



Home Office

# Interim Guidance for Independent Child Trafficking Guardians

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# Definitions

The definitions below relate solely to this interim guidance:

- **Child** means any person under the age of 18. Where there are reasonable grounds to believe a person may be under 18 it is presumed they are a child unless and until their age is otherwise determined, for example, by an age assessment carried out by a Local Authority or the Home Office.
- **Child who has been trafficked** means any child who is or who is suspected of being trafficked, as per the definition in [The Slavery and Human Trafficking \(Definition of Victim\) Regulations 2022](#).
- **Conclusive Grounds (CG)** is a decision taken by a competent authority as to whether, 'on the balance of probabilities', there are sufficient grounds to decide that the individual being considered is a victim of modern slavery (human trafficking or slavery, servitude, or forced or compulsory labour).
- **Contextual Safeguarding** is an approach to understanding, and responding to, child's experiences of significant harm beyond their families.
- **Due Regard** means one must conscientiously consider with rigour and an open mind.
- **First Responder** means a member of staff at a First Responder Organisation who has a responsibility for discharging one or more of the functions of the First Responder Organisation and who has been trained to discharge those functions.
- **First Responder Organisation (FRO)** means an authority that is authorised to refer a potential victim of modern slavery into the National Referral Mechanism. A full list of First Responders is available [here](#). There are different cohorts of First Responders in Scotland and Northern Ireland.
- **Independent Child Trafficking Guardians (ICTGs)** are an independent source of advice for children who have been or are suspected to have been trafficked. They are somebody who advocates on the child's behalf and works in their best interests helping them to orient around the complex systems of criminal justice, immigration, and social care.
- **ICTG Direct Support** means the one-to-one support given to a child who has been trafficked or is suspected to have been trafficked.
- **ICTG Guardianship Assessment Team** means the team who gives immediate advice and safeguarding support for newly identified or referred children whilst assessing the needs of the child and gathering information to make sure the child is kept safe.
- **ICTG Indirect Support** means the support and guidance given to statutory and non-statutory services in that region supporting a child who has been trafficked or is suspected to have been trafficked.

- **ICTG Service Allocations Panel** means a regular national meeting held by Service Managers and Supervisors to quality assure the assessment made by the Guardianship Assessment Team, put together an initial support plan and allocate the child to the most appropriate ICTG for Indirect or Direct Support.
- **ICTG Service Managers** means individuals working across ICTG sites, ensuring ICTGs are supervised to effectively undertake their role. ICTG Service Managers lead stakeholder management and ensure the work carried out meets the objectives of the service.
- **ICTG Supervisors** means individuals working within the Service ensuring that ICTG's are supervised and supported to effectively undertake their role. Supervisors can also act as ICTGs where referrals of children increase surge.
- **ICTG Regions** means the distribution of sites into distinct areas for the purposes of managing referrals of children into the ICTG Service.
- **ICTG Service** means the Service Provider who operates the ICTG provision in all ICTG Sites.
- **ICTG Sites means** all local authority areas where the ICTG Service is available.
- **National Referral Mechanism (NRM) means** the UK's framework for identifying and supporting victims of modern slavery.
- **Public authority** means any public authority in the meaning of section 6 of the Human Rights Act 1998, other than a court or tribunal, as defined in the Modern Slavery Act 2015.
- **Parental responsibility** means all the rights, duties, powers, responsibilities, and authority which by law a parent of a child has in relation to the child and their property. Persons other than a parent can [also] acquire and exercise parental responsibility for a child through various types of court order, and more than one person may exercise parental responsibility concurrently, as per the Children Act 1989. N.B. ICTGs cannot acquire parental responsibility.
- **Reasonable Grounds (RG)** means a determination made by a competent authority as to whether the decision maker agrees there are reasonable grounds to believe, based on all available general and specific evidence but falling short of conclusive proof, that a person is a victim of modern slavery (human trafficking or slavery, servitude, or forced or compulsory labour).
- **Single Competent Authority (SCA)** refers to one of the UK's decision-making bodies that is responsible for making reasonable grounds decisions and conclusive grounds decisions regarding individuals referred as potential victims of modern slavery. All referrals for children will be undertaken by the SCA, unless the safeguarding responsibility falls to a local authority partaking in the Devolved Decision-Making Pilot and the child is more than 100 days away from their 18th birthday.

# Introduction

1. This document provides interim guidance to the sites where Independent Child Trafficking Guardians (ICTGs) operate: Greater London<sup>1</sup>, Surrey<sup>2</sup>, Essex<sup>3</sup>, West Yorkshire<sup>4</sup>, Merseyside<sup>5</sup>, Kent<sup>6</sup>, Warwickshire<sup>7</sup>, North Yorkshire<sup>8</sup>; Gloucestershire and Bristol<sup>9</sup>; Lancashire<sup>10</sup>, Bedfordshire<sup>11</sup>, West Midlands<sup>12</sup>, East Midlands<sup>13</sup>, London Borough of Croydon, Greater Manchester<sup>14</sup>, Hampshire and Isle of Wight<sup>15</sup>, and Wales<sup>16</sup>.

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<sup>1</sup> London Boroughs of Barking and Dagenham, Barnet, Bexley, Brent, Bromley, Camden, Ealing, Enfield, Greenwich, Hackney, Hammersmith and Fulham, Haringey, Harrow, Havering, Hillingdon, Hounslow, Islington, Lambeth, Lewisham, Merton, Newham, Redbridge, Richmond upon Thames, Southwark, Sutton, Tower Hamlets, Waltham Forest, Wandsworth, The City of London Corporation, City of Westminster and the Royal Boroughs of Kensington and Chelsea and Kingston upon Thames.

<sup>2</sup> Elmbridge, Epsom and Ewell, Guildford, Mole Valley, Reigate and Banstead, Runnymede, Spelthorne, Surrey Heath, Tandridge, Waverley, Woking.

<sup>3</sup> Basildon, Braintree, Brentwood, Castle Point, City of Chelmsford, Colchester, Epping Forest, Harlow, Maldon, Rochford, Southend-on-Sea, Tendring, Thurrock, Uttlesford.

<sup>4</sup> Bradford, Calderdale, Kirklees, Leeds, and Wakefield.

<sup>5</sup> City of Liverpool, Knowsley, Sefton, St Helens, Wirral.

<sup>6</sup> Ashford, City of Canterbury, Dartford, Dover, Folkestone and Hythe, Gravesham, Tonbridge and Malling, Medway, Maidstone, Tunbridge Wells, Sevenoaks, Swale, Thanet.

<sup>7</sup> North Warwickshire, Nuneaton and Bedworth, Rugby, Stratford-on-Avon, Warwick.

<sup>8</sup> City of York, Craven, Hambleton, Harrogate, Middlesbrough, Redcar and Cleveland, Richmondshire, Ryedale, Scarborough, Selby, Stockton-on-Tees

<sup>9</sup> Cheltenham, City of Gloucester, Cotswold, Forest of Dean, South Gloucestershire, Stroud, Tewkesbury

<sup>10</sup> Blackburn with Darwen, Blackpool, Burnley, Chorley, City of Lancaster, City of Preston, Fylde, Hyndburn, Pendle, Ribble Valley, Rossendale, South Ribble, West Lancashire, Wyre

<sup>11</sup> Bedford, Central Bedfordshire, Luton.

<sup>12</sup> Birmingham City Council; Coventry City Council; Dudley Metropolitan Borough Council; Sandwell Metropolitan Borough Council; Solihull Metropolitan Borough Council; Walsall Metropolitan Borough Council; Wolverhampton City Council.

<sup>13</sup> Derby City Council; Derbyshire County Council; Lincolnshire County Council; Leicester City Council; Leicestershire County Council; Northamptonshire County Council; Nottingham City Council; Nottinghamshire County Council; Rutland County Council.

<sup>14</sup> Bolton Council; Bury Metropolitan Borough Council; Manchester City Council; Oldham Council; Trafford Metropolitan Borough Council; Tameside Metropolitan Borough Council; Rochdale Metropolitan Borough Council; Salford City Council; Stockport Metropolitan Borough Council; Wigan Council.

<sup>15</sup> Hampshire County Council; Isle of Wight Council; Portsmouth City Council; Southampton City Council.

<sup>16</sup> Blaenau Gwent County Borough Council; Bridgend County Borough Council; Caerphilly County Borough Council; Cardiff Council; Carmarthenshire County Council; Ceredigion County Council; Conwy County Borough Council; Denbighshire County Council; Flintshire County Council; Gwynedd Council; Isle of Anglesey County Council; Merthyr Tydfil County Borough Council; Monmouthshire County Council; Neath Port Talbot County Borough Council; Newport City Council; Pembrokeshire County Council; Powys County Council; Rhondda Cynon Taf County Borough Council; City and County of Swansea; Torfaen County Borough Council; Vale of Glamorgan Council; Wrexham County Borough Council.

2. This interim guidance will be in place until it is withdrawn. ICTGs will continue to provide support for children who have been, or suspected to have been, trafficked.
3. A child is a victim of modern slavery or human trafficking where they have been subject to behaviour as defined in The Slavery and Human Trafficking (Definition of Victim) Regulations 2022. For further detail on who is a victim of modern slavery or human trafficking, see [Modern Slavery: statutory guidance for England and Wales \(under s49 of the Modern Slavery Act 2015\) and non-statutory guidance for Scotland and Northern Ireland.](#)
4. Children who have been trafficked can be exploited in a number of different ways, including trafficking for forced criminality, forced labour, sexual exploitation, domestic servitude or organ harvesting. Child trafficking is child abuse and child protection procedures, as set out in [Working together to safeguard children](#) statutory guidance in England, should be followed if trafficking is suspected as it can have a devastating and lasting impact on children who have been trafficked. In Wales safeguarding arrangements are set out in statutory guidance [Working Together to Safeguard People: Volume 1 - Introduction and Overview](#) and [Working Together to Safeguard People: Volume 5 – Handling Individual Cases to Protect Children at Risk](#). Further practice advice is provided in the [Wales Safeguarding Procedures](#) and the [All Wales Practice Guide - safeguarding children who may be trafficked.](#)
5. Children can be trafficked in, out and around the UK (also known as ‘internal trafficking’) and can be citizens of the UK, or any other country. Children can also continue to be at risk of trafficking and exploitation once identified by, and in the care of, public authorities. Statutory Guidance, in England, for local authorities and professionals who support children who have been trafficked was last updated and published by the Department for Education in November 2017: [Care of Unaccompanied and Migrant Children and Child Victims of Modern Slavery.](#)
6. Children who have been trafficked may have a range of public authorities involved in their identification, care, and support. These may include local authority children’s services, local authority education services, National Health Service, the police and other related criminal justice agencies. For non-UK national children, they may also include the Home Office and its delivery arms, including Border Force, UK Visas and Immigration and Immigration Enforcement. Children who have been trafficked may also have contact with a range of non-governmental or community sector organisations and legal representatives.
7. This interim guidance describes specific legislative functions and duties and provides guidance in relation to children who have been trafficked. We recognise that section 48 of the Modern Slavery Act 2015 is yet to be

commenced. However, to enable us to assess the ICTG Service process public authorities should give due regard to the ICTG Service, as would be required by regulations made under section 48 (6) (e) (i) and Section 48 (6) (e) (ii) of the Modern Slavery Act 2015. For further details, please see [Public authorities engaging with and paying 'due regard' to the ICTG service.](#)

8. As this interim guidance is a matter of Home Office policy, Immigration Enforcement, Border Force, and UK Visas and Immigration must follow this interim guidance. Whilst the whole chapter should be followed, please note that where:
  - a. must is used it reflects legal obligations in legislation (including the Modern Slavery Act 2015 and other legislation such as the Human Rights Act 1998) or case law and must be followed.
  - b. should is used, anything different to the proposed approach should be documented and recorded on the child's file on the Case Information Database (CID) / Atlas / Other Home Office systems.
  - c. may, can or could are used, the guidance in the chapter is to be followed wherever possible.

## Purpose of this interim guidance

9. The purpose of this interim guidance is to support the operation of the ICTG service, identify the roles and responsibilities of ICTGs, as well as those of public authorities and other related agencies and their staff situated or working in the ICTG Sites. This includes, in particular:
  - Local authorities;
  - Police and Crime Commissioners;
  - Police;
  - Schools, colleges and academies;
  - NHS commissioners and NHS-funded providers;
  - The Home Office, including UK Visas and Immigration (UKVI), Border Force and Immigration Enforcement (IE);
  - National Crime Agency (NCA);
  - The Crown Prosecution Service (CPS);
  - First responder organisations. A full list of FROs is available [here](#);
  - The ICTG Service and any staff who will be providing the service to children who have been trafficked in the ICTG Sites;
  - Organisations and their staff who work with children who have been trafficked in the ICTG Sites, and

- The Courts and Tribunals Service, Youth Justice Board and Youth Offending teams.

10. This interim guidance is published under [Section 49 of the Modern Slavery Act 2015](#).

## Who is this interim guidance for?

11. This interim guidance is aimed at all ICTG Service staff as well as staff in public authorities and other non-governmental organisations in all ICTG Sites and any future ICTG Sites that ICTG Services may operate in, in advance of national implementation.

12. In addition, this interim guidance is aimed at statutory and voluntary sector organisations who work nationally such as Border Force, the police, Immigration Enforcement (IE), UK Visas and Immigration (UKVI) and the National Crime Agency (NCA) who deliver services or functions in the ICTG Sites, who are likely to encounter children who have been trafficked or who are involved in supporting such potential children.

13. This interim guidance should be read in conjunction with [the statutory guidance for England and Wales published under Section 49 of the Modern Slavery Act 2015 and non-statutory guidance for Scotland and Northern Ireland](#).

14. For local authorities in ICTG Sites in England, this interim guidance should also be read in conjunction with the statutory guidance, [Care of Unaccompanied and Migrant Children and Child Victims of Modern Slavery](#) or any subsequent update of this interim guidance. For local authorities in Wales, as safeguarding policy is devolved it should be read in conjunction with the statutory guidance, [Working Together to Safeguard People: Volume 1 - Introduction and Overview](#) and [Working Together to Safeguard People: Volume 5 – Handling Individual Cases to Protect Children at Risk](#). Further practice advice is provided in the [Wales Safeguarding Procedures](#) and the [All Wales Practice Guide - safeguarding children who may be trafficked](#).

15. This interim guidance does not replace these existing guidance documents, rather it seeks to clarify and complement them by highlighting the roles and responsibilities of ICTGs in providing specialist support to child victims of trafficking and/or modern slavery.

16. This interim guidance will only apply to the ICTG Sites and the respective public authorities in those areas, and those organisations listed in paragraph 11. This interim guidance will be time limited and will last for the duration of the ICTG provision in the ICTG Sites, from April 2024, or until



such time as statutory guidance under Section 48 of the Modern Slavery Act 2015 is introduced.

## Guiding principles and general considerations

17. In addition to the Modern Slavery Act 2015, those involved in supporting children who have been trafficked should be familiar with other relevant legislation, including the [Human Rights Act 1998](#).
18. All staff involved in frontline work in the ICTG Service such as ICTGs, ICTG Supervisors and ICTG Service Managers should be aware of the relevant legislation relating to child protection including, but not limited to:
  - Children Acts [1989](#) and [2004](#)
  - [Social Services and Well-being \(Wales\) Act 2014](#)
  - The [United Nations Convention on the Rights of the Child](#) (UNCRC) and its Optional Protocols (with particular reference to the [Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography](#), ratified by the UK in 2009).
19. All staff involved in frontline work in the ICTG Service such as ICTGs, ICTG Supervisors and ICTG Service Managers and public authorities should keep the following points in mind when discussing the support needs of children who have been trafficked:
  - Child trafficking is child abuse and relevant child protection procedures, as set out in [Working together to safeguard children](#), must be followed in England if trafficking is suspected; This includes taking account of the local protocol for assessments and support agreed and published by the local authority, with their safeguarding partners and relevant agencies.
  - In Wales, [Working Together to Safeguard People: Volume 1 - Introduction and Overview](#) and [Working Together to Safeguard People: Volume 5 – Handling Individual Cases to Protect Children at Risk](#) must be followed if trafficking is suspected.
  - Further practice advice is provided in the [Wales Safeguarding Procedures](#) and the [All Wales Practice Guide - safeguarding children who may be trafficked](#).
  - Acting in the child's best interests must always be a primary consideration, as outlined in Article 3 of the [UN Convention on the Rights of the Child](#) and elaborated in the [UN Committee on the Rights of the Child's General Comment 14](#);
    - All public authorities who come into contact with children in their everyday work should be able to identify children who have been trafficked and have a responsibility to act to protect these children

from potential or actual harm, including referring them to appropriate organisations for support;

- All public authorities and practitioners are expected to work together and contribute to whatever actions are needed to safeguard the child, promote their welfare and keep them safe from harm or further harm;
- All those working with victims should maintain a holistic and victim-centred trauma-informed approach;
- Children have the right to have their dignity respected;
- The child's views, wishes and feelings should always be sought and taken into consideration by their social worker/representative/trusted individual/ICTG and all others involved in the decision-making process on behalf of the child, in order to collaboratively decide how to best manage and support their care and safety needs;
- Children should always be kept as fully informed as possible and should receive clear and detailed information concerning their support, explained in a way/language that they can understand and, in a format, appropriate to their age and developmental stage;
- The developmental process from childhood to adulthood, particularly during adolescence, involves significant changes in a wide range of areas, such as physical, emotional, and cognitive development. Children who have been trafficked may have suffered significant trauma as a result of their experiences which can have an impact on their individual developmental processes. These factors need to be taken into account when determining how best to support the child;
- Local authorities should, take a multi-agency approach when undertaking the risk assessment of a child including sourcing appropriate accommodation and in developing the personalised care and support plan;
- All children should receive the same access to educational provision regardless of their immigration status. For children who do not speak English or have communication difficulties this should also include access to language and communication support and schools should respond to each child according to their educational needs;
- Any restriction imposed on a child to protect them from being potentially trafficked again should be kept to the minimum needed and should be discussed with other professionals and with the child themselves, and wherever possible agreed with them. This could include, for example, the removal of mobile phones and access to the internet to stop potential contact with traffickers. During this crucial period, it is important that the child is offered opportunities to engage in appropriate activities with carers and supporting professionals to continue to build trusted relationships and promote the child's protective factors.

20. The ICTG Service is expected to provide the Home Office with anonymised data as requested by the Home Office and in line with data protection legislation on a regular basis which relates to children they are supporting. The data will support the assessment of the service across ICTG Sites. This data will not be used in the making of any immigration decision.

## Referring a child to the ICTG Service

21. In line with the [statutory guidance for England and Wales published under Section 49 of the Modern Slavery Act 2015 and non-statutory guidance for Scotland and Northern Ireland](#), all statutory and non-statutory agencies and organisations who have grounds for concern that a child may be trafficked, have a responsibility for putting the child in touch with the responsible authorities and support providers. Only [First Responder Organisations](#) can refer a potential individual of trafficking into the NRM.

22. In the ICTG Sites, the same process will apply. Therefore, if a child is considered to be trafficked, the First Responder must be informed. The First Responder must:

- Firstly, refer the child through the normal safeguarding route in the Local Authority;
- Refer the child into the ICTG Service.
- Complete the NRM referral form.

For more details about referring a case to the NRM please see the [statutory guidance for England and Wales published under Section 49 of the Modern Slavery Act 2015 and non-statutory guidance for Scotland and Northern Ireland](#). Annex A also provides a high-level overview of the ICTG Service referral process.

23. The First Responder must complete the dedicated ICTG Service online referral form available [here](#) or [here](#) (Welsh), which alerts the ICTG Service to a child who has potentially been trafficked and provides them with details of the child. In addition to this they must also complete the NRM referral, which is mandatory for all children.

24. Barnardo's, the current supplier of the service, is also a designated First Responder and will be able to make NRM referrals where appropriate and in the absence of another First Responder. Where the ICTG Service is the First Responder they should still follow the same procedure as detailed above.

25. The ICTG Service should acknowledge receipt of the online form (available [here](#) or [here](#) in Welsh) and respond via email to confirm receipt of referral and a reminder of relevant safeguarding processes.
26. There could be occasions where the child only provides an indication that they have been trafficked during their asylum interview or police interview. In such circumstances, the referral to the ICTG Service should be made as soon as possible or at least on the same calendar day as the information is provided. NRM referral guidance should then be followed. We would not expect the interview, where a child discloses or shows indicators of trafficking, to be terminated as a result of the ICTG Service not being present, however the ICTG Service should be contacted to consider if they should attend any further interviews or meetings in accordance with the usual process. The professional conducting the interview should add notes to the child's records in recognition of trafficking indicators or a disclosure, and the actions that the interviewer has taken to involve the ICTG Service as soon as possible.
27. If a child who has been trafficked is transferred into an ICTG Site, the receiving local authority must advise the ICTG Service of the child by completing the ICTG Service online referral form (available [here](#) or [here](#) in Welsh) as soon as possible or at least on the same calendar day as the child has been received by the local authority.

### ***ICTG Service assessment line***

28. Referrals into the ICTG Service will be available 24 hours a day, 7 days a week, 365/6 days per year. The ICTG Service has a phonenumber [0800 043 4303] which is available for advice on referring a child into the service. Referrals must be made through the online referral form.
29. The ICTG Service assessment line will be made available to carers of children new to the service, as part of the implementation of a safety plan to help in the initial safeguarding concerns and to prevent the child from going missing.
30. The 24/7 assessment line is not an emergency counselling support service. ICTG Service will be able to provide proactive reassurance, advice and information to professionals working with children as well as signposting to appropriate services as required. In any emergency, a child or carer should call 999 or 111 immediately.

### ***Out of hours contact***

31. There will be occasions when referrals will need to be made out of hours, for example where the police or the immigration authorities identify a child who has been trafficked out of office hours.

32. In this scenario, the process is the same as that detailed above:
- a. The First Responder refers the child through the normal safeguarding route in the Local Authority;
  - b. The First Responder completes the ICTG Service online form (available [here](#) or [here](#) in Welsh). They can contact the 24/7 ICTG assessment line if they need immediate advice on referring a child into the ICTG service;
  - c. The First Responder completes the NRM referral process;
  - d. The ICTG Service acknowledges receipt of the referral;
  - e. The Guardianship Assessment Team will triage the referral form to better understand the immediate safeguarding needs of the child and will provide immediate safeguarding advice.
33. If the referral is made out of hours the ICTG Service should be made aware of the local authority out of hours contact or appropriate carer for the child such as a foster carer, in order to engage with them and to ensure the ICTG Service is able to contact the child (if appropriate).
34. If the ICTG Service is unable to make contact with the local authority that is responsible for the care and support of the child, within 24 hours, the ICTG Service should consider escalating this issue to a lead contact in the local authority. The matter should also be raised within the ICTG Service to ensure any delays are monitored and escalated appropriately should they continue to occur. Any escalation, if required, should be done in parallel and must not delay the ICTG Service supporting the child.

## ICTG Service core delivery model

35. The ICTG service model, which provides ICTG Direct Support for children where there is no figure of parental responsibility for them in the UK, and ICTG Indirect Support to children who have a figure of parental responsibility for them in the UK, has been in operation since 2017.
36. Direct support consists of a combination of face-to-face and remote support and will be delivered flexibly; a child's individual needs will dictate the number of in-person meetings they can access, relative to meetings delivered remotely (if it is safe and practical to do so). More information on Direct Support is provided in [ICTG Direct Support](#).
37. Indirect Support takes a multi-agency approach, whereby ICTGs work with relevant professionals already supporting children who have been trafficked. This element of the service will be delivered by ICTGs wholly remotely unless it is necessary for an ICTG to attend a meeting with professionals in person. More information on Indirect Support is provided in [ICTG Indirect Support](#).

38. Children who may require additional support beyond the average period will have their case discussed at an ICTG Review Panel and may subsequently have an additional support period authorised by an ICTG Manager. ICTG Review Panels are held at regular intervals during a child's support journey and ensure that a child will continue to have access to modern slavery / trafficking specific support, until it is deemed no longer necessary based on an ongoing assessment of their needs, they receive a negative RG or CG decision, or until the child becomes 18.

## The Guardianship Assessment Team

39. The Guardianship Assessment Team (GAT) is a national team that receives all referrals of children into the ICTG Service. They support all telephone and email enquiries that require advice and guidance on the identification of a child who has been trafficked or potentially trafficked, alongside assessing referrals received into the service.
40. Once a referral has been received, the ICTG GAT will triage the information from the referral form to better understand the immediate safeguarding needs of the child and provide immediate safeguarding advice to the First Responder and/or frontline professional/s who referred the child to the ICTG service and/or are involved in their support.
41. The GAT will undertake exploratory enquiries and conversations with the referrer and other professionals involved with the child to gather information to offer relevant safeguarding advice and assess the individual needs of the child. The GAT will attend relevant urgent safeguarding meetings, provide tailored advice and guidance, and, where appropriate, make initial contact with the child.
42. Once all information about the child's circumstances have been gathered and a needs assessment completed by the GAT, an Allocations Panel will agree and action an appropriate support plan in line with the child's needs and in consideration of their entitlement to Direct or Indirect Support.
43. The GAT will also support long-term missing children, where the GAT will continue to give advice and guidance to involved professionals. The GAT work closely with all ICTGs and the out-of-hours provision, facilitating a quick referral pathway into the service should a child be found.

## ICTG Direct Support

44. This section provides details on ICTG Direct Support.

## Overview

45. ICTG Direct Support is provided on an individual basis to children who may have been or have been trafficked, reside within a Local Authority where the ICTG service operates and do not have a figure of parental responsibility in the UK. This includes children who are transferred via the National Transfer Scheme to be looked after in one of the ICTG Sites. For further information on the National Transfer Scheme please refer to [\*National Transfer Protocol\*](#).
46. There may be exceptional circumstances which mean that a child with a figure of parental responsibility in the UK should be allocated direct support based on their vulnerability and risk factors. Robust criteria for establishing when these exceptional circumstances apply have been developed for use by the ICTG service. Further information can be found in [\*Annex C – ICTG Service criteria for support eligibility\*](#).
47. Under family law in England and Wales, the rights, duties, powers, responsibilities, and authority for making important decisions about a child's upbringing, such as where they should live and who they should live with, usually lies with whoever has 'parental responsibility' for the child. Persons other than a parent can [also] acquire and exercise parental responsibility for a child, this varies according to a child's circumstances but could include the child's parents or guardians, other people the child lives with under a court order and the local authority. These alternatives are put in place through various types of court order, and more than one person may exercise parental responsibility concurrently, as per the Children Act 1989. An ICTG will not have 'parental responsibility' and so will not be able to make these decisions regarding the child's upbringing.
48. The main aim and purpose of ICTG Direct Support is to advocate in a guardianship capacity on behalf of the child to ensure the child's best interests are reflected in the decision-making processes undertaken by the public authorities who are involved in the child's care and support, including when putting forward a view that is different to the child's or other professionals.
49. If possible and where appropriate, before the ICTG contacts the child they should speak to the public authorities involved in the care and support of the child to introduce themselves and begin to develop strong working relationships with key professionals involved in the child's individual case.
50. During this initial engagement, ICTGs should request and receive further information which the public authorities already hold on the child (and if this is outstanding from the work of the GAT). This will enable the ICTG to prepare for their initial and subsequent meetings with the child, manage any associated risks and enable the ICTG providing direct support to be appraised of all the information that already exists, thereby removing the need for the



child to re-live and re-tell what they have already said, which could be a harrowing and thus retraumatising experience for them.

51. The development of a trusted relationship with a child receiving direct support is fundamental to the role of the ICTG. Unless otherwise agreed for reasons specific to the individual child, all initial meetings with a child receiving direct support will be delivered face-to-face, taking into account what is in the best interests of the child and their circumstances at the time of the referral.
52. Children who enter the service should be given relevant contact details for professionals and services that are supporting them in the following months. This will ensure that the child can get relevant support when required.
53. Children in receipt of ICTG Direct Support will typically be able to access a number of initial face-to-face meetings, unless the outcome of continual vulnerability needs-based assessments conducted of the child deems it necessary to provide additional in-person support, before meetings and/or interventions are delivered remotely. Further information on the factors considered during a needs assessment can be found in [Annex C – ICTG Service criteria for support eligibility](#).
54. The amount of subsequent face-to-face meetings a child can access is dependent on a child's individual circumstances and risk factors, as identified by the ICTG Service via regular child-focused needs assessments. There is no firm cap on the number of face-to-face visits a child can access. Should it be determined that the child satisfies the exceptional criteria which makes them eligible for further face-to-face support, they will be able to access these. The hybrid nature of the model allows for transition into remote support when the ICTG deems it is safe for the ICTG's support to be delivered remotely.
55. Each child the ICTG works with will have their own specific set of needs linked to their trafficking and/or modern slavery. ICTGs must be aware of this and use their knowledge and experience to ensure the best and most appropriate support is enacted for each child.
56. ICTGs delivering Direct Support should be independent of those authorities who are responsible for making decisions about the child. The public authorities who take decisions regarding, or provide services to, the child must recognise and pay due regard to the ICTG and share information (subject to any restrictions on disclosure) with the ICTG to support them in performing this role, as per Section 48 (6) (e) (i) and Section 48 (6) (e) (ii) of the Modern Slavery Act 2015.
57. The ICTG will not replace any existing provisions in the ICTG Sites concerning the support and safeguarding of children. ICTGs are an additional resource and should not impact on the provision of any other support



provided by public authorities or required by the child as a result of the many varied needs they may have.

58. ICTGs delivering Direct Support will be required to work alongside existing provision and to advocate in the best interests of the child and, where necessary and appropriate, provide effective challenge to statutory services on how to best support the children they represent in line with modern slavery legislation.
59. Should a child's circumstances change during the period of ICTG Direct Support and it becomes apparent that there is someone in the UK with parental responsibility for them, the child will transition to Indirect Support, subject to a child-focused needs assessment being conducted to ensure this is appropriate. For other changes in the child's circumstances, see [Exiting/transition from the ICTG Service](#), [Exiting/transition from the ICTG Service: Criminal Justice System](#) and [Exiting/transition from the ICTG Service: Change in circumstances](#). Should the family placement break down and the child again has no one who holds parental responsibility in the UK, public authorities should alert the ICTG Service the child should be provided ICTG direct support as soon as possible.
60. The need for additional support should be reviewed at every needs assessment review or after a multi-agency meeting where new information may have been disclosed. All professionals including the ICTG Service will be working as part of a multi-agency approach to increase the child's knowledge, confidence, and resilience so that they have the relevant skill set to engage with a range of support services which will meet their needs and promote independence.

### **Scope of Direct Support**

61. ICTGs delivering direct support have a varied role. They should provide independent, balanced advice and guidance throughout the decision-making processes effecting the child and be a consistent and trusted point of contact for the child. The following list provides a summary of the scope of Direct Support. The list is not exhaustive. ICTGs (and the ICTG Service) delivering Direct Support must:
- Advocate so that the child is protected from further harm, prevent possible repeat victimisation, re-trafficking or going missing and promote the child's recovery.
  - Support the local authority and/or other public authorities in assessing the specific needs and promoting the safety and wellbeing of the child who has been trafficked.
  - Help a child navigate, as appropriate, the respective local authority children's services and provide support relating to the care system, in particular safety planning, age assessments and assisting identifying and planning defined pathways for the child's future.

- Advocate that a child's educational and health needs are met through liaison with the appropriate statutory agencies and public authorities. Provide support in the immigration system, where appropriate and in the child's best interests.
- Where necessary and appropriate, assist the child in obtaining legal or other advice, assistance and representation or instruct a legal representative to act on the child's behalf.
  - If a child requires support on immigration matters, the advice must be given by independent legal representatives acting on behalf of the child.
  - The ICTG Service instruct the most appropriate legal representatives, helping the child understand the legal advice they are given and ensuring that the child's best interests are upheld.

62. Where appropriate, and in the child's best interests, provide support navigating around the criminal justice system where they are a witness or defendant in a criminal trial or civil justice system, which is linked to the child's trafficking / exploitation experience, until the child's involvement in the processes has concluded or until the child reaches 18 years of age.

63. Where appropriate and in line with the ICTG Service guidance around needs assessments, accompany the child to meetings with other professionals involved in their support and care, including but not limited to:

- Asylum interviews
- Local authority meetings
- Legal representative meetings
- Ensure the child can participate in decisions that affect them. If this is not possible, and a decision is made in their best interests and counter to the views of the child, an ICTG should ensure this is explained to the child.
- Identify compensation which the child may be entitled to.
- Ensure that all other needs of the child e.g., due to a disability or health condition, are appropriately recognised and supported, and that the child can participate as fully as possible in the processes and decisions affecting them.
- Where appropriate, advise the child on welfare matters, including access to education and health care that the child is entitled to, including supporting access to a General Practitioner or secondary care services, including mental health services.
- Advocate that the child has access to appropriate education in line with their rights in the UK.

64. All Direct Support will be underpinned by a focus on support relating to trafficking and exploitation alongside working collaboratively with agencies to ensure that the child's needs are met by the most appropriate professional involved with their care and in line with their rights and entitlements to support.

65. ICTGs must comply with all other relevant legal obligations including, but not limited to, the Children Acts of [1989](#) and [2004](#), the [Social Services and Well-being \(Wales\) Act 2014](#), [Human Rights Act 1998](#) and the [Equality Act 2010](#) and relevant case law.

## ICTG Indirect Support

66. This section provides details on Indirect Support.

### Overview

67. The aim of Indirect Support is for an ICTG to work with professionals already supporting children who have been trafficked. Indirect Support will be accessed by children who have a figure of parental responsibility in the UK.

68. There are exceptional circumstances which would mean that a child eligible for Indirect Support due to having a figure of parental responsibility in the UK should be allocated direct support based on their vulnerability and risk factors. Robust criteria for establishing when these exceptional circumstances apply have been developed for use by the ICTG service. Further information can be found in [Annex C – ICTG Service criteria for support eligibility](#).

69. For children receiving Indirect Support there are likely to be a range of public authorities involved in their care. The ICTG's role therefore remains one of supporting public authorities, non-public agencies and where necessary and appropriate, parents, through advice and consultation to ensure the best interests of the child are recognised and acknowledged.

70. ICTGs delivering Indirect Support, as far as practicable, should be independent of those authorities who are responsible for making decisions about the child.

71. The ICTG Service should have in-depth and relevant knowledge of provisions in the region the child resides in and be able to offer trafficking advice to the professionals working directly with children, on how best to safeguard and support those children in their care. This knowledge should incorporate regional differences, both in terms of the nature of trafficking in local areas as well as existing provisions and services.

72. Using a contextual safeguarding approach, ICTGs providing Indirect Support can enable professionals and children alike to recognise blockages, issues, and challenges to the support a child who has been trafficked or is potentially being trafficked offering innovative solutions to help overcome obstacles. The role aims to increase professional's

knowledge and understanding of the experiences that children may have faced, identifying barriers that might occur as a consequence in the future and will promote systematic change by supporting professionals to work differently.

73. In order to increase compliance of legal obligations, ICTGs (and the ICTG Service) providing Indirect Support can take on a consultative role, sharing national learning on best practice educating professionals regarding to the NRM Reforms and the development of toolkits around the Modern Slavery Act 2015 that can be continuously updated and matched to national and regional specific policy and practice.
74. The ICTG Service must open a casefile to record all advice provided on individual children by an ICTG providing Indirect Support. Where an ICTG provides guidance to professionals working with a child, it is the responsibility of the referrer or lead professional to inform the child and where relevant their family that advice is being sought from the ICTG Service, that casefiles are being kept and if the child desires to, how to access the required information.

### *Scope of Indirect Support*

75. ICTGs delivering Indirect Support have a varied role. They should provide independent, balanced advice and guidance to the professionals, and where appropriate parents, supporting the child to ensure the best interests of the child are met. The following list provides a summary of the scope of Indirect Support. The list below is not exhaustive. ICTGs (and the ICTG Service) delivering Indirect Support should:
- Champion the use of strategy meetings / multi-agency meetings to ensure trafficking is considered, discussed, and used in planning contextual safeguarding around the child. Where safe to do so, they should include parents' input,
  - Offer relevant advice and guidance to ensure that professionals are continuously assessing the risk that trafficking, re-trafficking, further exploitation, and movement poses.
  - When necessary, challenging practices appropriately. ICTG Service Managers and Supervisors will escalate concerns where appropriate.
  - Encourage a collaborative approach between agencies who are supporting children who have been trafficked.
  - Promote best practice providing guidance and signposting to relevant services.
  - Ensuring that the voices of children who have experienced trafficking are represented in the decision making about their care and support.
  - Provide contributions to and deliver training / development for professionals and multi-agency stakeholders to:

- raise awareness of trafficking and modern slavery indicators.
- enable professionals to identify potential victims of modern slavery and enabling professionals to robustly identify indicators of trafficking and other types of exploitation/practices.
- support professionals to develop their skills in compiling and submitting NRM referrals.
- ensure that professionals understand the NRM process and are equipped to refer children who have been trafficked.
- Provide perspective about how children are moved, coerced and/or deceived for exploitation.
- Provide advice and guidance on the application of trafficking legislation to identify, disrupt and safeguard children.
- Provide professionals with information on existing provisions and pathways, actively seek out new services and highlight gaps in services where further development is necessary to ensure children are provided with appropriate safeguarding and support.
- Raise awareness about the non-punishment principle and the section 45 defence of the Modern Slavery Act 2015 for children who are exploited to commit offences in the course, or as a consequence of being trafficked. This could be through awareness raising sessions or briefings to staff within their ICTG Site as well as discussions and presentations at strategic and operational meetings.

76. ICTGs must comply with all other relevant legal obligations including, but not limited to, the Children Acts of [1989](#) and [2004](#), the [Social Services and Well-being \(Wales\) Act 2014](#), [Human Rights Act 1998](#) and the [Equality Act 2010](#) and relevant case law.

## Presumption of age/ establishing age

77. Section 51 of the Modern Slavery Act 2015 puts on a statutory footing the presumption that, where there are reasonable grounds to believe a person is a victim of modern slavery and, despite uncertainty, has reasonable grounds to believe that the person may be under 18, then they are to be treated as being under 18 years of age for the purposes of assistance and support under the Modern Slavery Act 2015 until a lawful age assessment is carried out by a local authority or the person's age is otherwise determined. Guidance regarding age assessments can be found [here](#).

78. If an age assessment is required, the ICTG Service should assist by ensuring that any relevant information that they are aware of is made available to the public authority undertaking the assessment. This can

include information they hold as well as information held by the public authorities who are involved in the support and care of the child. For these purposes, age assessments carried out according to case law compliant [Merton principles](#) are to be regarded as effective.

79. Where an age assessment is being undertaken, unless the age has already otherwise been determined and they are considered to be an adult by the Home Office (for example, two Home Office members of staff have assessed that the person's physical appearance and demeanour very strongly suggests that are significantly over 18 years of age), the child who has been trafficked will remain entitled to the ICTG Service under the Modern Slavery Act 2015 as they are presumed to be a child until the definitive assessment is received.
80. In the event of a challenge to the age assessment decision, such as by way of Judicial Review, the child would continue to receive the support of an ICTG Service until a final determination has been made.
81. If the age assessment declares that the individual is over 18, then the individual ceases to be entitled to the ICTG Service and the ICTG Service should refer the individual to existing mainstream adult provision as soon as possible from the final decision date.
82. If the child goes missing before the age assessment has been completed, then they must be treated as a missing child by all public authorities involved in their support and care.

## The use of interpreters/translation service

83. If an ICTG providing Direct Support requires the use of an interpreter for their one-to-one meetings with the child, the interpreter service should be sought from an established and reputable organisation or independent interpreter.
84. The ICTG Service should ensure as far as possible, that pre-meeting checks are conducted which includes checking the interpreter speaks the same language, including dialect, as the child. At the meeting, introductions are made, and appropriate ground rules are set and that all parties, including the child understands that matters discussed in the presence of an interpreter will be kept confidential by the interpreter. The ICTG providing Direct Support must ensure that the interpreter does not have unsupervised contact with the child, in person or otherwise. The ICTG should be wary of any interpreting activity that is out of the norm or not in keeping with what is being asked to be interpreted. If a child

appears distressed in the presence of an interpreter, the session should cease immediately.

85. In addition, if an interpreter is required, the child, where possible, should be provided with the opportunity to request the gender of the interpreter. Where possible and appropriate, the same interpreter should be used with an individual child to promote their sense of safety.
86. The ICTG Service should ensure, as far is appropriate, that the interpreter meets the child and interprets face-to-face in initial meetings, rather than remotely. The ICTG Service should ensure that all interactions between a child and an interpreter should be recorded in their casefile, including the time of the session/call and the name and contact details of the interpreter and/or translation service.
87. If the child requires information, pertaining to the NRM or other aspects of trafficking and/or modern slavery, to be translated the ICTG Service should seek translation services from an established and reputable organisation.
88. Professionals working with the child will need to ensure their own interpreter and translation processes are followed for all other meetings.

## Public authorities engaging with and paying 'due regard' to the ICTG service.

89. Under Section 48 (6) (e) (i) and Section 48 (6) (e) (ii) (not commenced) of the Modern Slavery Act 2015, The Secretary of State **must** make regulations about independent child trafficking advocates, and the regulations **must** in particular make provision public authorities which provide services or take decisions in relation to a child for whom an independent child trafficking advocate has been appointed to:
- (i) recognise, and **pay due regard** to, the advocate's functions, and;
  - (ii) provide the advocate with access to such information relating to the child as will enable the advocate to carry out those functions effectively (so far as the authority may do so without contravening a restriction on disclosure of the information).
90. At the time of the publication of this guidance, Section 48 Modern Slavery Act 2015 is not commenced. However, ICTGs are an important part of the support offer that the UK provides to potential and confirmed child victims of modern slavery and trafficking, and as such expect public authorities to pay them due regard.



91. When paying due regard to the ICTG service, public authorities **should**:

- Invite / provide the ICTG service with the opportunity to take part in all meetings and discussions which relate to and impact upon the child referred into the ICTG Service. Including but not limited to, individual agency meetings such as those with the local authority, police, immigration authorities and those which may take place within the criminal justice system as well as multi-agency meetings and strategy discussions.
- Inform the ICTG service of all decisions relating to the child.
- Provide the ICTG Service with access to all relevant information, subject to any restrictions on the disclosure of the information relating to the child (E.g., for legal reasons and not because a local authority doesn't want to give information). This will enable the ICTG Service to perform their role effectively in line with safeguarding responsibilities.
- Recognise the holistic perspective that the ICTG brings to discussions regarding the child, and work collaboratively with the ICTG to identify and achieve the best possible outcome for the child within existing public authority safeguarding arrangements.
- If a child's NRM decision is being considered by the Devolving Child Decision Making Pilot, seek the views of the ICTG Service or Independent Child Trafficking Guardian in Scotland before taking a Reasonable Grounds decision and/or a Conclusive Grounds decision. The ICTG Service should also be invited to share information and attend any relevant meeting as a non-voting panel members. They may offer supplementary expertise, provide supporting information, give a different viewpoint for decision-makers to consider, and advocate on behalf of the child when discussing each case. As they are independent, the ICTG Service and the Independent Child Trafficking Guardian in Scotland must not participate in the decision-making.

92. Public Authorities **should** provide access to any relevant information which will enable the ICTG service to carry out its functions effectively. This information will assist the ICTG service to effectively tailor support, assess risk and complete accurate needs assessments. The information shared will be managed in line with legal obligations as set out in the [Data Protection Act 2018](#) and [Guidance on the General Data Protection Regulation \(GDPR\)](#). Information which should be shared includes, but is not limited to:

- Information pertaining to the child's individual circumstances, such as:
  - The child's figure of parental responsibility, and / or personal network, is deemed a barrier to their recovery from modern slavery. This includes instances where there is a suspicion that the parental responsibility figure may be involved in the exploitation of the child.



- The child has specific needs arising from their modern slavery experience, which the ICTG is best placed to meet over other existing statutory services, due to the modern slavery specific specialist support it provides.
  - The child has indicators of having experienced modern slavery / trafficking, but a NRM has not been submitted and the ICTG can support with the submission.
  - The child has physical or learning disabilities that are particularly relevant to the child's recovery from their modern slavery experience.
  - The child has previously gone missing, and as a result requires additional safety planning from the ICTG.
  - There is reason to believe that the child is about to make or has recently made a new exploitation or trafficking disclosure.
  - The child has recently experienced serious injury and needs relevant support related to their experience of trafficking.
  - The ICTG has concerns the child may be at high risk of re-exploitation or re-trafficking.
  - The ICTG has concerns the child will be taken out of the UK by trafficker imminently.
- Any ongoing immigration processes:
    - Child is undergoing age assessment as part of an immigration process and support is required from the perspective of ensuring the child's modern slavery experience is understood by the child and professionals involved in that process.
    - Child / family members have no immigration status, or immigration status is being challenged.
    - Child is facing imminent removal.
    - Details of a child's on-going asylum claim / other immigration applications.
    - Copies of screening/welfare interview (or other documents such as asylum interviews).
    - Details of linked/associated adults, particularly if there are concerns about the nature of their relationship to the child.
    - Any prior/previous involvement with Home Office immigration applications.
- Any ongoing criminal justice processes:
    - Child in custody for a reason linked to their modern slavery / exploitation experience.
    - Child has a pending court case, which is linked to their modern slavery / exploitation experience.
    - Child is linked to police operation, which is linked to their modern slavery / exploitation experience.
    - Child is a witness in a court case, which is linked to their modern slavery / exploitation experience.
- Any ongoing Local Authority processes:

- Issues with accommodation. E.g., the child is residing in accommodation that is inappropriate for someone who has experienced modern slavery and/or trafficking.
- Services the child has available to them are currently not equipped to deal with the child's modern slavery / exploitation experience and professionals need support to understand the situation of the child.

93. Likewise, the ICTG service should:

- Share relevant information, if it is in the child's best interest, they have obtained from their meetings with the child with public authorities to enable them to continue to effectively perform their role in the child's support and care.
- Where appropriate, address concerns raised by the public authorities regarding the recommendations they have made on behalf of the child, in an effective and productive way.
- Recommend referrals to other services, where appropriate, in the ICTG Sites (such as mental health services and specialist NGOs) and highlight the specific needs and differences in care requirements to the child.
- Represent the views of the child at these meetings, but also where appropriate, suggest approaches that might not reflect the views of the child but represent the child's best interests, drawing on their expertise and that of the professionals involved in the care and support of the child.
- Adhere to their legal obligations as set out in the [Data Protection Act 2018](#) and Guidance on the General Data Protection Regulation (GDPR).

94. When considering the relevance of the information being shared, the ICTG Service must also consider if the sharing of information is in the child's best interests and whether it is necessarily resulting from a safeguarding concern, as stipulated in the [Working Together Guidance](#) in England and in Wales, the Working Together to Safeguard People statutory guidance issued under Part 7 of the [Social Services and Wellbeing \(Wales\) Act 2014](#).

95. The ICTG Service must consider what information should be shared with public authorities and whether sharing this information is relevant and proportionate to the issue of concern. The ICTG Service must follow safeguarding procedures which include how information will be shared within their own organisation/agency and with others who may be involved in a child's life. The ICTG Service should record who has been given the information and for what purpose. This information could relate to, or support, police and criminal investigations, the child's immigration or asylum claim, or their medical needs. This would further support the ICTG Service's role of acting in the child's best interests.

96. For further information around handling and sharing sensitive information, ICTGs and other professionals involved in the care and support of children should refer to [Information sharing: advice for practitioners providing safeguarding services.](#)
97. This approach will enable the creation of a single point of knowledge about the child, and more widely, as a knowledge expert in relation to child trafficking laws, policies, practices and resources, supported via up-to-date research-based information about child trafficking.
98. The ICTG Service should receive information from public authorities in a timely fashion a **minimum of 2 working days** before a meeting where practical. This paperwork could include an agenda as well as any background or more recent papers on the child that will inform or be discussed at the meeting. This will enable the ICTG to be fully prepared when attending meetings with professionals and subsequently with the child. This will also enable the ICTG to carry out their role and duties to the child in an effective and productive manner, allowing them to increase their knowledge and understanding of the child in order to develop appropriate strategies or options to continue to support them.
99. There will be occasions where the child's ICTG is not available to attend certain multiagency meetings between public authorities or those involving individual agencies which relate to and impact upon the child. As the main priority is the safety of the child, in some circumstances it would not be appropriate to delay or postpone meetings where the ICTG cannot attend, particularly where immediate safeguarding actions need to be taken.
100. In such scenarios the ICTG should, where possible, arrange and brief an alternative ICTG to represent them at the meeting or provide key thoughts and opinions to the chair of the meeting or to key professionals who will be in attendance to ensure their views are reflected. The ICTG Service's Guardian Assessment Team staff are also able to remotely dial in on these occasions, therefore conference calling facilities should be made available where necessary. The ICTG Service should receive key notes and actions as well as any decisions reached during the meeting in a timely fashion or within a maximum of **2 working days**.
101. As the ICTG Service does not have parental responsibility for the child they must remain conscious that they have no decision-making authority in relation to the child as this remains a function and role of the public authorities involved in the care of the child.

### ***Instructing legal representation***

102. Where the ICTG Service considers that it is necessary and appropriate to do so, they may obtain legal advice or instruct a legal representative to act

on the child's behalf. This advice or representation may relate to the support and care needs of the child, any immigration, or criminal proceedings the child is involved in, or circumstances which may be considered to have a detrimental impact on the child.

103. If an ICTG considers a decision made by a public authority regarding the child is inappropriate and fails to reflect the child's needs and their best interests, the ICTG should consider the availability of alternative routes to review the decision before instructing a legal representative. These include using the strong working relationships that they will have developed with key professionals to explore possible alternatives and arrange subsequent meetings to review the decision; escalating the issue to more senior colleagues in the public authority or using the ICTG Service's own escalation processes to try and influence the outcome.
104. Only once these options and any others which are not detailed here have been exhausted, should the ICTG Service consider if it is appropriate to assist the child in obtaining legal or other advice, assistance and representation, including, where necessary, appointing and instructing legal representatives to act on the child's behalf to challenge the decision where such a challenge is possible and legal aid or other funding is available for such a challenge.
105. Eligibility for legal aid is dependent on whether the civil legal matter at hand is in scope of the legal aid scheme and whether the applicant satisfies the statutory legal aid means and merits eligibility assessments. For matters not formally within the scope of legal aid, funding may be available via the Exceptional Case Funding scheme if they can demonstrate that failure to provide legal aid would breach, or risk breaching, the European Convention on Human Rights or an enforceable EU law right. Further guidance on legal aid eligibility can be found at <https://www.gov.uk/check-legal-aid>.
106. The public authority should recognise that the ICTG Service can perform this role in order to continue their role of acting in the best interests of the child.
107. If the decision to assist the child in obtaining legal advice or representation is made, then the reason for this should be explained to the child in a way that they can understand and that is appropriate for their age and developmental stage.

# National Referral Mechanism (NRM) Referral

108. The referral process to the NRM has not been changed by this guidance. Therefore please refer to the [statutory guidance for England and Wales published under Section 49 of the Modern Slavery Act 2015 and non-statutory guidance for Scotland and Northern Ireland](#). The NRM referral and ICTG referral should be made in parallel.
109. If the First Responder is unsure on whether a child referral to the NRM should be made, the SCA should be contacted. All decision-making for children will be undertaken by the SCA, unless the safeguarding responsibility falls to a local authority partaking in the Devolved Decision-Making Pilot and the child is more than 100 days away from their 18<sup>th</sup> birthday.
110. Where an NRM referral has not yet been made, the ICTG should support the First Responder with the NRM referral if required. After an NRM referral has been submitted, should the ICTG Service obtain any additional information as a result of meeting with the child or through other means, they should refer this to the SCA to further support the NRM process. Support can also be sought through the ICTG Service's 24/7 assessment line.
111. A child does not need to consent to being referred into the NRM. It is however, good practice to inform them in a way that they can understand and, in a format, appropriate to their age and developmental stage, that they are being referred and the purpose of this referral. This enables the child to be kept as fully informed as possible as to what is happening to them.
112. Once the NRM referral has been completed by the First Responder and submitted to the SCA, the First Responders should also securely send a copy of it to the ICTG Service using [CounterTrafficking@barnardos.org.uk](mailto:CounterTrafficking@barnardos.org.uk). This will advise the ICTG Service that the NRM referral has been made as well as enable the sharing of relevant information with them about the child.
113. This interim guidance should be read in conjunction with the [statutory guidance for England and Wales published under Section 49 of the Modern Slavery Act 2015 and non-statutory guidance for Scotland and Northern Ireland](#). Please also note the [Devolving Child Decision Making Pilot Programme](#) – General Guidance published in May 2021.

# Exiting/transition from the ICTG Service

114. It is important that all potential and confirmed child victims of modern slavery located in ICTG Sites have access to support from the ICTG Service. The ICTG Service will be expected to provide support to the child and advocate on their behalf with all statutory agencies and public authorities until certain criteria are met.
115. The ICTG Service should plan well in advance where this end date is known, to enable an effective transition to occur and to ensure appropriate support is available to the child from mainstream services in the ICTG Sites.
116. There are multiple criteria which would qualify a child for exit from the ICTG service, thus ceasing the support they receive:
- **The child turns 18.**
    - Should further modern-slavery specific support be required the child will be transferred to support provided by the Modern Slavery Victim Care Contract (MSVCC).
    - The ICTG service will prepare the child for transition in advance of their 18th birthday (up to 6 months prior to their 18<sup>th</sup> birthday).
  - **The child receives a negative NRM decision.**
    - The outcome the NRM process may be that the child receives a negative RG determination, or a negative CG determination. The child is not recognised as a victim of modern slavery; therefore, they would not be eligible to receive ICTG support. The ICTG can provide up to one month of support, unless exceptional circumstances apply, to assist with the child's transition to other services to ensure the child understands the implication of the decision and to protect from any safeguarding concerns.
    - This time period is to provide opportunity for any further information to be obtained should the child wish to seek a reconsideration of their NRM decision and ensure the ICTG Service has sufficient time to transition a child to statutory services which will support non-modern slavery / trafficking specific needs. ICTG Managers will ensure that the ICTG Service is not continuing to support a child for an extended period if the core needs of the child are not modern slavery specific.
    - The ICTG Service may wish to seek a reconsideration of the negative RG or CG decision which has been made by the SCA and must do so within one month of the decision, unless there are exceptional circumstances. For further information see [Modern Slavery: statutory guidance for England and Wales \(under s49 of the Modern Slavery Act 2015\)](#).

- In cases where the SCA agrees to undertake a reconsideration of the decision, the child remains entitled to the ICTG Service until the determination of the new outcome has been reached.
  - If, as a result of a reconsideration, a positive CG outcome is reached, the child remains entitled to the ICTG Service until they no longer require support from the ICTG Service based on their needs or until their 18th birthday, whichever is sooner. If, following reconsideration, a further negative determination (whether RG or CG) is reached, the child becomes ineligible for the ICTG Service. Following a negative decision, the child should be transferred to existing mainstream provision within one month of the decision being made.
  - If the child wishes to challenge the SCA's decision by way of a judicial review claim, the ICTG Service would remain in place supporting the child until the judicial review process is complete or until they no longer require support from the ICTG Service based on their needs or until the child becomes 18 years of age whichever is sooner.
- **The ICTG assesses that the child no longer needs support from the ICTG service.**
    - The child is RAG rated green by an ICTG (see above section 3) and no longer requires specialist modern-slavery specific support.
    - The specific trafficking needs of the child are being met sufficiently through the Local Authority safeguarding structures or where there is additional specialist provision in place.

117. If none of the above criteria are met, then a child should be able to access an ICTG until a Conclusive Grounds decision is reached, and beyond that point if the child is assessed as requiring ICTG support (according to needs assessments which are continually undertaken by the ICTG).

118. The ICTG service will not automatically close the case of a child in the following circumstances (though some exceptions apply):

- **The child is no longer in the UK.**
  - Unless the ICTG's assessments, or information received from other services states that they believe indicates with a high degree of certainty that the child will not be returning to the UK, and all relevant information has been passed to the relevant authorities (police, local authority etc.), or they turn 18 years of age.
- **The child is no longer engaging with the service.**
  - All children who are identified as potentially trafficked within the ICTG Sites are eligible for the ICTG Service.
  - There may be occasions when a child, for whom no one holds parental responsibility for them in the UK, does not want to engage with the ICTG Service. The child cannot and should not be made to engage with an ICTG if they do not want to.
  - The ICTG service should seek to identify if the decision to not engage with the service is the child's independent choice. If it is, and after making efforts to explain the benefits of remaining in the service, the

support arrangement should become indirect. In these cases, the ICTG should instead work with the professionals involved in the care and support of the child to agree an approach which would ensure the best interests of the child are reflected at all appropriate meetings and engagements with statutory agencies and public authorities.

- This decision can be reversed if the child chooses to engage once again.
- **The ICTG (individual / organisation) encounters persistent issues with public authorities which prevent it from fulfilling its role, despite efforts to overcome them.**
  - The case will remain open in spite of cooperation issues. The ICTG service will continue to avail of opportunities in partnership with the Home Office to tackle challenging and non-compliant public authorities.
- **The child moves out of the area, to an area which does not currently provide the ICTG Service.**
  - If the child leaves the ICTG Site for any reason, including as a result of being transferred out of the area under the National Transfer Protocol, the ICTG Service should ensure the child transitions to existing provision in their new local authority.
  - All information and data that has been collected should be shared with the new local authority to ensure appropriate provision can be put in place to continue to support them.
  - This should be explained to the child to ensure it causes the minimum amount of disruption and impact for the child.
- **The child's involvement in the criminal justice system (exceptional circumstances).**
  - The ICTG Service may support a child and the professionals around a child if they are a defendant or witness in a case that is being taken through the criminal justice system and it relates to their status as a child who has been trafficked.
  - The child's case should be closed, as per standard procedures, once the ICTG Service has concluded that there are no further specific modern slavery / trafficking aspects of the case, even if the case is on-going.
  - However, if the modern slavery and / or trafficking aspect of the case is likely to have a severe detrimental impact on the child's wellbeing, and therefore impact a child's vulnerability to further trafficking / exploitation, then the child can continue to receive the support of the ICTG Service, as per the agreement of an ICTG Manager that exceptional circumstances apply.
  - A child can be re-referred into the ICTG Service if a First Responder believes they require additional modern slavery / trafficking specific support until the conclusion of the case or until the child reaches 18 years of age, whichever is sooner. This includes support for any appeals



or retrials of such a case where the child remains involved in the criminal proceedings. If the criminal proceedings or an appeal occurs after the child has transitioned to mainstream support (*post three months if the child is under 18 years of age*), the support from the ICTG Service will not be reinstated.

- If the criminal proceedings or an appeal occurs after the child has transitioned to mainstream support (*post three months if the child is under 18 years of age*), the support from the ICTG Service will not be reinstated.

## Missing episodes and contact with traffickers

119. Where a child has been trafficked, there is an increased risk that they will go missing; this can include a number of repeat missing episodes or they may go permanently missing. There is a heightened risk that they may return to their traffickers and be re-trafficked. The risk to the child will continue to remain high due to the experiences the child may have suffered at the hands of their traffickers and the hold the traffickers have on the child.
120. Statutory guidance on [children who run away or go missing from home or care](#) for England is available to support all individuals involved in the care and support of children to consider the risks of a child going missing and how to prevent this from taking place. In Wales, the [Wales Safeguarding Procedures](#) and [All Wales Practice Guide - safeguarding children who run away or go missing from home or care](#) provide advice on practice in line with Safeguarding Board expectations.
121. For children who have been trafficked, the risk of a missing incident is at its highest in the first 72 hours after the child has been identified as potentially trafficked but can happen at any stage after identification. It is crucial that all necessary safeguarding procedures are put in place quickly by the public authorities in the ICTG Sites, and for the ICTG Service to make contact with the child and/or professionals involved in the child's care as soon as possible.
122. Equally it is important for the ICTG Service to be given early sight of information relating to the child and to have the opportunity to contribute to discussions on the child's behalf, this could include highlighting the different needs of children who have been trafficked.
123. Such key decisions at this early stage would include the identification of appropriate accommodation based on the child's individual needs, as housing the child in inappropriate accommodation may increase their risk

of going missing. However, it is important to recognise that all final decisions remain with the relevant public authority.

124. The ICTG Service must also share information with relevant public authorities to help protect the child. This includes sharing information about potential traffickers with law enforcement, especially where the child is believed to still be in contact with their traffickers.

125. If the ICTG Service is either providing Direct or Indirect Support to a child who goes missing, the ICTG Service must:

- ensure that it has been reported to the police and local authority;
- encourage statutory agencies involved in the care of the child to appropriately risk assess the missing episode and ensure that finding the child is prioritised by the appropriate agencies;
- Be invited to and attend strategy meetings, so that they can advocate for a coordinated response and act as a conduit with all involved statutory agencies and provide information that may help find the child;
- continue to oversee the NRM process by submitting a referral if one has not been completed prior to the missing episode, or by submitting additional information after the child has gone missing;
- they may also discuss with the SCA on whether the SCA will suspend or proceed to take a decision on the child's victim status;
- ensure momentum of the case is maintained and that the child does not disappear from the considerations of statutory agencies involved in finding them, and
- advocate on return that a return home interview is offered, and the outcome of this should be detailed in the care plan. Consideration should be given to any indicators of further trafficking during their return home interview. All relevant learning from the return home interview **must** be shared with all relevant parties.

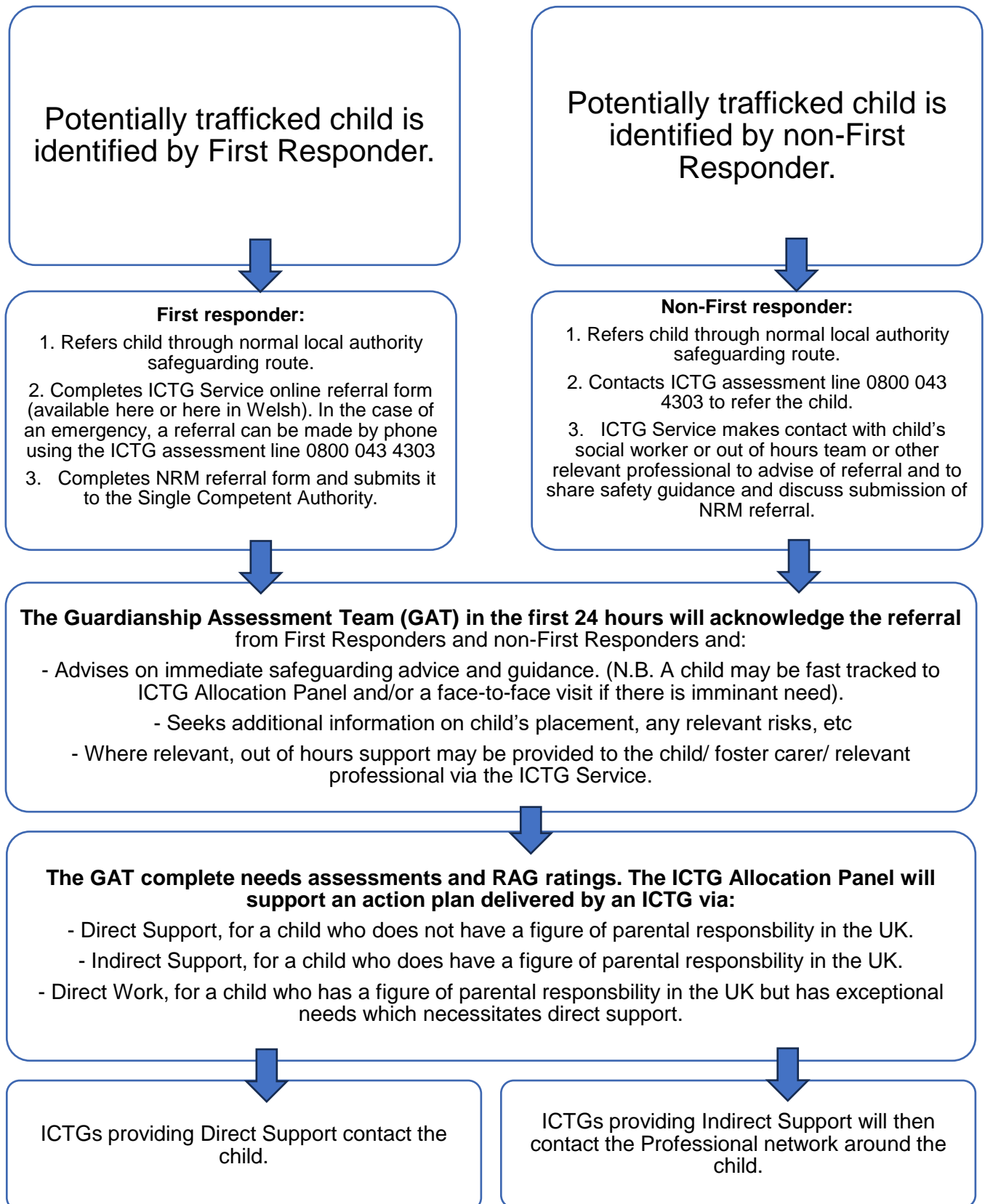
126. The case of a child's who has gone missing will not be closed by the ICTG Service unless a detailed assessment by the ICTG service indicates with a high degree of certainty that the child will not be returning to the UK, and all relevant information has been passed to the relevant authorities (police, local authority etc.), or they turn 18 years of age.

## Feedback and Complaints procedure

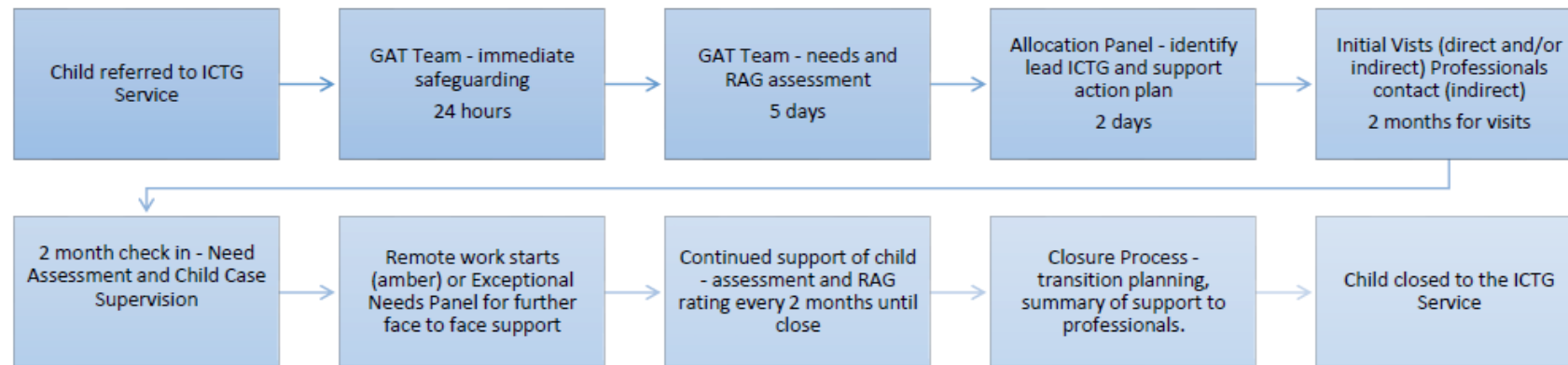
127. The ICTG Service shall develop and implement a feedback process for children to assess the support that they have received from the ICTG Service.

128. The feedback form shall be easy for children to understand and access and be available in an appropriate language. Children shall also be able to give feedback in their own language.
129. The ICTG Service shall develop and implement a feedback process for professionals to assess the support that they have received from the ICTG Service.
130. The ICTG Service will review feedback from both children and professionals on a regular basis to implement any learning to improve the support given.
131. The ICTG service shall develop and implement a complaints procedure for children supported by ICTG Service and professionals who interact with the ICTG Service. It will enable complaints about the advice and guidance provided by the ICTG to be raised and addressed.
132. The procedure shall be easy for children to understand and access and be available in an appropriate language.

# Annex A - High level overview of the ICTG Service referral process



# Annex B – High level overview of the ICTG Service end-to-end pathway of a child



**Please note** – a child could be fast tracked to an allocation panel and / or face to face visit if there is imminent need.

# Annex C – ICTG Service criteria for support eligibility

This annex forms part of the Independent Child Trafficking Guardian (ICTG) Interim Guidance. The contents of it are aimed at the supplier of the ICTG Service (currently Barnardo's) and provides guidance to them on the use of criteria which should underpin how the needs of children are assessed to determine eligibility for support at different points while in the ICTG service. The distinct assessments which will be undertaken of a child's needs are outlined below:

1. Assessment of eligibility for direct support.
2. Assessment of eligibility qualifying a child with a figure of parental responsibility in the UK for direct support.

## 1. Eligibility criteria for direct support:

The main criterion for providing direct support to a child is whether the child has a figure of parental responsibility for them in the UK. A child without a figure of parental responsibility in the UK will automatically qualify for direct support without exception. A child with a figure of parental responsibility in the UK will generally be eligible for indirect support only, unless they are assessed as needing direct support (see section 2 below).<sup>1</sup>

- **Parental responsibility** means, as per part 1, section 3 of the Children Act 1989,<sup>2</sup> all the rights, duties, powers, responsibilities and authority which by law a parent of a child has in relation to the child and their property. Persons other than a parent can [also] acquire and exercise parental responsibility for a child through various types of court order, and more than one person may exercise parental responsibility concurrently. *N.B. ICTGs cannot acquire parental responsibility.*

Children in receipt of direct support will be provided with a number of in-person meetings before support becomes remote, unless the outcome of ongoing vulnerability needs-based assessments conducted of the child by the ICTG, and the subsequent agreement of ICTG Management deems it necessary to provide additional in-person support. The eligibility criteria for making this assessment are not exhaustive but are likely to signify a child's increased risk of re-exploitation or be a significant barrier preventing their recovery from modern slavery / trafficking

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<sup>1</sup> The Indirect – Direct model is known to work well given that children have different needs and different relationships with a range of services at local level. A 2018 assessment of an earlier iteration of the service found that: 1) ICTAs (sic) and stakeholders perceived UK children as being more likely to have existing support networks on referral, which comprised family, friends, community (including traffickers) and professionals. In contrast, the networks of non-EEA children were often comparatively 'empty', and 2) Children who had been trafficked across borders (non-EEA, EEA children) appeared to be more isolated from protective networks compared to internally trafficked children (from the UK).

<sup>2</sup> [Children Act 1989 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/1989/27)

exploitation. Additionally, the child may receive additional in-person support if they face a safeguarding risk specifically related to their online use or has a safety plan which discourages the use of mobile / internet communication platforms.

The ICTG should use their discretion when recommending to ICTG Management if a child requires additional face-to-face sessions. ICTG Management will review these decisions, to ensure consistency and that a reasonable level of in-person, and remote sessions are being provided under the hybrid model.

## ***2. Eligibility criteria for direct support for a child with a figure of parental responsibility in the UK:***

Children with a figure of parental responsibility in the UK will typically receive indirect support only. However, in certain circumstances they may be eligible to receive direct support. The determination of this eligibility will be identified by the ICTG conducting regular needs assessments of the child. ICTG Management will review these decisions, to ensure that the criteria for a child with a figure of parental responsibility in the UK being offered Direct Support is being consistently applied.

The eligibility criteria below are not exhaustive, nor does a child have to fulfil all criteria to qualify for this additional support. However, the criteria may be a contributing factor to a child's risk of re-exploitation or be a significant barrier preventing their recovery from modern slavery / trafficking exploitation. ICTGs should use their professional judgement to consider if there are additional circumstances in which a child with a figure of parental responsibility is entitled to direct support.

### **Criteria relating to the individual circumstances of the child:**

- The child's figure of parental responsibility, and / or personal network, is deemed a barrier to their recovery from modern slavery. This includes instances where there is a suspicion that the parental responsibility figure may be involved in the exploitation of the child.
- The child has specific needs arising from their modern slavery experience which the ICTG is best placed to meet over other existing statutory services, due to the modern slavery specific specialist support it provides.
- The child has indicators of having experienced modern slavery / trafficking, but a NRM has not been submitted and the ICTG can support with the submission.
- The child has physical or learning disabilities that are particularly relevant to the child's recovery from their modern slavery experience.
- The child has previously gone missing, and as a result requires additional safety planning from an ICTG.
- There is reason to believe that a child is about to make or has recently made a new trafficking or exploitation disclosure, and the ICTG is the best placed adult to support in this.
- The child has recently experienced serious injury and needs relevant support related to their experience of trafficking.

- The ICTG has concerns the child may be at high risk of re-exploitation or re-trafficking.
- The ICTG has concerns the child will be taken out of the UK by trafficker imminently.

**Criteria relating to any ongoing immigration processes:**

- The child is undergoing age assessment as part of an immigration process and support is required from the perspective of ensuring the child's modern slavery experience is understood by the child and professionals involved in that process.
- The child has no immigration status, or their immigration status has been challenged.
- The child is facing imminent removal.

**Criteria relating to any ongoing criminal justice processes:**

- The child is in custody for a reason linked to their modern slavery / exploitation experience.
- The child has a court case pending, which is linked to their modern slavery / exploitation experience.
- The child is a witness in a court case, which is linked to their modern slavery / exploitation experience.
- The child is linked to an ongoing police operation, which is linked to their modern slavery / exploitation experience.
- The child requires advocacy in relation to using a s.45 defence or their NRM status needs to be taken in consideration in a court case.