



Function area: NPCC	
Name of Project	OPERATION INNERSTE: Tactical Briefing Document. A multi-agency response to better safeguard unaccompanied migrant children who arrive in the UK via illegal means.
Name of Business Lead	CC Shaun Sawyer
Name of person carrying out EIA	Rhea Brooke 57936
Version & date	Version 1.1 2 nd July 2020 Version 1.0 26 th June 2020 Version 2.0 11 th April 2022
Associated Documents / Working Practices	OPERATION INNERSTE: Strategic Brief / Operational Briefing (2020) The National Referral Mechanism (Modern Slavery) A guide to undertaking International Crime Enquiries version 1.5 (January 2019) and Equality Impact Assessment Annexe 17 Clandestine Entry Lorry drop guide * The slavery and trafficking survivor care standards (2018) • Data Privacy Impact Assessment • Umbrella Memorandum of Understanding Authorised Professional Practice • Engagement and Communication • Information Management • Intelligence Management • Major Investigation and Public Protection (first response and the national referral mechanism) • Stop and Search

	National Policing (2014) Hate Crime Strategy College of Policing (2014) Hate Crime Operational Guidance National Child Centred Policing Action Plan
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Equality Impact Initial Screening

1. Significance & Impact: The relevance for equality depends on the nature and extent of the impact not just the numbers of people affected.	
Do the proposals affect service users, employees or the wider community?	Yes
Do the proposals significantly affect service delivery, business processes or policy?	Yes
Does it involve a significant commitment of resources?	No
Do the proposals relate to an area where there are known inequalities? (e.g. hate crime, domestic abuse, accessibility, recruitment & progression)	Yes
2. What are the main aims, purpose and outcomes of the proposals? This equality impact assessment is being completed on the contents of the tactical briefing written for police forces in support of Operation Innerste the multi-agency response to better safeguard unaccompanied migrant children who arrive in the UK via illegal means including for the purposes of exploitation. Op Innerste was developed in 2016 as a multi-agency response to the complex issues surrounding unaccompanied migrant children who arrive in the UK via illegal means. Unaccompanied migrant children trafficked into the UK may be so: * for the purposes of modern slavery * attempting to reach another family member already resident in the UK * for the purposes of claiming asylum * as economic migrants. Evidence indicates that unaccompanied migrant children and young people trafficked into the UK are one of the groups at increased risk of then further going missing and being re-trafficked / exploited for the purposes of e.g. modern slavery / county lines etc. The Every Child Protected against Trafficking (ECPAT) report "Heading back to harm" recommends that establishing early rapport building with unaccompanied migrant children by the authority within which they first come into contact as an essential requirement in reducing the influence of traffickers on them. The first 24 to 48 hours following the initial encounter between the authority representative and the child is critical in creating a relationship of trust, which helps act as an effective measure in preventing the child / young person from later going missing.	

An enhanced process has been designed to support the initial first responder (usually the police) with their engagement with unaccompanied migrant children to help build early rapport. It's aim is help with providing the child with a safe environment to express their needs and concerns, and the opportunity for authorities to explain the support, services and protection entitled to them. The creation of a relationship of trust between the professional and the child is intended to reduce the influence of traffickers and prevent them from absconding and later going missing.

As part of the process, the first responder completes an initial welfare / safeguarding form, obtains fingerprints and photographs using immigration powers which are passed on to the National Command and Control Unit (NCCU) for uploading on to immigration systems. Capturing biometrics allows the police and immigration departments to identify children later if they go missing, commit crime, are trafficked or are found in distressing circumstances.

Most importantly the guidance provides clarity and reinforcement that their actions are taken under 'police protection'.

Individual police forces may wish to add to this equality impact assessment where specific local circumstance exist.

3. Relevance: How does the aim and purpose of the proposals relate to each of the aims of the public sector equality duty?

a) To eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Equality Act 2010	The strategy and tactical order seek to ensure that irrespective of in which Police Force first contact with an unaccompanied migrant child / young person is made that they are a victim of a crime with priority given to safeguarding action through use of police protection powers. In so doing they will utilise a multi-agency response to meeting the needs of the child or young person and reduce the potential for them to be: * discriminated against based on their race, ethnicity or nationality, * deprived of their liberty inappropriately, and * through being able to produce a more comprehensive risk assessment to provide for the safeguarding, and management of the risk and harm posed to these children and young people.
b) To advance equality of opportunity between people from different groups	Compliance with the contents of the tactical briefing and strategy will ensure that unaccompanied migrant children who enter the UK illegally are not as a default criminalised on their first contact with a member of a UK police force. Reinforcing the requirement to safeguard / protect an unaccompanied migrant child / young person places these young people on the same footing as unaccompanied migrant children who enter into the UK under the Dubbs Amendment or with an other family member seeking asylum.

c) To foster good relations between people from different groups.		The NPCC is cognisant of the current political climate and media coverage around the issue of immigration and illegal migration. How unaccompanied migrant children / young people are portrayed in the media will impact: • the children / young people themselves • the wider geographic resident communities of the same race, ethnicity, nationality, religion or belief • the wider resident population who do not share the same protected characteristics • relationships between the wider population and the police and that there is the potential for heightened tensions between and within communities as a consequence of police action or the perception of non-action by the police. Further, the NPCC recognises the potential for increases in hate crimes and incidents between communities because of the arrival of unaccompanied migrant children / young people into a geographic area. Mitigation Police Forces who make first contact operate under the auspices of the College of Policing Authorised Professional Practice and their individual policies and working practices including those related to community tensions / hate crimes and incidents. Furthermore, the NPCC is mindful of the trauma faced by these children and the potential negative impact that contact with the Police could have and its longer term outcomes.			
4. Is it likely that the proposals could affect protected groups differently?					
Age	Yes	Disability	No	Sexual Orientation	No
Race	Yes	Sex	Yes	Religion or Belief	Yes
Gender reassignment	No	Pregnancy & Maternity	No	Marriage or Civil Partnership Status	No
Please provide details for each protected group where you have indicated 'Yes'.					

Context

There are estimated to be at least 95,000 unaccompanied child refugees in Europe. 20,000 unaccompanied children arrived in Italy by sea in the first nine months of 2016, up from 16,500 in 2015, with a further 2,300 in Greece. In 2015, 3,253 unaccompanied children claimed asylum in the UK; the number in 2016 was 3,175.¹ In 2021 the number was 3,762.²

Information provided in Modern Slavery: National Referral Mechanism and Duty to Notify statistic UK, end of year summary 2021 notes that 5,468 (43%) children were referred to the National Referral Mechanism as potential victims of modern slavery. This is a 10% increase from 2020.

Excluding those from the UK, the country of origin for the remaining top 9 most common is given below:

Nationality Adults	NRMs	Nationality Children	NRMs
Albanian	2046	UK	2981
UK	883	Vietnamese	269
Vietnamese	635	Albanian	244
Eritrean	411	Sudanese	220
Sudanese	232	Eritrean	180
Romanian	194	Afghan	136
Iranian	191	Iranian	108
Chinese	166	Romanian	81
Pakistani	116	Iraqi	71
Indian	113	Somali	53

Note: Not all of these children will have entered into the UK unaccompanied, however some will.

Internal – positive (wellbeing)

The adoption and implementation of the tactical briefing and strategy should have a positive impact on officers and members of police staff who make first contact with unaccompanied migrant children or young people and responsible for their initial safeguarding as it removes both a source of potential frustration and confusion between the priorities and responsibilities of all parties whose job it will be to safeguard the child / young person and ensure that further harm

¹ Unaccompanied child migrants. Thirteenth Report of Session 2016–17. House of Commons Home Affairs Committee <https://publications.parliament.uk/pa/cm201617/cmselect/cmhaff/1026/1026.pdf>

² [Asylum and resettlement datasets - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/statistics/asylum-and-resettlement-datasets)

does not befall them.

Internal – all (negative)

The NPCC recognises that for some forces the impact of Operation Innerste will be felt more than others. This may result in them being subject to either heightened scrutiny and/or push back from communities whose expectation is for a 'criminalisation' approach.

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External – all

The NPCC acknowledge that a potential victim's immigration status can and does get exploited by criminals as an additional threat to exert control over and engender fear in victims. The current political climate and media reporting around immigration and illegal migration can and does lead to the potential for heightened tensions between and within communities. Further, the position of unaccompanied child migrants has been subject to considerable debate and scrutiny without consensus in both the House of Commons and the House of Lords.

Overarching all of this at this time is the impact felt by Black and Minority Ethnic individuals and communities to the death in the United States of George Floyd. This has had a profound effect on relationships between policing and those communities.

Age (under 18s) – positive / negative

This tactical briefing applies specifically to children and young people aged under 18.

Sensitive data on the child / young person will be shared with several agencies including but not limited to:

- * Children Services from the appropriate geographic local authority
- * Immigration Service / Border Force
- * providers of translation services
- * third sector parties commissioned / supporting child migrants and refugees e.g. Barnardo's, the Children's Society, Refugee Action etc.

Mitigation

Any information taken, recorded or shared by the police force, which makes first contact will be for the purposes of ensuring that the needs of the child / young person and the identification of any vulnerabilities they may have are highlighted at the earliest opportunity. Any sharing of this information will be for the purposes of ensuring that these needs are met by the most appropriate statutory and/or other agencies; and for the prevention and detection of crime.

Race, Ethnicity or Nationality / Religion or Belief

The NPCC recognise that unaccompanied migrant children and young people from a wide range of nationalities may be trafficked into the UK. However, the NPCC and the policing service is mindful that there is likely to be a more significant impact on individuals from countries within Africa (especially Nigeria, Sudan, Eritrea and Ethiopia) and Asia (specifically Vietnam, China, India, Pakistan, Afghanistan, Iraq and Iran) who may be more likely to identified as potential victims of crime (as identified by data provided on individuals referred to the National Referral Mechanism).

The current political climate and media narrative around race / ethnicity / nationality and policing is not as positive as it has been, a situation that the NPCC, College of Policing and the Superintendents Association noted in their press release of 03/06/20. This can and will impact

on the relationships and expectations of the differing Black and Minority Ethnic communities.

Mitigation

Where there are sensitivities identified, on-going communication between the Force (where contact is made with the victim) and the communities involved will be crucial to reassuring individuals and the wider community. Further action through a communications / media strategy would be adopted where this is appropriate. Advice and guidance should be sought where appropriate in support of any wider investigation.

5. What are the issues that you have identified and considered in relation to Human Rights? (see Guidance)

a) What is the potential for interference with an individual's rights?

Article 2: Right to Life

There should be a positive interference with this Article as the tactical order and the strategy under which it sits prioritises the safeguarding of an unaccompanied migrant child or young person from the point of first contact with a Police Force.

The NPCC is cognisant too that failing to safeguard an unaccompanied migrant child / young person puts them at increased risk from going missing, being re-trafficked, exploited, becoming a victim of modern slavery etc. all of which could put the individual's life / wellbeing / safety at serious risk depending upon their circumstances.

Mitigation

In developing Operation Innerste, the NPCC reinforces the requirements on officers and members of police staff to prioritise the protection and support of the individual in order to facilitate individual Police Forces' minimise the potential risk and harm to the vulnerable individuals.

Article 5: Right to Liberty and Security

There may be an interference with this Article whereas a result of the circumstances in which the child / young person is found they are:

- * temporarily hosted within a police station as the most appropriate **place of safety** whilst alternate arrangements are made with the appropriate local authority and more suitable accommodation found

- * a decision is made based on their behaviour that in order to prevent them harming either themselves or others that it is necessary to temporarily detain the individual in order to deliver the most appropriate safeguarding action

There would be no breach of this Article in these circumstances where a decision to hold an individual is

	in furtherance of Article 2: The Right to Life and within the framework of Working Together to Safeguard Children (2018) Further interferences with this Article may occur where; * an individual's movement is temporarily restricted in order to effectively safeguard the child / young person. Mitigation Any breach of this Article in these circumstances will be time-limited and necessary for the protection of the child / young person and is undertaken in order to most effectively safeguard them from harm either from themselves or others. Article 7: No punishment without law There may be a perception from individuals within affected communities that * taking an unaccompanied migrant child / young person to a police station (even where this is the most appropriate place of safety); * taking information including wet fingerprints * sharing personal information with other statutory agencies including e.g. the Immigration Service, Home Office etc. or non-statutory partners implies that the child or young person who is a victim could be a criminal, when no such activity has occurred. Where such perceptions exist, these may be exacerbated by media reporting etc. Mitigation Any breach of this Article in these circumstances will be time-limited and necessary, and in furtherance of Article 2: The Right to Life, and in support of the prevention and detection of crime. Article 8: Right to respect for private and family life. There will be a negative interference with this Article through: * taking and recording personal sensitive information including the age, sex, race, nationality, religion or belief etc. * taking wet fingerprints as a requirement of the Immigration Service * sharing significant personal information about the child / young person with a range of governmental, statutory and non-statutory service providers. Mitigation
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	Any information taken, recorded or shared by the police force, which makes first contact will be for the prioritisation of understanding the child / young person, their vulnerabilities and to further enhance the support identified by the appropriate statutory and other agencies; the prevention and detection of crime. Article 14: Prohibition of discrimination The NPCC in developing the strategy and tactical order for Operation Innerste recognised that there could be a potential interference with this Article through the differing practices applied by individual Forces to unaccompanied migrant children / young people who arrive in the UK illegally as victims of crime in their interpretation of the information received and any actions taken as a consequence. Mitigation The proposed strategy and tactical order seek to remedy an unintended consequence based on individual Force practice, by avoiding the current mixed practices currently employed. Article 1 of Protocol 1: The Protection of property There will be an interference with this Article where items found on the child / young person could be used to harm either themselves or someone else. There would be no breach of this Article in these circumstances where the decision to remove the property is in furtherance of Article 2: The Right to Life of the individual or other parties.
b) What is the legal basis?	Convention relating to the Status of Refugees (1951) and its (1967) Protocol. Immigration Act (1971) para 18 of Schedule 2 Children Act (1989) section 46 United Nations Convention on the Rights of the Child (1991) Immigration and Asylum Act (1999) sections 20 and 141 The Children Act (2004) Section 55 of the Borders, Citizenship, and Immigration Act (2009) Equality Act (2010) Modern Slavery Act (2015) and the equivalent in Scotland and Northern Ireland Victims Code of Practice Guidance Working Together to Safeguard Children (2018)

	Data Protection Act (1998) and as amended through the General Data Protection Regulations (2018) Freedom of Information Act (1998) and as amended (2018)	
c) Are the interferences justified?	Yes Any negative interference with Articles 5, 7, 8 and Article 1 of Protocol 1, will be based on the potential impact to; * the individual, which could impact on Article 2 for others * the prevention and detection of crime. Legitimate Aims Qualified rights also require legitimate aims in order to fulfil justification. Article 8 legitimate aims include national security, public safety, prevention of crime and disorder, and protection of the rights and freedoms of others.	
d) Are the interferences proportionate?	Yes Any negative interference with Articles 5, 7, 8 and Article 1 of Protocol 1, will be based on the potential impact to; * the individual, which could impact on Article 2 for others * the prevention and detection of crime. Legitimate Aims Qualified rights also require legitimate aims in order to fulfil justification. Article 8 legitimate aims include national security, public safety, prevention of crime and disorder, and protection of the rights and freedoms of others.	
6. Proceed to Equality Analysis? (For complex or long-term project use the EIA Risks & Issues Spreadsheet)		No – an enhanced screening has been undertaken – and references included below

7. Approved by Business Lead

Name: Chief Constable Shaun Sawyer

Signature:

Date:

Step 2 Equality Analysis - assessing the impact for different groups

8. What information from internal or external reviews or reports is available to help understand the impact for people with different protected characteristics?

The following publications / resources have been used in the production of this equality impact assessment:

“Still at Risk”, published by the Refugee Council and the Children’s Society (published 2013)

This report presented the findings from a short, small scale Home Office funded scoping review of the practical care and safeguarding arrangements for trafficked children, and those who may have been trafficked, who are in the local authority care system.

https://www.refugeecouncil.org.uk/wp-content/uploads/2019/03/Still_at_Risk-Report-final.pdf

House of Lords report Children in crisis: unaccompanied migrant children in the EU Contents (2016/17 session)

<https://publications.parliament.uk/pa/ld201617/ldselect/ldcom/34/3406.htm>

Chapter 3: Four underlying problems

This chapter explores four underlying problems, of which many of the practical difficulties that face unaccompanied migrant children are symptomatic. Each of these problems has been brought into sharp focus by the huge numbers of refugees who have entered the EU since early 2015:

- the culture of disbelief and suspicion towards unaccompanied migrant children;
- the reluctance of Member States to accept responsibility, share burdens and show solidarity;
- the poor implementation of existing law and policy; and
- the loss of trust experienced by unaccompanied migrant children.

‘A culture of disbelief’

Several witnesses spoke of a pervasive ‘culture of disbelief’ shown towards unaccompanied migrant children by Member State authorities, including border force and immigration officials, law enforcement and social services.

Ms Corazza Bildt highlighted age disputes and challenges to family reunification as two specific symptoms of this culture: “Many Member States are truly concerned about cheating; you say that you are 17 but you are 19, you say that you are unaccompanied but your parents sent you because they hope for family reunification and benefits.” We received a wealth of evidence on these two symptoms of the prevailing culture of disbelief, most of it relating to the UK. We also heard more general evidence on the suspicion shown towards children, and its effects on perceptions of vulnerability.

The culture of disbelief and suspicion described above appears particularly pronounced with regard to unaccompanied migrant children who are male, aged 16 or 17, and from Afghanistan. Jean Lambert MEP told us that, in her experience, “there is a growing prejudice about particular nationalities in a number of countries ... Afghan boys are viewed with quite a lot of suspicion about why they are here and whether they really are asylum cases. Also, in some countries we are well aware that children and young people coming from Africa are also seen as somehow much more suspect”.

There is a presumption certainly that 16 or 17 year old boys, provided that they appear to be in good health, are more than capable of being self sufficient and self protective.” This group constitutes the majority of unaccompanied children currently arriving in the EU, and Prof Crawley was therefore “concerned about how that statistic is represented, as if it somehow means that there is no vulnerability, or indeed rights.”

Evidence submitted by **Jo Wilding: University of Brighton and Garden Court Chambers**

This submission was based on recent research that had been undertaken on the situation of unaccompanied children in the UK as part of a four-state study on unaccompanied children in Europe (France, Austria, Slovenia and UK) named “MinAs”. The full UK MinAs report can be found here: <https://www.brighton.ac.uk/crome/research-projects/minas-unaccompanied-minorsrights.aspx> (2016)

As part of the research a Freedom of Information Act request found that one fifth of local authorities had no unaccompanied children in their care. The figures for each of the regions within England are given in the Table below. No equivalent data was available for Scotland, Wales and Northern Ireland.

Local Authority Region	Number of unaccompanied migrant children currently being looked after (in care)	Number of unaccompanied migrant children formally in care
London (32 authorities)	1,304	1,681
South East (18 authorities)	673	1,206
South West (16 authorities)	50	99
West Midlands (14 authorities)	223	329
East Midlands (9 authorities)	195	177
East Anglia (11 authorities)	299	316
North (15 authorities)	78	185

North East (12 authorities)	19	58
North West (23 authorities)	96	209

Heading back to harm: A study on trafficked and unaccompanied children going missing from care in the UK (November 2016)

Child victims of trafficking are at high risk of going missing.¹⁶ Despite this, concerns have been raised about a lack of awareness and recognition of child trafficking among practitioners. The European police agency, Europol, recently warned that there are as many as 10,000 'missing' or unaccounted for unaccompanied children in the European Union, which has drawn attention to those under 18 who are known to be 'particularly vulnerable' to trafficking and exploitation. The vulnerability of unaccompanied children from abroad who are in the UK is often increased by a lack of knowledge or integration into their new environment, and by being subject to child protection, immigration and law enforcement responses. This research attempts to quantify the number of unaccompanied asylum-seeking children and children who may be trafficked in the UK care system, as well as the number who go missing from care.

<https://www.ecpat.org.uk/heading-back-to-harm-a-study-on-trafficked-and-unaccompanied-children-going-missing-from-care-in-the-uk>

Modern slavery in the UK: March 2020 (Office for National Statistics)

The hidden nature of modern slavery makes producing an accurate prevalence measure difficult. This paper explores the issue and brings together data sources linked to modern slavery from a range of organisations.

<https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/modernslaveryintheuk/march2020>

Information in an article posted on the **18th May 2020** there were 450 child migrants in the council's care at the end of April, compared with 257 in April 2019

<https://www.bbc.co.uk/news/uk-england-kent-52680025>

UK police leaders have come together and published a statement about George Floyd's death (**3rd June 2020**) <https://news.npcc.police.uk/releases/uk-police-stand-with-those-appalled-by-george-floyd-death>

9. What are the main findings from consultation?

Not relevant

10. Describe the impact for protected groups and any risks or issues arising from the risk in relation to equality, diversity and human rights? (summary from EIA Risks & Issues spreadsheet or complete below)

Description of risk / issue

Score

Mitigation / Action

a)

b)

c)

d)

11. Is there any evidence to indicate that any of the proposals could unlawfully discriminate, directly or indirectly, against people with a protected characteristic? (If yes please provide an explanation in the box below and provide 'objective justification' to support this)

No

12. Could the proposals affect relations between different communities or groups; for example be seen as favouring a particular group or denying opportunities to another? (If 'Yes' provide details of proposed mitigation below)	No
Mitigation:	
13. What opportunities are there to promote 'equality of opportunity' or participation in public life by disabled people?	None identified

Step 3 Approval & Publication

Equality analysis supports effective decision making by providing evidence of the impact for equality.

Business Leads are required to confirm that a rigorous and robust assessment of the potential impact on Equality, Diversity and Human Rights has been undertaken.

Business Lead	Date: Name: Signature:
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Quality Assurance: Corporate EDHR will quality assure EIAs for all complex / long term projects and for those policies that have been identified as high relevance / high risk for equality.

Corporate EDHR	Name: Rhea Brooke 57936 Date: 8 th April 2022 Signature: <i>RMP Brooke</i>
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Step 4 Version Control

Version	Date	Details of the version
V1.0	26/06/2020	Initial Screening
V1.1	02/07/2020	Information updated based on publication of the NRM Annual Report 2019
V2.0	11/04/2022	Information updated based on publication of the NRM Annual Report 2021