

Independent Review of the Modern Slavery Act

Third interim report: Independent Child Trafficking Advocates

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Introduction to the Review

- i. In July 2018, the Home Secretary, at the request of the Prime Minister, announced a review of the Modern Slavery Act 2015 (the Act). The members of the Review are Frank Field MP (chairman), Maria Miller MP and the Baroness Butler-Sloss. The Review's terms of reference are set out at **Annex A**.
- ii. We have been provided with a secretariat seconded from the Home Office to support us, and we are very grateful to them for their hard work, efficient research, and for providing us with the relevant information we need to formulate and substantiate our conclusions and recommendations. We have also secured the services of a former House of Commons Clerk who has provided independent support and advice on the drafting of our report. Although we have been set up by the Home Office, we have made it very plain to Government that we are carrying out an entirely independent review of the working of the Act. As such, the conclusions and recommendations set out in this interim report and all other reports are entirely our own.
- iii. We have set up an independent website that can be found at www.independentmsareview.co.uk.
- iv. We were asked to focus on four areas of the Act and produce a final report for the Home Secretary with our recommendations by the end of March 2019. These four areas are:
 - The Independent Anti-Slavery Commissioner (sections 40 – 44)
 - Transparency in supply chains (section 54)
 - Independent Child Trafficking Advocates (section 48)
 - The legal application of the Act, comprising:
 - o The definition of exploitation (section 3)
 - o Reparation orders (sections 8-10)
 - o The statutory defence (section 45)

This is our third interim report: our interim reports on the Independent Anti-Slavery Commissioner and transparency in supply chains can be found on our website. In accordance with our terms of reference, this report principally addresses the question: “how to ensure the right support for child victims given the changing profile of child victims”.
- v. In order to achieve the maximum information on the areas under review in a limited time, we invited nine Expert Advisers to gather and collate evidence for us from a range of sectors and interest groups. The Expert Advisers we appointed were:
 - Vernon Coaker MP (Parliamentarians)

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- Bishop Alastair Redfern (Faith Groups)
- Baroness Young and John Studzinski (Business)
- Anthony Steen (Civil Society)
- Christian Guy (Commonwealth and International)
- Professor Ravi Kohli (Child Trafficking)
- Peter Carter QC and Caroline Haughey QC (Criminal Justice System).

We are very grateful to the Expert Advisers, as well as all the individuals and organisations that provided evidence to them and supported in the production of their reports. We have drawn on their evidence and recommendations in this interim report on Independent Child Trafficking Advocates; in particular the findings and recommendations of our Expert Adviser on Child Trafficking, Professor Ravi Kohli of the University of Bedfordshire, from whose considerable expertise we have been fortunate to benefit. We will continue to take advice from our Expert Advisers on the issues concerning the legal application of the Act which we will cover in our fourth interim report.

- vi. The Home Affairs Select Committee (HASC), chaired by Yvette Cooper MP, is currently undertaking a wide-ranging inquiry into policy and implementation issues relating to modern slavery. It has conducted an open call for evidence, as well as holding a series of evidence sessions. We have analysed this evidence in full and have taken it into account where it is particularly relevant to the Review's terms of reference as part of our own evidence base. The work of the inquiry will complement the deep dive that our Review is conducting into specific provisions of our modern slavery legislation. The HASC inquiry is also dealing with a range of non-legislative issues that this Review will not specifically cover.

Independent Child Trafficking Advocates (Section 48 of the Act)

1. Introduction

1.1.1 Child victims of modern slavery and human trafficking (henceforth: trafficked children) are among the most vulnerable people in our society. Local authorities are responsible for their welfare and safeguarding under the 1989 and 2004 Children Acts. However, too many children who are actual or potential victims of modern slavery and human trafficking go missing when in the care of children's services or are not identified by statutory services as victims at all, thus denying them the care they need and are entitled to.

1.1.2 Statutory provision for Independent Child Trafficking Advocates (ICTAs) was made in section 48 of the Modern Slavery Act 2015 (**Annex B**). They are to advocate on behalf of child victims and ensure their voices are taken into account for all decisions made about them. While most of the provisions of section 48 have not yet been commenced, an ICTA trial was conducted in several English local authorities from 2014 to 2015. In June 2016, the Government announced that it would commence section 48 and commit to a full national rollout of the ICTA service across England and Wales, but neither has yet happened. Three early-adopter sites (Greater Manchester, Hampshire and the Isle of Wight, and the whole of Wales) have been running the service, delivered by the charity Barnardo's, since January 2017. Drawing on evaluations and interim assessments of ICTA provision to date, it is clear that the added value of ICTAs is threefold:

- As a service that is independent of all other public authorities.
- As a service that is a companion for a trafficked child, helping them to navigate towards a safer future.
- As an expert resource for public authorities when knowledge of child trafficking may be low and the need to ensure protection and care of a trafficked child is high.

1.1.3 In the period since the introduction of the ICTA service in some regions, the scale and nature of child trafficking in the UK has been changing. In 2017,

numbers of potential child victims referred into the National Referral Mechanism¹ (NRM) in the UK rose 66% to 2,118, of which 677 (32%) were UK nationals.² This is a rise of 115% since 2015 where there were 982 referrals made, of which just 127 (13%) were UK nationals.³ In recent years, the highest numbers of child victims have been UK nationals due to several factors, including the increasing phenomenon of county lines and a greater recognition of child sexual exploitation (CSE) as a form of child trafficking. Rising numbers of foreign national unaccompanied children are also being referred.

1.1.4 Interim findings of an assessment of the three early adopter sites published by the Home Office in July 2018 found that there was a difference of needs for UK trafficked children and unaccompanied (usually foreign national) trafficked children.⁴ While the ICTAs did a lot of one-to-one work with unaccompanied children, their work with UK children tended to focus more on liaising with other children's services professionals around the child. Sensitive to these findings, a revised model of service is now being trialled in the West and East Midlands and the London Borough of Croydon. This continues to provide a one-to-one ICTA service to trafficked children without effective parental responsibility in the UK (mainly foreign children), while introducing ICTA regional coordinators to work with statutory bodies looking after trafficked children that do have effective parental responsibility in the UK to foster more effective multi-agency working. The three other early adopter sites are transitioning to this model of provision, which undoubtedly ensures a more financially sustainable ICTA service in response to increasing numbers of UK children being referred for cases of county lines and CSE.

1.1.5 Scotland and Northern Ireland have established Independent Guardians nationally under their own legislation (**Annexes D and E**). The law on guardians was enacted in Northern Ireland in January 2018 and the service became operational in April 2018, delivered by Barnardo's Independent Guardianship Service. It initially focussed only on foreign national children and has gradually turned attention to include UK citizen trafficked children. In December 2018, a total of 47 foreign national children and 7 UK citizen children had been referred to the service. The Scottish Guardianship Service

¹ The National Referral Mechanism (NRM) is a framework for identifying victims of human trafficking and ensuring they receive the appropriate protection and support.

² [National Referral Mechanism Statistics](#) – End of Year Summary 2017, National Crime Agency, p11

³ [National Referral Mechanism Statistics](#) – End of Year Summary 2015, National Crime Agency, p9

⁴ An Assessment of Independent Child Trafficking Advocates, [Interim findings](#), July 2018, p9

supports children from outside the European Union who have been separated from their parents or care-givers. It has been operational since September 2010 and has an average of 160 open cases per year. These guardianship models have acted as very useful comparators to inform our discussion and recommendations on how the service in England and Wales should develop.

1.1.6 The Review gathered evidence on how well the trial and early adopter ICTA services have been working to date, how the service should be developed further, and how to ensure the right support for victims given their changing profile and evolving forms of child exploitation. We received input from Barnardo's as the organisation responsible for ICTA service delivery in England and Wales; the public authorities that work with the ICTA service to safeguard children (local authority children's services, law enforcement and criminal justice representatives); the Office of the Children's Commissioner and the former Independent Anti-Slavery Commissioner⁵; and a number of NGOs with expertise in child trafficking. We also engaged with the guardianship services and public authorities in Northern Ireland and Scotland, as well as other European countries, to understand the architecture and history of guardianship services for trafficked and separated children in those jurisdictions. A full list of participants and their method of contribution to the Review is at **Annex F**. The reports from our Expert Advisers will be made available on our website.

1.1.7 We have heard representations from leading NGOs that the ICTA service should extend to all unaccompanied asylum-seeking children in England and Wales (as is the case in Scotland and a number of countries in the European Union). We are aware that some unaccompanied asylum-seeking children have been trafficked but do not identify as such, and some unaccompanied asylum-seeking children are vulnerable to being trafficked in future. We are sympathetic to the case for enhanced support for such children, but we consider this question to fall outside the scope of the Modern Slavery Act and hence the terms of reference of this Review.

⁵ Kevin Hyland, the first Independent Anti-Slavery Commissioner, left the position in July 2018. The recruitment process for the next Commissioner was ongoing throughout the evidence-gathering stage of this Review.

2. Findings

2.1 The ICTA Service – the new model of provision

2.1.1 A revised ICTA model is currently being rolled out in the West Midlands, East Midlands and imminently in Croydon, and the three existing early adopter sites are transitioning to it. This model provides a continued one-to-one ICTA service for children without effective parental responsibility in the UK, while introducing a regional coordinator to support public authorities already working with children that do have effective parental responsibility in the UK. In practice, this means that foreign national children, who are much less likely to have any effective parental responsibility in the UK, are more likely to receive a one-to-one ICTA service than UK citizen children.

2.1.2 Most of the stakeholders who gave evidence to the Review were supportive of this new model, including ICTA service providers and public authorities. They highlighted that UK citizen trafficked children tend to have different needs to foreign national children, as identified in the 2018 interim findings on the ICTA service in the early adopter sites.⁶ We also heard that UK citizen children tend to have existing local authority support networks in their lives upon referral compared to foreign national children, making an ICTA's direct involvement and expertise so much more beneficial for the latter group. Indeed, some ICTA practitioners told us that they sometimes saw themselves as an unnecessary addition to UK citizen children's support networks, and these children themselves at times found the ICTA's involvement to be confusing. As such we recommend that ***the Government should continue to roll out the revised model of support that provides a one-to-one ICTA service to children without effective parental responsibility and a consultative service through a regional coordinator for those with effective parental responsibility.***

2.1.3 Nonetheless, some stakeholders called for flexibility in the approach to allocation of a one-to-one ICTA service where there would be clear benefit for that child even if they are considered to have "effective" parental responsibility. ***The allocation of a one-to-one ICTA should be tailored to assess the risk, vulnerability and need for each individual child in consultation with other public authorities. There should not be a***

⁶ An Assessment of Independent Child Trafficking Advocates, [Interim findings](#), July 2018, p13

presumption that a child with effective parental responsibility does not require a one-to-one service. A child's needs should be considered on a case-by-case basis where there is evidence a greater level of support is required.

2.2 Duration of an ICTA service

2.2.1 Currently, the Home Office's Interim Guidance for the three ICTA early adopter sites states that ICTAs are expected to provide support to a child for 18 months or until the child reaches the age of 18 (whichever is sooner).⁷ In cases where the child is involved in immigration or criminal justice processes, the ICTA is to provide continued support to the child until the child's involvement in those processes has concluded, or until the child reaches 18 years of age, at which point they transition to adult provision.

2.2.2 We heard that the transition from children's to adult services can be a very distressing experience for trafficked young people, with gaps, delays and omissions in the transfer of support and information. ICTA service providers and NGOs told us that traffickers take advantage of the child's vulnerability and the local authority's weakness at this point to induce them back into slavery. ICTA practitioners and managers also told us that there is currently limited knowledge in adult services of the needs of trafficked young people transitioning into them. It cannot be right that vulnerable young people, many of whom are 16 or 17 when they are referred to the ICTA service, are then denied the continued support and benefit of their ICTA a few months later solely because they have reached their 18th birthday.

2.2.3 There was consensus across stakeholder groups that young people should continue to have access to an ICTA beyond the age of 18 if their needs or circumstances require it. It appears logical to us that the continuation of access to service provision should be on the same terms as leaving care provision, which is up to the age of 21, or up to 25 if in full time education. We recommend that ***the Government should extend the ICTA service to young people who need the service over the age of 18 and up to 21 or 25, subject to their circumstances.***

⁷ [Interim Guidance](#) for the three Independent Child Trafficking Advocates Early Adopter Sites – Greater Manchester, Wales and Hampshire, January 2017, p10

2.2.4 Similarly, it seems only right that where a child has a complex case or needs requiring longer than 18 months to resolve, a judgement should be made on an individualised basis for a longer duration of ICTA provision. ***The Government should remove the 18-month time limit for ICTA provision for those children that require a longer duration of support.*** And whatever the age a young person transitions between services, ***the Government should provide more effective support and guidance for trafficked young people transitioning from children's to adult services.***

2.2.5 We recognise that the recommendations to extend the service beyond 18 years of age and 18 months for those children that require it will place some additional financial burden on the service. However, in this instance we consider the social benefit it will provide to that minority of young people concerned, as well as the imperative for ICTAs and public authorities to find durable solutions for them, to outweigh the marginal financial cost incurred.

2.3 Children going missing from the ICTA service

2.3.1 According to ECPAT UK, for trafficked children reported missing in 2017, there were an average of 7.2 missing incidents per child.⁸ We also heard that some Local Authorities do not have a marker on their systems to identify if a child has been trafficked; consequently they do not pass on the information that the child has been trafficked to others working with the child or to another Local Authority if the child is moved to another area. This is very concerning.

2.3.2 With regard to children going missing from the ICTA service, the current practice is to close cases after six months if all options for locating the child have been exhausted. We heard that 11% of cases in the three early adopter sites were closed as a result of this. If the case has been closed and that child is found again, they can continue their time in the ICTA service even if they are found in a different ICTA area. However, we do not think a missing child's case should be closed until they reach the age of 18 while missing, and we look to the good practice in Northern Ireland where the guardians and Health and Social Care Trusts work with the police to regularly review cases of a child who goes missing, ensuring that all efforts are pursued to recover the child and to share new information about their possible whereabouts. **Cases**

⁸ Every Child Protected Against Trafficking (ECPAT UK) and Missing People, [Still in harm's way](#). An update report on trafficked and unaccompanied children going missing from care in the UK, December 2018. Page 23.

of children that go missing should be kept open and continue to be discussed until the child is found.

- 2.3.3 Our attention was also drawn to the importance of understanding what happens to children while they are missing, both in order to build evidence on potential perpetrators involved in their disappearance, and to assess any additional needs and vulnerabilities they may have developed during that time. ***Comprehensive “return home” interviews should be offered and conducted with the child’s consent when they are found so that their case with an ICTA can be reopened with stronger evidence behind their disappearance and an understanding of their needs.***

2.4 Caseloads

- 2.4.1 We heard from ICTA practitioners and managers that excessive caseloads of up to 25 children per ICTA and long travel times across large geographical areas can present challenges in responding to demand, particularly for those children with more complex needs. They told us that while face-to-face contact with a child is relatively frequent just after referral, this contact typically falls to once per month for most children. In Northern Ireland, guardians’ caseloads are capped at 12 children at any one time, and contact with each child is set at a minimum of once per week to ensure frequent contact and depth of knowledge about each case. Similar caseloads are the norm in the Netherlands where the service is recognised as one of the best in Europe. We recommend that ***caseloads for each ICTA should be capped at a modest number to ensure regular contact and quality provision. The Government should conduct further research into the optimum contact time between ICTA and child, and the optimum caseload per ICTA, to deliver a service that meets every child’s best interests. Caseload levels should be monitored by the Independent Anti-Slavery Commissioner and the Children’s Commissioners for England and Wales.*** Again, we recognise that capping caseloads is likely to require the recruitment of more ICTAs and incur greater costs on the service, but the evidence we have seen points to the fact that the ICTA’s value lies in their ability to build frequent and trusting relationships with young people, and this can only be done by prioritising depth of contact rather than breadth.

2.5 Cooperation with other public authorities

- 2.5.1 A recurring theme across the evidence we received was that a large part of the ICTAs' influence and success in their regions depends on fostering strong collaborative relationships with the public authorities they are working alongside. We heard that in some Local Authorities, social workers are not aware of what the NRM is or that they are a first responder.⁹ Participants from the ICTA service, local authorities and law enforcement told us that ICTAs have helped to raise awareness of child trafficking in local children's services where social workers do not necessarily have capacity to develop the specialist knowledge of legislation, policy, research and practice skills required. This in turn has helped children's services professionals to feel more confident in their role with trafficked children. Because the ICTAs' expertise is cumulative, they are better placed to respond to evolving forms and trends of exploitation such as child criminal exploitation.
- 2.5.2 There are clear examples of excellent models of cooperation in our evidence that work to reach solutions in the child's best interests. We learned from our consultations with Greater Manchester and Wales that a large part of ICTAs' effectiveness was due to them being strongly visible within wider local safeguarding services and collaborating closely with other public authorities. In Wales, we heard that increased identification of children and referrals into the NRM were due to the ICTAs' presence, as well as positive multi-agency collaboration.
- 2.5.3 These good practice examples should be standardised across regions as the national rollout continues. ***The Government needs to establish a National Protocol for the ICTA service detailing how public authorities should collaborate with ICTAs to ensure a consistent quality of service based on best practice examples. The protocol should specify the ways in which public authorities will be required to pay due regard to ICTAs and share information with them, when sections 48 (6)(e)(i) and (ii) of the Act are brought into effect. This collaboration should be monitored by the Independent Anti-Slavery Commissioner in conjunction with the Children's Commissioners for England and Wales and the findings reported in the Independent Anti-Slavery Commissioner's annual report.***

⁹ First Responders are specified statutory authorities and non-governmental organisations who have a responsibility to identify potential victims and refer cases to the UK Human Trafficking Centre (UKHTC) Competent Authority of the NRM.

2.5.4 ***The National Protocol should stipulate that each region undertakes a preliminary audit of existing child trafficking services available and construct a bespoke ICTA service that complements the work of other public authorities.***

2.6 Presumption of age (section 51)

2.6.1 Section 51(2) of the Act provides that until an assessment of the person's age is carried out by a local authority or the person's age is otherwise determined, the public authority must assume for the purposes of its functions that the person is under 18 (**Annex C**). While ICTA managers and practitioners told the Review that the presumption of age is being upheld and age assessments conducted appropriately in most cases, we also heard evidence of inconsistencies and concerns in the way these measures have been applied by local authorities. We heard that in Hampshire, for example, many age assessment challenges have occurred, owing to the mixed level of understanding of social workers about the process and lack of age assessment training being made available to them. This has led to legal challenges with some local authorities having limited knowledge or skill to manage such challenges. We also heard that some young people are not provided with an ICTA until their age assessment has been undertaken, which contravenes the provision under section 51. ***The ICTA service should work with regional providers to train public authorities in a consistent application of best practices in relation to age assessment. This framework should be included in the National Protocol.***

2.6.2 Section 51(1) of the Act provides that the presumption of age applies where public authorities have "reasonable grounds to believe" a person is a victim of human trafficking and has "reasonable grounds to believe" that they may be under 18. We heard from NGO stakeholders that these references to "reasonable grounds" are undefined and confusing for public authorities, not least because it is the same term used for Reasonable Grounds decisions under the NRM, but completely unrelated to it. We accept the advice of the NGOs and recommend that ***the phrase "reasonable grounds" should be removed from section 51 of the Act, as we recommend it is removed from section 48 at paragraph 2.9.3 of this report. The Government should issue further guidance on the way public authorities should***

interpret grounds for “belief” that a child is under 18 and “presumption of age” consistently for the protection of all trafficked children.

2.7 Monitoring and Evaluation

- 2.7.1 As the ICTA service continues to be rolled out and embeds itself among wider children’s social services, it is crucial to ensure it maintains its utility, relevance and sustainability to work with trafficked children. This includes ensuring caseloads are appropriate and contact with the child is frequent (recommendation at 2.4.1), and that the service is structured to respond effectively to the evolving nature of child trafficking, including domestically-focussed exploitation such as county lines and CSE. There should also be frequent assessment of how the service and public authorities are promoting children’s well-being and acting in their “best interests”, as required by section 48(4) of the Act. ***Close monitoring of the ICTA service needs to continue in order to ensure ICTA practitioners are acting in the child’s best interests and resource is being allocated appropriately.***
- 2.7.2 It was recommended to us by some NGOs and public authorities that clearer and more joined-up data-collection processes need to be established about the children entering and going through the service. On a practical level this would help to reduce the number that go missing between identification and referral by the authorities. On a more strategic level, data on the profile and needs of children, number and productivity of ICTA practitioners and managers, and impact of the activities and interventions undertaken would help to understand the costs and benefits of the service on different cohorts of trafficked children in order to allocate funding and set objectives more effectively. ***Monitoring needs to be supported by much more comprehensive data gathering on what happens to children during and after the ICTA service to assess value for money and set direction for the service.***
- 2.7.3 ***The monitoring and evaluation role should be undertaken by the Independent Anti-Slavery Commissioner in conjunction with the Children’s Commissioners for England and Wales.***

2.8 Qualifications and Training

- 2.8.1 There was a mix of views from our contributors on the type and level of qualifications required of ICTAs to perform their duties under section 48 effectively. The Dutch guardianship service, often described as one of the leading models in Europe, employs qualified social workers. We heard that the Northern Irish guardianship service has very high qualification requirements for their practitioners, including five years post-qualification social work experience, while the Scottish Guardianship Service has lower formal qualification requirements. Both services are working well. For the service in England and Wales, the majority of respondents thought that ICTAs should not be required to have formal social work qualifications at the point of recruitment, but rather that appointments should be based on characteristics, potential and experience of working with children to encourage a range of applicants with a wide pool of expertise. We agree with this view and ***recommend that ICTAs should not be required to have formal social work qualifications on appointment but should have other relevant experience or qualifications relevant to child trafficking and criminal justice, social care, asylum and immigration.***
- 2.8.2 We heard from many contributors across sectors that ***as the service establishes itself nationwide, ICTAs should have access to a high quality standardised training offer devised and delivered by one - or a number of - independent providers.*** The curriculum should be agreed and developed at an early stage between the Home Office, the ICTA managers and practitioners, and the provider(s) chosen to deliver the training. It should enlist the expertise of all public authorities working with trafficked children and be updated frequently with their input to ensure it keeps pace with evolving forms of exploitation and developing procedural or legal issues. On this latter point, a ***key part of the training must be to develop the ability to gain access to legal support quickly for children facing immigration issues*** so that ICTAs can confidently fulfil their requirement under the Act to assist children in obtaining legal advice and representation, including by appointing and instructing legal representatives to act on the child's behalf.¹⁰ It could be helpful to look at the Dutch guardianship service that provides rigorous standardised initial training (including legal training) to its guardians and then requires them to validate further specialist training every year.

¹⁰ Section 48(5) of the Modern Slavery Act 2015

2.9 Terminology

- 2.9.1 We have heard evidence from frontline practitioners that the title “Independent Child Trafficking Advocates” causes some degree of confusion and misunderstanding of the role’s purpose. Indeed, ICTAs provide a service to trafficked children that goes beyond just “advocacy”, developing a holistic understanding of their needs and making decisions on their behalf in their best interests. This is a role more akin to a “guardian”. At a practical level, the title of “guardian” aligns with neighbouring services in Northern Ireland and Scotland, is commonly applied in other European jurisdictions, and is better understood and applied by children. ***We recommend that the Government should rename ICTAs to be commonly known as “Independent Guardians”. It is not necessary to change the statutory title in section 48 in the immediate future.***
- 2.9.2 Currently, section 48 of the Act makes provisions for ICTAs to work with children that are believed to be “victims of human trafficking”. Section 51 on the presumption of age also refers only to “victims of human trafficking”. We find this terminology confusing, as human trafficking is only one type of exploitation contained within the umbrella term of “modern slavery” in the Act. In almost all other parts of the Act, the offence is described as “slavery and human trafficking”. ***The wording of section 48 should be amended to ensure all children and young people who are believed to have been victims of human trafficking and all other forms of modern slavery are eligible for the ICTA service. The Act should be amended in the same way at section 51 where references to “victims of human trafficking” are made.***
- 2.9.3 We are also concerned about the term “reasonable grounds” being used in section 48 to determine the eligibility of a trafficked child to receive an ICTA. We agree with a number of NGOs who consider this term to be confusing, given that it is also used in the NRM determination process and an NRM Reasonable Grounds decision is not a requirement for gaining access to an ICTA. ***All references to “reasonable grounds” should also be removed from section 48 of the Act.***

2.10 The ICTA Service National Rollout

2.10.1 The evidence provided to this Review strongly supports the findings from the ICTA trial and early-adopter evaluations that have preceded and run alongside it: the independence and multidisciplinary expertise of ICTAs have provided real benefit to trafficked children and the children's services professionals that work with them. As such, all the evidence points to recommending that ***section 48 should be commenced and the full roll out of the ICTA service across England and Wales should take place as soon as possible, with the service operating in accordance with the methods and principles we have recommended in this report.***

3. Summary of Recommendations

1. The ICTA Service – the new model of provision:

- a. The Government should continue to roll out the revised model of support that provides a one-to-one ICTA service to children without effective parental responsibility and a consultative service through a regional coordinator for those with effective parental responsibility.
- b. The allocation of a one-to-one ICTA should be tailored to assess the risk, vulnerability and need for each individual child in consultation with other public authorities. There should not be a presumption that a child with effective parental responsibility does not require a one-to-one service. A child's needs should be considered on a case-by-case basis where there is evidence a greater level of support is required.

2. Duration of an ICTA service:

- a. The Government should extend the ICTA service to young people who need the service over the age of 18 and up to 21 or 25, subject to their circumstances.
- b. The Government should remove the 18-month time limit for ICTA provision for those children that require a longer duration of support.
- c. The Government should provide more effective support and guidance for trafficked young people transitioning from children's to adult services.

3. Children going missing from the ICTA service

- a. Cases of children that go missing should be kept open and continue to be discussed until the child is found.
- b. Comprehensive "return home" interviews should be offered and conducted with the child's consent when they are found so that their case with an ICTA can be reopened with stronger evidence behind their disappearance and an understanding of their needs.

4. Caseloads:

- a. Caseloads for each ICTA should be capped at a modest number to ensure regular contact and quality provision.
- b. The Government should conduct further research into the optimum contact time between ICTA and child, and the optimum caseload per ICTA, to deliver a service that meets every child's best interests. Caseload levels should be monitored by the Independent Anti-Slavery

Commissioner and the Children's Commissioners for England and Wales.

5. Cooperation with other public authorities:

- a. The Government needs to establish a National Protocol for the ICTA service detailing how public authorities should collaborate with ICTAs to ensure a consistent quality of service based on best practice examples. The Protocol should specify the ways in which public authorities will be required to pay due regard to ICTAs and share information with them, when sections 48 (6)(e)(i) and (ii) of the Act are brought into effect. This collaboration should be monitored by the Independent Anti-Slavery Commissioner in conjunction with the Children's Commissioners for England and Wales and the findings reported in the Independent Anti-Slavery Commissioner's annual report.
- b. The National Protocol should stipulate that each region undertakes a preliminary audit of existing child trafficking services available and construct a bespoke ICTA service that complements the work of other public authorities.

6. Presumption of age (section 51):

- a. The ICTA service should work with regional providers to train public authorities in a consistent application of best practices in relation to age assessment. This framework should be included in the National Protocol.
- b. The phrase "reasonable grounds" should be removed from section 51 of the Act. The Government should issue further guidance on the way public authorities should interpret grounds for "belief" that a child is under 18 and "presumption of age" consistently for the protection of all trafficked children.

7. Monitoring and Evaluation:

- a. Close monitoring of the ICTA service needs to continue in order to ensure ICTA practitioners are acting in the child's best interests and resource is being allocated appropriately.
- b. Monitoring needs to be supported by much more comprehensive data gathering on what happens to children during and after the ICTA service to assess value for money and set direction for the service.
- c. The monitoring and evaluation role should be undertaken by the Independent Anti-Slavery Commissioner in conjunction with the Children's Commissioners for England and Wales.

8. Qualification and Training:

- a. ICTAs should not be required to have formal social work qualifications on appointment but should have other relevant experience or qualifications relevant to child trafficking and criminal justice, social care, asylum and immigration.
- b. As the service establishes itself nationwide, ICTAs should have access to a high quality standardised training offer devised and delivered by one or a number of independent providers. A key part of the training must be the ability to develop the ability to gain access to legal support quickly for children facing immigration issues.

9. Terminology:

- a. The Government should rename ICTAs to be commonly known as “Independent Guardians”. It is not necessary to change the statutory title in section 48 in the immediate future.
- b. The wording of section 48 should be amended to ensure all children and young people who are believed to have been victims of human trafficking and all other forms of modern slavery are eligible for the ICTA service. The Act should be amended in the same way at section 51 where references to “victims of human trafficking” are made.
- c. All references to “reasonable grounds” should be removed from section 48 of the Act.

10. The ICTA Service National Rollout: Section 48 should be commenced and the full roll out of the ICTA service across England and Wales should take place as soon as possible, with the service operating in accordance with the methods and principles we have recommended in this report.

4. Annexes

Annex A: Terms of reference for the Independent Review of the Modern Slavery Act

1. Background

The introduction of the Modern Slavery Act 2015, the first legislation of its kind in the world, has helped to transform the UK's response to modern slavery. More victims are being identified and supported; more offenders are being prosecuted; and thousands of companies have published statements setting out the steps they have taken to tackle modern slavery in their supply chains.

The UK is determined to lead global efforts to tackle this barbaric crime and as the methods used by criminals to exploit vulnerable people evolve, and our understanding of this crime evolves, it is important to consider our legislative approach.

2. Aim of the review

The aim of the review is to report on the operation and effectiveness of, and potential improvements to, provisions in the Modern Slavery Act 2015, which provides the legal framework for tackling modern slavery.

3. Structure of the review

The review will gather evidence and seek views from relevant stakeholders. This process could include a call for written submissions, evidence sessions on particular aspects of the legislation, and interviews with representatives from civil society, business, law enforcement and other interested bodies.

The review will be independent; the findings and recommendations of the review will represent the views of the reviewers. The reviewers will be supported by a secretariat which will be seconded from the Home Office, and sponsored by the Director for Tackling Slavery and Exploitation.

The review will aim to report to the Home Secretary before the end of March 2019. On completion, the review is to be compiled into a report, including recommendations, to be presented to the Home Secretary for approval.

Following approval, the Home Secretary will lay the report in Parliament.

4. Scope of the review

This review aims to understand how the 2015 act is operating in practice, how effective it is, and whether the legal framework for tackling modern slavery is fit for purpose now and in the future. In doing so, the review will need to take into account any significant political, economic, social and technological changes since the 2015 act was passed.

The following provisions of the act must be considered in the review:

- section 3 on the meaning of exploitation
- sections 8-10 on reparation orders
- sections 40 to 44 on the Independent Anti-Slavery Commissioner
- section 45 on the statutory defence
- section 48 on independent child trafficking advocates
- section 54 on transparency in supply chains

In particular, the review should consider the following questions which have been brought to the attention of the government by the sector and others as issues requiring consideration:

- in relation to section 3, how to ensure the act is ‘future-proof’ given our evolving understanding of the nature of modern slavery offences, for example the recent and emerging issues of county lines and orphanage trafficking

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- in relation to sections 8 to 10, how to ensure access to legal remedies and compensation for victims and would a specific civil wrong improve access to compensation for victims
- in relation to sections 40 to 44, how to ensure the independence of the Anti-Slavery Commissioner
- in relation to section 45, how to ensure an appropriate balance between the need to protect victims from criminal prosecution and preventing criminals from abusing this protection to avoid justice
- in relation to section 48, how to ensure the right support for child victims given the changing profile of child victims
- in relation to section 54, how to ensure compliance and drive up the quality of statements produced by eligible companies

The review should take into account the following principles:

- recommendations should only relate to the legal framework provided by the act and its implementation
- recommendations must be sustainable and take into account the financial and practical impact of implementation
- the review may consider other matters in relation to modern slavery subject to the agreement of the Home Secretary
- purdah guidelines should be adhered to where appropriate

Annex B: Section 48 of the Modern Slavery Act 2015

Section 48

(1). The Secretary of State must make such arrangements as the Secretary of State considers reasonable to enable persons (“independent child trafficking advocates”) to be available to represent and support children who there are reasonable grounds to believe may be victims of human trafficking.

(2). In making arrangements under subsection (1) the Secretary of State must have regard to the principle that, so far as practicable, a child should be represented and supported by someone who is independent of any person who will be responsible for making decisions about the child.

(3). The arrangements may include provision for payments to be made to, or in relation to, persons carrying out functions in accordance with the arrangements.

(4). A person appointed as an independent child trafficking advocate for a child must promote the child's well-being and act in the child's best interests.

(5). The advocate may (where appropriate) assist the child to obtain legal or other advice, assistance and representation, including (where necessary) by appointing and instructing legal representatives to act on the child's behalf.

(6). The Secretary of State must make regulations about independent child trafficking advocates, and the regulations must in particular make provision—

(a) about the circumstances in which, and any conditions subject to which, a person may act as an independent child trafficking advocate;

(b) for the appointment of a person as an independent child trafficking advocate to be subject to approval in accordance with the regulations;

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- (c) requiring an independent child trafficking advocate to be appointed for a child as soon as reasonably practicable, where there are reasonable grounds to believe a child may be a victim of human trafficking;
- (d) about the functions of independent child trafficking advocates;
- (e) requiring 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).

(7).The Secretary of State must, no later than 9 months after the day on which this Act is passed, lay before Parliament a report on the steps the Secretary of State proposes to take in relation to the powers conferred by this section.#

Annex C: Section 51 of the Modern Slavery Act 2015

Presumption about age

(1) This section applies where—

(a) a public authority with functions under relevant arrangements has reasonable grounds to believe that a person may be a victim of human trafficking, and

(b) the authority is not certain of the person's age but has reasonable grounds to believe that the person may be under 18.

(2) Until an assessment of the person's age is carried out by a local authority or the person's age is otherwise determined, the public authority must assume for the purposes of its functions under relevant arrangements that the person is under 18.

(3) "Relevant arrangements" means arrangements for providing assistance and support to persons who are, or who there are reasonable grounds to believe may be, victims of human trafficking, as set out in—

(a) guidance issued under section 49(1)(b);

(b) any regulations made under section 50(1).

(4) "Local authority" has the same meaning as in the Children Act 1989 (see section 105 of that Act).

Annex D: Human Trafficking and Exploitation (Scotland) Act 2015

Section 11: Independent child trafficking guardians

(1). The Scottish Ministers must make such arrangements as they consider reasonable to enable a person (an “independent child trafficking guardian”) to be appointed to assist, support and represent a child to whom subsection (2) applies.

(2). This subsection applies to a child if a relevant authority determines that—

(a) there are reasonable grounds to believe that the child—

(i) is, or may be, a victim of the offence of human trafficking, or

(ii) is vulnerable to becoming a victim of that offence, and

(b) no person in the United Kingdom is a person with parental rights or responsibilities in relation to the child.

(3). A relevant authority making a determination that subsection (2) applies in relation to a child must, as soon as reasonably practicable after doing so, take steps to bring that child to the attention of the person mentioned in subsection (4)(a).

(4). The arrangements made under subsection (1) must—

(a) provide for a person to appoint an independent child trafficking guardian for a child to whom subsection (2) applies,

(b) provide for an independent child trafficking guardian to be appointed as soon as reasonably practicable after a relevant authority brings the child to the attention of the person mentioned in paragraph (a), and

(c) ensure that the independent child trafficking guardian appointed is independent of any person who will be responsible for exercising functions under any enactment in relation to the child.

(5). An independent child trafficking guardian appointed in relation to a child must at all times act in the best interests of the child.

(6). A person responsible for exercising functions under any enactment in relation to a child for whom an independent child trafficking guardian has been appointed under this section must—

(a) recognise, and pay due regard to the guardian's functions, and

(b) provide the independent child trafficking guardian with access to such information relating to the child as will enable the guardian to carry out the guardian's functions effectively.

(7). The Scottish Ministers may by regulations make further provision about independent child trafficking guardians appointed under this section, including, in particular, provision about—

(a) the appointment of an independent child trafficking guardian,

(b) the termination of that appointment,

(c) the conditions (including conditions as to training, qualifications and experience) to be satisfied for a person to be eligible for appointment as an independent child trafficking guardian,

(d) payments to be made to, or in respect of, an independent child trafficking guardian,

(e) the functions of an independent child trafficking guardian,

(f) the records that should be maintained by any person in relation to the appointment of an independent child trafficking guardian (including arrangements to maintain a register of independent child trafficking guardians),

(g)the circumstances in which—

(i)an independent child trafficking guardian appointed in relation to a person may continue to act after that person is no longer a child, and

(ii)the person who is no longer a child is to be treated as a child for the purposes of this section.

(8)In this section—

• “person with parental rights or responsibilities”, in relation to a child, means—

(a) a parent or guardian having parental responsibilities or parental rights in relation to the child under Part 1 of the Children (Scotland) Act 1995,

(b) a person in whom parental responsibilities or parental rights are vested by virtue of section 11(2)(b) of the Children (Scotland) Act 1995,

(c) a person having parental responsibilities or parental rights by virtue of section 11(12) of the Children (Scotland) Act 1995,

(d) a parent having parental responsibility for the child under Part 1 of the Children Act 1989,

(e) a person having parental responsibility for the child by virtue of—

(i) section 12(2) of the Children Act 1989,

(ii) section 14C of that Act, or

(iii) section 25(3) of the Adoption and Children Act 2002,

(f) a parent having parental responsibility for the child under Part 2 of the Children (Northern Ireland) Order 1995 (S.I. 1995/755),

(g) a person having parental responsibility for the child by virtue of Article 12(2) of the Children (Northern Ireland) Order 1995 (S.I. 1995/755),

(h) a person in whom parental responsibilities or parental rights are vested by virtue of a permanence order (as defined in section 80(2) of the Adoption and Children (Scotland) Act 2007),

(i) any other person with rights or responsibilities anywhere in the world which are, in relation to a child, analogous to those described in paragraphs (a) to (h),
and

(j) any other person specified by regulations made by the Scottish Ministers,

• “relevant authority” means—

(a) a local authority, and

(b) any other person specified by regulations made by the Scottish Ministers.

Annex E: Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015

Section 21 Independent guardian

(1) The Regional Health and Social Care Board must, in accordance with this section, make arrangements to enable a person (an “independent guardian”) to be appointed to assist, represent and support a child to whom this section applies.

(2) This section applies to a child if—

(a) a reference relating to that child has been, or is about to be, made to a competent authority for a determination for the purposes of Article 10 of the Trafficking Convention as to whether there are reasonable grounds to believe that the child is a victim of trafficking in human beings; and

(b) there has not been a conclusive determination that the child is not such a victim;

and for the purposes of this subsection a determination which has been challenged by way of proceedings for judicial review shall not be treated as conclusive until those proceedings are finally determined.

(3) This section also applies to a child who appears to the Regional Health and Social Care Board to be a separated child.

(4) Arrangements under this section must—

(a) be made with a registered charity (within the meaning of the Charities Act (Northern Ireland) 2008);

(b) provide for the appointment of a person as the independent guardian for a child to whom this section applies to be made by that charity;

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(c)ensure that a person is not so appointed by that charity unless that person—

(i)is an employee of the charity; and

(ii)is eligible to be so appointed in accordance with regulations under subsection (5);

(d)provide for the appointment of an independent guardian only where the person with parental responsibility for the child—

(i)is not in regular contact with the child or is outside the United Kingdom;

(ii)is suspected of having committed an offence under section 2 in relation to the child; or

(iii)for other reasons has interests which conflict with those of the child;

(e) include provision for the termination of the appointment of an independent guardian, including in particular provision for such termination—

(i)if the child ceases to be a child to whom this section applies;

(ii)on the child attaining the age of 18 (unless subsection (10) applies);

(iii)on paragraph (d) ceasing to apply in relation to the child;

(iv)where, after consulting the independent guardian, the Regional Health and Social Care Board is of the opinion that it is no longer necessary to continue the appointment because long-term arrangements have been made in relation to the child.

(5) The Department of Health, Social Services and Public Safety shall by regulations make provision for—

(a)the training and qualifications required for a person to be eligible for appointment as an independent guardian;

(b) the support to be provided for, and the supervision of, an independent guardian.

(6) An independent guardian appointed in relation to a child must at all times act in the best interests of the child.

(7) The functions of an independent guardian include (where appropriate)—

(a) ascertaining and communicating the views of the child in relation to matters affecting the child;

(b) making representations to, and liaising with, bodies or persons responsible for—

(i) providing care, accommodation, health services, education or translation and interpretation services to or in respect of the child; or

(ii) otherwise taking decisions in relation to the child;

(c) assisting the child to obtain legal or other advice, assistance and representation, including (where necessary) the appointment and instructing of legal representatives to act on behalf of the child;

(d) consulting regularly with the child and keeping the child informed of legal and other proceedings affecting the child and any other matters affecting the child;

(e) contributing to a plan to safeguard and promote the future welfare of the child based on an individual assessment of that child's best interests;

(f) providing a link between the child and any body or person who may provide services to the child;

(g) assisting in establishing contact with members of the child's family, where the child so wishes and it is in the child's best interests;

(h) accompanying the child to meetings or on other occasions.

(8) Any person or body providing services or taking administrative decisions in relation to a child for whom an independent guardian has been appointed under this section must recognise, and pay due regard to, the functions of the guardian and must (to the extent otherwise permitted by law) provide the guardian with access to such information relating to the child as will enable the guardian to carry out his or her functions effectively.

(9) The Department of Health, Social Services and Public Safety may by regulations confer additional functions on independent guardians.

(10) The arrangements under this section may provide for an independent guardian appointed in relation to a person under the age of 18 to continue (with the consent of that person) to act in relation to that person after that person attains the age of 18 but is under the age of 21.

(11) In this section—

“administrative decision” does not include a decision taken by a court or tribunal;

“parental responsibility” has the meaning given by Article 6 of the Children (Northern Ireland) Order 1995, except that it does not include parental responsibility conferred by a care order (within the meaning of Article 49(1) of that Order);

“separated child” means a child who—

(a) is not ordinarily resident in Northern Ireland;

(b) is separated from all persons who—

(i) have parental responsibility for the child; or

(ii) before the child's arrival in Northern Ireland, were responsible for the child whether by law or custom; and

(c). because of that separation, may be at risk of harm.

(12) A reference in any other statutory provision to the guardian of a child does not include a reference to an independent guardian appointed under this section.

Annex F: Full list of Contributors

Contributors	Interest Group
Guardian Service, Director	Belgium/International
Amnesty International UK	Civil Society
Coram	Civil Society
Hestia Housing	Civil Society
Love 146	Civil Society
National Crime Agency	Criminal Justice System
Crown Prosecution Service	Criminal Justice System
Metropolitan Police Service	Criminal Justice System
Modern Slavery Police Transformation Unit, Devon and Cornwall Police	Criminal Justice System
Mike Dottridge	Consultant/International
Head of the Children at Risk Unit	Council at the Baltic Sea States/International
Arise Foundation	Faith Groups
Clewer Initiative	Faith Groups
Jesuit Refugee Service UK	Faith Groups
Medaille Trust	Faith Groups
The Salvation Army	Faith Groups
Santa Marta Group	Faith Groups
STN Trust	Faith Groups
The Passage	Faith Groups
University of Derby	Faith Groups
UK Feminista	Faith Groups
Hope and Homes for Children	Faith Groups

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St Giles Trust	Faith Groups
Christian Action Research and Education (CARE)	Faith Groups
Willow Team, Hampshire Local Authority	Government/Public Authority
Programme Challenge, Greater Manchester Local Authority	Government/Public Authority
Anti-Slavery Coordinator, Welsh Government	Government/Public Authority
Health and Social Care Board, Northern Ireland	Government/ Public Authority
Office of the Children's Commissioner for England	Independent Commissioner
Kevin Hyland, Independent Anti-Slavery Commissioner (2014 -2018)	Independent Commissioner
HHJ Nadine Finch	Judiciary
Nidos, Director	Netherlands/International
Barnardo's ICTA Service (Operational and Strategic)	NGO
ECPAT UK	NGO
Anti-Trafficking Monitoring Group	NGO
Refugee and Migrant Children's Consortium	NGO
The Children's Society	NGO
Child Trafficking Advice Centre	NGO
International Organisation for Migration	NGO
UNICEF	NGO
Refugee Council	NGO
Unseen	NGO
Care	NGO
Barnardo's Independent Guardianship Service, Northern Ireland	NGO
Baroness Hamwee	Parliamentarians

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Lord Hylton	Parliamentarians
Andrew Selous MP	Parliamentarians
Tony Lloyd MP	Parliamentarians
Lord McColl of Dulwich	Parliamentarians
Rosie Winterton MP	Parliamentarians
Chloe Smith MP	Parliamentarians
Catherine McKinnell MP	Parliamentarians
Scottish Guardianship Service	Scotland
Justright, Scotland	Scotland
Barnarattsbyran, Founder and Lawyer	Sweden/International