct 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 memorise) 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 she/he lacks capacity to give consent or she/he is unable to give informed consent)

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<sup>3</sup> There are risks in using interpreters, so you should be cautious and 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.

- attempt to mediate with people by whom s/he is accompanied
- inquire about trafficking-related circumstances in front of others, including the individual's companion.

An IRD should be initiated between social work, police and health. This may include other relevant agencies. A member of the UK Visas and Immigration (formerly UK Border Agency) should be consulted, as required.

All information shared is for the purposes of child/adult protection. Information gathered or shared will not be used to progress immigration issues.

For cases of suspected child trafficking, the IRD should ensure that a Child Trafficking Assessment is completed by social work or police (attached at [Appendix 1](#)).

Where asylum/immigration issues are also apparent, the UK Immigration and Visas should be consulted when completing the assessment. It is likely there may not be substantial information at this initial stage; international agencies and organisations may need to be consulted during the assessment.

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 requires to be referred to the National Referral Mechanism (see Section 7 below) and which agency is going to make the referral. There are separate [forms](#) for adults and children (attached at Appendices 2 and 3). Before a referral is made, adult victims who have capacity to do so must give their consent and confirm this in writing. This is not required for children. The agency making the referral will need to send the form by email to the UKHTC. The UKHTC then logs the referral and, if it is for the Home Office, sends to the appropriate team.

**The multi-agency child protection and adult support and protection procedures remain the primary documents for actions to protect people in Edinburgh.**

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 multi-agency supportive approach, as outlined in this protocol.

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 or Adults with Incapacity legislation.

Victims may be at serious risk from their traffickers. If a victim is referred to another organisation, their situation must be made clear, so that adequate protection is put in place immediately.

When encountering families with children, unaccompanied children or pregnant women, their needs must be accommodated through the Council's social work service. Where adults do not have children, TARA/Migrant Help can be contacted for assistance, for example with arranging access to 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<sup>4</sup>.

Other needs of potential victims of trafficking may include:

- a mobile phone and credit so services can keep in touch with them; a victim's current phone may be used by traffickers to maintain influence / control / location via apps etc.
- 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
- access to health services
- information, including expectations within the National Referral Mechanism process (reflection and recovery period, the possibility of granting international protection and refugee status)
- translation and interpretation services
- access to education for child victims and children of victims
- 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 to use drugs or alcohol by traffickers; issues of substance use may be a more prevalent feature for victims of domestic trafficking, however, international victims may be less likely to disclose substance abuse problems, given potential shame or stigma, and fear that this information may be used against them in any legal cases, civil, criminal or immigration)
- family reunification or repatriation.

Gender-specific services and cultural awareness for all victims are essential to ensure that the specific needs of women are met.

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

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<sup>4</sup> Chief Executive's Letter \_09 (2010). 'Overseas Visitors' Liability to Pay Charges for NHS Care and Services [http://www.sehd.scot.nhs.uk/mels/CEL2010\\_09.pdf](http://www.sehd.scot.nhs.uk/mels/CEL2010_09.pdf) NB In 2008 an amendment was made to the NHS (Charges to Overseas Visitors) (Scotland) Regulations 1989 to exempt victims, or possible victims, of human trafficking from secondary (hospital) healthcare charges. While the Charging Regulations do not apply to general medical services (GMS) provided by: general practitioners; community pharmacists; optometrists; dentists etc, victims of human trafficking should not be charged for GMS.

important to remember that a UK citizen or a person with a legal entitlement to reside in the UK may be trafficked.

When families with children or pregnant women have no recourse to public funds, the welfare of the child and child protection remain paramount. Social work can support families financially via section 22 of the Children (Scotland) Act 1995. The [Council's procedure on support for adults with care needs and for families who have no recourse to public funds](#) provides further details.

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.

## 7. The National Referral Mechanism (NRM)

A new model of the National Referral Mechanism is currently being piloted in England and Wales so this information may change significantly.

The NRM is a framework for identifying victims of human trafficking and ensuring they receive appropriate care. A range of agencies may be involved in a trafficking case, such as the police, UK Visas and Immigration, local authorities and non-governmental organisations. The NRM makes it easier for these 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 and helps the UK to tackle human trafficking.

Referrals to the NRM must be made by 'First Responders'. In Scotland, these are police, designated non-governmental organisations (TARA and Migrant Helpline), local authorities (children's social work services) and the UK Border Agency. Referrals should be made to the UK Human Trafficking Centre (UKHTC). The quality of the information submitted is vital to the investigation and the outcome for the victim.

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.

## 8. Handling information

### 8.1 Qualified translator

Only professional, independent translators who have no links with the victim's friends / relatives / companions must be used, even if this causes delay. It needs to be made clear to translators that their role is to translate verbatim and not "interpret" the message or censor / omit any of the information. In some instances it may be appropriate to use interpreters for cultural guidance following (but not

during) the first meeting but not for subjective opinions on behaviour / veracity of account etc.

## **8.2 Recording information**

All the information provided by a potential victim of trafficking must be included on the NRM form and should also be recorded according to agencies' standard procedures.

## **8.3 Sharing data and maintaining confidentiality**

Information should not be shared with family / friends / community members and victims should be reassured about this; as with all cases, information should only be shared with other practitioners / agencies if this is necessary to protect victims, and potential victims. The consent of children is not required. The consent of adults is not required if there is concern that the individual, or someone else, may be at risk of harm. As with all records belonging to individuals, human trafficking cases should be kept secure to prevent unauthorised access by anyone other than those dealing directly with the case.

## **8.4 Support for staff**

Supporting someone who is experiencing, or has experienced, trafficking can be stressful. It can be distressing to hear accounts of trauma and abuse, and staff are sometimes worried that they may be overwhelmed by it. It is also common to feel frustrated or helpless if the problem cannot be 'solved' or if a trafficked person is not ready or able to leave an abusive situation. It is important to recognise this and seek support or guidance from a supervisor or colleague.

(Source: [NHS Scotland/Scottish Government: what health workers need to know about human trafficking 2012](#)).

## **9. Agreed responsibilities**

The signatories of this protocol agree to:

- participate in appropriate training to enable them to meet their respective responsibilities
- identify a single point of contact for each victim, who will, where possible, assist the other agencies involved and help keep the victim informed of any investigation or proceedings
- assist with the legal process by taking appropriate action at the earliest opportunity to secure evidence, including the preservation of forensic evidence
- recognise issues surrounding coaching and rehearsal, counselling, confidentiality and inducement, and exercise care when dealing with victims
- have appropriate procedures in place for retaining comprehensive records of any communication with a victim that may contain information relevant to a criminal investigation or that may be required for a subsequent court case
- recognise the need to prosecute the perpetrators of human trafficking, and where possible, ensure information relevant to a criminal inquiry is shared with the police

- ensure that any information in relation to counter-trafficking actions being carried out by police are treated as strictly confidential and will only be used in accordance with police instructions
- work collaboratively with statutory and voluntary sector organisations in service design, development and delivery to ensure that a consistent response and approach to victims of human trafficking are embedded in service delivery.

## 10. Review of the protocol

The **Human Trafficking and Exploitation (Scotland) Act** was passed by the Parliament on 1 October 2015. The overall aim of the Act is to develop legislation to give the police, prosecutors and other agencies the power to make Scotland a hostile environment for human traffickers and those who exploit individuals, and to help identify and meet the needs of victims.

The Act commits Scottish Ministers to publish and update regularly a trafficking and exploitation strategy, which will be developed in consultation with stakeholders.

This protocol will be reviewed once the strategy has been published and the National Referral Mechanism pilots in England and Wales have been completed and annually thereafter.

## 11. Contacts for information and advice on human trafficking

### TARA and Migrant Help

The Scottish Government funds two organisations to provide dedicated care and support for adult victims of trafficking:

1. Trafficking Awareness Raising Alliance (TARA) of Glasgow Community and Safety Services provides a service for adult women trafficked for sexual exploitation who have been recovered in Scotland.

**Tel: 0141 276 7724** (TARA respond to calls for urgent help 24 hours)

[TARA website](#) (as part of Community Safety Glasgow)

2. 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** (for information and advice)

**Tel: 07766 668781** (24 hour helpline)

[www.migranthelp.org](http://www.migranthelp.org)

Both TARA and Migrant Help can provide accommodation for victims and refer them to medical services. They can access community-based health care, as required, and provide financial and practical support.

### UK Human Trafficking Centre (UKHTC)

The UKHTC is a multi-agency organisation providing a central point of expertise and coordination in relation to the UK's response to the trafficking of human beings.

**Tel: 084477 82406** (ask to speak to a Tactical Advisor)

[UK Human Trafficking Centre website](#)

Email address for submission of NRM forms: [UKHTC@nca.x.gsi.gov.uk](mailto:UKHTC@nca.x.gsi.gov.uk)

**Streetwork** is a local charity operating in the city of Edinburgh to support those who are most vulnerable due to the complex needs and multiple exclusion they experience. Streetwork offers a range of services including the Women's Project, Streetyouth, visiting support and the crisis service. Streetwork does not wait for people to come but proactively seek out people in need. The vulnerable nature of the client group provides that the people Streetwork supports may be vulnerable to exploitation and human trafficking. Streetwork staff receive training in order that they recognise potential indicators of human trafficking and work in partnership with statutory services and TARA to effectively support those who may be victims.

**Contact:** 18 South Bridge, Edinburgh, Tel: 0131 344 0825, [www.streetwork.org.uk](http://www.streetwork.org.uk)

**The City of Edinburgh Council (social work)**

Social Care Direct: 0131 200 2324 (out of hours: 0800 731 6969)

**Spittal Street Women's Clinic:** The Spittal Street Women's Clinic is a joint initiative between NHS Lothian's Harm Reduction Team, Chalmers Centre and Sacro's Another Way service. It is a confidential and discreet service for women involved in the commercial sex industry (such as selling sex online, working in saunas and on the street) and/or women who use substances, offering a holistic service to provide support in all areas of life. Using a harm reduction and human rights model, the women's clinic team protects the rights and safety of sex workers who by choice, circumstance or coercion remain in the industry.

**Contact:** 22-24 Spittal Street, Edinburgh EH3 9DU, 0131 537 8300

<http://www.lothiansexualhealth.scot.nhs.uk/Services/sswc/Pages/default.aspx>

**MEHIS** (Minority Ethnic Health Inclusion Service) provides free, confidential advice, information and support to black, minority ethnic and refugee communities. MEHIS have ethnic minority link workers who speak various languages and can help access primary health care services and perform an advocacy role regarding health services.

**Contact:** 106 Niddry Mains Road, Edinburgh EH16 4DT, 0131 537 7565,

[smita.grant@nhslothian.scot.nhs.uk](mailto:smita.grant@nhslothian.scot.nhs.uk)

**Edinburgh Access Practice:** The Practice works with people who are temporarily or vulnerably housed in Edinburgh.

**Contact:** 20 Cowgate, Edinburgh EH1 1JX, 0131 240 2810,

<http://www.edinburghaccesspractice.scot.nhs.uk/>

**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.

**Contact:** 0131 475 2399, [info@shaktiedinburgh.co.uk](mailto:info@shaktiedinburgh.co.uk), 57 Albion Road, Edinburgh EH7 5QY, <http://shaktiedinburgh.gov.uk>

**Edinburgh Women's Aid and Women's Aid Children's Services** raises awareness and gives practical and emotional support to women who are/have experienced and/or are at risk of domestic abuse.

**Contact:** 0131 315 8110, [info@edinwomensaid.co.uk](mailto:info@edinwomensaid.co.uk), 4 Cheyne Street, Edinburgh EH4 1JB, <http://edinwomensaid.co.uk>

**Edinburgh Rape Crisis Centre:** Business: 0131 557 6737, [info@ercc.scot](mailto:info@ercc.scot), Support Service: 0131 556 9437, [support@ercc.scot](mailto:support@ercc.scot)

Edinburgh Rape Crisis Centre offers support to women, young people aged 12 and over, and all members of the transgender community who have experienced sexual violence at any time of their lives. This includes rape, sexual assault, sexual abuse, childhood sexual abuse, ritual abuse and sexual bullying.

**National Society for the Prevention of Cruelty to Children (NSPCC):** NSPCC's Child Trafficking Advice Centre is a specialist service providing information and advice to any professional working with children or young people who may have been trafficked into the UK. 0808 800 5000, [help@nspcc.org.uk](mailto:help@nspcc.org.uk), [NSPCC's Child Trafficking Advice Centre](http://www.nspcc.org.uk/child-trafficking-advice-centre)

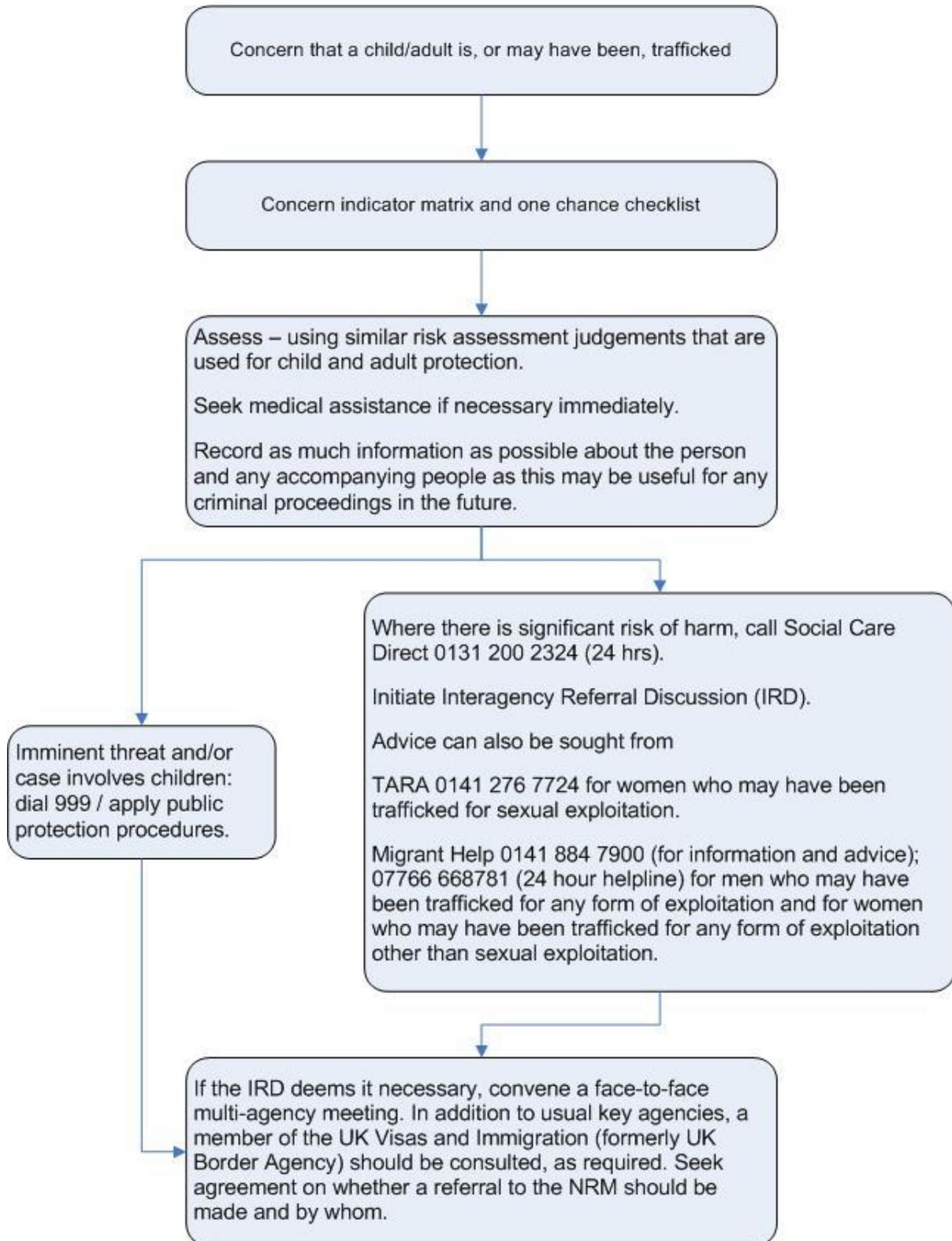
**Scottish Guardianship Service:** The Service works to help young asylum seekers to feel supported and empowered throughout their journey whilst their claim is assessed and their status determined. It enables them to access the assistance they need when they need it and help them to make informed decisions about their future. <http://www.gov.scot/Topics/People/Young-People/protecting/lac/guardianship>

**Scottish Women's Rights Centre** is a partnership project between Rape Crisis Scotland, the Legal Services Agency and the University of Strathclyde Law Clinic. It offers free legal information and advice to women survivors of gender based violence. <http://www.swscja.org.uk/new-scottish-womens-rights-centre.html>

**Police Scotland National Human Trafficking Unit:** call 101 or email [scdnationalhumantraffickingunit@scotland.pnn.police.uk](mailto:scdnationalhumantraffickingunit@scotland.pnn.police.uk)

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

## 12. Flowchart



Good practice recommendations that may help staff to broach the subject sensitively are attached at [Appendix 5](#).

**Appendices:**

1. Child Trafficking Assessment form
2. [National Referral Mechanism for potential \(child\) victims of trafficking](#) (including potential indicators for child trafficking on page 2)
3. [National referral form for potential adult victims of trafficking](#) (including list of potential indicators for adult trafficking on pages 2 to 4)
4. Background reading/further information
5. Good practice recommendations

**CHILD PROTECTION / VULNERABLE YOUNG PERSON**

**CHILD TRAFFICKING ASSESSMENT**

Child's surname: \_\_\_\_\_ Known as: \_\_\_\_\_ Forename(s): \_\_\_\_\_  
 Date of birth: \_\_\_\_\_ Place of birth: \_\_\_\_\_ Nationality: \_\_\_\_\_  
 Ethnicity: \_\_\_\_\_ Language: \_\_\_\_\_ Religion: \_\_\_\_\_  
 Carefirst no.: \_\_\_\_\_ Home Office no.: \_\_\_\_\_ ID docs: \_\_\_\_\_

Home address: \_\_\_\_\_

Current address: \_\_\_\_\_

**Family / Household members**

Name	Relationship	Address	
			<b>X</b>
<b>Add row</b>			

**Legal / Asylum status**

Legal status (looked after etc. and previous): \_\_\_\_\_

Asylum status: \_\_\_\_\_

Agencies involved and contact details:

Referrer / Report Writer: \_\_\_\_\_ Date: \_\_\_\_\_ Agency / Team \_\_\_\_\_

Social Work CP team contacted?  Yes  No

Police, vice and anti-trafficking unit contacted?  Yes  No

NRM referral and date: \_\_\_\_\_

If not contacting SWC, Child Protection Team and anti-trafficking unit or referring to NRM please explain why:

*All concerns about child trafficking should be discussed with the child protection team and anti-trafficking unit. A copy of this assessment should be forwarded to them.*

**CHILD PROTECTION / VULNERABLE YOUNG PERSON**

**CHILD TRAFFICKING ASSESSMENT**

*Note: each section should encompass the views and accounts of all agencies with relevant information. Please make it clear where you obtained the evidence / information*

1. **Brief background details** (give a pen picture of the young person within their family / country of origin context)

2. **Movement** (within countries; across borders; across UK; across city; across accommodation. Include details of how travelled; timescales; time at locations etc; entry into trafficking process, eg. sold; passage bought; abducted; escape; present accommodation)

3. **Exploitation / abuse** (detail evidence and / or suspicions; types of exploitation; locations; length of exploitation; freedom of movement)

4. **Trafficker** (description; relatives; gender; title; job; names; relationship to child; still in contact etc)

5. **Means of control** (how has trafficker controlled child; threats (to child and family); grooming; violence, voodoo, oaths, captivity, debt)

6. **Additional risk factors** (likely to be identified from indicator matrix; may include health; other contacts)

7. **Agency contact / actions taken** (police; social work; UKBA; voluntary; overseas)

8. **Views of young person** (if appropriate)

9. **Analysis / Assessment of Needs and Risks in relation to trafficking** (inc. analysis of why believe trafficked / not; present safety; future risk of trafficking)

10. **Conclusion and recommendation** (VYP/not and reasons, action plan, identify specific outcomes; by whom)

## GUIDANCE NOTES FOR COMPLETION

***If there are immediate child protection concerns, this assessment form is not a substitute for following child protection procedures.***

### **CHILD TRAFFICKING ASSESSMENT**

This form should be completed by social workers and police in conjunction with the child protection team and vice and anti-trafficking unit.

The Child Trafficking Assessment is designed to assess potential victims of trafficking and / or future risk of trafficking. It is not a substitute for a comprehensive assessment of risk and needs in terms of a holistic GIRFEC assessment – such an assessment should be completed as per child protection procedures and guidelines. The assessments should complement and inform each other. If initial concerns are about trafficking it is likely that the CTA is completed first; if the IAF / CP1 / VYP (or equivalent) is being completed and suspicions about trafficking become apparent the CTA should be completed to focus on trafficking specific concerns.

***When the assessment is completed, sections 1 to 10 can be copied into section G of the NRM form as evidence if a referral is being made to UKHTC.***

It is likely the CTA will be informed by the use of the indicator matrix for trafficking - the matrix is not an exhaustive list of indicators, *or an assessment* of future risk. Other factors may also be present that are not included on the matrix, eg. for internal trafficking movement may be between cities and accommodation rather than countries.

***If there are indications, or intent, of movement (section 2) and exploitation / abuse (section 3) – the minimum requirements for child trafficking – a referral should be made to the National Referral Mechanism following CPC guidelines.***

The presence of other indicators may also be sufficient for a referral to the NRM (please discuss with child protection team or trafficking unit).

***In completing the assessment remember that background information may be available from agencies and organisations outside the UK – eg. NGOs working in country of origin; country of origin embassies; social services in countries of origin.***

**1. Background details**

Include social / economic circumstances of the family; why child left the family; continued contact with family; any previous work / employment;

**2. Movement**

- trafficking can occur at any stage throughout a child's journey; it is not limited to the final destination
- UK nationals are also vulnerable to internal trafficking (movement between and within cities and between people) and may also be trafficked out of UK
- a child may be trafficked through legitimate routes and with legal documents, in addition to covert routes with no documents
- child may arrive alone or accompanied
- once trafficked may be at increased risk for future trafficking
- are child movements restricted and / or accommodation locked?

**3. Exploitation / abuse**

What is the nature of the exploitation? Where did it occur? Is it ongoing?

- trafficking is a process, not a single event
- trafficked children may be forced into criminal activity.

**4. Trafficker(s)**

- children may remain in contact with the trafficker or the person who brought them into the country
- contact may be lost only to be recommenced days / months / years later
- children may describe the trafficker as a 'friend' 'boy/girl friend'
- who are the people involved in a child's life.

**5. Means of control**

- children may be physically threatened
- children may be controlled psychologically
- consider threats to family
- trafficked children may be groomed.

**6. Other risk factors**

- consider factors that may be concerning, but on their own not indicative / evidence of trafficking
- there are no validated risk assessments for child trafficking
- children may move in and out of trafficking situations.

**7. Agency involvement**

- agencies may have been previously involved and not identified trafficking as an issue.

**8. Views of young person**

- children do not usually say they have been trafficked
- children may deny any exploitation / abuse
- children may not consider their experiences exploitative.

**9-10. Analysis and conclusions**

***NB. Trafficking and its assessment is not a static process - due to the nature of child trafficking, it is likely that much of the required information may not be initially available, or sketchy; it is important that the assessment is regularly updated.***

Appendix 2 – [National Referral Mechanism for potential \(child\) victims of trafficking](#)

Appendix 3 - [National Referral Mechanism for potential \(adult\) victims of trafficking](#)

### Background reading/further information

#### [Human Trafficking and Exploitation \(Scotland\) Bill](#)

The [SPICe Briefing Human Trafficking and Exploitation \(Scotland\) Bill](#) provides information on human trafficking; the current legislative background in Scotland; and also examines key provisions within the Bill.

Carr Centre for Human Rights Policy (2015): Perspectives on Human Trafficking and Modern Forms of Slavery

<http://carrcenter.hks.harvard.edu/files/carrcenter/files/socialinclusionjournal.pdf>

Center for Policy Studies/Central European University (2014): Understanding Public Knowledge and Attitudes Towards Trafficking in Human Beings

<http://lastradainternational.org/lisidocs/3119-Public-knowledge-and-attitudes-towards-thb-2014.pdf>

Centre for Youth and Criminal Justice (2014): Child Trafficking: A Scottish Perspective

<http://www.cycj.org.uk/wp-content/uploads/2014/11/Info-sheet-31-final.pdf>

Equality and Human Rights Commission (2011): Inquiry into Human Trafficking in Scotland,

[http://www.equalityhumanrights.com/sites/default/files/documents/Scotland/Human\\_Trafficking\\_in\\_Scotland/\\_inquiry\\_into\\_human\\_trafficking\\_in\\_scotland-full-report\\_pdf\\_.pdf](http://www.equalityhumanrights.com/sites/default/files/documents/Scotland/Human_Trafficking_in_Scotland/_inquiry_into_human_trafficking_in_scotland-full-report_pdf_.pdf)

Eurostat (2015): Trafficking in human beings, [https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/eurostat\\_report\\_on\\_trafficking\\_in\\_human\\_beings\\_-\\_2015\\_edition.pdf](https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/eurostat_report_on_trafficking_in_human_beings_-_2015_edition.pdf)

Home Office (2015): Victims of Modern Slavery: Competent Authority Guidance, [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/450842/Competent\\_authority\\_guidance\\_v2\\_0\\_ext.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/450842/Competent_authority_guidance_v2_0_ext.pdf)

International Labour Office (2002): Every Child Counts: New Global Estimates on Child Labour ILO/IPEC Geneva

<http://www.ilo.org/ipecinfo/product/viewProduct.do?productId=742>

Omelandiuk I (2005): Trafficking in Human Beings UN expert group meeting on international migration and development

[http://www.un.org/esa/population/meetings/ittmigdev2005/P15\\_IOMelandiuk.pdf](http://www.un.org/esa/population/meetings/ittmigdev2005/P15_IOMelandiuk.pdf)

United Nations (2000): Palermo Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the UN Convention Against Transnational Organisational Crime, <http://www.osce.org/odihr/19223?download=true>

UNODC (2014): [https://www.unodc.org/documents/data-and-analysis/glotip/GLOTIP\\_2014\\_full\\_report.pdf](https://www.unodc.org/documents/data-and-analysis/glotip/GLOTIP_2014_full_report.pdf)

UNODC (2006): Trafficking in Persons: Global Patterns United Nations Office on Drugs and Crime, [http://www.unodc.org/pdf/traffickinginpersons\\_report\\_2006ver2.pdf](http://www.unodc.org/pdf/traffickinginpersons_report_2006ver2.pdf)

With Scotland (2014): Child Trafficking (briefing) <http://withscotland.org/download/child-trafficking>

For information on the **health consequences** of human trafficking, see [Evidence Briefing: The health consequences of human trafficking 2014, NHS Scotland](#) and [what health workers need to know about human trafficking, NHS Scotland/Scottish Government 2012](#)

For information on **gender related violence** and trafficking, see [Stolen Smiles: a summary report on the physical and psychological health consequences of women and adolescents trafficked in Europe](#)

For information on **forced labour**, see page 5 of [A Global alliance against forced labour](#) and International Labour Office (2012): Global Estimate of Forced Labour <http://lastradainternational.org/lisidocs/3119-Public-knowledge-and-attitudes-towards-thb-2014.pdf>

For information on **domestic servitude**:

- [United Nations Office on Drugs and Crime – Domestic 'service' or domestic slavery?](#)
- [Council of Europe Parliamentary Assembly – Domestic slavery: servitude, au pairs and mail-order brides.](#)

For information on **organ harvesting**, see [Joint Council of Europe/United Nations Study on trafficking in organs.](#)

For more information on **how victim's can react to being identified**, see [International Centre for Migration Policy Development: Experiences of identification, return and assistance in South-Eastern Europe](#) (section 4.2)

For more information on **possible indicators** for trafficking, see [International Labour Organisation: Operational indicators of trafficking in human beings.](#)

The Home Office, with the support of the Scottish Government, is **campaigning to raise awareness and encourage reporting of 'modern slavery' in the UK**. The campaign shows that slavery affects UK communities and UK citizens, particularly agricultural labour; sexual exploitation in brothels; and domestic servitude in homes. There are adverts, posters, a website and a helpline with materials in Nigerian, Vietnamese, Albanian, Romanian, Chinese and Polish. The helpline is being run by the NSPCC in partnership with the Home Office. The website gives information about types of slavery, signs to spot and to report; and services for victims (TARA and Migrant Help in Scotland). More information: [www.modernslavery.co.uk](http://www.modernslavery.co.uk) Helpline: 0800 0121 700

[Unchosen](#) is an anti-trafficking charity that organises film campaigns to raise public awareness and combat all forms of human trafficking, forced labour, sexual exploitation and domestic servitude in the UK and Ireland.

Good practice recommendations and some examples on how to broach the subject sensitively with victims from [What health workers need to know about human trafficking](#) are set out below. Some of these will only be relevant to health staff and can be adapted for other groups of staff.

- Ensure the environment is conducive to disclosure
- Broach the subject sensitively through gentle questioning around health and living circumstances. Below are some examples that can be adapted depending on the individual's condition.

'You look very pale. Can you tell me about your diet? What have you eaten over the last week? Last month?'

'You are coughing a lot. I need to know about your home situation. Can you tell me about your home and bedroom? Are you sharing with others?'

'Were you injured while working?'

'Can you tell me about your work and how you were injured?'

'Is this the first time or do you have other injuries?'

'Can you leave your job or situation if you want?'

'Have you been threatened or harmed in any way?'

'Is anyone forcing you to do anything you don't want to do?'

Refer for a health assessment / assess the impact on the patient's health and ensure s/he receives appropriate treatment. Good practice guidelines recommend conducting a thorough physical examination given the multiple health problems experienced by victims. This includes:

- full medical history
- questions around head trauma, eyes/ears/nose and throat
- respiratory, cardiovascular, gastro-intestinal, muscular-skeletal and neurological history questions
- dermatological and nutritional queries
- if possible, assess the mental health of the patient or refer for an assessment if you have concerns.

**For victims, or suspected victims, of sexual violence:**

- ask about any history of rape or other sexual trauma
- refer the person / treat any immediate physical or medical conditions and ascertain whether the patient wishes to report this to the police. If so, a forensic examination will be arranged
- ensure that invasive examination is limited and the need for further testing is assessed, e.g. for STIs, pregnancy (for further guidance refer to: What Health Workers Need to Know About Commercial Sexual Exploitation and What Health Workers Need to Know About Rape and Sexual Assault, NHS Scotland, 200924)
- assess safety – is there an immediate or future safety risk? In cases of immediate danger – can you contact other agencies? Do they want you to contact the police? Does the level of threat require you to take action?
- discuss the options available with the person. Provide information on the National Referral Mechanism and contact one of the First Responders on their behalf if required. Make sure they are aware of the implications of this, e.g. if they have insecure immigration status, the case will be referred to the UKBA
- advise of agencies that can help even if no NRM referral is wanted: TARA will help women in situations of sexual exploitation and assist them access other support services, including access to safe accommodation. Migrant Helpline will provide support to men who have been sexually exploited, and to all persons trafficked into forced labour
- depending on the degree of freedom they have, it may not be possible to access these services on their own or to follow aspects of a safety plan. Discuss whether more assistance is needed to contact other agencies
- offer a further appointment. A health appointment may be one of the few occasions where they are allowed some freedom of movement. This may provide the opportunity for getting further help. It is vital that the trafficked person decides what course of action to take.

**Where you are concerned that they won't come back**

- maximise your encounter with the person
- offer as much information as possible about their health condition and treatment. Ensure they know they can access health services freely and that safe accommodation can be arranged
- provide information on support services. Ensure this is discreet and safe, e.g. provide helpline numbers on paper that can be hidden in clothing

- if applicable and possible, provide a complete regimen of prescribed medication in that single encounter – assuming they will not return for follow-up treatment and assessment.

### **Documenting and recording**

Keep accurate and detailed records. Record the following:

- nature of health problem, with details of any injuries and symptoms and any concerns you may have
- what the person says and not what you think, although it is important to note any concerns or suspicions
- outcome of risk assessment
- any action taken or advised.

### **Sharing information**

You may need to share information about a particular case. It may be required by law or it may be necessary to share information with support agencies to make sure that a trafficked person is safe and properly supported. This is not automatic, however, and there may be a risk of deterring people from seeking medical attention if their request for confidentiality is not respected. Reporting information may also endanger their safety if traffickers can trace it back to them. It may be the case that there are local arrangements for providing intelligence on crimes, such as human trafficking, which allow for anonymised information to be shared with the police, for example, alerting them to the possibility of forced labour in certain areas. It is critical, however, that in passing on this intelligence, the safety of the individual is maintained. There are circumstances where information may be shared without a patient's consent. For example, if there is a threat of imminent danger to them or others, or if doing so may prevent or support the investigation of a serious crime. Balancing responsibility for patient confidentiality against disclosure in the public interest requires careful consideration. The decision to share information without consent needs to be considered on an individual case basis, with regard both to the law and the particular circumstances of the case. Discussion with a senior colleague or line manager is of paramount importance in this instance. You must, of course, make sure that you comply with all your legal requirements.

It is good practice to:

- get the person's permission before you pass on information and seek advice if you are in any doubt
- ensure that the information shared is proportionate and limited to the relevant details
- make the person aware, if possible, of the need to share information when they do not wish you to do so
- avoid divulging confidential information by accident, for example, if you are approached by someone saying they are a relative or support person of the individual

- be guided by your professional code of conduct on confidentiality and information sharing, and your organisation's protocols
- seek guidance from senior colleagues who can advise on the appropriateness of sharing information with the police in accordance with national directives
- record a clear account of the decision making process involved when sharing information.

**Follow up**

Your intervention will depend on the setting in which you work. You may only see the person once, for example, in an emergency setting. If possible, it is helpful to offer a follow up appointment. Always consider their safety and how any approach you make might affect this.

# Corporate Policy and Strategy Committee

10.00, Tuesday, 1 December 2015

## Edinburgh, the Lothians and Scottish Borders Multi-Agency Public Protection Arrangements - Annual Report 2014/15

Item number	7.6
Report number	
Executive/routine	
Wards	All

### Executive Summary

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This report presents to Corporate Policy and Strategy Committee the annual report for Edinburgh, the Lothians and Scottish Borders Multi-Agency Public Protection Arrangements (MAPPA) 2014/15, attached at Appendix 1. MAPPA provide a framework to manage the risk posed by registered sex offenders and restricted patients. The annual report presents the roles and responsibilities of partner agencies, achievements in developing practice, strategic overview arrangements and statistical information. The annual report acknowledges the widespread public anxiety regarding sex offenders and highlights that re-offending rates in this group remain consistently low.

### Links

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Coalition pledges	P1, P12 and P32
Council outcomes	CO15
Single Outcome Agreement	SO4

## Edinburgh, the Lothians and Scottish Borders Multi-Agency Public Protection Arrangements - Annual Report 2014/15

### 1. Recommendations

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- 1.1 Corporate Policy and Strategy Committee is recommended to note the annual report attached at Appendix 1.

### 2. Background

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- 2.1 MAPPAs provide a framework to manage the risk posed by registered sex offenders and restricted patients and bring together professionals from the police, social work, housing, health and the Scottish Prison Service in Edinburgh, Lothian and Scottish Borders.
- 2.2 These agencies are known as the 'Responsible Authorities'. While the arrangements are co-ordinated by a central unit based in Edinburgh, the practical management of offenders remains the responsibility of these agencies at a local level.

### 3. Main report

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- 3.1 There are three MAPPA management levels intended to ensure that resources are focused where they are needed most to reduce the risk of harm. Those offenders who present the highest management complexity are managed at Level 3.
- 3.2 Over the course of this annual reporting year, 905 registered sex offenders were managed under MAPPA; 90.16% (816) at Level 1; 9.28% (84) at Level 2; and 0.55% (5) at Level 3. This year, for the seventh year in a row, there were no cases of a Level 3 offender being convicted of further Group 1 (violence) or Group 2 (indecent) crime.
- 3.3 Achievements in developing practice during the reporting year included promoting MAPPA and raising awareness through training a wide range of audiences; and developing the use of Sexual Offences Prevention Orders, an

order granted by the Court. For some offenders the existence of a Sexual Offences Prevention Order is enough to provide structure to their daily life, through which they are able to avoid further offending.

- 3.4 The annual report includes detailed statistics on the number of registered sex offenders by level, reconvictions and notifications, and the number of restricted patients in the region.

#### **4. Measures of success**

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- 4.1 The Strategic Oversight Group for Edinburgh, Lothians and Scottish Borders is responsible for the overview and coordination of MAPPAs, ensuring sharing of best practice and learning from significant case reviews. The group provides a strategic lead for developing local multi-agency policy and strategy in relation to shared priorities, with regard to the management of offenders.
- 4.2 The MAPPAs Operational Group supports the work of the Strategic Oversight Group with a remit to share learning, develop best practice and, where relevant, ensure consistency of practice.
- 4.3 Offender Management Committees monitor the performance and quality of local service delivery. This is reported quarterly to Chief Officers' Groups (Public Protection) in each local authority area.

#### **5. Financial impact**

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- 5.1 There are no financial implications arising from this report, however, public protection in Edinburgh is a significant responsibility for all partner agencies and one which demands considerable resource allocation.

#### **6. Risk, policy, compliance and governance impact**

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- 6.1 In accordance with the Council's approach to risk management, the potential risk of harm to communities and individuals, which may be caused by a failure to provide effective care and protection to vulnerable children and adults is being mitigated and monitored through the public protection risk register.

#### **7. Equalities impact**

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- 7.1 There is no direct equalities impact arising from this report.

#### **8. Sustainability impact**

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8.1 There are no sustainability impact issues arising from this report.

## 9. Consultation and engagement

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9.1 The responsible authorities for each area are required to involve other key agencies in the management of offenders. This is an important part of MAPPA, involving the exchange of information and drawing on the collective knowledge and expertise of numerous agencies.

## 10. Background reading/external references

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10.1 None.

### Michelle Miller

Chief Social Work Officer

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## 11. Links

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<b>Coalition pledges</b>	P1 – Increase support for vulnerable children, including help for families so that fewer go into care P12 – Work with health, police and third sector agencies to expand existing and effective drug and alcohol treatment programmes P32 – Develop and strengthen local community links with the police
<b>Council outcomes</b>	CO15 - The public are protected
<b>Single Outcome Agreement</b>	SO4 - Edinburgh's communities are safer and have improved physical and social fabric
<b>Appendices</b>	1 MAPPA Annual Report 2014/15

# MAPPA

Edinburgh, the Lothians and Scottish  
Borders Multi-Agency Public  
Protection Arrangements

ANNUAL  
REPORT  
2014-2015

# MAPPA

Edinburgh, the Lothians and Scottish  
Borders Multi-Agency Public  
Protection Arrangements

## Contents

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# Foreword

**MAPPA**

Edinburgh, the Lothians and Scottish  
Borders Multi-Agency Public  
Protection Arrangements

The overarching priority for all partners involved in the management of sex offenders is the protection of the public. Multi Agency Public Protection Arrangements (MAPPA) partners in Edinburgh, the Lothians and Scottish Borders put public protection at the forefront of their practice. We understand that the trauma experienced by victims of sexual offences can be devastating, and we strive constantly to improve our services to ensure the public is protected from harm. I am pleased to introduce this annual report, which reflects the work that has been done this year to meet this aim.

We acknowledge the widespread public anxiety regarding sex offenders, which is heightened by an increasing awareness of the issue, but we are encouraged that re-offending rates in this group remain consistently low. Registered sex offenders come from all social, economic and cultural backgrounds. Understanding this diversity is key to developing effective management techniques and integrated services to improve outcomes. All agencies are committed to keeping our communities safe. Academic research and evidence of best practice in this field indicate that when offenders have stability in their lives and are supported to move forward and make positive changes, they are less likely to re-offend. The work of our partners, facilitated through MAPPA,

is targeted at reducing both the likelihood of reoffending and the risk posed by these offenders. Unfortunately, there will always be some serious incidents, which cannot be predicted or prevented.

We recognise that we are stronger when we work together. Every day, partners share information, assess risk and make constructive plans together to manage people convicted of sexual offending, facilitating their reintegration into our communities as safely as possible. These plans give offenders the opportunity to address the factors that led to their offences, but they also represent a framework for restricting the offender, where this is necessary to protect the public in general, and victims in particular.

I hope this annual report helps to explain the work that is done in our area and provides insight into the public protection arrangements, which help to make our communities safer.

**Michelle Miller**  
**Chair Edinburgh, the Lothians and**  
**Scottish Borders**  
**Strategic Oversight Group**

# What is MAPPA?

Multi-Agency Public Protection Arrangements (MAPPA) provide a framework to manage the risk posed by registered sex offenders and restricted patients (mainly violent offenders, with a small number of sex offenders). MAPPA bring together professionals from the police, social work, housing, health and the Scottish Prison Service in Edinburgh, Lothian and Scottish Borders. These agencies are known as the 'Responsible Authorities'. While the arrangements are co-ordinated by a central unit based in Edinburgh, the practical management of offenders remains the responsibility of these agencies at local level.

## MAPPA

Edinburgh, the Lothians and Scottish  
Borders Multi-Agency Public  
Protection Arrangements



The area covered by the Edinburgh, Lothian and Borders Community Justice Authority incorporates the City of Edinburgh, East Lothian, Midlothian, West Lothian and the Scottish Borders, representing a mixture of urban and rural areas. The population of the area is estimated at 972,120; currently 18.17% of the population of Scotland with: 492,680 residents in Edinburgh; 102,050 in East Lothian; 86,210 in Midlothian; 177,150 in West Lothian; and 114,030 in the Scottish Borders (*Population statistics sourced from General Register of Scotland 2014*).

The responsible authorities represented are:

- » The City of Edinburgh Council
- » East Lothian Council
- » Midlothian Council
- » West Lothian Council
- » Scottish Borders Council
- » Police Scotland
- » Scottish Prison Service
- » NHS Lothian
- » NHS Borders

There are three MAPPA management levels intended to ensure that resources are focused where they are needed most to reduce the risk of harm. Over the course of this annual reporting year, we managed 905 registered sex offenders under MAPPA; 90.16% (816) at Level 1; 9.28% (84) at Level 2; and 0.55% (5) at Level 3. Those offenders who present the highest management complexity are managed at Level 3. This year, for the seventh year in a row, there were no cases of a Level 3 offender being convicted of further Group 1 (violence) or Group 2 (indecent) crime.

Over the past year, there have been 68 MAPPA Level 2 and Level 3 meetings convened across Edinburgh, Lothian and Scottish Borders. Each Level 2 meeting will consider a number of offenders, whereas a Level 3 meeting is unique to that offender.

Further Information about MAPPA can be found on the Scottish Government website: [www.scotland.gov.uk](http://www.scotland.gov.uk)

# Roles and Responsibilities

**MAPPA**

Edinburgh, the Lothians and Scottish  
Borders Multi-Agency Public  
Protection Arrangements

The responsible authorities for each area are required to involve other key agencies in the management of offenders. This is an important part of MAPPA, involving the exchange of information and drawing on the collective knowledge and expertise of numerous agencies. The roles and responsibilities in relation to MAPPA in our local area are outlined below.

Police Scotland is responsible for the enforcement of the notification and compliance requirements of the Sexual Offences Act 2003 (sex offender registration), and for policing activities, including risk assessment, preventative/monitoring strategies, coupled with investigation and prosecution of any registered sex offender who re-offends. Responsibilities include: maintaining an accurate record of those offenders resident within each local authority area subject to the notification requirements; the creation of risk management plans to mitigate or reduce risk; making enquiries where such persons fail to comply with the requirements placed upon them; managing sex offenders whose current behaviour is of concern. Police Scotland is the lead responsible authority for those community-based registered sex offenders who are not subject to any other form of statutory supervision. These duties are carried out in partnership with all responsible authorities and 'duty-to-cooperate' agencies.

The local authority is the responsible authority for registered sex offenders who are subject to statutory supervision. The Council's criminal justice social work service is responsible for the supervision of such offenders, but housing, adult social care and children and families services also play a key role in the management of sex offenders in the community.

Social work makes a significant contribution to public protection by supervising and managing registered sex offenders in accordance with the requirements of MAPPA and other public protection-related legislation.

Social workers supervise offenders on community payback orders and prisoners who have been released subject to formal supervision. Social workers are required to use accredited risk assessment tools, and in collaboration with other agencies, develop plans for the risk management and supervision of offenders. Social workers can request that additional conditions be placed on orders and licences by the courts and the Parole Board. These conditions can range from restrictions relating to accommodation and employment, to instructions to avoid certain locations or victims, or to attend counselling or treatment programmes. These conditions allow social workers to monitor and influence aspects of offenders' behaviour, as breaches of conditions can lead to the court or Parole Board returning the offender to custody.

Each local authority within Edinburgh, Lothian and Scottish Borders has a Sex Offender Liaison Officer (SOLO) or Lead Officer, within the social work service, who acts as a single point of contact for information relating to registered sex offenders. They are responsible for chairing risk management case conferences and liaising with other agencies as appropriate.

Local authority housing SOLOs are responsible for offenders' access to housing, which includes accessing temporary accommodation and identification of suitable permanent housing.

Registered social landlords, as 'duty to co-operate' agencies, work with the local authority housing SOLO to identify positive housing solutions, which contribute to public protection.



The role of the housing service is to contribute to the responsible authorities' management of risk through:

- » providing suitable accommodation
- » contributing to environmental risk assessments to ensure accommodation is appropriate
- » liaising with the responsible authorities regarding the ongoing management and monitoring of the risk of the offender as a tenant, including any tenancy moves or evictions
- » having regard to community safety and having in place contingency plans for when a property is no longer suitable and/or the offender's safety is at risk.

The local authority is responsible for ensuring the development of a strategic response to the housing of sex offenders. However, in any local authority area there is likely to be a multiplicity of housing providers, and local authorities must involve and consult registered social landlords in their area when developing their strategic response.

It is the responsibility of the local authority to provide an initial single point of contact for accommodation requests from other responsible authorities. This single point of contact is the housing SOLO, whose role involves:

- » identifying the most appropriate housing provider, following risk assessment
- » ensuring that when an appropriate housing provider has been identified, they are included by the responsible authorities in liaison arrangements relevant to the identification of appropriate housing and the management of risk
- » liaising pro-actively with responsible authorities and housing providers regarding ongoing risk management and community safety issues.

NHS Lothian continues to play an important role in MAPPA locally, as the responsible authority for mentally disordered, restricted patients, and in fulfilling its wider duty to cooperate in the management of registered sex offenders.

NHS Lothian and NHS Borders have a Public Protection structure (including child protection, adult protection and MAPPA), which is the responsibility of the Nurse Director at Health Board Level. In addition, NHS Lothian now has an Assistant Director of Public Protection, Designated Consultants for MAPPA (consultant forensic mental health clinicians) and a MAPPA Health Liaison Officer. This is to ensure appropriate information sharing and joint working between NHS Lothian and other MAPPA agencies. The aim of the structure is to provide governance for NHS Lothian's contribution to MAPPA and to ensure health issues that arise in relation to MAPPA cases (including mental health, physical health, staff and patient safety, and information sharing) are dealt with appropriately. The Assistant Director of Public Protection attends all Level 3 MAPPP (Multi-Agency Public Protection Panel) meetings, as does a consultant. A consultant and the health liaison officer attend all Level 2 MAPPA meetings in the NHS Lothian area.

The NHS Lothian and City of Edinburgh Council Serious Offender Liaison Service (SOLS) continued until 31 March 2015, providing specialist clinical consultation, training, assessment, clinical supervision and treatment to support criminal justice social work and the police to manage difficult sexual and violent offenders in the community. The input of the service continued to be viewed very positively by referring agencies and is recognised internationally as a unique and innovative service. Despite a positive evaluation report, no funding was available to continue the input the service provided for non-sexual offenders, and therefore, from April 2015, the service will revert to the NHS Lothian Sex Offender Liaison Service (SOLS), excluding consideration of violent, non-sexual offenders.



NHS Borders also provides a strong contribution to MAPPA. A mental health officer attends all Level 2 meetings and the Associate Director of Nursing attends all Level 3 MAPPP meetings.

### **Community Intervention Services for Sex Offenders (CISSO)**

This service continues to support the risk management of partner agencies through the delivery of community-based group treatment programmes, addressing the behaviour and attitudes associated with sexual offending. In addition, staff provide assessment reports for the court prior to the sentencing of some convicted sexual offenders, consultation to criminal justice social workers in Edinburgh, Lothian, and Scottish Borders, and undertake some individual pieces of work with offenders.

The main challenge for the Community Intervention Service for Sex Offenders this year has been implementing the accredited group work programme 'Moving Forward: Making Changes' (MF:MC). This programme is being rolled out across Scotland and replaces previous accredited group work programmes. The content draws on up-to-date research and includes a focus on the impact of trauma, the role of offence-supportive core beliefs, the development of a positive lifestyle and behaviour modification techniques for managing inappropriate sexual thoughts.

Staff were trained in the new programme in November 2013 and January/February 2014. The first MF: MC groups started at the end of May 2014 and by the end of March 2015 there 3 new groups running: one evening group, a day group and a group for men with a learning disability. The final group for the previous programme (C-SOGP) finished in February 2015. In addition, there are 18 week modules delivered

for internet mediated offenders who do not require MF: MC, but have identified treatment needs. A total of 45 men have been involved in the group work, with 22 places for MF: MC. With regard to court assessments, CISSO staff jointly interviewed 76 offenders and wrote full assessment reports on 34 men. Consultation was offered for all other report requests.

The project also offers training courses for local criminal justice staff on working with sexual offenders, including introductory days and skills based training for social workers. Training for the Moving Forward: Making Changes programme has now been expanded to all social workers who work with this offender group, as part of ongoing risk assessment and case management. Four courses on MF: MC case management were delivered to Lothian and Borders criminal justice social workers, allowing for a wide spread of trained staff to support and supervise men on the new programme.

### **Keeping Children Safe**

The Community Disclosure Scheme provides that parents, carers and guardians of children under 18 can ask for information about a named person who may have contact with their child if they are concerned that he or she might have convictions for sexual offences against children (e.g. if a parent wants to find out more about a new partner). Police officers discuss the concerns of the applicant in a face-to-face meeting and offer advice and support.

In this reporting year, police in Edinburgh, Lothian and Scottish Borders received 39 applications under this scheme.

Further information can be found at:  
<http://www.scotland.police.uk/keep-safe/safety-advice-jj/children-and-young-people/child-protection-keeping-children-safe/>

# Achievements in Developing Practice

**MAPPA**

Edinburgh, the Lothians and Scottish  
Borders Multi-Agency Public  
Protection Arrangements



## Training and Promoting MAPPA

During this reporting year, we have held a number of multi-agency training events.

In April 2014, the MAPPA Coordinator delivered a MAPPA presentation to the Lothian and Scottish Borders Police Scotland Command Team.

Also in April 2014, West Lothian Council hosted a multi-agency MAPPA awareness-training day, aimed at staff who may only have limited contact with sex offenders. This event promoted information sharing and understanding regarding the management of registered sex offenders.

In May 2014, the MAPPA Coordinator delivered training to uniform police inspectors within the Lothian and Scottish Borders Police Division. The aim was to increase the community policing teams' awareness of the higher risk and more complex cases managed under MAPPA, and to enable them to play an active role in mitigating these risks.

Also in May 2014, the MAPPA Coordinator and the Edinburgh Access to Housing and Customer Strategy Manager delivered a MAPPA training event to representatives from Move On Edinburgh, which is a Scottish charity working to support people affected by homelessness and to prevent homelessness, especially among vulnerable young people.

In September 2014, NHS Borders hosted a multi-agency MAPPA awareness-training day, aimed at staff who may only have limited contact with sex offenders. This event promoted information sharing and understanding regarding the management of registered sex offenders.

In November 2014, the City of Edinburgh Council hosted a multi-agency event aimed at developing our multi-agency response to child abuse.

In December 2014, West Lothian Council hosted a further multi-agency MAPPA awareness-training day, aimed at staff that may only have limited contact with sex offenders. This event promoted information sharing and understanding regarding the management of registered sex offenders.

In February 2015, the MAPPA Coordinator delivered a training event for staff new to the role of chairing MAPPA meetings.

## Developing the use of Sexual Offences Prevention Orders (SOPO)

This is an order granted by the Court. It places conditions on an offender's behaviour, provides a power of arrest if breached and enhances the police role in managing such offenders. SOPOs could initially only contain prohibitive measures, however, a change in legislation in November 2011 allows for these orders to contain positive obligations as well as prohibitions. Police Scotland may now apply to the court at the point of sentencing, for conditions requiring the offender to take specific actions, where previously there was no such obligation to comply.

For some offenders, the existence of a SOPO is enough to provide structure to their daily life, through which they are able to avoid further offending. On 31 March 2015, there were 69 SOPOs in place locally.

# Strategic Overview Arrangements

**MAPPA**

Edinburgh, the Lothians and Scottish  
Borders Multi-Agency Public  
Protection Arrangements



### **Edinburgh, Lothian and Scottish Borders – Strategic Oversight Group**

This group is responsible for the overview and co-ordination of the Multi-Agency Public Protection Arrangements, ensuring the sharing of best practice and learning from significant case reviews. The group also provides a strategic lead for developing local multi-agency policy and strategy in relation to shared priorities, with regard to the management of offenders.

### **Edinburgh, Lothian and Scottish Borders – MAPPA Operational Group**

This multi-agency operational group supports the work of the Strategic Oversight Group. The remit of this group is to share learning, develop best practice, and where relevant, ensure consistency of practice.

### **Offender Management Committees**

These committees monitor the performance and quality of local service delivery; they provide strategic direction to local member agencies; and develop local policy and practice. These committees include representatives from all key agencies, a number of which are also members of the local child and adult protection committees, ensuring effective communication across public protection.

### **NHS Lothian Public Protection Action Group**

The main aim of this group is to ensure NHS Lothian discharges its responsibilities for MAPPA, child and adult protection. This group provides a general forum to discuss important practice issues, in addition to developing good practice in relation to the management of high-risk offenders within the health care setting.

# Statistical Information

Unless stated, the statistics recorded are for the reporting period 1 April 2014 to 31 March 2015.

## MAPPA

Edinburgh, the Lothians and Scottish Borders Multi-Agency Public Protection Arrangements



**Table 1: General**

REGISTERED SEX OFFENDERS (RSOs)		No.
a) Number of:	I. per 100,000 population on 31 March	71.59
	II. at liberty and living in the area on 31 March	696
b)	The number of RSOs having a notification requirement who were reported for breaches of the requirements to notify	72
c)	The number of "wanted" RSOs on 31 March	0
d)	The number of "missing" RSOs on 31 March	0

**Table 2: Civil Orders applied and granted in relation to registered sex offenders**

THE NUMBER OF	No.
a) Sexual Offences Prevention Orders (SOPOs) in force on 31st March	69
b) SOPOs imposed by courts between 1st April and 31 March	7
c) Sex offenders convicted of breaching SOPO conditions between 1 April and 31 March	7
d) Risk of Sexual Harm Orders (RSHOs) in force on 31 March	1
e) People convicted of breaches of RSHO between 1 April and 31 March	0
f) Foreign Travel Orders imposed by the courts between 1 April and 31 March	0
g) Notification Orders imposed by the courts between 1 April and 31 March	2

**Table 3: Registered sex offenders by level, reconvictions and notifications**

REGISTERED SEX OFFENDERS (RSOs)		No.
a) By MAPPA Level as at 31 March;	I. Level 1 – Routine Risk Management	678
	II. Level 2 – Multi-agency Risk Management	19
	III. Level 3 – MAPPP	2
ai) By MAPPA Level between 1 April 2014 and 31 March 2015	IV. Level 1 – Routine Risk Management	816
	V. Level 2 – Multi-agency Risk Management	84
	VI. Level 3 – MAPPP	5
b) Convicted of a further Group 1 or 2 crime;	I. MAPPA Level 1	11
	II. MAPPA Level 2	2
	III. MAPPP Level 3	0
c)	Returned to custody for a breach of statutory conditions (including those returned to custody because of a conviction of Group 1 or 2 crime)	10
d)	Indefinite registrations reviewed under the terms of the Sexual Offences Act 2003 (Remedial) (Scotland) Order 2011 between 1st April and 31 March	18
e)	Notification continuation orders issued under the terms of the Sexual Offences Act 2003 (Remedial) (Scotland) Order 2011 between 1 April and 31 March	10
f)	Notifications made to Jobcentre Plus under the terms of the Management of Offenders etc. (Scotland) Act, 2005 (Disclosure of Information) Order 2010 between 1 April and 31 March	201

# Statistical Information

Unless stated, the statistics recorded are for the reporting period 1 April 2014 to 31 March 2015.

**MAPPA**

Edinburgh, the Lothians and Scottish Borders Multi-Agency Public Protection Arrangements



**Table 4: Restricted patients**

RESTRICTED PATIENTS (RPs):		No.
<b>a)</b> Number of RPs;	I. Living in the area on 31 March	33
	II. During the reporting year	46
<b>b)</b> Number of RPs per order	I. CORO	34
	II. HD	1
	III. TTD	11
<b>c)</b> Number within hospital/ community;	I. State Hospital	9
	II. Other hospital no suspension of detention (SUS)	23
	III. Other hospital with unescorted SUS	16
	IV. Community (Conditional Discharge)	7
<b>d)</b> Number managed by category on 31 March;		
Level 1 – Routine agency risk management		32
Level 2 – multi-agency risk		1
Level 3 – MAPPP		0
<b>e)</b> Number of RPs convicted of a further crime of Group 1 or 2 crime	I. MAPPA Level 1	0
	II. MAPPA Level 2	0
	III. MAPPP Level 3	0

RESTRICTED PATIENTS (RPs):		No.
<b>f)</b> Number on suspension of detention;	I. who did not abscond or offend	45
	II. who absconded	1
	III. who absconded and then offended	0
	IV. where absconding resulted in withdrawal of suspension of detention	1
<b>g)</b> Number on conditional discharge;	I. who did not breach conditions, not recalled or did not offend	8
	II. who breached conditions (resulting in letter from the Scottish Government)	0
	III. recalled by Scottish Ministers due to breaching conditions	0
	IV. recalled by Scottish Ministers for other reasons	0

# Statistical Information

Unless stated, the statistics recorded are for the reporting period 1 April 2014 to 31 March 2015.

## MAPPA

Edinburgh, the Lothians and Scottish Borders Multi-Agency Public Protection Arrangements



**Table 5: Registered sex offenders  
by age on 31 March 2015**

AGE	RSO Number	RSO Percentage
Under 18	2	0.29
18-20	12	1.72
21-30	117	16.81
31-40	139	19.97
41-50	147	21.12
51-60	153	21.98
61-70	86	12.36
71-80	34	4.89
81-90	6	0.86
91-100	0	0

**Table 6: Registered sex offenders  
by gender on 31 March 2015**

SEX	RSO Number	RSO Percentage
Male	695	99.86
Female	1	0.14

**Table 7: Registered sex offenders managed  
under statutory conditions and/or  
notification requirements on 31 March 2015**

CONDITIONS	Number	Percentage
On statutory supervision	249	35.78
Subject to notification requirements only	447	64.22

# Statistical Information

Unless stated, the statistics recorded are  
for the reporting period 1 April 2014 to  
31 March 2015.

**MAPPA**

Edinburgh, the Lothians and Scottish  
Borders Multi-Agency Public  
Protection Arrangements

**Table 8: Registered sex offenders by ethnic origin on 31 March 2015**

ETHNIC ORIGIN	Number	Percentage
White Scottish	491	70.55
Other British	146	20.98
Irish	3	0.43
Gypsy/Traveller	1	0.14
Polish	7	1.01
Other white ethnic group	12	1.72
Mixed or multiple ethnic group	3	0.43
Pakistani, Pakistani Scottish or Pakistani British	10	1.44
Indian, Indian Scottish or Indian British	1	0.14
Bangladeshi, Bangladeshi Scottish or Bangladeshi British	2	0.29
Chinese, Chinese Scottish or Chinese British	3	0.43
Other Asian	1	0.14
African, African Scottish or African British	4	0.57
Other African	0	0
Caribbean, Caribbean Scottish or Caribbean British	0	0
Black, Black Scottish or Black British	2	0.29
Other Caribbean or Black	0	0
Arab, Arab Scottish or Arab British	1	0.14
Other ethnic group	6	0.86
Subject declines to define ethnicity	2	0.29
Subject does not understand	1	0.14

# MAPPA

Edinburgh, the Lothians and Scottish Borders Multi-Agency Public Protection Arrangements



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SCOTLAND**  
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# Corporate Policy and Strategy Committee

10.00am, Tuesday 1 December 2015

## Committee Report Process – referral from the Governance Risk and Best Value Committee

<b>Item number</b>	7.7
<b>Report number</b>	
<b>Wards</b>	All

### Executive summary

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The Governance Risk and Best Value Committee on 19 October 2015 considered a report which detailed the proposed actions to make efficiencies to the committee report process.

The report has been referred to the Corporate Policy and Strategy Committee to review the volume of reports considered, in particular those by the Finance and Resources Committee and to review the Terms of Reference to re-balance the workload of each Committee.

### Links

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<b>Coalition pledges</b>	See attached report
<b>Council outcomes</b>	See attached report
<b>Single Outcome Agreement</b>	See attached report
<b>Appendices</b>	See attached report

# Terms of Referral

## Committee Report Process

### Terms of referral

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- 1.1 On 19 October 2015, the Governance, Risk and Best Value Committee considered a report which proposed actions to make the committee report process more efficient. The Council's statutory duties and complex approval procedure for reports prior to committee consideration often causes this process to be drawn out.
- 1.2 Due to the current executive committee model, there is a high volume of reports considered in comparison to other city local authorities in Scotland, production of which requires a significant amount of staff time. The breakdown of the number of reports considered by each Committee revealed a disparity in workload between committees with the Finance and Resources Committee accounting for a third of all the reports considered by the executive committees, the Corporate Policy and Strategy Committee and the Governance, Risk and Best Value Committee.
- 1.3 Long and short term improvements to the process were explored by the cross service area working group which was established following the Governance, Risk and Best Value Committee on 23 April 2015.
- 1.4 The Governance, Risk and Best Value Committee agreed:
  - 1.4.1 To note the efficiencies and more consistent committee report process established across the Council outlined in paragraphs 3.12 to 3.18 of the report by the Deputy Chief Executive.
  - 1.4.2 To request that the Strategy and Governance Manager circulate a breakdown of the committee report figures detailed in paragraph 3.12 of the report by the Deputy Chief Executive, outlining those which were statutory and decisions-making.
  - 1.4.3 To investigate technology offered by the new IT provider with a view to improving report format and reducing officer workload. To request a progress report back to Committee in one year.
  - 1.4.4 To refer the report to the Corporate Policy and Strategy Committee to review the volume of reports considered, in particular those by the Finance and Resources Committee and to review the Terms of Reference to re-balance the workload of each Committee.

- 1.4.5 To request that the Strategy and Governance Manager organise workshops with elected members on what was required from a committee report
- 1.5 When considering whether to re-balance the workload of committees, cognisance should be given to the changes to the Council's structure as a result of the transformation programme and the major changes in governance regarding health and social care. This may be an appropriate time to consider the current political management arrangements to ensure they remain both efficient and effective.

## For Decision/Action

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- 2.1 The Corporate Policy and Strategy Committee is asked to review the volume of reports considered, in particular those by the Finance and Resources Committee and to review the Terms of Reference to re-balance the workload of each Committee.

## Background reading / external references

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Governance, Risk and Best Value Committee 19 October 2015

### **Carol Campbell**

Head of Legal and Risk

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## Links

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<b>Coalition pledges</b>	See attached report
<b>Council outcomes</b>	See attached report
<b>Single Outcome Agreement</b>	See attached report
<b>Appendices</b>	See attached report

# Governance, Risk and Best Value Committee

2.00pm, Monday, 19 October 2015

## Committee report process

Item number	7.5
Report number	
Executive/routine	
Wards	All

### Executive summary

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The committee report process can often be complex involving officials and a range of internal and external partners. This long process is often a requirement due to the subject matter or the Council's statutory duties. However, efficiencies to this process have been explored and actions are set out in the report which explores long and short term improvements.

### Links

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Coalition pledges	
Council outcomes	CO25
Single Outcome Agreement	

## Committee report process

### Recommendations

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- 1.1 To note the efficiencies and more consistent committee report process established across the Council outlined in paragraphs 3.12 to 3.18 of the report.
- 1.2 To note that discussions would be taking place with the ICT service to explore new technology and how this could improve the committee report process on a long term basis.

### Background

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- 2.1 On 23 April 2015, the Governance, Risk and Best Value Committee requested a report on the committee reports process and whether there were any opportunities to accelerate the process.

### Main report

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- 3.1 The Council operates an executive committee model. This includes seven decision making executive committees, the Corporate Policy and Strategy Committee and a single scrutiny committee in Governance, Risk and Best Value Committee. Additionally, there are a number of committees dealing with applications on subjects such as planning and licensing and a selection of other committees such as appeal committees which occur when needed.
- 3.2 The Council's committees consider a significant number of reports meaning an efficient, effective and robust reporting process is essential to the decision making of the Council. A wide range of reports are produced that require considerable staff time to complete depending on the subject. The complexity of a report can also be determined by the level of engagement required with internal or external partners.
- 3.3 There is generally a common process in place for the approval of a committee report although there are differences for each service area depending on the complexity of the report. The report workflow process is set out in appendix 1.
- 3.4 Many reports are required to be considered by the Council's Leadership Group (CLG), chaired by the Chief Executive. This group considers all strategic reports prior to circulation to a committee's agenda planning meeting. This additional step provides essential corporate control and avoids silo working.

- 3.5 As is evident by the process highlighted in appendix 1 of this report, the journey a report takes before it is approved and submitted to committee can be long with the input of several officers. This process and the number of staff involved can seem unwieldy and inefficient but it is often essential to ensure the committee is provided with sufficient accurate information to make an informed decision and that the Council meets its statutory duties.
- 3.6 Audit Scotland in their follow up report on Scotland's Public Finances highlighted that all public bodies, including Councils, needed to improve the level and consistency of information provided for scrutiny and decision making. Examples included limited financial information, unclear actions, responsibilities and measurable outcomes and scrutiny taking place in private rather than in public.
- 3.7 The Council has attempted to address many of these concerns with an added focus and guidance on the financial implications section, the creation of a 'measures of success' section and a risk section, and guidance on report writing generally. The consequence has been more complex committee reports but it has also resulted in an improvement to the quality of reporting. Audit Scotland's Best Value (2) Audit Report 2014 stated that the Council had made good progress in developing its approach to scrutiny and risk management. The report highlighted that the Council needed to maintain this progress and ensure the improvements to governance, scrutiny and risk management was firmly in place across the Council.
- 3.8 Other areas of the report such as the 'sustainability impact' and the 'equalities impact' require the Council to consider its statutory duties and policy aims. For some reports this can be extremely time consuming, although it is an essential activity and results in a higher quality report.
- 3.9 How the Council engages with its partners has also changed over the years. This has been reflected in reports which now include a section on consultation and engagement. This also means an increase in the work necessary to report but a superior output in terms of service.
- 3.10 The report process in appendix 1 describes input from various internal services. This advice is often essential to ensuring a competent and high quality report but it can often lead to delays especially if consultation takes place at a late stage.
- 3.11 As outlined in the paragraphs above, writing a report is often complex, includes the involvement of numerous officials, engagement internally and externally and a thorough approval process. However, some avoidable delays do occur in the submission of reports. This can be down a variety of reasons such as poor knowledge of the report's purpose, problems with formatting, non-compliance with the report template or its mandatory sections and insufficient engagement with key internal and external partners. These delays are resolvable if processes and training are improved.

3.12 In addition to the complexity of reports there are a significant number of reports written. Between June 2014 and June 2015, 970 reports were considered by the Corporate Policy and Strategy Committee, the executive committees and the Governance, Risk and Best Value Committee. A breakdown of this by committee is outlined in the table below.

<b>Committee</b>	<b>Number of Reports</b>
Corporate Policy and Strategy	87
Communities and Neighbourhoods	32
Culture and Sport	38
Economy	75
Education, Children and Families	70
Finance and Resources	319
Health, Social Care and Housing	102
Transport and Environment	144
Governance, Risk and Best Value	103
Total	970

3.13 The number of reports can be compared to Glasgow City Council who in the same period considered 682 reports. Glasgow City Council have a cabinet and scrutiny model but Aberdeen and Dundee City Councils operate executive committee models and averaged between 500-650 reports in this time period. Aberdeen and Dundee City Councils have also recently looked to reduce their number of executive committees in an attempt to modernise and streamline their structures and decision making system. The City of Edinburgh Council's larger workload and committee structures, compared to these authorities, mean a considerable additional resource in terms of time spent by report authors.

### **Working Group**

3.14 Following the request by the Governance, Risk and Best Value Committee for a report on the committee report process, a cross service area working group was established to examine the issues and explore immediate efficiencies and improvements. The group met a number of times, identified a number of reasons for delays and developed a series of low cost improvements.

3.15 It was noted that information could be shared more effectively across the services notably outstanding reports following committee decisions. Sharing the

information as early as possible enables increased monitoring of outstanding reports by service areas and cuts out unnecessary delays.

- 3.16 Feedback from the working group was that the mandatory sections of reports were sometimes incomplete when presented to a director for agreement. While not a common occurrence, delay at this stage can result in a report being withdrawn from a committee's agenda. Good practice in Services for Communities requires all report authors to complete a report checklist covering all areas of the report, the need to discuss with colleagues in other service areas and ensuring that statutory sections are not incomplete as well as signposting the author to the relevant area for advice. This report checklist was amended by the working group to enable it to be used across all service areas and rolled out across all report authors.
- 3.17 The working group examined duplication in the report process and explored whether this could be removed. It became clear that the report schedule used by all service areas to plan committee business is not fit for purpose and some service areas using an alternative document as well as the Council wide document. A single document was developed that can be used throughout the Council. This document will produce management information allowing each service area to track business and identify why and where delays were occurring.
- 3.18 An improved report template is currently in development. This aims to assist report authors avoid unnecessary formatting issues. Work has been undertaken to simplify the formatting of the template so authors have less manual work and removing unnecessary delays and duplication.
- 3.19 A link to the webcast has been added to committee action sheets. This helps report authors to identify all matters needing to be taken into consideration and avoid incomplete reports.
- 3.20 These improvements are all low cost and improve the report process incrementally, with often the time saved been at the crucial stages before publication. The consistent approach now taken across all directorates will also help the report process maintain its robustness through the transition to new service areas. Despite these improvements though the process remains resource heavy with little automation. Following the appointment of CGI as the Council's ICT provider further discussion will be undertaken with ICT Solutions to explore long term options for improving the technology supporting the report workflow and ascertain if there are any efficiencies and improvements to the process that could be built in.
- 3.21 Training of report authors also needs to be considered and work will be undertaken with the HR service to build on the report writing e-learning module. This will be pursued as the Council transitions to its new structure.

## Measures of success

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- 4.1 Improved reports submitted to committee within required timescales.

## Financial impact

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- 5.1 The costs of the officer working group were contained within the relevant service area budgets. Any costs of improved ICT have yet to be scoped.

## Risk, policy, compliance and governance impact

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- 6.1 The Council's decision making should be based on informative and thorough reporting that meets the Council's statutory duties whilst ensuring that the process is efficient and streamlined.

## Equalities impact

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- 7.1 There are no direct equalities impacts as a result of this report.

## Sustainability impact

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- 8.1 There is no direct sustainability impact as a result of this report.

## Consultation and engagement

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- 9.1 The officer working group involved directorate representatives from each service area to ensure that individual service needs were considered. Officers from across all service areas were involved in designing and producing the new documentation. The ICT service will also be worked with closely to explore long term solutions.

## Background reading/external references

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[Governance Risk and Best Value Committee 23 April 2015 Minute](#)

### **Alastair D Maclean**

Deputy Chief Executive

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Governance, Risk and Best Value Committee – 19 October 2015

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## Links

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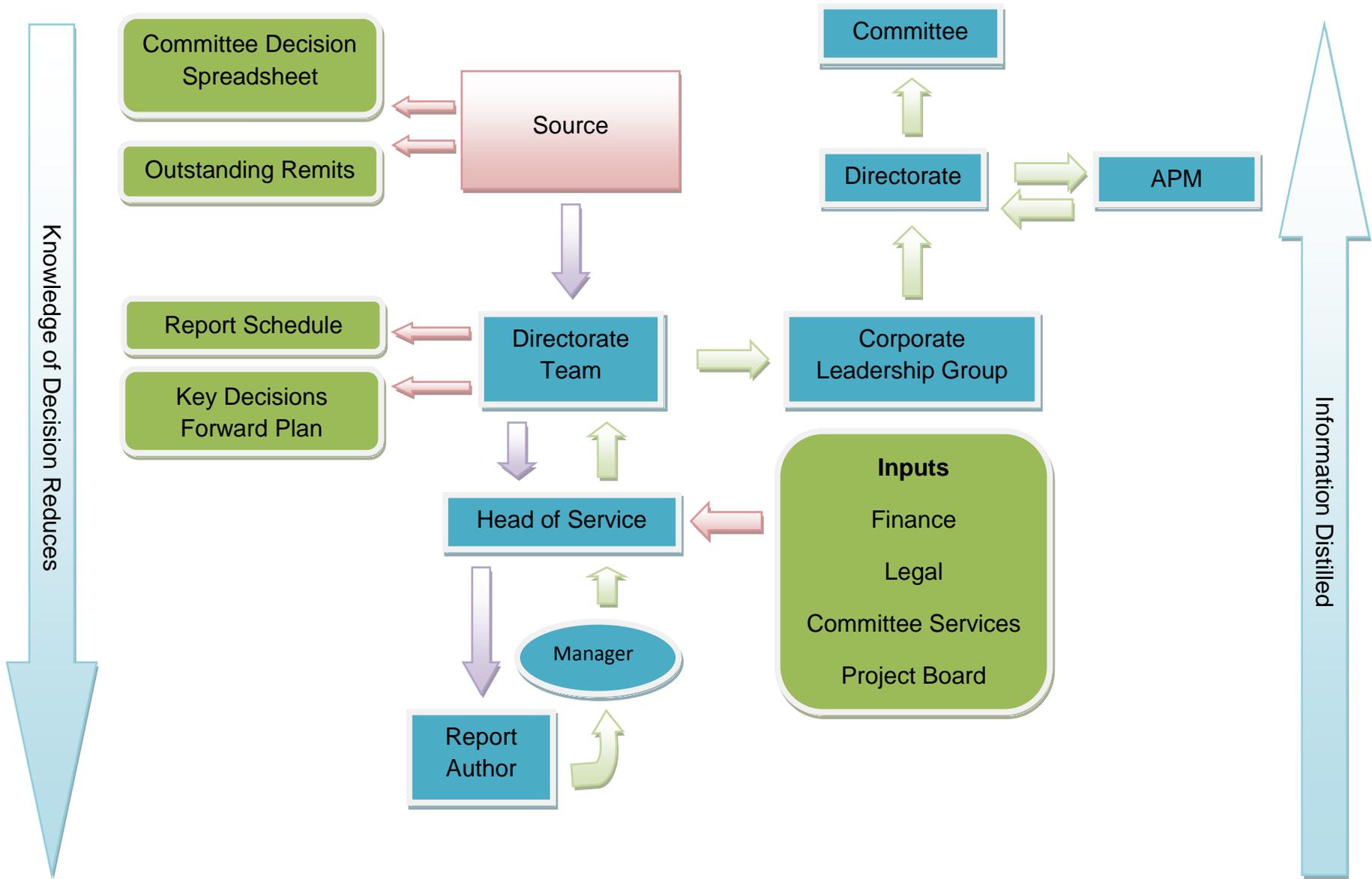
### Coalition pledges

**Council outcomes** CO25 - The Council has efficient and effective services that deliver on objectives.

**Single Outcome Agreement**

**Appendices**

# Council and Committee Report Workflow



# Corporate Policy and Strategy Committee

10.00am, Tuesday 1 December 2015

## Common Good Asset Register – referral from the Governance Risk and Best Value Committee

<b>Item number</b>	7.8
<b>Report number</b>	
<b>Wards</b>	All

### Executive summary

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On 12 November 2015, the Governance, Risk and Best Value Committee considered a report detailing the costs and timescales involved in updating the register of Common Good Assets, including a definition of Common Good and the Council's responsibilities concerning such assets.

The Corporate Policy and Strategy Committee is asked to consider the recommendations made by Governance, Risk and Best Value Committee.

### Links

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<b>Coalition pledges</b>	See attached report
<b>Council outcomes</b>	See attached report
<b>Single Outcome Agreement</b>	See attached report
<b>Appendices</b>	See attached report

# Terms of Referral

## Common Good Asset Register

### Terms of referral

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- 1.1 On 12 November 2015, the Governance, Risk and Best Value Committee considered a referral from the Corporate Policy and Strategy Committee concerning a report detailing the costs and timescales involved in updating the register of Common Good assets. The report, which included a definition of Common Good and the Council's responsibilities concerning such assets, also asked officers to consider the resources and skill sets required to carry out the review. The Governance, Risk and Best Value Committee had asked that the report be submitted in the first instance to the Corporate Policy and Strategy Committee prior to submission for its consideration.
- 2.1 This report had previously been considered by the Committee on 13 August 2015. The Committee had, at that meeting, requested that Andy Wightman be invited to discuss community involvement in the registering of Common Good land and he was duly heard on this issue.
- 2.2 The Governance, Risk and Best Value Committee agreed:
  - 2.2.1 To note the report.
  - 2.2.2 To refer the report to the Corporate Policy and Strategy Committee, recommending that officers be instructed to update the Common Good Asset Register. A strand of this work should be to explore innovative ways of involving higher education establishments, historical societies and other community groups.
  - 2.2.3 The report should also ask the Leader of the Council to write to COSLA suggesting that Common Good is put on the agenda for a future meeting, in order that local authorities can establish a uniform position on Common Good.

### For Decision/Action

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- 2.1 The Corporate Policy and Strategy Committee is asked to consider the recommendations of the Governance, Risk and Best Value Committee.

## Background reading / external references

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[Corporate Policy and Strategy Committee 24 February 2015](#)

[Governance, Risk and Best Value Committee 5 March 2015](#)

[Corporate Policy and Strategy Committee 4 August 2015](#)

### **Carol Campbell**

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## Links

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<b>Coalition pledges</b>	See attached report
<b>Council outcomes</b>	See attached report
<b>Single Outcome Agreement</b>	See attached report
<b>Appendices</b>	See attached report

# Governance, Risk and Best Value Committee

10.00am, Thursday 13 August 2015

## Common Good Assets Register - referral from the Corporate Policy and Strategy Committee

Item number	7.2
Report number	
Wards	All

### Executive summary

---

The Corporate Policy and Strategy Committee on 4 August 2015 considered a report detailing costs and timescales involved in fully updating the register of Common Good Assets, including a definition of Common Good and the Council's responsibilities concerning such assets. The Governance, Risk and Best Value Committee had requested that the report be considered in the first instance by the Corporate Policy and Strategy Committee prior to it being submitted for its consideration.

### Links

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<b>Coalition pledges</b>	See attached report
<b>Council outcomes</b>	See attached report
<b>Single Outcome Agreement</b>	See attached report
<b>Appendices</b>	See attached report

# Terms of Referral

## Common Good Assets Register

### Terms of referral

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- 1.1 The Council has a statutory obligation under the Local Government Etc (Scotland) Act 1994, Section 15(4)(b) in administering property held as part of the common good to administer it having regard to the interests of all of the inhabitants of the City.
- 1.2 The Corporate Policy and Strategy Committee on 4 August 2015 considered a report detailing costs and timescales involved in fully updating the register of Common Good Assets, including a definition of Common Good and the Council's responsibilities concerning such assets.
- 1.3 The Corporate Policy and Strategy Committee agreed:
  - 1) To note the report.
  - 2) To note that further reports would be brought to Committee once Scottish Ministers' guidance on common good registers had been issued and to consider the implications arising from compliance with the Land Registration (Scotland) Act 2012.
  - 3) To note that the common good definition in Section 3 of the report by the Acting Director of Services for Communities was not intended to be exclusive and that there would be clarification of the definition with the next report to Committee.
  - 4) To agree to write to Scottish Ministers on the timescale for the publication of guidance.
  - 5) To refer the report to the Governance, Risk and Best Value Committee.

### For Decision/Action

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- 2.1 The Corporate Policy and Strategy Committee has submitted the report to the Governance, Risk and Best Value Committee for consideration.

### Background reading / external references

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[Finance and Resources Committee 29 January 2008](#)

[Finance and Resources Committee 17 June 2008](#)

[Finance and Resources Committee 21 January 2010](#)

[Corporate Policy and Strategy Committee 24 February 2015](#)

[Governance, Risk and Best Value Committee 5 March 2015](#)

## **Carol Campbell**

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## **Links**

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<b>Coalition pledges</b>	See attached report
<b>Council outcomes</b>	See attached report
<b>Single Outcome Agreement</b>	See attached report
<b>Appendices</b>	See attached report

# Corporate Policy and Strategy Committee

10.00 a.m, Tuesday, 4 August 2015

## Common Good Assets Register

<b>Item number</b>	7.6
<b>Report number</b>	
<b>Executive/routine</b>	Routine
<b>Wards</b>	City wide

### Executive summary

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On 5 March 2015, the Governance, Risk and Best Value Committee requested a report to Corporate Policy and Strategy Committee, prior to coming to Governance, Risk and Best Value Committee, on costs and timescales involved in fully updating the register of Common Good Assets, including a definition of Common Good and the Council's responsibilities concerning such assets. In preparing the report, officers were to consider the resources and skill sets required to carry out the review of the register.

This report responds to that request.

### Links

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<b>Coalition pledges</b>	<a href="#">P31</a> , <a href="#">P33</a>
<b>Council outcomes</b>	<a href="#">CO19</a>
<b>Single Outcome Agreement</b>	<a href="#">SO2</a> , <a href="#">SO4</a>

## Common Good Assets Register

### Recommendations

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It is recommended that Committee:

- 1.1 Notes the contents of this report;
- 1.2 Notes that further reports will be brought to Committee:
  - (a) once Scottish Ministers' guidance about common good registers has been issued; and
  - (b) to consider the implications arising from compliance with the Land Registration (Scotland) Act 2012.

### Background

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- 2.1 On 24 February 2015, the Corporate Policy and Strategy Committee approved an urgent motion by Councillor Burns in regard to Parliament Hall and Common Good. Consequently, the Governance, Risk and Best Value Committee of 5 March 2015, requested a report to Corporate Policy and Strategy Committee, prior to coming to Governance, Risk and Best Value Committee, on costs and timescales involved in updating fully the register of Common Good Assets, including a definition of Common Good and the Council's responsibilities concerning such assets. In preparing the report, officers were to consider the resources and skill sets required to carry out the review of the register.
- 2.2 The Finance and Resources Committee, on 29 January 2008, made a similar request, i.e., to provide a further report with an indication of the costs of an exercise to research the full extent of the Council's common good holdings.
- 2.3 In response to this, the Finance and Resources Committee on 17 June 2008, were advised that it was anticipated that a team of four staff, comprising a solicitor, archivist, surveyor and a property research officer would be required to complete the exercise over a number of years, and that the annual employee costs of such a team would be in the region of £185,000.
- 2.4 Due to the cost implications of undertaking a comprehensive review of common good assets, the Committee resolved that a review would be undertaken prior to the disposal or change of use of any property, which would enable any common good implications to be considered on an ongoing case by case basis.
- 2.5 At its meeting on 21 January 2010, the Finance and Resource Committee, having considered the 2008/09 Audit Scotland report on the Council's Common

Good account, and recommendations made by the Corporate Asset Management Group, resolved:

- 1) To note the positive report received from Audit Scotland in its 2008/09 review of the City of Edinburgh Council's Common Good Fund.
- 2) That the Council would continue with its rolling programme of reviewing title deeds to identify potential Common Good properties.
- 3) That a review of individual properties would be undertaken when a change of use or a disposal of property was proposed.
- 4) All work related to these reviews would be carried out using existing staff resources.

2.6 The above is the Council's current procedure for reviewing common good property.

## Main report

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### Definition of Common Good

3.1 There is no statutory definition of common good, nor has it been defined through case law. Although the pending Community Empowerment Bill makes provision for how local authorities should deal with common good property, it does not provide a definition.

3.2 The reasoning for not defining common good was set out in the Policy Memorandum to the pending Community Empowerment Bill and is as follows:

“These provisions do not seek to provide a new definition of common good. Inclusion on the register or exclusion from it will not determine whether property is in fact common good. Given the complexity of the subject, there is a high risk that any such approach might not cover all existing assets which are considered to be common good, and might cover things which are currently excluded.”

3.3 Although this approach can be considered reasonable, it is recognised that a benchmark is needed against which to test assets to determine whether they should appear on the Common Good Register. Following consultation with the Head of Legal, Risk and Compliance it is proposed that the following test should be used:

Property which belonged to the Council immediately prior to May 1975, that was neither acquired under any statutory power nor held by a separate trust, *and* fulfils one of the necessary criteria:-

1. Custom: used by the general public since time immemorial;
2. Dedication: formally dedicated by the Council's predecessors to a public function; or

3. Grant: held under a title condition ensuring such a public use in perpetuity.

### **Council's responsibilities**

- 3.4 The Council has a statutory obligation under the Local Government etc. (Scotland) Act 1994, Section 15(4)(b) in administering property held as part of the common good, to administer it having regard to the interests of all of the inhabitants of the City.

### **Community Empowerment Bill**

- 3.5 The Community Empowerment (Scotland) Bill was passed by the Scottish Parliament on 19 June 2015, subject to Royal Assent. It proposes to place a statutory duty on local authorities to establish and maintain a register of all property held by them for the common good. It also requires local authorities to publish their proposals and consult community bodies before disposing of or changing the use of common good assets.
- 3.6 Local authorities are required to have regard to any guidance issued by the Scottish Ministers about common good registers. Before issuing any guidance, the Scottish Ministers must consult local authorities, community councils, and appropriate community bodies.
- 3.7 It is not yet known when the provisions of the Bill will come into force, nor when the guidance will be issued but this could be by the end of 2015. There is no timescale for completion of the register, but it has been previously suggested that it should take no more than 3 years for authorities to establish their common good registers, although not all items in the register will have their status confirmed within that time.

### **Land Registration (Scotland) Act 2012**

- 3.8 The law around the registration of land ownership in Scotland has been the subject of recent reform, with the coming into effect, in December 2014, of the Land Registration (Scotland) Act 2012. This, together with the Government's desire that all land owned by public bodies, such as the Council, should be registered on the Land Register by December 2019, means there is also a requirement for the Council to assess the extent to which its land is already on the Land Register, and what actions and resources would be required to complete this process.
- 3.9 Any work carried out in connection with updating the register of common good assets will go some way to assist with the work associated with the completion of the Land Register. However, transferring information on to the plan/description based Land Register will require an additional resource input and it is intended to bring a further report to Committee following guidance about common good assets by Scottish Ministers.

## **Costs and timescales involved in fully updating the register of Common Good Assets**

- 3.10 The contents of the report to the Finance and Resource Committee of June 2008 remain sound, in that, the skill sets required in order to carry out a review of the register comprise a solicitor, archivist/historian, surveyor and a property research officer, with appropriate administration support.
- 3.11 Establishing what property is common good is complex and requires a great deal of research. Since the late 1800's, most property was acquired by the Council's predecessors under statutory powers, however the majority of titles do not refer to the relevant statute.
- 3.12 Whether a property is or is not common good can only be determined by researching the particular fact and circumstances of each and every acquisition and its subsequent use. Reference would have to be made to common good reports, Acts of Parliament, Charters, titles, Improvement Schemes, Council Minutes, files, other historical records and case law.
- 3.13 It should be noted that it is ultimately up to the courts to have the final say as to whether a property is, indeed, part of the common good, as local authorities do not, presently have the ability to declare this absolutely.
- 3.14 The estimated current cost to the Council of carrying out the exercise to update fully the register, by a team of staff as per paragraph 3.5 above would be the region of £250,000pa. Given the scale of the task it is expected to take several years to complete. It has been previously suggested that it should take no more than 3 years for authorities to establish their common good registers, although not all items in the register will have their status confirmed within that time.
- 3.15 At this stage, the costs to the Council associated with updating the common good register would be an unbudgeted pressure.

## **Measures of success**

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- 4.1 A fully updated Common Good Register and a review process that will minimise the risk of an inalienable common good property being inadvertently sold.

## **Financial impact**

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- 5.1 The estimated costs to the Council of updating fully the Common Good Register, is £250,000 per annum over 3 years. At this stage this would be an unbudgeted pressure.
- 5.2 Meeting the requirements of the Land Registration (Scotland) Act 2012 will incur additional unbudgeted revenue expenditure and this will be the subject of a further report to Committee.

## **Risk, policy, compliance and governance impact**

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- 6.1 A review to determine whether a property should be considered common good is undertaken if it is identified for disposal or if a significant change of use is proposed.
- 6.2 This recommended approach was accepted by the Council's Finance and Resources Committee on 17 June 2008.
- 6.3 There is a risk that some properties are not identified as common good and are not included on the Council's asset register. The Common Good Asset Register could therefore be incomplete.
- 6.4 The risk that common good property could be unlawfully disposed of or appropriated is managed within the review processes currently in place.

## **Equalities impact**

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- 7.1 Updating fully the register of common good assets would potentially enhance the right to legal security for the citizens of the City of Edinburgh. If the status quo is maintained, whereby a review is undertaken prior to the disposal or change of use of any property, to enable any common good issues to be considered, then existing rights would be maintained.

## **Sustainability impact**

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- 8.1 As the report recommends that Committee notes the contents of this and future reports, the proposal does not have an impact in relation to the three elements of the Public Bodies Duties in the Climate Change (Scotland) Act 2009.

## **Consultation and engagement**

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- 9.1 None

## **Background reading/external references**

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"Update on Common Good" – report to the Finance and Resources Committee 21 January 2010.

"Review of Common Good in Edinburgh" - report to the Finance and Resources Committee 17 June 2008.

"Review of Common Good in Edinburgh" - report to the Finance and Resources Committee 29 January 2008.

## John Bury

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### Links

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<b>Coalition pledges</b>	<p>P30 – Continue to maintain a sound financial position including long-term financial planning.</p> <p>P31 – Maintain our City’s reputation as the cultural capital of the world by continuing to support and invest in our cultural infrastructure.</p>
<b>Council outcomes</b>	<p>CO19 – Attractive Places and Well Maintained – Edinburgh remains an attractive city through the development of high quality buildings and places and the delivery of high standards and maintenance of infrastructure and public realm.</p>
<b>Single Outcome Agreement</b>	<p>SO2 – Edinburgh’s citizens experience improved health and wellbeing, with reduced inequalities in health.</p> <p>SO4 – Edinburgh’s communities are safer and have improved physical and social fabric.</p>
<b>Appendices</b>	

**COMMON GOOD****REGISTER OF ASSETS (for Accounting Purposes)****Asset Name**

Bruntsfield Links  
 Calton Hill  
 City Chambers Complex  
 City Observatory  
 East Market St Garage  
 Grassmarket - MARTYR'S CROSS MONUMENT  
 Inch Park  
 Lady Stair's House  
 Meadows  
 Meadows - NELSON PILLARS  
 Meadows - SUNDIAL WEST  
 Memorials - High Street  
 Peoples Story Museum  
 Portobello Park  
 Princes St Gardens (East)  
 Princes St Gardens (West)  
 PSG - WALTER SCOTT MONUMENT -HISTORIC BUILDING  
 PSG - ADAM BLACK STATUE  
 PSG - ALLAN RAMSAY STATUE  
 PSG - BURNS MONUMENT  
 PSG - DAVID LIVINGSTON STATUE  
 PSG - DEAN RAMSAY MEMORIAL CROSS  
 PSG - FLORAL CLOCK  
 PSG - GENIUS OF ARCHITECTURE STATUE  
 PSG - ROBERT LOUIS STEVENSON MEMORIAL GROVE  
 PSG - Ross Bandstand  
 PSG - ROSS FOUNTAIN  
 PSG - ROYAL SCOTS GREYS MONUMENT  
 PSG - ROYAL SCOTS MONUMENT  
 PSG - SCOTTISH AMERICAN WAR MEMORIAL  
 PSG - SIR JAMES Y SIMPSON STATUE  
 PSG (W) - MEMORIAL STONE  
 PSG -NORWEGIAN MEMORIAL STONE  
 PSG -ST MARGARET'S WELL  
 PSG -THOMAS GUTHRIE STATUE  
 Roseburn Park  
 S Queensferry Harbour  
 Scotland Street Lane  
 Scott Monument  
 Session House, Dalmeny  
 Session Lands, Dalmeny  
 St James Place

Note - PSG is used as an abbreviation for Princes Street Gardens