



Responses to questions raised at the launch of ECPAT UK and the Office of the Independent Anti-Slavery Commissioner's joint review of what works in multi-agency safeguarding

26th November 2020

Further to the virtual launch of ECPAT UK and the Independent Anti-Slavery Commissioner's joint review, *A review of what works in multi-agency decision making and the implications for child victims of trafficking* on the 12th August 2020, we're pleased to provide answers to a range of questions asked at the event which we didn't have the chance to address.

These questions covered a range of issues connected to the review but also the Home Office pilots, related legislation and practice and local safeguarding arrangements. Where questions were about the review itself we have answered them directly and we directed other questions in the most appropriate way to members of the panel.

The responses below were provided by:

- Dave Lamb from the Home Office Modern Slavery Unit
- Jacinta Kane, Head of Service at London Borough of Harrow
- The Office of the Independent Anti-Slavery Commissioner (IASC)
- Every Child Protected Against Trafficking (ECPAT UK)

Question

Are we clear that local safeguarding partnerships are working effectively?

Response

Jacinta Kane responds that they are always trying to improve, but safeguarding partnerships are carrying out work in a context of significant budget cuts to services across the past 10 years. The UK has one of the safest child protection systems in the world, but adequate resourcing is needed.

ECPAT UK responds that examining this question is a current priority for the Child Safeguarding Practice Review Panel as set out in their first annual report which announced the 2020 priorities. The findings of Complexity and challenge: A triennial analysis of serious case reviews 2014- 2017 states that problematic multi-agency working continues to result in lost opportunities for protecting children from harm. The joint review raised the concern, highlighted in previous research, regarding the continued impact of austerity on statutory services. The findings with regards to Children's Social Care which state the over reliance on thresholds to manage demand, leading services to screen more cases out, work with families for shorter periods, and spend less per child in need are of particular concern for exploited children.

Question

How will the new Serious Violence Bill and new legal duty to support multi-agency action link into the NRM?

Response

The Home Office response is that they are currently working through the detail with colleagues in the Serious Violence team. However, NRM data and referral data can be used to inform the local action plan as

modern slavery (and county lines) could both be local challenges. The Serious Violence team form part of the governance for the projects piloting the devolution of NRM decision-making for children to ensure we join-up where possible.

Question

Is it proposed that the new model will run in parallel with existing Working Together processes? S47 enquiries, Child Protection plans?

Response

The Home Office responds that they are keen to allow enough flexibility in the pilots for local authorities and safeguarding partners to work out how best to join-up these processes at a local level. We are keen to see if local decision making encourages better integration with existing processes.

Jacinta Kane responds that child trafficking is child abuse and the priority of local authorities must always be to safeguard the welfare and best interests of children, and this should always be through our well established legal framework for all children, including s47 and provision of appropriate accommodation etc. The new model would mean that experts in child protection and safeguarding would be able to make decisions about whether a child is a victim of trafficking, and this is a welcome improvement.

Question

Were the existing multi-agency child protection mechanisms included in the evaluations?

Response

ECPAT UK responds that the review considered Multi-Agency Safeguarding Hubs in one area in England as part of the review.

Question

How can we ensure children and young people are part of co-producing the plans going forward?

Response

The Home Office responded that is a really important question and one we continue to discuss, particularly in terms of the evaluation. I think the challenge is how to do it in a sensitive and meaningful way.

Question

How will communities be involved? i.e. as the eyes and ears on the ground.

Response

The Home Office states that there is certainly no barrier to communities being involved in any of the new proposals, not having a role in the decision making, but more in terms of providing relevant information. The level of community involvement would depend on the local authority's proposal.

Question

The role of corporate parenting for care experienced young people needs to be strengthened. How can we do this and extend corporate parenting duties to other bodies?

Response

Jacinta Kane responds that under The Children Act 2004, local authorities have a duty to promote

cooperation between 'relevant partners', including the police, the NHS and education providers, while those partners have a duty to cooperate with the local authority in turn. Guidance on the Act highlights that corporate parenting is a 'task [that] must be shared by the whole local authority and partner agencies'. Councils should consider how their partners can help them to deliver their corporate parenting role, especially in relation to the provision of services. The NHS has a responsibility to make sure looked-after children receive the physical and mental health support that they need, for example, while close working between schools and the virtual school head (VSH) can help to improve outcomes for children and young people in care.

Question

As county lines is becoming a significant driver of NRM referrals how will the Anti-Slavery Commissioner work more collaboratively with a local county line response?

Response

The IASC Office responds that it has close links and meets regularly with both the Modern Slavery and Organised Immigration Crime Programme and the National County Lines Co-ordination Centre. In recent months, the IASC has also met with the Home Office County Lines Unit lead. The IASC is aware that referrals into the NRM for criminal exploitation and county lines related cases specifically are increasing and was pleased to see the most recently quarterly NRM statistics provided a breakdown of county lines related cases to build the evidence base on this issue. Many of the responses submitted to the recent IASC call for evidence on the Section 45 defence were linked to possession with intent to supply drug cases including those linked to county lines. The [report of findings](#) includes a series of ten recommendations. The IASC has also publicly made calls for NRM decisions for children to be made at a local level and is encouraged that the Home Office will be running a pilot to test approaches to devolved decision making. This is particularly relevant in cases linked to Child Criminal Exploitation where there may be multiple agencies involved and where information sharing is essential to inform safeguarding activity.

Question

Where are the potential pilots?

Response

The Home Office response is that the pilots will be awarded through fair and open competition and as such it is not yet known where the pilots will be. They are really keen to have variety in the pilot sites so that they can identify any areas or specific challenges local authorities and their safeguarding partners may face.

Question

On a quick read of the report, could not see reference to the interplay of the NRM process and criminal proceedings - my experience is that there is often a disconnect between the NRM process and the Criminal Justice System (CJS) where children are sometimes held in custody when they are a victim of trafficking and the NRM process is slow and the CJS is unclear what to do next...

Response

The IASC office responds that this report is primarily focussed on NRM decision making and the interaction with safeguarding and child protection processes where it is clear that safeguarding responses must be applied to children and young people whether they are victims or perpetrators and often both. However, following the IASC's call for evidence on the Section 45 Defence in early 2020, a [report of findings](#) has been published which explores the interaction between the NRM and the criminal justice system further.

Question

As child trafficking is child abuse and child trafficking is reflected as such in statutory guidance is there any concern that child trafficking and child abuse are further separated?

Response

The Home Office response is that this is a really key point that has informed our approach to the pilots and confirms they are not keen to introduce something completely new but to have these decisions integrated into what is already happening to safeguard and support that child.

ECPAT UK responds that the report highlights that there are statutory duties for local safeguarding partners under the Children Act (1989), (2004) and the Children and Social Work Act (2017) and that there are also obligations under Article 10 of the European Convention on Action against Trafficking relating to the identification of victims. It also notes that further exploration is required in relation how these two systems interact in practice at a local level but recommends that any devolved NRM decision making model is intrinsically linked to local safeguarding structures.

Jacinta Kane's view is that a pilot of devolved NRM decision making could reduce any potential separation between child trafficking and child abuse, and rightly brings it within the remit of children's services.

Question

There are huge issues with this for British children who are victims of criminal and sexual exploitation who are already faring extremely badly in the current modern slavery response. Also concerns about the voice of the child being incorporated as this potentially draws in the voice of the groomer and perpetrator in criminal exploitation and county lines.

Response

ECPAT UK responds that the voice of the child is a concept derived from international law. Article 12 of the UN Convention on the Rights of the Child establishes the right of children to be involved in decisions that affect them, both as individuals and as a group. In England and Wales, The Children Act 2004 places a duty on local authorities to ascertain the child's wishes and feelings and take them into consideration when making decisions during child protection process, as far as is reasonable, practicable and consistent with child's welfare.

Jacinta Kane responds that the voice of children and young people must be considered by decision makers, and we know also that many children who have been groomed and exploited will not recognise that they are being controlled and coerced by traffickers. This is why it is important that experts in child abuse have a stronger role in decision making. There are strong parallels with how groomers operate across different types of abuse – they look for children who might not have adequate protective structures in place (whether that be at home, in their community or in their school), they try to make children feel special, they separate them from their support networks, they threaten and tell them they won't be believed.

The Home Office responds that one of the goals of the pilots is to test whether integration of NRM decision-making at a local level can lead to better join-up with local services and support, which may begin to address some of these issues.

Question

Has the report looked at harmonised methodologies (not only contextual safeguarding) in terms of harmonising the process from identification through care to safe young adult future?

Response

The Home Office responds that they are keen to not add unnecessary burdens to local authorities and safeguarding partners, and that as far as possible they would be keen to support local authorities in integrating decision-making into their existing processes.

ECPAT UK responds that the review focused solely on identifying existing best practice of multi-agency decision making to inform the development of devolved NRM decision making for children. These proposals have been developed by reports such as the Anti Trafficking Monitoring Group proposal for NRM reform of 2014 and by academics and practitioners in Glasgow through their proposed model. All proposals have identified these reforms as a key step to ensure positive long term outcomes for child victims particularly as they transition into adulthood.

Question

Will there be/is there a children's rights impact assessment, and an equalities impact assessment looking at protected characteristics like race?

Response

The Home Office responds that the pilots have been developed in line with the Public Sector Equality Duty to consider any potential impact on people with protected characteristics.

Question

Can I ask about the scope of the review in terms of legal advice and right of appeal/review? I understand that the majority of multi-agency approaches would not appoint or be responsible for access to these provisions, that's because these elements have always been 'beyond' multi-agency actors - but access to these elements seems crucial.

Response

The Home Office responds that it is quite a difficult to answer at this stage in the process for the pilots but that access to support for child victims is already set out in existing statutory guidance.

The IASC Office responds that this is recognised to be an important issue but was not included within the scope of the review as examination of the four models did not identify good practice/learning in relation to the right of appeal/review.

Question

Can a region be considered for the pilots rather than a local authority? some regions have significant numbers across a wide area - with young people isolated.

Response

The Home Office responds that they have built in provision for a regional response, however it must be led by a local authority with responsibility for safeguarding children; this is to ensure that link with support services.

Question

How would a devolved process consider a consistent national approach, as children move from one location to another; transition into adulthood and access to resources post 18; as a victim of trafficking?

Response

The Home Office responds that they would welcome thoughts on how to ensure this. They recognise the challenge in any devolved approach, and that for the pilots there will be a robust training and quality assurance process.

Jacinta Kane responds that this should be based on our existing legal framework and our duties to safeguard and protect children in our area, duties to looked after children and care leavers (which have been extended up to age of 25).

Question

For adults who receive a positive decision from the NRM, they are then entitled to compulsory support. For a child with a positive decision, there is still a requirement for the local authority to support but there is no requirement that the local authority accesses trafficking specialist support. Given that many local authorities lack specialist knowledge of trafficking, how can we ensure that the NRM for children is not just an identification tool but actually attaches a requirement for the local authority to provide specialist trafficking support?

Response

ECPAT UK responds that they have consistently called for specialist services for child victims of trafficking, national training about child trafficking and for the national rollout of Independent Child Trafficking Guardians (ICTG).

The Home Office responds that one of the aims of the pilot is to see if making decisions at a local level leads to a better understanding of modern slavery at a local level and a better understanding of the needs of victims. Local authorities and safeguarding partners will receive appropriate training as part of the pilot project.

The IASC Office responds that the IASC has publicly made calls for NRM decisions for children to be made by local safeguarding partners to encourage closer alignment between the NRM system and the need for these children to be protected from significant harm'. At present, it is recognised that there is disconnect between NRM decision making and local safeguarding processes. The report recommends that regular training is provided for all local safeguarding partners involved in devolved decision making using a tiered structure which incorporates access to national training resources and locally delivered training. It also recommends that the UK Government develop national resources for devolved NRM decision making for children including detailed operational guidance, template documents and a tiered training programme.

Jacinta Kane responds that this highlights the importance of ICTG being rolled out nationally.

Question

How will a localised model deal with children exploited by county lines being moved around the country and information shared? Recent high profile cases have shown this is a real issue now.

Response

The Home Office responds that for the purposes of the pilot will be the local authority with safeguarding responsibility for that child. We tested this question with local authorities and they felt comfortable with this approach.

Jacinta Kane responds that this has been a real issue for over a decade, and there has been significant improvement in information sharing and responses. More needs to be done and is being done – the Pan

London Rescue and Response pilot is a good example of work in this area. The processes regarding safeguarding children – i.e. s47 investigations and strategy meetings and information sharing is the legal framework for doing this. A previous barrier was a view of some professionals that children were “making choices” rather than being exploited and abused. High profile cases are helping to shift the unconscious bias and victim blaming. Adequate resourced policing and disruption is crucial to addressing the issues, as is adequate resourcing of community services and drug and alcohol services where the usually highly vulnerable drug users reside.

Question

Is the University of Bedfordshire Contextual Safeguarding Conferences model being considered as part of the pilots template?

Response

The Home Office responds that it is not specifically as part of the pilot project but they would welcome any relevant evidence that could support our thinking more broadly around the identification of child victims.

Question

How do you foresee the relationship with local county lines coordinators working?

Response

The Home Office responds that this is for local authorities to consider as part of the pilots. There is a clear cross-over between county lines and other criminal exploitation and modern slavery, and they are keen to understand where this approach recognises benefits with wider work.