

Independent  
Anti-Slavery  
Commissioner



Every Child Protected  
Against Trafficking



# Child trafficking in the UK 2021: **a snapshot**





December 2021

## ACKNOWLEDGEMENTS

In writing this report we acknowledge the real life experiences of children and young people affected by trafficking everywhere and give thanks for your insight and contributions to identifying problems and solutions. This report is dedicated to you with a commitment from us to continue working with you to make things better.

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## FOREWORDS

### Dame Sara Thornton DBE QPM, Independent Anti-Slavery Commissioner

As the Independent Anti-Slavery Commissioner, I have a UK-wide remit to encourage good practice in the detection, investigation and prosecution of modern slavery offences, and in the identification of victims. My Strategic Plan 2019–2021 outlines four strategic priorities including improving victim care and support. Within this, I specifically highlight the need to improve the response to child victims of trafficking.

Since publication of the report *Child trafficking in the UK 2020: A snapshot* by ECPAT UK,<sup>1</sup> there have been a number of important policy developments in the context of child trafficking. There has been significant progress in relation to devolving National Referral Mechanism decisions for children, with ten local authority areas now involved in a pilot. The Independent Child Trafficking Guardian service has also been rolled out to a further one third of local authorities and three of the recommendations made by the Independent Review of the Modern Slavery Act

2015 are now being tested. Finally, the New Plan for Immigration and subsequent Nationality and Borders Bill have now been published, raising many questions about the potential impact of these proposals on children and specifically, child victims of trafficking.

This report has provided a welcome opportunity to work in partnership with ECPAT UK once more. It highlights examples of promising practice and innovation, both in terms of the safeguarding response to child victims, and in the prosecution of offenders. However, further work is needed to embed 'what works' nationally. Together, we have identified ten practical recommendations to direct efforts, and I look forward to working alongside ECPAT UK over the next year to encourage the implementation of these recommendations.

### Patricia Durr, CEO of ECPAT UK

ECPAT UK's flagship publication on child trafficking has provided a periodic overview of the issues affecting children at risk of exploitation and child trafficking survivors in the UK since 2010. This year we are delighted to jointly produce our snapshot report alongside the Independent Anti-Slavery Commissioner to compile the latest statistics and policy developments for practitioners and policymakers alike. This joint report reflects the welcome focus and priority that Dame Sara gives to children in her role and draws on ECPAT UK's experience of working with and for trafficked children and young people and frontline professionals and campaigning for change for more than 25 years. Detailing progress made towards better protecting and supporting children, this report raises critical concerns about the UK's current response to child trafficking and provides our joint recommendations to ensure all children are protected from exploitation.

We have welcomed some positive steps to improve outcomes for children, with the roll out to two thirds of local authorities in England and Wales of the Independent Child Trafficking Guardian service, the launch of pilots for National Referral Mechanism devolved multi-agency decision making, and the Child Sexual Abuse Strategy. Covid 19 has continued to expose the impact of structural inequalities and the lack of investment to protect, support and care for children and I am very concerned about the undermining of children's rights and of local

authorities' capacity for safeguarding responses to child victims of trafficking and those at risk.

Barriers to protection are rising whilst the data to help us understand children's journeys and outcomes across the systems they must navigate is not available. I remain very concerned about the outcomes for migrant children with irregular immigration status as they transition to adulthood, an issue highlighted in our 2020 snapshot report. It is further exacerbated by measures in the Nationality and Borders Bill which risk rolling back progress made in tackling modern slavery and child protection, placing more children unprotected and at further risk. As referrals for potential victims exploited as children continue to rise every year, particularly those exploited for criminality, we remain concerned children will not be safeguarded from further exploitation and will continue to be criminalised.

Child trafficking is child abuse and requires a multi-agency safeguarding response – one that puts children's rights first and prioritises their protection. As children tell us every day, they need support to thrive not just survive. Structural barriers remain at the heart of stopping children from enjoying their rights following identification. Too many are languishing in unsuitable accommodation, without adequate mental health support, awaiting decisions in immigration limbo and in some cases facing significant harm. We encourage policymakers to adopt our ten recommendations as the first step to ensure all children are free from exploitation.

<sup>1</sup> ECPAT UK (2020) *Child trafficking in the UK 2020: A snapshot*

## EXECUTIVE SUMMARY

This snapshot report provides an outline of child trafficking in the UK between October 2020 and October 2021, including the latest data, policy developments, examples of promising practice and challenges faced by practitioners. It concludes with a series of ten practical recommendations aimed at a range of stakeholders. The report is a collaborative effort between the Independent Anti-Slavery Commissioner and ECPAT UK following ECPAT UK's previous snapshot reports, the first in 2010 to mark the first Anti-Slavery Day.

In this report, we highlight progress made as well as concerns for children at risk of and affected by trafficking. Despite the Covid 19 pandemic and the changes to the way that many frontline services have been operating, the number of child victims of trafficking remains high, accounting for 43.5% of all referrals in 2020/21 compared to 42.7% of all referrals in the previous year. Furthermore, it is notable that criminal exploitation accounted for more child National Referral Mechanism (NRM) referrals than all the other categories combined in 2020/21.

Prosecutions for modern slavery offences remain low but have increased slightly over the past year, with a steady conviction rate of 74% overall. In writing this report, we requested specific data on prosecutions for modern slavery offences committed against children. The age of the victims of such offences is not routinely recorded in court data which presents a significant data gap. In terms of



good practice, this report highlights some examples from law enforcement in encouraging a consistent safeguarding response to unaccompanied children, as well as the use of ancillary orders in child trafficking cases. These are welcome efforts.

Over the past year there have been a number of significant policy developments in relation to child trafficking, including the implementation of a pilot to devolve NRM decision making to local safeguarding partners, as well as the continued national roll-out of the Independent Child Trafficking Guardianship (ICTG) service which is testing three of the recommendations made by the Independent Review of the Modern Slavery Act 2015.



The issues facing children in migration are also explored within this report. The Independent Anti-Slavery Commissioner (IASC) requested updated data from the Home Office regarding the immigration outcomes for child victims, but this information was not provided in a timely manner for inclusion within the report. In July 2021 the government published the Nationality and Borders Bill as the cornerstone of its New Plan for Immigration. There are considerable concerns about the lack of attention paid specifically to protecting children throughout the Bill and that the proposals have the potential to have a considerable impact on both child victims of

trafficking and children in migration who we know are at significant risk.

Finally, this report reflects on the current picture regarding research on child trafficking. It highlights how the scale and nature of child trafficking in the UK has been designated as a research priority by the Home Office, the Modern Slavery and Human Rights Policy and Evidence Centre and the IASC, but that despite such efforts more evidence and data is required to fill evidence gaps, inform effective responses, as well as to evaluate and assess the effectiveness of interventions.

## ABOUT THE INDEPENDENT ANTI-SLAVERY COMMISSIONER

Dame Sara Thornton DBE QPM is the Independent Anti-Slavery Commissioner for the UK. The role of the Independent Anti-Slavery Commissioner is set out in Part 4 of the Modern Slavery Act 2015. The Commissioner's role is to encourage good practice in the prevention, detection, investigation and prosecution of slavery and human trafficking offences, as well as in the identification of victims.

The Commissioner is accountable through her strategic plan and annual reports, which the Secretary of State lays before parliament, setting out the extent to which objectives and priorities are achieved. The Commissioner's current Strategic Plan<sup>1</sup> (2019-2021) contains four priorities: improving victim care and support; supporting law enforcement and prosecutions; focusing on prevention; and getting value from research and innovation.

## ABOUT ECPAT UK

ECPAT UK (Every Child Protected Against Trafficking) is a leading UK-based children's rights organisation, campaigning and advocating for the rights of children to be protected from all forms of exploitation. We have a long history of campaigning in the UK, having produced the first research into the trafficking of children in the UK in 2001. An integrated approach and programmes of research, training, youth participation and advocacy inform our campaigning efforts.

ECPAT UK has been instrumental in raising awareness of child trafficking into and within the UK for all forms of exploitation and has advocated for changes in policy and legislation to improve the response of the UK government and its international counterparts to such abuse. We work directly with young victims of trafficking and their voices and experiences inform all areas of our work. ECPAT UK is part of the ECPAT International network, which is present in 103 countries, working to end the sexual abuse and exploitation of children.<sup>2</sup>

<sup>1</sup> Independent Anti-Slavery Commissioner (IASC) (2019), 'Independent Anti-Slavery Commissioner Strategic Plan 2019-2021'

<sup>2</sup> For further information on [Every Child Protected Against Trafficking \(ECPAT\) International](#)

## WHAT IS CHILD TRAFFICKING?

Child trafficking is defined in the United Nations' Palermo Protocol as the "recruitment, transportation, transfer, harbouring or receipt" of a child under 18 years of age for the purpose of exploitation and recognises that a child cannot consent to his or her own exploitation, regardless of whether he or she seemingly agrees to any element or genuinely understands the situation. The definition of child trafficking differs from that of adults, which requires an additional element to be present – the 'means' of trafficking. Although the 'means' element is not required for the legal definition of child trafficking, it is often still a feature. The 'means' element refers to the "threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person"<sup>3</sup>.

**Child trafficking is child abuse and a human rights violation which must be treated as such, within a child protection context.**

The transportation of victims may occur anywhere and both across international borders but also within the UK. A child may solely be transported to the room next door with the intention to exploit them or in some cases transportation may not occur at all. The exploitation faced may be for the purposes of domestic servitude, labour exploitation, sexual exploitation, criminal exploitation and organ harvesting.

The UK government is obligated under a range of international conventions to uphold the rights of children and to take action to combat child trafficking and exploitation.<sup>4</sup> Children who are victims of trafficking have a right to specific assistance, support and protective measures in line with international standards.<sup>5</sup> In the UK, local authorities have a duty to provide protection and support to child victims of trafficking under child protection frameworks.

<sup>3</sup> UN General Assembly (2000), Protocol to Prevent, Suppress and Punish Trafficking in Persons, *Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime*

<sup>4</sup> Including: UN General Assembly (1989), *Convention on the Rights of the Child, United Nations, Treaty Series, vol. 1577, p. 3*

<sup>5</sup> *Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims. Articles 13, 14, 15, 16.*



## CHILDREN'S EXPERIENCES

Reflecting on the past year, young people in ECPAT UK's youth programme wished to share some insight into their experiences. Names and identifying details have been changed to protect the identity of young people who wished to be cited in this report.

Adewale found it hard through the pandemic to connect with people. He said, *'Talking with people over Zoom calls is so different than talking face to face.'* He said one of the good things for him in the past year was participating in a conference because for him it meant he was *'getting my voice heard and expressing myself.'* Adewale felt that *'it helped with my confidence as I presented to more than 50 people.'* Adewale reflected further on the support he received as a looked after child and now a care leaver stating *'Covid 19 made local authorities think about what they were providing. Before Covid 19 they only gave us*

Reflecting on the support he received in care, Tobi said

*in the many years of being looked after, I never received extra. For example, once I asked for help buying a pair of football boots and never got any help. All of a sudden, they gave me a laptop and they paid for the internet ... but I needed the internet before! It's like Covid 19 made people realise the need that was there before.*

*£32.50 per week. It wasn't enough to survive on. But with Covid 19 they increased the allowance for young people. It is now enough to live off.'*

For Olumide the last year through the pandemic *'wasn't a great experience, but it gave me more time to do work on myself. I improved my spirituality.'* He mentioned how he *'increased how much I prayed.'* He found it very difficult to be *'separated from friends and family, however in some ways we got to know people together.'* He reflected that *'studying online was a challenge - it was harder to get 1:1 support, you had to learn more independently, and this added to the language challenges.'* He described the year as a *'rollercoaster'*, adding *'I had challenges, but I overcame these and got grades to go to university.'* Reflecting further, Olumide said *'Covid 19 has increased my opportunities. Before taking part in things, I would need to travel to places - this costs money and takes time. Now I can join things online, so it has opened up opportunities.'*

Tobi was very positive about his year. He said *'I've had a great year so far, honestly. My first job, I got let go because of Covid 19. However, I ended up getting a better job.'* Reflecting on the year he said *'there were things that I always wanted to do, but I was too busy. In Covid 19 times, I actually got time to do it. It's been a blessed year for me.'*

## DATA ON VICTIMS

Quantifying how many children have been trafficked in the UK continues to pose a challenge to researchers and policymakers alike, due to the complex and often hidden nature of abuse which exists across a spectrum of exploitation. The Home Office last estimated the number of potential victims of modern slavery to be 10,000 to 13,000 in 2013, although this did not disaggregate into adults and children. Whilst estimating prevalence is challenging, we need to do more to encourage innovation in this area and ensure that policymaking and practice is informed by the best available data.

NRM figures for 2020/21 provide an overview of potential victims identified by First Responders<sup>6</sup> in the UK, including children. In the last year, 10,685 individuals were referred in the NRM. Of those, 4,646 were children, accounting for 43.5% of all referrals. Whilst this remains steady from the previous year at 4,700 or 42.7% of referrals, the number of children identified rose substantially from 3,338 in 2018/19 and 2,418 in 2017/18.<sup>7</sup> NRM data is not recorded by age at time of exploitation aside from the categories adult, child or not specified/unknown.

Of the children referred into the NRM in 2020/21, the most commonly recorded country of origin was the UK at 2,817 children or 60.6% of all child NRM referrals. This was followed by Vietnam (209), Sudan (142), Albania (118), Romania (116), Eritrea (98), Afghanistan (88), Iran (48), Iraq (47) and Nigeria (46).

The vast majority of children referred into the NRM in 2020/21 were criminally exploited, accounting for 3,110 in total<sup>8</sup> or 66.9%. Other exploitation types recorded are sexual exploitation (418), labour exploitation (362), domestic servitude (49) and organ harvesting (2). 510 children are recorded alongside an exploitation type 'not specified or unknown'. The total number of referrals flagged for children as 'county lines cases'<sup>9</sup> in 2020/21 was 1,492. This presents a steady increase, from 383 in 2017/18, 796 in 2018/19 and 953 in 2019/20.

In terms of NRM decision making, 4,588 children received a reasonable grounds decision in 2020/21, with 4,357 of those being a positive decision (95%). 1,509 children received a conclusive grounds decision, with 1,448 of those being positive (96%).

<sup>6</sup> HM Government (2019), 'Guidance: Report modern slavery as a first responder'

<sup>7</sup> Data provided by the Home Office (data cut 5 August 2021) and available at Home Office (2021), 'Modern Slavery: National Referral Mechanism and Duty to Notify statistics UK, Quarter 2 2021 - April to June'

<sup>8</sup> This figure includes criminal exploitation as the primary exploitation type (at 2,482) and where criminal exploitation exists alongside other exploitation types (at 628 across different categories). Data provided by the Home Office (data cut 5 August 2021)

<sup>9</sup> National Crime Agency website.

## COVID 19

The pandemic continues to impact the lives of millions globally, significantly aggravating long-standing structural inequality, affecting children at risk of or being exploited. Deteriorating economic conditions have played a significant role in the increased vulnerability of children,<sup>10</sup> particularly poor children, children on the move, those in street situations, children from minority groups or indigenous populations, children with disabilities and those in institutional settings.<sup>11</sup>

The lives of children and young people have been significantly impacted by the pandemic and the developing health protection and public health responses to it. Public health measures, particularly school closures to prevent the spread of the virus have significantly impacted the welfare of children<sup>12</sup> with the poorest children facing limited access to

nutrition, health care and social protection whilst increasing the prevalence of violence as well as other forms of physical and psychological harm.<sup>13</sup>

The scale of actual or potential offending in the virtual world is substantial and the pandemic has seen a significant proliferation in online exploitation of children. According to the UK's National Crime Agency (NCA), an estimated 550,000 to 850,000 people in Britain pose a sexual risk to children, including online<sup>14</sup>. The UK is now the third largest global consumer of livestreamed child sexual abuse. It is important that the need to proactively detect child sexual abuse in livestreaming is within scope of the currently draft Online Safety Bill.

Research findings indicate that public health measures hindered the ability of professionals to safeguard young people and the identification and response to criminally exploited children.<sup>15</sup> Previous initial findings saw the adaptation of methods used by drug supply networks or county lines, with a greater use of local children involved in transporting drugs and reduced safeguarding capacity.<sup>16</sup>

Children and young people directly supported by ECPAT UK have faced significant hardship throughout the course of the pandemic, with most reporting an impact to their mental health and isolation, particularly those in unregulated accommodation settings who had very limited support and interactions. Youth group activities were held online, and youth programme staff maintained significant one to one contact remotely through video and mobile calls. Attendance and participation dropped, with many young people expressing online fatigue and decreased enthusiasm to participate in activities. Initially various youth group members had no access to education due to unavailability of computers and internet access, and subsequent confusion over these provisions through the local authority or their



educational setting. These issues persisted well into the end of 2020, resulting in additional education gaps for young people already facing significant barriers.

<sup>10</sup> United Nations Office on Drugs and Crime (2021), ['The effects of Covid-19 on trafficking in persons and responses to the challenges: A global study of emerging evidence'](#)

<sup>11</sup> UN Special Rapporteur on sale and sexual exploitation of children including child prostitution, child pornography and other child sexual abuse material (2021), ['Impact of coronavirus disease on different manifestations of sale and sexual exploitation of children'](#)

<sup>12</sup> OECD (2020), ['Combatting Covid-19's effect on children'](#)

<sup>13</sup> International Labour Organization (2020), ['COVID-19 impact on child labour and forced labour: The response of the IPEC+ Flagship Programme'](#)

<sup>14</sup> National Crime Agency (2021), ['National Strategic Assessment of Serious and Organised Crime'](#)

<sup>15</sup> University of Nottingham, Rights Lab (2021), ['Covid-19, Vulnerability and the Safeguarding of Criminally Exploited Children'](#)

<sup>16</sup> University of Nottingham, Rights Lab (2020), ['The Impact of COVID19 on Child Criminal Exploitation and date is \(2020\)'](#)

# PROSECUTIONS AND CRIMINALISATION OF CHILDREN

## Prosecutions

Enforcement of the Modern Slavery Act 2015 is crucial to disrupt offenders and bring justice and reparations for victims. This year, police activity has continued to grow, with some areas focusing their attention on organised crime which has resulted in more charges for modern slavery offences. Overall however, prosecutions remain low.

Data provided by the Crown Prosecution Service (CPS) on modern slavery flagged offences crossed with child abuse flagged offences for England and Wales show a steady decrease in prosecutions and convictions since 2017/18. In 2017/18, there were 36 prosecutions and 20 convictions, thereafter dropping to 33 and 21 in 2018/19, 27 and 15 in 2019/20, and to just 2 prosecutions and 1 conviction in 2020/21.<sup>17</sup>

Whilst the challenges of court closures must be recognised,<sup>18</sup> the IASC has highlighted a number of factors which could improve the number of prosecutions for modern slavery offences, including more consistent treatment of modern slavery as organised crime, and greater use financial investigation.<sup>19</sup>

## CASE STUDY

### Operation Orochi – Metropolitan Police Service

Operation Orochi was developed by the Metropolitan Police Service (MPS) to offer an approach to investigating drug exploitation offences utilising county lines that is not dependent on victims' testimony, but uses the analysis of call data records (CDR) and digital devices.

During the first stage of the investigation, the telephone number is evidenced as a dedicated drugs line. The same data is then reviewed to identify and attribute that drugs line to an individual or group. Those who are also exploiting children or vulnerable adults as part of this process are investigated using the same methodology, overlaying the activities of the drugs line with the communications data of the exploited child. This approach precludes the requirement for the child to provide evidence for a successful prosecution.

Operation Orochi have worked with partners in police forces across England and Wales on this method of evidence collation. Since its inception in November 2019, 21 defendants have been charged with 38 modern slavery offences in relation to child victims, 10 of whom have been convicted to date.

## Criminalisation of children

There is no data on how many children are criminalised for offences committed as a result of their exploitation in the UK. Given the disproportionate representation of child criminal exploitation (CCE) within NRM referrals, we remain concerned that children continue to be criminalised and even when identified, they are not provided with effective safeguarding responses to protect them from further exploitation.

One indicator is that in recent years, drug and weapon offences – issues often associated with exploitation via county lines – have seen the biggest increase in data on first time entrants (FTEs) to the youth justice system. Many first-time entrants into the justice system are aged just 10–12 and 13–14. For many children, this marks the beginning of a long journey through the criminal justice system, as around 40% of them reoffend.<sup>20</sup>

Research from The Children's Society shows child victims of modern slavery and trafficking fall through

the gaps in services and are often left to be victimised again and again.<sup>21</sup> This is particularly true with child victims of criminal exploitation, where the boundaries between a child being a victim of modern slavery and a perpetrator of a crime committed because of exploitation are blurred.

### The Modern Slavery Act 2015 Statutory Defence: A call for evidence

Section 45 of the Modern Slavery Act 2015 sets out a statutory defence for victims to raise when arrested for their involvement in criminal activities as a result of their exploitation in England and Wales. In 2019, the Independent Review of the Modern Slavery Act examined concerns about the defence and concluded that there were sufficient checks and balances in the system to safeguard against abuse.<sup>22</sup> Since then, there has been greater use of the defence which has heightened concerns.

In response, in January 2020, the IASC launched a call for evidence to gather examples of how the Section 45 defence is being used in practice. Over 100

<sup>17</sup> Data provided by the CPS. This includes cross-flagged data for identified victims of child abuse, however it should be noted that many prosecutions that are brought for child criminal exploitation (specifically county line offending) will be evidence-led meaning that the child abuse prosecution flag is unlikely to be placed on the system.

<sup>18</sup> The volumes reported for casework in 2020–21 reflect the impact of the COVID-19 pandemic, including court closures from mid-March to the end of June 2020 and the subsequent recovery period. Caution should therefore be exercised in making comparisons with earlier years

<sup>19</sup> IASC (2021), 'Independent Anti-Slavery Commissioner Annual Report 2020–2021'

<sup>20</sup> Youth Justice Board and Ministry of Justice (2021), 'Youth Justice Statistics 2019/20, England and Wales'

<sup>21</sup> The Children's Society (2019), *Counting Lives: Responding to children who are criminally exploited*

<sup>22</sup> Secretary of State for the Home Department (2019), 'Independent Review of the Modern Slavery Act: final report'



responses, from 200 cases, were received. In October 2020, the IASC published a review of this evidence, which set out four interconnected issues:

- That the police are not consistently considering from the outset of an investigation whether a suspect could be a victim of trafficking and whether the statutory defence may apply.
- The discontinuation of investigations and prosecutions as soon as the defence is raised.
- An over-reliance throughout the criminal justice system on the decision making of the Single Competent Authority (SCA).
- The statutory defence being raised late in the criminal justice process.

These issues were found to be leading to three consequences:

- Abuse of the statutory defence by those who are exploiting children and vulnerable adults.
- Victims for whom the statutory defence was intended are not benefitting from it.
- Inadequate child protection interventions following NRM referrals triggered by the statutory defence

The review made practical recommendations aimed at the Home Office, the CPS, law enforcement, the Department for Education and local safeguarding partners. The IASC has since written to relevant stakeholders and has followed up on the implementation of these recommendations.<sup>23</sup>

#### Recent case law

Over the past year there have been three notable court judgements in England and Wales that relate to the principle of non-punishment and the Section 45 defence: DPP v M EWHC Crim 3422; R v Brecani EWHC Crim 731; and VCL and AN v the United Kingdom (application nos. 77587/12 and 74603/12).

#### DPP v M<sup>24</sup>

M was a 15-year-old who was found in possession of a knife and Class A drugs. He was arrested in London, away from his home, with two males known to be gang nominals.

At the trial of M, the conclusive grounds decision and associated minute from the SCA were admitted as agreed facts, however the prosecution did not accept this conclusion and argued that M should not have been able to rely on this. The defence successfully argued that the District Judge correctly admitted the

conclusive grounds decision and that such decisions are admissible as a matter of law in criminal trials. M was acquitted following the trial after raising a statutory defence under Section 45 of the Modern Slavery Act 2015.

#### R v Brecani

R v Brecani [2021] EWCA Crim 731 was handed down on 19th May 2021 by the Lord Chief Justice of England and Wales.<sup>25</sup> The case relates to an appellant, aged 17 at the time, who in March 2020 was convicted of conspiracy to supply cocaine and sentenced to three years' imprisonment. He had raised a statutory defence under Section 45 of the Modern Slavery Act 2015 and in March 2020 also received a positive conclusive grounds decision from the SCA stating that criminal exploitation had occurred and that he was a victim of modern slavery. The trial concerned the activities of an organised crime group where ten co-defendants pleaded guilty to the same count, two were convicted and one was acquitted.

The Lord Chief Justice disagreed with the decision of the High Court in DPP v M [2020] EWHC 3422 and held that SCA caseworkers are not experts in slavery, nor do their reports comply with the expert evidence requirements, concluding that a decision by the SCA is not admissible as expert evidence in a criminal trial.

Social workers have reported concerns regarding the difficulties faced by trafficked children to establish a Section 45 defence following the Brecani decision.

#### VCL and AN v UK

On 16 February 2021, the European Court of Human Rights (ECtHR) ruled in the case of VCL and AN v UK that the UK Government failed to protect victims of child trafficking and breached two articles of the European Convention on Human Rights (ECHR).<sup>26</sup> This case concerned two Vietnamese nationals who were identified by police working in cannabis factories. Both were arrested and charged with drug offences, to which they pleaded guilty. Following their convictions, they were detained in young offenders' institutions.

Both VCL and AN were conclusively identified as victims of trafficking (for VCL this was prior to conviction and for AN this was post-conviction). Prior to the case going to the ECtHR, both applicants went through various appeal processes. Having reviewed their decision to prosecute, the CPS concluded that they were not victims of trafficking and the Court of Appeal ruled that the decision to prosecute was justified.

This case was the first time that the ECtHR had

<sup>23</sup> IASC (2021), 'Independent Anti-Slavery Commissioner Annual Report 2020-2021'

<sup>24</sup> Director of Public Prosecutions v M [2020] EWHC 3422 (Admin) (15 December 2020)

<sup>25</sup> Court of Appeal (2021), Case of R v Brecani [2021] EWCA Crim 731.

<sup>26</sup> European Court of Human Rights (2021), Case of V.C.L and A.N. v. The United Kingdom: HUDOC - European Court of Human Rights (coe.int)

considered the relationship between Article 4 of the European Convention on Human Rights (ECHR) and the prosecution of victims of trafficking. The ECtHR held that there had been a violation of Article 4 of the ECHR and the positive obligation to investigate whether the applicants were victims of trafficking. In addition, it also held that there had been a violation of Article 6 of ECHR and the right to a fair trial.

The CPS have recently updated their legal guidance on modern slavery, human trafficking and people smuggling which refers to these judgements.<sup>27</sup>

### Ancillary Orders

Part 2 of the Modern Slavery Act 2015 introduced two civil orders for England and Wales; Slavery and Trafficking Risk Orders and Slavery and Trafficking Prevention Orders.

- **Slavery and Trafficking Risk Orders (STROs)** – A STRO can be made if there is a risk that the defendant will commit a slavery or human trafficking offence, and if the order is necessary to protect against the risk of harm (physical or psychological) from the defendant.

- **Slavery and Trafficking Prevention Orders (STPOs)** – The purpose of STPO is to prevent slavery and trafficking offences being committed by someone who has already committed these offences.<sup>28</sup>

In Scotland, there are two court orders available to disrupt trafficking and exploitation; Trafficking and Exploitation Prevention Orders (TEPOs) to impose restrictions on those who have been convicted of trafficking and exploitation offences, and Trafficking and Exploitation Risk Orders (TEROs) where there is a strong suspicion that there is a risk someone may commit a trafficking or exploitation offence.<sup>29</sup>

In Northern Ireland, there are currently Slavery and Trafficking Prevention Orders (STPOs) provided for by Schedule 3 of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act. Within the Department for Justice Modern Slavery and Human Trafficking Strategy 2021–22, there was also a commitment to ‘engage with key stakeholders to consider the potential benefits and implications of introducing Slavery and Trafficking Risk Orders in based on evidence and experience from other jurisdictions.’<sup>30</sup>



In 2020/2021 there were 34 STROs and STPOs granted by Magistrates’ Courts and Crown Courts in England and Wales in relation to all investigations linked to adult and child victims of modern slavery.<sup>31 32</sup> These civil orders can offer opportunities for disrupting modern slavery, as well as supporting safeguarding efforts during a police investigation and preventing re-trafficking. While there are examples of civil orders in the context of child trafficking, there is scope for greater use.<sup>33</sup>

### CASE STUDY

#### Operation Remedy, Avon and Somerset Police

An adult male who trafficked a 15 year-old boy from London to Weston-Super-Mare to criminally exploit him was sentenced in September 2021 to seven years and two months in prison.

On 8 January 2021, the teenager was reported missing from his London home. Joint enquiries by the Metropolitan Police and Avon and Somerset Police led to the boy being found in Weston-Super-Mare on 14 January 2021, in possession of crack cocaine and heroin with a street value of £2,000. The drugs were in packages concealed in his underpants and he also had a phone and coach tickets. Forensic investigation established that the offender had handled the drugs recovered from the child. Further investigation established that the child had been exploited as a drugs runner several times before.

In addition to his custodial sentence, the offender also received a ten year STPO. The terms of the order include strict conditions on his access to a mobile phone, prevent him from arranging travel or accommodation for anyone under the age of 18 except for immediate family members and restrict him from travelling to the Avon and Somerset policing area.

<sup>27</sup> CPS (2021), [Modern slavery, human trafficking and smuggling](#)

<sup>28</sup> Home Office (2017), [‘Guidance on Slavery and Trafficking Prevention Orders and Slavery and Trafficking Risk Orders under Part 2 of the Modern Slavery Act 2015’](#)

<sup>29</sup> Scottish Government, [‘Human Trafficking Policy – Punishment and prevention of trafficking’](#): Scottish Government

<sup>30</sup> Northern Ireland Department of Justice (2021), [‘Modern Slavery and Human Trafficking Strategy 2021–22’](#)

<sup>31</sup> IASC (2021), [‘Independent Anti-Slavery Commissioner Annual Report 2020/2021’](#)

<sup>32</sup> This figure includes STROs/STPOs for both children and adults

<sup>33</sup> Avon and Somerset Police (2021), [‘Man jailed for trafficking boy, 15, cross country to deal drugs’](#)



## KEY POLICY DEVELOPMENTS

### 1. Victim identification

As highlighted earlier in this report, the number of child victims of trafficking remains high. There is growing awareness among practitioners, however, further efforts are needed. The work by the Bakhita Centre for Research on Slavery, Exploitation and Abuse to develop a framework for training standards in the context of child trafficking is a welcome tool to guide this activity and will be published shortly. The Children's Society has also worked alongside the Modern Slavery and Organised Immigration Crime Programme (MSOIC) to produce a helpful guide for practitioners on child trafficking and the NRM.<sup>34</sup>

As part of the NRM Transformation programme, the Home Office is currently in the process of examining the role of the First Responder. It is essential that the cohort of organisations who are designated as First Responders are adequately trained and well-positioned to identify child victims of trafficking in all its forms.

#### Devolved child NRM decision making pilots

The IASC and ECPAT UK have publicly made calls for there to be much greater local engagement in NRM

decision making about children.<sup>35 36</sup> Over the past year there have been significant developments in this area and following a period of stakeholder engagement and a competitive grants process, in June 2021 the Home Office announced the ten areas involved in piloting NRM decision making for children.

The pilots will run until June 2022 and have adopted a range of approaches to test whether determining if a child is a victim of modern slavery within existing safeguarding structures is more appropriate than the current model.

The pilot areas are as follows, with those in brackets acting as a consortium:

- Cardiff Council
- Glasgow City Council
- Hull City Council
- London Borough of Barking and Dagenham
- London Borough of Islington (Joint with London Borough of Camden)
- Newport City Council (Joint with Torfaen, Blaenau Gwent, Monmouth, and Caerphilly)
- North Lincolnshire Council (Joint with North East Lincolnshire Council)

- North Yorkshire County Council (Joint with City of York)
- Royal Borough of Kensington and Chelsea (Joint with Westminster City Council)
- Solihull Council

The Modern Slavery Statutory Guidance has been updated to provide a clear policy basis for the pilots to operate and the Home Office has also published three guidance documents that focus specifically on the pilots.<sup>37 38 39</sup>

Representatives from both ECPAT UK and the IASC's Office have been involved in an Expert Advisory Group for an evaluation of the pilots and have encouraged a focus on the impact on outcomes for children in the short to medium term.

The pilot is still in the early stages, but feedback from practitioners so far has been positive with promising observations including a more streamlined process for gathering evidence ahead of making decisions, increased awareness of the NRM process, the ability to see and check the quality of all NRM referrals and a reduction in the average time taken for conclusive grounds decisions to be made.

### 2. Safeguarding and support for child victims of trafficking

Identifying children as potential victims of trafficking is not enough. To protect children from further exploitation, there needs to be substantial child protection activity. Earlier this year the Serious Case Review for Jacob, a fourteen-year-old male from Oxfordshire who was subject to criminal exploitation, reflected many of the current challenges faced by practitioners in responding to extra-familial harm.<sup>40</sup>

Working Together to Safeguard Children Statutory Guidance 2018 for England and Wales confirms that Section 47 enquiries should be initiated where there are concerns about 'all forms of abuse and neglect' and 'extra-familial threats including radicalisation and sexual or criminal exploitation', but there are clearly difficulties in its application. The IASC Review of the Section 45 statutory defence identified similar concerns and recommended that the Department for Education update the statutory guidance to better reflect the circumstances of child victims of trafficking who are subject to extra-familial harm. The response from the Minister on this recommendation acknowledged the need to update the statutory

<sup>34</sup> The Children's Society and Modern Slavery and Organised Immigration Crime Programme (2021), '[Children, Young People and Modern Slavery: A guide for professionals](#)'

<sup>35</sup> The Anti-Trafficking Monitoring Group (2014) '[Proposal for a Revised National Referral Mechanism for Children](#)'

<sup>36</sup> The Guardian (2020), '[Anti-slavery tsar calls for councils to take on child trafficking cases](#)'

<sup>37</sup> Home Office (2021), '[Devolving Child Decision-Making Pilot Programme – General Guidance](#)'

<sup>38</sup> Home Office (2021), '[Devolving Child Decision-Making Pilot Programme Decision-making Guidance for Pilot Sites in England and Wales](#)'

<sup>39</sup> Home Office (2021), '[Devolving Child Decision-Making Pilot Programme – Decision-making guidance for Pilot Sites in Scotland](#)'

<sup>40</sup> Oxfordshire Safeguarding Children Board (2021), '["Untouchable Worlds": Protecting Children who are criminally exploited and harmed. Child Safeguarding Practice Review Jacob](#)'

guidance, but did not commit to a timeframe for doing so.

In the absence of more detailed statutory guidance, a number of local areas have developed their own promising practice. For example, the All Wales Safeguarding Procedures contain a practice guide 'Safeguarding children from Child Criminal Exploitation'.<sup>41</sup> Multiple areas have produced exploitation screening tools to gather information to assess the risk to an exploited child at the earliest stage, and multi-agency forums such as Multi-Agency Child Exploitation panels or the Panel for the Protection of Trafficked Children in the West Midlands have been established to discuss cases, encourage intelligence sharing between agencies and provide strategic oversight. Some local areas have also commissioned third sector organisations to provide direct support to children and their families impacted by extra-familial harm.

Across England, the Tackling Child Exploitation (TCE) Support Programme, a Department for Education funded consortium led by Research in Practice with The Children's Society and the University of Bedfordshire has been working to support local areas to improve their strategic responses to child exploitation and extra-

familial harm, with a website for resources established to share evidence and learning.<sup>42</sup> The programme's 2020/21 annual report highlights the current child exploitation and extra-familial harm strategic context, finding that challenges facing local areas and partnerships are predominantly shaped by the combination of: a) the complex nature of child exploitation and extra-familial harm b) the complicated multi-agency system that depends on partnership working to effectively respond to these concerns.<sup>43</sup>

Responses both from the Year 2 TCE sector survey, and from local areas worked with as part of Bespoke Support Projects, continue to highlight the following as issues: the multiple and sometimes overlapping policy frameworks and guidance; a short-term and disjointed funding landscape; and individual accountability and single agency inspection frameworks that can drive the focus of attention inwards rather than outwards to partnership working. Local areas also continue to describe the challenges of delivering an effective response to child exploitation and extra-familial harm without additional resources.

#### **Contextual safeguarding**

A contextual safeguarding approach has gained momentum over recent years in response to extra-familial

## CASE STUDY

### A CONTEXTUAL SAFEGUARDING APPROACH

Using a contextual safeguarding approach, on receipt of the Multi-Agency Safeguarding Hub (MASH) referral screening tool the social worker was able to think about the assessment of needs in a different manner and look at the push and pull factors for the young person. This analysis identified three significant areas of risk for the young person: the community where he visited regularly and 'hung out' (not where he lived), his peers and association with older males, as well as his home life which involved substance misuse and domestic abuse. This identified that not only was the 15-year-old being criminally exploited, but his mother was also being exploited, and the social worker was able to work together with adults and children's services as part of the response.

The social worker identified the young person's interests as part of the assessment and found that he worked with his uncle in a garage. This approach ensured that the Child in Need plan developed is achievable, measurable and is focused on the young person, but that it also encourages information sharing with relevant agencies for a more strategic approach to tackling exploitation.

harm. It emphasises that social context matters and the need to target the contexts in which abuse occurs and to look at risks through a child protection and welfare lens and not crime reduction or community safety. It encourages wide reaching partnerships between children's services and other agencies and individuals who have reach and influence in extra-familial contexts, and that a focus on the nature of these spaces is a critical part of child protection intervention, rather than a sole focus on individual behaviour change.<sup>44</sup>

#### **Child sexual abuse**

In January 2020, the UK government published its Child Sexual Abuse Strategy also setting out the UK's national plan of action to tackle the sexual exploitation of children abroad by UK nationals<sup>45</sup> - one of the recommendations to government from the Independent

Inquiry into Child Sexual Abuse (IICSA) investigation into Children Outside the United Kingdom.<sup>46</sup>

The new plan of action includes using Section 72 of the Sexual Offences Act 2003 to allow UK individuals who offend overseas to be prosecuted in the UK. It encompasses developing a list of countries where children are considered to be at high risk of sexual abuse and exploitation from UK nationals and residents, both of which form part of the Police, Crime, Sentencing and Courts Bill, as well as investment in work with overseas partners in hotspots for transnational child sex offenders.

The strategy also sets out how the government will use new legislation, the now Online Safety Bill and enhanced technology to prevent the sexual abuse of children online, protect victims and bring offenders to

<sup>41</sup> Welsh Government (2019) 'All Wales Safeguarding Procedures: Practice guide on safeguarding children from Child Criminal Exploitation'

<sup>42</sup> Tackling Child Exploitation website: [Tackling Child Exploitation \(TCE\) Support Programme - Tackling Child Exploitation \(researchinpractice.org.uk\)](https://researchinpractice.org.uk)

<sup>43</sup> Research in Practice, the University of Bedfordshire and The Children's Society (2021), 'Tackling Child Exploitation (TCE) Support Programme - Annual Learning Report 2020-2021 Executive Summary'

<sup>44</sup> Carlene Firmin (2017), 'Contextual Safeguarding: An overview of the operational, strategic and conceptual framework'

<sup>45</sup> HM Government (2021), 'Tackling Child Sexual Abuse Strategy'

<sup>46</sup> IICSA (2020) 'Children Outside the United Kingdom, Phase 2 Investigation Report'



## CASE STUDY

## Operation Innerste

Operation Innerste was developed by the Modern Slavery and Organised Immigration Crime (MSOIC) programme in response to the findings of the 2016 ECPAT UK *Heading Back to Harm\** report which identified that in the year to 2015, at least a quarter of all trafficked children went missing at least once, while 207 had not been found. It is a multi-agency response to unaccompanied migrant children across England and Wales, grounded in research and underpinned by a legal framework and statutory process to improve the safeguarding response by the police, local authorities, Immigration Enforcement and the Barnardo's Independent Child Trafficking Guardianship (ICTG) service. Professionals begin building rapport with children at first encounter by explaining the support they are entitled to in UK, intended to reduce the influence of traffickers. The first responder also completes an initial welfare form and obtains fingerprints and photographs (using immigration and common law powers) which are uploaded onto immigration systems, allowing children to be identified if they later go missing, are trafficked or found in distressing circumstances. There are currently 33 police forces and partner agencies who have adopted Operation Innerste as part of their policy and procedures. Between April 2020 and July 2021, 791 unaccompanied children went through the Operation Innerste process. Of the 127 most recent confirmed cases, 98% of children remained in their placement at the 72-hour point. The priorities from September 2021 include a process review, a data audit to inform accurate reporting and future learning, efforts to improve the compliance of local authorities reporting and the timely reporting of biometrics by police forces. The team are also looking at how to capture the experiences and feedback of young people.

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

justice. With increased access to technology in the UK and abroad and more children spending time online than ever before, offenders are increasingly using technology platforms to sexually abuse children abroad via live-streaming and more measures are urgently needed.

The strategy does not acknowledge the particular vulnerabilities to sexual exploitation of children in the immigration system, nor does it outline any measures to provide for their need for greater protection from sexual abuse and exploitation. It is also unclear on plans to mitigate the impact of the UK's loss of access to international law enforcement mechanisms post-Brexit. There is a commitment to a review of the strategy in 2022.

#### Responding to unaccompanied migrant children

There are also examples of practice developed to improve the multi-agency safeguarding response to unaccompanied migrant children who could be potential victims of trafficking such as Operation Innerste.

## Guardianship

### Independent Child Trafficking Guardians in England and Wales

The Independent Child Trafficking Guardian (ICTG) service has been a statutory provision for in England and Wales for over 6 years but roll out of the scheme is not complete. In May 2021, expansion to an additional one third of local authority areas brought the total coverage to two thirds of local authority areas across England and Wales.<sup>47</sup> The service continues to be provided by Barnardo's under contract, utilising both the Direct Worker<sup>48</sup> and Regional Practice Coordinator (RPC) model.<sup>49</sup> Updated interim guidance for ICTGs has now also been published to reflect the expansion of the service.<sup>50</sup>

The Home Office provided data for this report regarding the support provided to children by the ICTG service which showed that 253 children were referred to an ICTG Direct Worker in 2020 (compared to 250 in 2019), and 302 children were referred to a Regional Practice Coordinator in 2020 (compared to 187 in 2019).

As part of this phase of the rollout, three of the recommendations made by the Independent Review of the Modern Slavery Act 2015 will be tested in different areas of England and Wales.<sup>51</sup> This includes removing the 18-month limit on support; providing support beyond a child's eighteenth birthday where required; and allowing children with a figure of parental responsibility in the UK to access direct worker support. Testing of these recommendations, alongside the continued rollout of the service in England and Wales, will be evaluated by the Home Office.

<sup>47</sup> The service is now accepting referrals in the following additional sites: London (except from the Borough of Croydon where the service was already available); Essex; West Yorkshire; Merseyside; Kent; Surrey; Warwickshire; Bedfordshire; North Yorkshire; Gloucestershire and Bristol; and Lancashire

<sup>48</sup> Direct Workers provide one-to-one support to a child who has been trafficked or is suspected to have been trafficked and does not have a figure of parental responsibility in the UK

<sup>49</sup> Regional Practice Co-ordinators work alongside ICTGs, offering indirect support to children and young people with a figure of parental responsibility in the UK by providing advice and guidance to professionals who are supporting the child or young person directly

<sup>50</sup> Home Office (2021), '*Interim Guidance for Independent Child Trafficking Guardians*'

<sup>51</sup> Home Office (2019), '*Independent Review of the Modern Slavery Act 2015: Final Report*'

## CASE STUDY

## IMPACT OF THE ICTG DIRECT WORKER

The police referred a 16-year-old girl of Roma ethnicity (A) to social services following a shoplifting offence with an older male. A was taken into care and accommodated in a foster home. An NRM referral was completed and a referral to the ICTG service was made. It was identified that A has an extensive history of inter-familial exploitation, with indicators of sexual exploitation. A had been sold to a gang and trafficked to the UK for sexual exploitation. A had managed to flee this exploitative situation but had then been criminally exploited.

After a foster carer was identified, a risk assessment was shared with the ICTG service to help identify and support A's needs as a trafficked child. When A first entered care, she was extremely wary of any adults or professionals, was reporting self-harm and was at high risk of leaving her placement.

Through a close collaborative and persistent effort, trust started to be established and A now works closely with both her social worker and ICTG. Her engagement with mental health support remains a challenge, but A is now in education for the first time and has not gone missing. ECPAT UK has provided specialist advice and an application has been made for A to regularise her stay. There continue to be weekly team around the child meetings to discuss and identify any further need for support.

## CASE STUDY

## ICTG REGIONAL PRACTICE CO-ORDINATOR (RPC)

A local authority children's services Early Help Worker approached the ICTG service to support their work with a 17-year-old young person (K) who had been abused through county lines. K had been groomed, sexually and physically assaulted, manipulated and trapped by the criminal gang for two years. K was arrested in a seaside town carrying a large amount of heroin, crack cocaine and money. In the 45 minutes before being arrested, K ran from the police, smashed a fence and a window, and threatened police officers.

The RPC supported K's Early Help Worker through a series of case consultations and strategy meetings. It emerged that K believed they would be trapped in their exploitation forever, felt that they had no feasible alternative and that they would be imprisoned for a long time. While they were not pursuing the drugs charges, the police and CPS wanted to prosecute K for the vandalism and public order offences which they felt were not a result of the exploitation. The RPC advocated directly with the police and through K's defence solicitor and all charges were dropped.

Over several months, K came to understand what had happened to them and that it was not their fault. With the support of the RPC, the Early Help Worker referred K to the NRM. The SCA decision that K was a victim of trafficking was a powerful moment of realisation for them. When the support from the RPC concluded, K was living with their parents in a new location, they were attending college and wanted to join the armed forces. K has also expressed an interest in working with their Early Help Worker to support and mentor other exploited young people.

**Scottish Guardianship Service<sup>52</sup>**

From October 2020 to October 2021, the Scottish Guardianship Service (SGS) received 124 referrals, with 44 of the children referred having trafficking indicators. The long-term nature of the support provided by the SGS means that the service is still working with 385 open cases. Vietnamese nationals remain the highest nationality of children referred to the service and labour exploitation remains the most common type of exploitation experienced, accounting for 38% of referrals, followed by criminal exploitation at 25% (down from 35% last year).

Over the past year the SGS has seen an increase in the proportion of young people who are criminally exploited being charged with crimes. In 2016–2017, 20 potential trafficking survivors were charged with offences. Between April to December 2020, this increased to 27 individuals (including six children), and between January to March 2021 alone a further 42 individuals were charged (again, six were children).<sup>53</sup> The service is very concerned that currently more victims of human trafficking face criminal justice processes than traffickers.<sup>54</sup> Some of the children detained in Youth Offenders institutions

were not referred to the service in a timely manner, therefore work with the Scottish Prison Service to develop a partnership agreement that will ensure that children are identified and referred at the earliest possible stage is ongoing.

The service has continued to provide intensive support throughout the pandemic delivering 1149 individual 1–1 workshops and attending 1552 lawyers' appointments in the last financial year. Guardians have also supported a number of young people to attend substantive interviews this year as the Covid 19 pandemic has exacerbated existing delays, having a considerable impact on the mental health of young people.

In addition to the provision of a Guardian, the service also has a mental health project run in partnership with NHS psychological trauma service and a befriending service which trafficked children have also accessed. Recently the service has focused attention on the longer-term outcomes with funding from the Life Changes Trust being used for work around education and employability.<sup>55</sup> The service has also supported young people to articulate their views

<sup>52</sup> Data provided directly by the Scottish Guardianship Service

<sup>53</sup> The Feret (2021), '[Trafficked: concerns over criminalisation of young Vietnamese found in cannabis factories](#)'

<sup>54</sup> Between 2016 and 2021, 155 (20 of whom were children) potential survivors of trafficking underwent criminal justice. In the same period 65 individuals faced criminal justice processes for trafficking offences and only 5 were convicted.

<sup>55</sup> The service has also partnered with the University of Stirling looking at the long-term outcomes of young people who have previously received support from the service: Modern Slavery & Human Rights Policy & Evidence Centre, '[Scotland: survivor-informed support for trafficked children](#)'



in multiple ways including meeting with Scottish Parliaments Equality and Human Rights Committee and the National Human Rights taskforce in relation to incorporation of the UN Convention on the Rights of the Child and the International Convention on the Elimination of All Forms of Racism and Discrimination.

An additional development in Scotland impacting child victims is the refreshed guidance produced under Section 8 of the Human Trafficking and Exploitation (Scotland) Act 2015<sup>56</sup> which requires the Lord Advocate to produce and publish guidance for prosecutors encountering potential victims of trafficking who may have committed crimes as a consequence of their exploitation.

#### **Northern Ireland Independent Guardian Service<sup>57</sup>**

From October 2020 to 23 September 2021, the Independent Guardians Service (IGS) in Northern Ireland received 35 referrals, bringing the total number of children receiving support within the service to 111. The children referred during this period were from a range of countries including Somalia, Eritrea, Afghanistan, Libya, South Sudan, Syria, Palestine, Algeria, Lebanon, Hungary, Pakistan, Saudi Arabia and Iran. The majority of referrals were for labour exploitation, sexual exploitation, criminal

exploitation and financial exploitation, with children and young people's bank accounts being used. 11 of the cases above were referred to the NRM with three positive reasonable grounds decisions, one negative reasonable grounds decision and the remainder pending decisions.

Over the past year, IGS have continued to develop close working relationships with the Guardian Ad Litem agency in Northern Ireland, who are appointed by the courts to represent the best interests of children and ensure that their voices are heard. The IGS also work to ensure that children have access to appropriately experienced solicitors who have a good understanding of their rights. In addition, the IGS have seen some good practice within social services as well as the Police Service of Northern Ireland in identifying potential victims, however it is believed that further training is needed to increase awareness. Finally, the IGS for Northern Ireland also responded to the Home Office consultation on the New Plan for Immigration.

IGS have raised concerns regarding the lack of non-governmental organisations in Northern Ireland with expertise in child trafficking designated as NRM First Responders, as well as appropriate provisions for mental health support, access to adequate education and appropriate placements for children.

### Violence Reduction Units

In 2019, the Home Office announced that 18 police force areas would receive funding to establish, or develop further, Violence Reduction Units (VRUs). The areas selected were those with the highest levels of serious youth violence. The core aim of the VRU is to provide leadership and the strategic coordination of all relevant agencies in order to support a 'public health' approach to tackle serious violence and its root causes.<sup>58</sup>

In October 2020, the IASC wrote to each VRU to understand more about their strategic priorities and intervention activity being delivered.<sup>59</sup> This work identified that the most significant area of overlap with work on modern slavery was in relation to CCE. Examples of the interventions being delivered by the VRU linked to extra-familial harm and CCE include mentoring and youth intervention programmes, contextual safeguarding approaches, the development of trauma-informed schools, navigator roles in A&E departments and custody suites and awareness raising programmes.

### 3. Children in migration

The past year has seen troubling developments regarding the care of separated and unaccompanied children in the UK, some of whom may be child trafficking victims and all at high risk. In June of this year, Kent County Council stopped taking unaccompanied children into care<sup>60</sup> in breach of their statutory obligations citing extreme pressures to their services. Children have been held for extended periods in a short-term holding facility, the Kent Intake Unit, in a practice which amounts to deprivation of liberty. This practice has been highly criticised by children's advocates<sup>61</sup> and in a damning report<sup>62</sup> produced by Her Majesty's Inspectorate of Prisons. In July, the government announced their launch of a renewed National Transfer Scheme,<sup>63</sup> increasing the amount of funding provided by central government to local authorities for each child under 16 and former care leavers.

<sup>56</sup> Lord Advocate's Instructions for Prosecutors when considering Prosecution of Victims of Human Trafficking and Exploitation (2021)

<sup>57</sup> Data provided directly by the Northern Ireland Independent Guardian Service

<sup>58</sup> Home Office (2019), '[Funding for Violence Reduction Units announced](#)'

<sup>59</sup> Copies of these letters are available on the [IASC](#) website

<sup>60</sup> BBC (2020), '[Concerns for child migrants as Kent County Council hits capacity](#)'

<sup>61</sup> [Children England \(2021\), News](#)

<sup>62</sup> HM Inspector of Prisons (2020), '[Report on a national inspection of the short-term holding facilities in the UK managed by Border Force](#)'

<sup>63</sup> HM Government (2016), '[Government launches National Transfer Scheme for migrant children](#)'

The Home Office also began placing children in hotels pending transfers through the National Transfer Scheme, a practice also in breach of The Children Act 1989. This development also included the placement of children under 16 in hotels despite new legislation<sup>64</sup> which makes this practice unlawful coming into force in September 2021. These troubling developments in the care of separated children come despite a 27% decrease in arrivals in 2020 compared to 2019.<sup>65</sup> Significant concerns have been raised about the risks to child victims, with known cases of children going missing from the hotels where there are reasonable grounds to believe they may have been trafficked. In September Kent County Council announced it would resume upholding its statutory obligations.<sup>66</sup>

Child victims in the asylum system have faced another year of unprecedented delays, further exacerbated by Covid 19.<sup>67</sup> A recent report<sup>68</sup> from the Shpresa Programme on the experiences of Albanian

children found that Home Office delays increase the risk of children and young people's exploitation in the UK, particularly labour and criminal exploitation. The report finds the asylum system itself is a push factor for child exploitation as well as leading to other forms of significant harms such as mental health deterioration and the increased risk of suicide. The widespread delays in the asylum system<sup>69</sup> are compounded for potential child victims referred into the NRM further increasing the delay period in both a trafficking and asylum determination.

#### EU exit

The United Kingdom has now left the European Union and the transition period has ended. While access to some systems has been maintained, there has been a loss of real-time access to the Second Schengen Information System (SIS II) which has been significant in cases of missing children across borders at risk of exploitation. This has meant a transition into reliance on the Interpol system which currently has

no integration into the Police National Computer (PNC) and checks must be conducted separately by police control rooms. In addition, while the agreement set out the ongoing co-operation with Europol and Eurojust, this is now limited to the secondment of liaison officers and prosecutors.

The most pressing direct concern for children in the UK following the end of the transition period pertain to EU national children regularising their immigration status through the EU Settlement Scheme (EUSS). There are significant concerns, particularly for looked after children and care leavers<sup>70</sup> applying to the EUSS and securing status within the deadline of 30 June 2021. The Home Office subsequently published guidance stating late applications will be accepted<sup>71</sup> which clarifies that being a victim of modern slavery will normally constitute reasonable grounds for the person to make a late application to the scheme. There is so far no evidence to indicate the operational effectiveness regarding this guidance nor the potential impact on children.

Care proceedings were previously governed by EU Regulation under Brussels IIa until the end of the transition period. New proceedings pertaining to children in contracting states<sup>72</sup> issued from 1 January 2021 onwards are now governed by the 1996 Hague Convention becoming the primary instrument containing rules as to jurisdiction, mutual recognition of orders, and cross-border co-operation. The frameworks share commonalities as well as some differences<sup>73</sup> which will require additional training for local authorities particularly in cases of child trafficking with an intrafamilial element presenting a significant risk of re-trafficking.

#### Nationality and Borders Bill

The Nationality and Borders Bill includes a series of measures which will severely impact all child victims of trafficking. The Bill contains significant reforms to asylum, immigration and nationality law in the UK that will affect thousands of children each year and undermines existing domestic and international law to protect children. The government has not published a Child's Rights Impact Assessment (CRIA) to evaluate

<sup>64</sup> UK Statutory Instruments (2021), '[Children and Young Persons England: The Care Planning, Placement and Case Review \(England\) \(Amendment\) Regulations 2021](#)'

<sup>65</sup> Refugee Council Information (2021), '[Children in the Asylum System](#)'

<sup>66</sup> Local Government Chronicle (2021), '[Kent to resume taking child asylum seekers](#)'

<sup>67</sup> Greater Manchester Immigration Aid Unit (2021), '[Wasted childhoods – the impact of COVID-19 asylum delays on children](#)'

<sup>68</sup> Christine Beddoe (2021), '[Into the Arms of Traffickers: An examination of how delays in asylum and trafficking decision-making increase the risks of trafficking for young asylum-seekers](#)'

<sup>69</sup> IASC (2021) [Asylum decision times for potential victims of modern slavery](#)

<sup>70</sup> The Children's Society (2020), '[Looked After Children and the EU Settlement Scheme: An update for local authorities](#)'

<sup>71</sup> HM Government (2021), '[EU Settlement Scheme: EU, other EEA and Swiss citizens and their family members](#)'

<sup>72</sup> Hague Conference on Private International Law, '[Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children](#)'

<sup>73</sup> The Law Society (2021), '[Public children law after Brexit](#)'



the impact this Bill will have on children and the enjoyment of their rights under the UN Convention on the Rights of the Child. Undertaking a CRIA supports the government's duties under Article 4 of the Convention and the government has committed to 'always give due consideration to the UNCRC in the making of new policy and legislation'.<sup>74</sup> Through the legislative scrutiny of the Modern Slavery Bill in 2014, a CRC memorandum was produced to evaluate the impact on the rights of children.

The range of clauses in the Bill taken together will affect all child victims of trafficking regardless of their nationality but will be particularly detrimental to children in migration who are at significant risk of exploitation. The analysis of this report focuses on the provisions contained in Part 5 in relation to modern slavery and human trafficking.

The Bill creates a new 'slavery or trafficking information notice' to be issued only to potential victims claiming asylum or human rights protection. Failure to provide information within the designated time may lead to the credibility of victims being damaged. These clauses will create an additional burden for children due to their immigration status. The slavery or trafficking information notice disregards the impact of trauma on the ability of victims to disclose. Child trafficking is a form of child

abuse and identifying child victims of trafficking is not an immigration matter but a safeguarding matter.

Another clause of the Bill proposes to amend the Modern Slavery Act 2015 from the current text setting out the reasonable grounds threshold to believe that a person *may* be a victim to reasonable grounds to believe that a person is a victim. The reasonable grounds stage decision determines a potential victim's entitlement to support and assistance. In the New Plan for Immigration the Home Office stated that the reason for this change is to make this threshold consistent with the Council of Europe Convention on Action against Trafficking in Human Beings (ECAT). The clause also gives the Secretary of State the power to change the threshold for reasonable grounds without full parliamentary scrutiny.

ECPAT UK have concerns that the new legal threshold for reasonable grounds is not on the face of the Bill, unlike that of the conclusive grounds decision which will be set out in primary legislation as that of the '*balance of probabilities*'. They are of the view that the threshold '*I suspect but cannot prove*' must be stated on the face of the Bill to take account of the specific vulnerabilities of child victims.<sup>75</sup> They believe that this will reduce the significant risks of re-trafficking that an increased threshold will

entail by precluding identification in the absence of significant disclosure or other forms of evidence often unavailable at such an early stage.

The Bill also includes a clause to disqualify potential victims from protection, including children by precluding those foreign nationals who have served custodial sentences of over a year, from being identified as victims in contravention of international law. Criminal exploitation is the most commonly reported form of abuse for potential child victims with many having served custodial sentences due to offences committed as part of their exploitation.<sup>76</sup> The Bill would leave them without the possibility to access support or challenge their offences on appeal. There is also a real risk that removing support will limit engagement in prosecutions and therefore significantly undermine the ability of law enforcement to bring traffickers to justice.

The Bill includes provision to legislate, for the first time, the specific entitlement to immigration leave for confirmed victims of modern slavery but it does not set out a specific standard for immigration leave for trafficked children and makes their leave contingent on requirements which contravene international law. The standard for children is clearly set at the level of best interests' precedence as set out in ECAT Article 14 (2)<sup>77</sup> and the explanatory report to ECAT<sup>78</sup> whereas the clause provides for a grant of leave in particular circumstances if a person receives a positive conclusive grounds decision and eligibility is contingent on long-term recovery needs and assisting prosecutions. Neither standard is appropriate for child victims nor does it fulfil the government's obligations.

<sup>74</sup> UK Parliament (2010), 'The UK's compliance with the UN Convention on the Rights of the Child - Human Rights Joint Committee'

<sup>75</sup> The Independent Anti-Slavery Commissioner does not support this observation

<sup>76</sup> Youth Justice Board and Ministry of Justice (2021), 'Youth Justice Statistics 2019/20, England and Wales'

<sup>77</sup> Council of Europe (2005), [Council of Europe Convention on Action against Trafficking in Human Beings](#)

<sup>78</sup> Council of Europe (2005), Explanatory Report to the Council of Europe Convention on Action against Trafficking in Human Beings, \*Paragraph 186: 'In the case of children, the child's best interests take precedence over the above two requirements: the Convention provides that residence permits for child victims are to be "issued in accordance with the best interests of the child and, where appropriate, renewed under the same conditions" (Article 14, paragraph 2). The words "when legally necessary" have been introduced in order to take into account the fact that certain States do not require for children a residence permit.'

Children trafficked into and within the UK may have no identity documents or may be using false documents provided by their traffickers. Child victims may be coached by traffickers to give rehearsed stories, including saying they are adults when encountered by public authorities. They can also struggle to engage with age assessment processes due to trauma. These factors may lead to their age being disputed. Research conducted by ECPAT UK and Missing People indicates that disputes over age have a strong influence on whether a child victim feels believed and can develop trust with professionals,<sup>79</sup> as well as increasing the risk of them going missing due to the impact on the type of support and accommodation they receive.<sup>80</sup> In addition, age disputed child victims of criminal exploitation who are arrested or prosecuted for offences committed as a result of their trafficking will not be entitled to an appropriate adult and may be remanded to custody and sentenced as adults.

Therefore, in addition to the clauses on modern slavery, ECPAT UK are also concerned about the

clauses within the Bill which will give the Secretary of State powers relating to the use of age assessments. One of the new clauses will give the Home Office the power to make regulations on how to assess age and introduce a standard of proof of the 'balance of probabilities'. Years of domestic case law regarding age assessments has determined the burden of proof is not attributed to either the child or the state and that there is no burden on the child to prove their age but rather it is a matter of decision makers weighing the available evidence.<sup>81</sup> The current standard when age is disputed in the context of an asylum appeal is that of a 'reasonable degree of likelihood'.<sup>82</sup> There are concerns that this change will increase the number of children wrongly treated as adults, contradicting the duty set out in Section 51 of the Modern Slavery Act 2015 to provide a putative child with the benefit of the doubt.

The proposed provisions also give powers to the Home Secretary to introduce a National Age Assessment Board (NAAB) within the Home Office<sup>83</sup> and compel local authorities to assess the age of a child in order

to provide the Home Office with evidence as to why they believe the child is the age they claim to be, undermining Statutory Guidance from the Department of Education.<sup>84</sup> Age assessments are a function of the child protection system, however ECPAT UK are concerned that these changes undermine the role and specialist knowledge and experience of social workers. Finally, an additional clause allows for the introduction of regulations specifying scientific methods to be used when assessing age, including 'examining or measuring parts of a person's body'. The use of scientific methods to assess age has long been the subject of debate and professional medical bodies are unequivocal in their rejection of their use.<sup>85</sup> Furthermore, this clause penalises children for not consenting to this process, with their refusal grounds for damaging credibility.



<sup>79</sup> ECPAT UK and Missing People (2016), 'Heading back to harm: A study on trafficked and unaccompanied children going missing from care in the UK'

<sup>80</sup> Ibid

<sup>81</sup> *Case of CJ v Cardiff* [2011] EWCH 23 (Ousley J)

<sup>82</sup> *Rawofi (age assessment - standard of proof) Afghanistan* [2012] UKUT 197 (IAC) (20 June 2012)

<sup>83</sup> Ibid

<sup>84</sup> HM Government, Department for Education (2017), Statutory Guidance Overview: '[Care of unaccompanied migrant children and child victims of modern slavery](#)'

<sup>85</sup> Royal College of Paediatrics and Child Health (2018), [Refugee and unaccompanied asylum seeking children and young people - guidance for paediatricians: Press releases Child asylum seekers: dental age check plan dropped, but key questions remain \(bda.org\); Can epigenetics help verify the age claims of refugees? \(nature.com\)](#)

## TRANSITIONAL SAFEGUARDING

Transitions to adulthood for child victims of trafficking are fraught with difficulties. On 9 September 2021 there was a change in the law in England<sup>86</sup> banning the placement of those aged 15 and younger in unregulated settings. Child victims turning 16 and 17 who are looked after will therefore not be protected from being placed in unregulated accommodation and without care. The Department for Education is proposing a set of standards which organisations, most of who operate on a for profit basis, running accommodation must follow when accommodating 16- and 17-year-olds. However, these do not include the provision of care and are substantially less stringent than those regulating children's homes.<sup>87</sup>

ECPAT UK's research highlighted the alarming rates of unaccompanied and trafficked children going missing

from care<sup>88</sup> with the lack of appropriate accommodation being identified as a significant factor contributing to 1 in 4 (24%) trafficked children and 15% of unaccompanied children going missing. Evidence shows unregulated accommodation is unsuitable for young people with a background of exploitation,<sup>89</sup> that these young people may need greater levels of care because of the high risk of them going missing<sup>90</sup> and facing further harm,<sup>91</sup> and also that this type of accommodation may place children at greater risk of exploitation by criminal gangs.<sup>92</sup> The number of over 16-year-olds placed in unregulated accommodation has increased dramatically, which raises concerns about how many children at risk of exploitation may be exposed to further harm.<sup>93</sup> In addition, a disproportionate number of children in unregulated placements are unaccompanied migrant children, an

average of 40% of those placed in independent or in semi-independent accommodation by 31 March 2019 compared to 6% of other children in care.<sup>94</sup>

Depending on the young person's individual circumstances, transition to adulthood may be a source of celebration or a source of concern. Turning 18 is often a cliff edge for looked after young people where they may find a substantial drop in support with young people reporting they didn't feel prepared, often facing very sudden changes of placement with minimal or no involvement of their views.<sup>95</sup> Child trafficking survivors with irregular immigration status face significant barriers to recovery given the ambiguity in terms of their entitlements as care leavers. Resolving children's immigration status before transitioning to adulthood should be seen as a safeguarding issue, as these failures can increase

children's vulnerability to further exploitation given the fear of immigration detention and removal to their country of origin can lead young people to go missing.<sup>96</sup>

Experiences of young people transitioning from children's to adult services varies greatly across local authorities. Entitlement to support for young adults may fall beyond the remit of child safeguarding systems and has been continuously identified as a significant gap in statutory services where young people were left without adequate support in the absence of planned transitions into adult services.<sup>97</sup>

<sup>86</sup> UK Statutory Instruments (2021), 'CHILDREN AND YOUNG PERSONS, ENGLAND: The Care Planning, Placement and Case Review (England) (Amendment) Regulations 2021'

<sup>87</sup> UK Statutory Instruments (2015), 'The Children's Homes (England) Regulations 2015'

<sup>88</sup> ECPAT UK and Missing People (2018), Still in Harm's Way: A study on trafficked and unaccompanied children going missing from care in the UK

<sup>89</sup> Farmer, E. & Pollock, S. (2003), 'Managing sexually abused and/or abusing children in substitute care'

<sup>90</sup> BBC (2021), 'Caitlin Sharp: Vulnerable girl found dead at man's home'

<sup>91</sup> Catch 22 and Missing People (2015), 'Running the Risks: The links between gang involvement and young people going missing'

<sup>92</sup> Howard League for Penal Reform (2020), 'Victims not criminals: protecting children living in residential care from criminal exploitation'

<sup>93</sup> Children's Commissioner (2020), 'Unregulated: Children in care living in semi-independent accommodation'

<sup>94</sup> Department for Education (2020), 'Looked after children in independent or semi-independent placements'

<sup>95</sup> Meloni, F. and Chase, E. (2017) 'Transitions into institutional adulthood', Becoming Adult Research Brief no. 4, UCL:

<sup>96</sup> Ibid

<sup>97</sup> Brady, G., Toft, A., Alldred, P., Brown, G., Alam, N., Paechter, C for What Works for Children's Social Care (2020), 'Safeguarding practice for young people and young adults (aged 16-25) who have experienced CSE before or during transition: a qualitative systematic review protocol'





## CASE STUDY

### TRANSITIONAL SAFEGUARDING SUPPORT FROM HOPE FOR JUSTICE

Hope for Justice (HfJ) received an urgent referral from the ICTG service in relation to a young adult survivor who was approaching 18 years old. Bao did not qualify for Care Leavers support and therefore was expected to transition from children's to adult services immediately. HfJ first met with Bao the day prior to his 18th birthday, with his social worker and ICTG. Bao was shocked to learn his support from children's services would be ending on the following day as support only lasted until he reached 18—including housing. HfJ was able to inform Bao of his rights including asylum and the possibility of entering the NRM and receiving safe house accommodation. During the meeting one of the Independent Modern Slavery Advocates (IMSA) present recalled Bao asking, "who in the room will I ever see again?".

The IMSA team worked in partnership with the ICTG team to build on the rapport and trust already gained. As a result of HfJ advocacy, Bao smoothly transitioned into suitable safe house accommodation on his 18th birthday and met with his IMSA the next day. His IMSA also supported him to access immigration advice for his asylum claim and ensured he understood the process and was supported at every appointment. His IMSA also provided educational sessions to Bao around risks of re-trafficking and spotting the signs of exploitation. This work proved essential as Bao contacted his IMSA when he had been approached with an opportunity that could have led to further exploitation.

## RESEARCH ON CHILD TRAFFICKING

Research on the scale and nature of child trafficking in the UK is essential to ensure policymaker and practitioner responses are evidence-led and tailored to the needs of children, peers, families and communities.

Such research has been designated as a research priority by a number of organisations across the anti-slavery sector, indicating that this continues to present an evidence gap despite notable efforts by many researchers. In 2018, the Home Office published a set of modern slavery research priorities which included a number under the theme 'Understanding and meeting the needs of children who have experienced modern slavery'.<sup>98</sup>

Specific research questions under this theme comprised:

- How, where in the UK and why do children experience modern slavery?
- How can we ensure that statutory services best meet the needs of children who have experienced modern slavery?

- Why do trafficked children go missing after engaging with services?
- What interventions are most effective in preventing missing incidents, and who should deliver these interventions?

In 2020, the Modern Slavery and Human Rights Policy and Evidence Centre (Modern Slavery PEC) led a consultation on research priorities resulting in a report summarising key research areas, themes and topics. Whilst research on child trafficking was not designated a stand-alone priority, it was listed as part of the theme 'Survivor needs and enhancing victim support'.<sup>99</sup> In September 2021, the Modern Slavery PEC launched new projects on survivor recovery, including one project on 'Improving participation and outcomes for children following modern slavery' led by the University of Bedfordshire and ECPAT UK, and one on 'Survivor-informed long-term support for trafficked children' led by the University of Stirling, Just Right Scotland and Terre des Hommes.<sup>100</sup> These projects will use survivor-led research, working with young people to identify their experiences of recovery to inform understanding on outcomes. It is essential to incorporate the views and expertise of children in such research and these projects are welcome developments.

<sup>98</sup> Home Office (2018), '2018 UK Annual Report on Modern Slavery'

<sup>99</sup> Modern Slavery & Human Rights Policy & Evidence Centre (2021), 'Consultation on the Modern Slavery PEC research priorities'

<sup>100</sup> Modern Slavery & Human Rights Policy & Evidence Centre (2021), 'Modern Slavery PEC launches five new projects on survivor recovery'

The IASC has also published a set of research priorities including a stand-alone priority: 'Identifying support needs of child victims of trafficking including during transition into adulthood. Understanding the scale and nature of child trafficking in the UK and effective models of intervention such as contextual safeguarding.'<sup>101</sup>

A research report by the IASC, *The Modern Slavery Act 2015 Statutory Defence: A call for evidence*<sup>102</sup> examined what was happening on the ground in respect of the use of the defence, and found that there is inadequate child protection intervention following NRM referrals triggered by the statutory defence. The report called for a greater emphasis on contextual safeguarding approaches for children where the safeguarding responsibility remains with the local authority.

Further research led by the IASC and by ECPAT UK in 2020 examined best practice in multi-agency decision making for child victims of trafficking, to inform pilot initiatives to devolve decision-making in the NRM.<sup>103</sup> The report called for sufficient funding for local safeguarding partnerships to meet the demands of contextual safeguarding interventions for children and young people who have been trafficked and exploited.

To fill evidence gaps on child trafficking research, we need more data on children affected by trafficking and exploitation and a joined up approach to tracking children referred to the NRM and across all of the systems involved. For example, information published as part of NRM statistics does not include data on the ethnicity of children referred for support, undermining opportunities to develop tailored and culturally competent responses by practitioners; and for researchers to evaluate what works best for children.

<sup>101</sup> IASC (2021), 'IASC Research Priorities'

<sup>102</sup> IASC (2020), 'The Modern Slavery Act 2015 statutory defence: A call for evidence'

<sup>103</sup> IASC and ECPAT UK (2020), 'A review of what works in multi-agency decision making and the implications for child victims of trafficking'

## CASE STUDY

### IASC AND ECPAT UK REVIEW OF WHAT WORKS IN MULTI-AGENCY DECISION MAKING

Following calls by both the IASC and ECPAT UK for the Home Office to consider devolving NRM decision making for children, a joint piece of research was conducted to identify what works in existing multi-agency decision making models.

A call for evidence was carried out and a rapid review then focussed on four existing models: the Multi-Agency Risk Assessment Conference (MARAC) in the context of domestic abuse; Channel Panels; the Multi-Agency Safeguarding Hub (MASH); and an example of a Missing and Exploitation Hub.

The review sought to provide practical insight to influence the thinking of policy makers regarding the pilots to test devolving NRM decision making to local safeguarding partners. In identifying the good practice and learning from the four models analysed, a series of recommendations were made by the review including:

- The need for any devolved decision making model to be intrinsically linked to local safeguarding structures;
- Sufficient funding for local safeguarding partnerships to meet the demands of contextual safeguarding interventions for those who have been trafficked, as well as funding for any additional resource required to make NRM decisions locally.
- The need for decisions to be made to attain the best interests of the child, also facilitating the voice of the child by ensuring that their thoughts and wishes are taken into account.

<sup>104</sup> UK BME Anti-Slavery Network (BASNET) (2021), 'BASNET Race EDI Action Plan for UK MS/HT Sector':



The UK BME Anti-Slavery Network (BASNET) has called for more data to be collected on nationality, race and ethnicity to inform equitable access to support for all victims and survivors within the NRM.<sup>104</sup>

BASNET has also noted the need to ensure that research is sufficiently informed by people affected by modern slavery, including people from ethnic minority backgrounds. Without such data or research initiatives which are inclusive and diverse, policymakers and practitioners cannot develop tailored responses which can appropriately safeguard all victims and survivors of modern slavery.



## SUMMARY AND RECOMMENDATIONS

As this report has demonstrated, child trafficking remains a considerable and growing problem in the UK with 4,646 children referred into the NRM in 2020/21. There are signs that awareness among frontline organisations is improving, with children now making up 43.5% of all referrals into the NRM. The majority of referrals for children are currently for those who have been criminally exploited, with a proportion of these referrals linked to county lines offending. It is vital that efforts are maintained in identifying children who are victims of trafficking in all its forms. It is equally vital that there is investment and support for the local agencies to protect and provide specialist care and support for those identified.

This report has highlighted examples of promising practice to safeguard children at risk of trafficking, but there is more to be done. Despite increasing numbers of police investigations, the number of prosecutions for those committing trafficking offences remain low. There are some positive examples of innovation to address some of the barriers to prosecution, including the development of models for victimless prosecution such as Op Orochi. It is important that opportunities to prosecute those involved in child trafficking under the Modern Slavery Act 2015 are utilised with some offences carrying potential life sentences. In addition, while there are cases where civil orders have been secured in the context of child trafficking, further efforts are needed to make best use of these mechanisms for disrupting perpetrators and safeguarding potential victims.

Over the past year there have been important policy developments in the context of child trafficking, most notably the introduction of the pilot to test devolved NRM decision making for children. This is a pivotal moment in the future of the NRM and the efforts by the Home Office to ensure early engagement with local safeguarding partners and encourage a cross-Government approach have been welcome. The continued national roll-out of the ICTG service in England and Wales is also a positive step, as well as the commitment to testing the recommendations made by the Independent Review of the Modern Slavery Act 2015 – but we must ensure that all child victims have access to the service urgently.

There have also been significant changes in relation to the immigration landscape. Since the last Child Trafficking Snapshot report, the UK has left the EU. This has had an impact on the mechanisms available for criminal judicial co-operation with the EU and has required children who are eligible to make an application to the EUSS. In addition, the Nationality and Borders Bill is currently making its passage through Parliament and there are significant concerns about the impact of the proposals on children.

### Recommendations

**Recommendation 1 for prosecuting bodies and justice departments** – To improve data recording and publication on prosecutions and convictions relating specifically to child trafficking.

**Recommendation 2 for police and prosecutors** – To ensure that officers and staff are equipped to identify potential child victims of trafficking at the earliest opportunity and can investigate effectively working together to safeguard children and protect victims in line with their duties.

**Recommendation 3 for policy makers and those involved in safeguarding children** – To encourage frontline organisations to adopt the Child Trafficking Training Standards Framework and ensure that any nationally commissioned training on child trafficking reflects these standards.

**Recommendation 4 for the Department for Education** – To ensure a multi-agency local safeguarding approach to child victims of trafficking and that updates to the Working Together to Safeguard Children Statutory Guidance reflects the need for protection and support after consultation with children's rights organisations.

**Recommendation 5 for the Home Office** – To ensure that children are excluded from the provisions regarding modern slavery in the Nationality and Borders Bill in line with the Government's duty to ensure the child's best interest as a primary consideration.

**Recommendation 6 for the Home Office** – To commence full national roll-out of the Independent Child Trafficking Guardian service across England and Wales as soon as possible, and to consider the introduction of an inspection regime of the service by a regulatory body.

**Recommendation 7 for the Home Office** – To build on the devolved NRM decision making pilots and subject to a positive evaluation, commence UK wide rollout as soon as possible.

**Recommendation 8 for the Department for Education** – In recognition of well evidenced links between unregulated accommodation and exploitation, cease the use of unregulated accommodation for children.

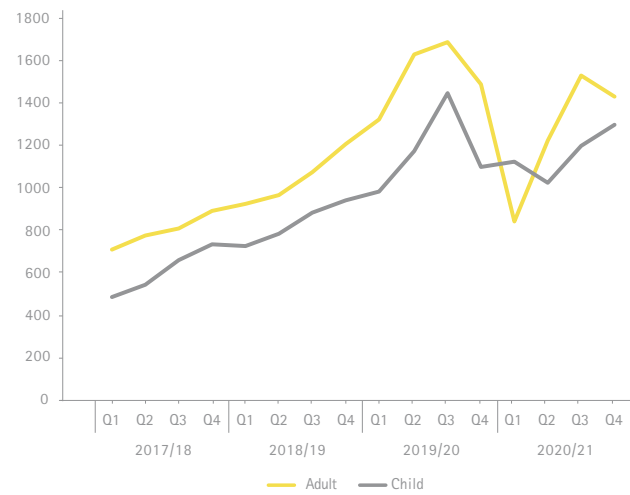
**Recommendation 9 for researchers and for the Home Office** – To encourage research which embeds the views and experiences of all child victims of trafficking, and to support efforts to collate and publish more data on the demographics of and outcomes for those affected by trafficking.

**Recommendation 10 for policy makers and those involved in safeguarding children** – To consider opportunities for the more active participation of children in NRM decision making, as well as within policy development.

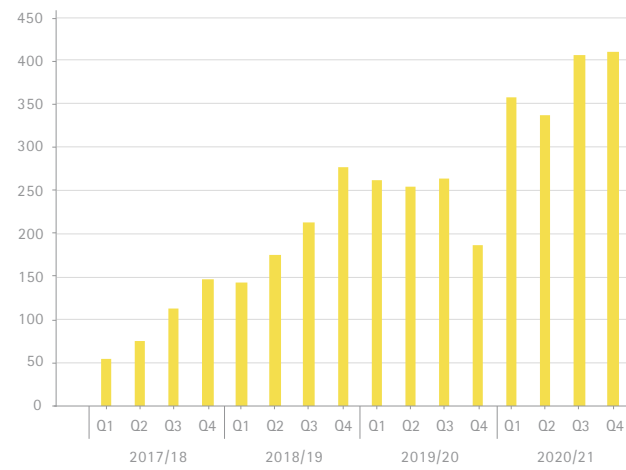


## APPENDIX: DATA TABLES

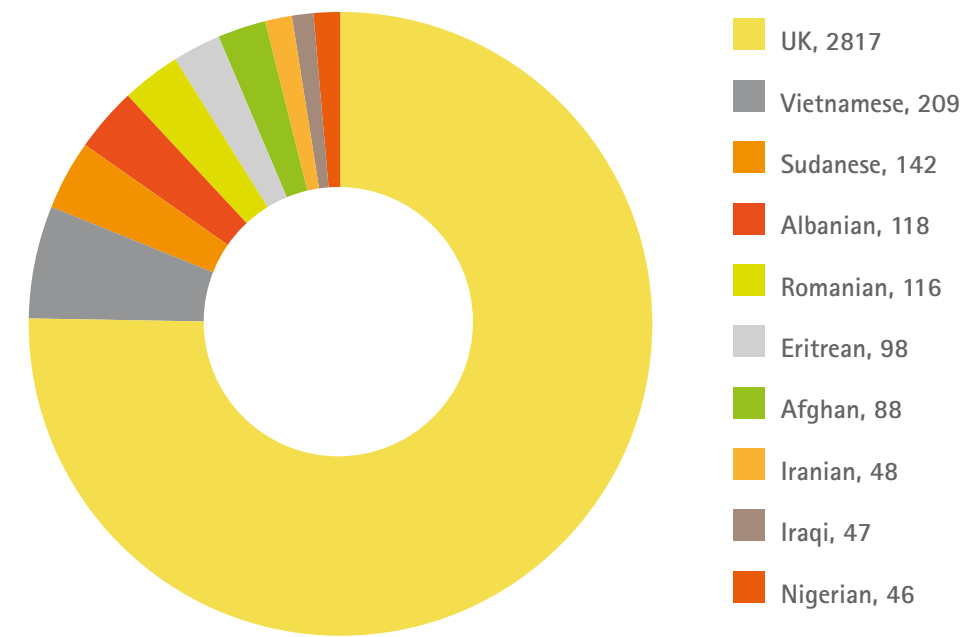
**Number of quarterly NRM referrals by age at time of exploitation, 2017/2018 to 2020/2021<sup>98</sup>**



**NRM referrals for children flagged as county lines cases, 2017/18 to 2020/21<sup>99</sup>**



**Top 10 nationalities, child NRM referrals 2020/21<sup>100</sup>**

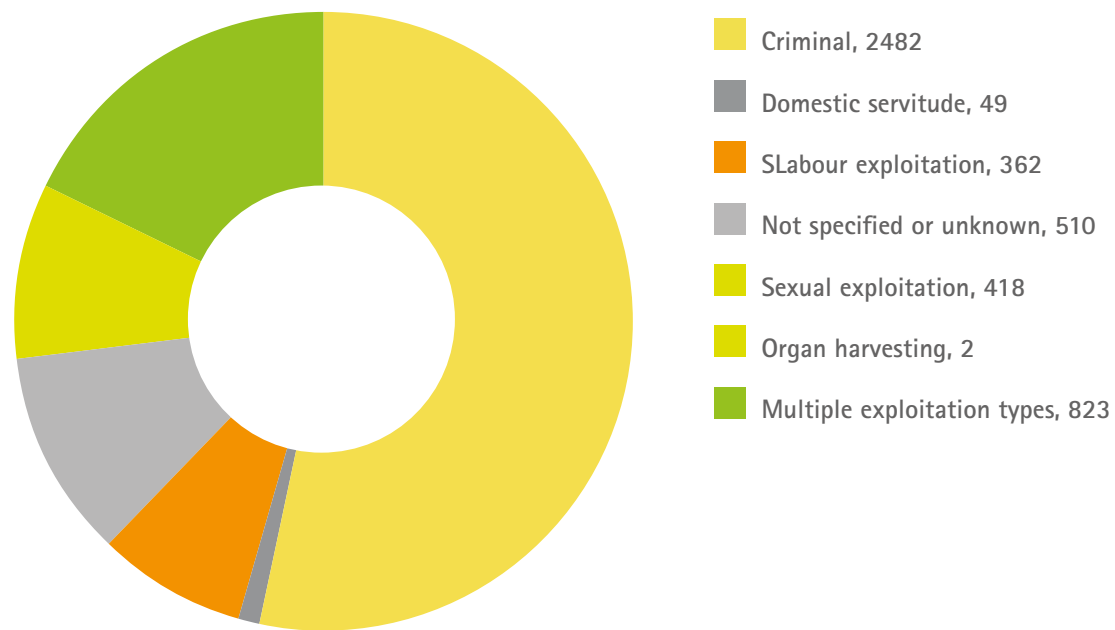


<sup>98</sup> Data provided by the Home Office (data cut 5 August 2021). Note: Age is age at exploitation; quarters presented are back on the calendar year

<sup>99</sup> Note: Quarters presented are based on the calendar year. Age is age at exploitation. County lines referrals were classified as a sub-type of labour exploitation prior to quarter 4 2019. Since January 2020, county lines referrals are identified by a 'flag' on the system

<sup>100</sup> Data provided by the Home Office (data cut 5 August 2021). Note: Figures quoted are for the 2020/21 financial year (Q2,3,4 2020 and Q1 2021). Age is age at exploitation

Child NRM referrals by exploitation type for 2020/21<sup>101</sup>



<sup>101</sup> Figures quoted are for the 2020/21 financial year (Q2,3,4 2020 and Q1 2021). Age is age at exploitation

Child NRM referrals by exploitation type for 2020/21<sup>102</sup>

Exploitation type	Number of referrals
Criminal	2482
Not specified or unknown	510
Sexual	418
Labour & Criminal	363
Labour	362
Sexual & Criminal	188
Labour & Domestic	101
Sexual & Labour	52
Domestic	49
Sexual, Labour & Criminal	36
Sexual, Labour & Domestic	28
Labour, Domestic & Criminal	19
Sexual & Domestic	13
Sexual, Labour, Domestic & Criminal	11
Domestic & Criminal	10
Organ Harvesting	2
Sexual, Domestic & Criminal	1
Sexual, Labour & Organ Harvesting	1
<b>Total</b>	<b>4646</b>

<sup>102</sup> Figures quoted are for the 2020/21 financial year (Q2,3,4 2020 and Q1 2021). Age is age at exploitation

NRM referrals for children flagged as county lines cases<sup>103</sup>

Year	Quarter	Number of referrals
2017	Q1	34
	Q2	54
	Q3	74
	Q4	111
	<b>Total</b>	<b>273</b>
2018	Q1	144
	Q2	141
	Q3	172
	Q4	210
	<b>Total</b>	<b>667</b>
2019	Q1	273
	Q2	258
	Q3	251
	Q4	260
	<b>Total</b>	<b>1042</b>
2020	Q1	184
	Q2	354
	Q3	332
	Q4	401
	<b>Total</b>	<b>1271</b>
2021	Q1	405
	Q2	343
	<b>Running total</b>	<b>748</b>

<sup>103</sup> Note: Quarters presented are based on the calendar year. Age is age at exploitation. County lines referrals were classified as a sub-type of labour exploitation prior to quarter 4 2019. Since January 2020, county lines referrals are identified by a 'flag' on the system

**Reasonable grounds (RG) decisions for children in 2020/21<sup>104</sup>**

	Total RG decisions	Negative RG decisions	Positive RG decisions
<b>Total</b>	<b>4588</b>	<b>231</b>	<b>4357</b>

**Conclusive grounds (CG) decisions for children in 2020/21**

	Total CG decisions	Negative CG decisions	Positive CG decisions
<b>Total</b>	<b>1509</b>	<b>61</b>	<b>1448</b>

**Independent Child Trafficking Guardian Service – number of children referred to Direct Workers, 2020/21<sup>105</sup>**

		Croydon	East Midlands	Greater Manchester	Hampshire & IOW	Wales	West Midlands	Unknown	Total
2019	Q1	0	*	9	*	12	13	0	40
	Q2	*	7	9	8	10	17	1	52**
	Q3	13	12	12	14	*	17	0	68**
	Q4	6	*	38	*	8	20	5	84
	<b>Total</b>	<b>19**</b>	<b>27</b>	<b>68</b>	<b>27</b>	<b>30**</b>	<b>67</b>	<b>6</b>	<b>250</b>
2020	Q1	14	5	14	13	6	14	-	66
	Q2	13	10	7	9	6	11	-	56
	Q3	*	12	15	9	13	13	-	62**
	Q4	*	8	15	12	7	19	-	61**
	<b>Total</b>	<b>35</b>	<b>35</b>	<b>51</b>	<b>43</b>	<b>32</b>	<b>57</b>	<b>-</b>	<b>253</b>

**Independent Child Trafficking Guardian Service – number of children referred to Regional Practice Coordinators, 2020/21**

		Croydon	East Midlands	Greater Manchester	Hampshire & IOW	Wales	West Midlands	Unknown	Total
2019	Q1	0	*	12	0	18	*	0	36
	Q2	0	19	14	0	10	16	1	60
	Q3	0	26	9	*	7	14	0	56**
	Q4	0	14	*	0	12	5	0	31**
	<b>Total</b>	<b>0</b>	<b>59**</b>	<b>35**</b>	<b>*</b>	<b>47</b>	<b>35**</b>	<b>1</b>	<b>187</b>
2020	Q1	*	13	7	*	26	5	-	52**
	Q2	6	43	17	*	12	27	-	106
	Q3	*	15	*	0	22	9	-	48**
	Q4	*	39	12	*	14	22	-	87**
	<b>Total</b>	<b>12</b>	<b>110</b>	<b>36**</b>	<b>**</b>	<b>74</b>	<b>63</b>	<b>-</b>	<b>302</b>

<sup>104</sup> Data provided by the Home Office (data cut 5 August 2021). Note: Figures quoted are for the 2020/21 financial year (Q2,3,4 2020 and Q1 2021). Age at the time of first known period of exploitation

<sup>105</sup> Information provided by the Home Office. Data cut 5 August 2021. Small numbers (below 5) have been suppressed to protect confidentiality. Barnardo's only collects management information on children that RPCs have directly supported through help and advice to frontline staff that are in direct contact with the child. Due to changes in the way data is recorded by the ICTG service from September 2020 onwards, children that are missing at the point of referral into the ICTG Service and/or are missing for more than 6 months are now counted separately from overall referral numbers, and so are not included in the tables. \* suppressed value due to small numbers \*\*not including suppressed value



**Human trafficking / child abuse flagged referrals, convictions and prosecutions, England and Wales<sup>106</sup>**

	2017/18	2018/19	2019/20	2020/21
Pre-charge decision receipts	36	12	11	14
Convictions	20	21	15	1
Non-convictions	16	12	12	1
Total completed prosecutions	36	33	27	2

**Human trafficking / child abuse flagged offences, England and Wales**

	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21
Modern Slavery Act 2015 {1}	0	0	0	3	0	0
Modern Slavery Act 2015 {2}	1	21	26	5	30	3
Modern Slavery Act 2015 {3}	0	0	0	0	5	0
Total	1	21	26	8	30	3

<sup>106</sup> Data provided by the CPS on modern slavery flagged cases crossed with child abuse flagged cases through the CPS Case Management System (CMS) and associated Management Information System (MIS). Please note volumes have been impacted due to court closures and recovery during Covid-19 from Mid-March to the end of June 2020. The counting unit for CPS pre-charge records is the suspect in a case, as opposed to the number of offences, or the number of cases. Thus, if a single set of proceedings involves more than one suspect, then each suspect is counted, and a charging decision is recorded for each suspect. The counting unit for CPS records is the defendant in a case, as opposed to the number of offences, or the number of cases. Thus, if a single set of proceedings involves more than one defendant, then each defendant is counted, and the outcome is recorded for each defendant. The number of pre-charge receipts, for different crime types, referred by the police relies on (a) the police identifying and flagging the cases, by suspect, prior to being referred to CPS and (b) CPS administrators identifying and flagging those cases on the CPS Casework Management System, when they are first registered. Completed prosecution outcomes comprise convictions (guilty pleas, convictions after trial and cases proved in the absence of the defendant) and non-conviction outcomes (prosecutions dropped by the CPS, discharges, acquittals after trial and administrative finalisations). The Human Trafficking / Modern Slavery monitoring flag is applied from the onset of the case; this flag will remain in place even if those charges are subsequently amended or dropped. If a case commences under a different offence but is then changed to a trafficking charge, the case should be flagged at that stage. CPS child abuse statistics are dependent upon lawyers and administrative staff identifying applicable cases and flagging the case on the Case Management System. These data are accurate only to the extent that flags have been correctly applied







Every Child Protected  
Against Trafficking

Independent  
Anti-Slavery  
Commissioner