

# Association of Chief Police Officers of England, Wales and Northern Ireland



**ACPO Child Protection and Abuse Investigation Group**  
C/o The Child Exploitation and Online Protection (CEOP) Centre

## **Position from ACPO Lead's on Child Protection and Cannabis Cultivation on Children and Young People Recovered in Cannabis Farms**

1. Police should be alert to the possibility that any person, adult or child, identified in a cannabis farm could be a victim of trafficking. CEOP strategic assessments, made up of intelligence submitted by police, UKBA, children's services and NGOs, highlight cases of children and young people being trafficked into the UK and exploited in cannabis farms. The intelligence indicates that sometimes, as a consequence of the need for more awareness of the problem, young persons are not identified as victims, statutory defences are not recognised and the individuals end up being charged, prosecuted and convicted of offences committed whilst being exploited. This is contrary to police child protection obligations where the young person has been a victim of crime. It is also contrary to responsibilities in respect of child trafficking as enumerated under the Council of Europe (COE) Convention on Action Against Human Beings, which indicates that any person under the age of 18 years cannot consent to their own trafficking. The ACPO Lead on Child Protection and Abuse Investigation, and the ACPO Lead on Cannabis Cultivation have endorsed the following approach.
2. In line with the "Safeguarding Children Who May Have Been Trafficked" guidance, police should work with local authorities to ensure early identification of trafficked victims before entering any suspected cannabis farm. In the planning stage of any proactive operations or other police interventions on cannabis farms, dual operational planning should focus not only on the recovery of illegal drugs and the arrest of members of criminal enterprises, but also on the safeguarding of any children who are being exploited on the premises. Inter-agency strategies and protocols for early identification and notification should be set in place in advance in collaboration with local children's services and UKBA representatives. The police team leading on the preparation of the proactive operation should consult with the force Child Protection team and, where it is anticipated that child victims of trafficking may be present, utilise Child Protection officers in the operation to ensure that safeguarding actions take place.
3. Every individual identified as, or claiming to be, a child or young person in a cannabis farm should be assessed on a case by case basis to ascertain whether they may have been trafficked. Where circumstances give rise to reasonable suspicion that they are being exploited or abused, a child welfare response should be taken.

4. No decision to progress charges against such individuals should be made until all relevant assessments have been undertaken. Prosecutors and Duty Solicitors have a duty to make full and proper enquiries in criminal prosecutions involving individuals who may be victims of trafficking and to be proactive in establishing if a suspect is a potential victim of trafficking. Therefore, information about concerns of trafficking should be fully shared with the CPS. Cases of individuals claiming to be under 18 when they are not for tactical purposes are common. However, in cases of doubt, the young person should be given the benefit of that doubt in accordance with the COE convention until information to the contrary is available. Where official records, or other reliable evidence, are not available to confirm age, a Merton compliant age assessment<sup>1</sup> should be carried out by the local authority.<sup>2\*</sup>
5. On recovery of any young person in a cannabis farm s/he should be taken to a place of safety immediately. A check on PNC or UKBA CID (Central Intelligence Database) should be undertaken to ensure that police use all available resources to find information about the young person.
6. A referral should be made to the local authority children's services for the appropriate assessments. Children's services should be prepared for this referral, having been involved in the planning stages before entry into the premises. The local authority representative should be informed of the circumstances in which the young person was identified and the concerns around trafficking. The police should share as much information as possible to help children's services undertake the appropriate assessments. A local authority representative should attend the police station (or other place of safety where the young person is taken) within an hour of notification to undertake a joint assessment and to produce a protection plan designed to keep the young person safe. This would require an interpreter who is able to safely communicate with the young person in their own language.
7. The overall aim of the local authority and police should be to assure the young person that they are safe. Police and local authorities need to be aware that the young person is likely to be at extremely high risk of running away from care, due to continued coercion by their trafficker. Best practice has shown that supporting and supervising the child, keeping him/her updated and involved in the investigation process and providing an appropriate care package will prevent him/her from running away and going missing.
8. Any other welfare needs should be identified and responded to within a safeguarding and child protection context.
9. All assessments undertaken are to be decided between the local authority and the local police. The assessments used, should be in accordance with existing child protection standards and use the multi agency framework which is set out in the 'Working Together to

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<sup>1</sup> See the ACPO Child Protection Lead's position on the use of age assessments.

<sup>2</sup> *C412 B (Merton): R (B) v Merton London Borough Council* [2003] EWHC 1689 (Admin) [2003] 4 All ER 280 Stanley Burnton J. Granting JR, the Court gave guidance as to how a local authority should approach the question whether an accompanied asylum-seeker was aged less than 18 years old.

Safeguard Children' guidance (2010)<sup>3</sup>. The assessments will be carried out by the appropriate child protection trained person in the relevant authority and should be carried out on an ongoing basis. Local authority, police and UKBA leads should meet within five days of initial joint assessment to discuss de-brief of the young person, ongoing strategy and their protection plan.

10. Once the young person is safe and within a more stable environment, the local authority children's services should undertake a trafficking assessment. The trafficking assessment can be found at <http://www.crimereduction.homeoffice.gov.uk/humantrafficking005.htm>. Where a concern of trafficking is confirmed by the assessment, a referral should be made to the relevant competent authorities within the National Referral Mechanism. The referral form is at the end of the Trafficking Assessment. Safeguarding and child protection processes should be put into place in accordance with the young person's needs.
11. It should be noted that the most important element of the response in identifying potential young victims of trafficking in cannabis farms is their protection plan and encouraging them to choose local authority care over absconding. Once these have been relatively secured, the NRM process can begin on a stronger footing.
12. If it is suspected that the young person is a potential victim of trafficking, it is the duty of the police, with assistance from local authorities, to investigate the trafficking allegations, according to section 47 of the Children's Act. It is important that offenders are prosecuted for trafficking crimes in order to protect future children from exploitation, and to act as a deterrent to others.
13. The above position of the ACPO lead takes the definition of child trafficking as that defined within the Council of Europe Convention on Action Against Trafficking in Persons. Namely "*the recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation*". A "child" is any person under the age of 18 years of age.

This position takes full account of existing guidance ACPO guidance on Investigating Child Abuse and Safeguarding Children (2009) under both ACPO and Statutory Guidance on Working Together to Safeguard Children.

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<sup>3</sup> *Safeguarding Children Who May Have Been Trafficked* can be found at: <http://publications.everychildmatters.gov.uk/default.aspx?PageFunction=productdetails&PageMode=publications&ProductId=HMG-00994-2007>. It is supplementary guidance to the statutory *Working Together to Safeguard Children (2010)* which can be found at: <http://publications.dcsf.gov.uk/default.aspx?PageFunction=productdetails&PageMode=publications&ProductId=DCSF-00305-2010>