

# **Interim Guidance for Independent Child Trafficking Guardians – Early Adopter Sites**

July 2019



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Any enquiries regarding this publication should be sent to us at

Modern Slavery Unit  
Home Office  
2 Marsham Street  
SW1P 4DF

## Interim Guidance for Independent Child Trafficking Guardians - Early Adopter Sites

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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.
- **Conclusive Grounds (CG)** a decision taken by the Single Competent Authority (SCA) whether, 'on the balance of probabilities', there are sufficient grounds to decide that the individual being considered is a victim of 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.
- **Early Adopter Sites** are the sites where Independent Child Trafficking Guardians (ICTGs) are currently in operation.
- **Independent Child Trafficking Guardians (ICTGs)** are an independent source of advice for children who have been trafficked and somebody who can speak up on their behalf.
- **ICTG Direct Worker** means any member of a Service's staff who provides one-to-one support to a child who has been trafficked.
- **ICTG Regional Practice Coordinator** means any member of a Service's staff who provides support and coordination on a regional basis to statutory and non-statutory services in that region supporting a child who has been trafficked.
- **ICTG Service** means the Service Provider who operates the ICTG provision in the Early Adopter Sites.
- **National Referral Mechanism (NRM)** is the multi-agency framework for locating and identifying potential trafficked adults and children of all modern slavery and ensuring they receive the appropriate support.
- **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.
- **Reasonable Grounds (RG)** means a determination made by the Single Competent Authority (SCA) on whether the

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competent authority suspects but cannot prove someone is a victim of modern slavery;

- **Single Competent Authority (SCA)** refers to the UK's decision-making body that is responsible for making reasonable grounds decisions and conclusive grounds decisions regarding individuals referred as potential victims of modern slavery. This replaces the two competent authorities that existed prior to April 2019;
- **Child who has been trafficked** means any child who is or who is suspected of being trafficked, as per the definition in the Modern Slavery Act 2015.

## Introduction

1. This document provides interim guidance to the Early Adopter Sites where Independent Child Trafficking Guardians (ICTGs), both ICTG Direct Workers and ICTG Regional Practice Coordinators have been implemented: West Midlands<sup>1</sup> (October 2018); East Midlands<sup>2</sup> (January 2019); and London Borough of Croydon (April 2019). It also replaces interim guidance for existing Early Adopter Sites (Greater Manchester<sup>3</sup>, Hampshire and the Isle of Wight<sup>4</sup>, and Wales<sup>5</sup>).
2. This interim guidance will be in place prior to the commencement of section 48 of the Modern Slavery Act 2015 and before the provision of regulations supporting section 48. In the Early Adopter Sites, ICTG Direct Workers will continue to provide support for children who have been trafficked where there is no one who holds parental responsibility for that child in the UK. In addition, a specialist ICTG Regional Practice Coordinator will provide strategic regional support to statutory services within the Early Adopter Sites for children for whom there is someone with parental responsibility in the UK.
3. As per section 2 of the Modern Slavery Act 2015, any child who is recruited, transported, harboured, received, transferred, or in respect of whom control is exchanged with a view to their exploitation is considered to be a child who has been trafficked.

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<sup>1</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>2</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>3</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>4</sup> Hampshire County Council; Isle of Wight Council; Portsmouth City Council; Southampton City Council.

<sup>5</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.

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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 (to be published in late summer 2019)* and the [All Wales Practice Guide- safeguarding 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 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 social services, local authority education services, school health services, 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 has yet to be commenced and is currently under review. However, to enable us to assess the ICTG Service process we expect public authorities to give due regard to ICTG Direct Workers and ICTG Regional Practice Coordinators' functions, 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.
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:

- '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.
- '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).
- 'may', 'can' or 'could' are used, the guidance in the chapter is to be followed wherever possible.

## Purpose of this interim guidance

9. Section 48 of the Modern Slavery Act 2015 has not yet been commenced. The purpose of this interim guidance is to support the establishment of ICTG Direct Workers and ICTG Regional Practice Coordinators, identifying their respective roles and responsibilities as well as those of public authorities and other related agencies and their staff situated or working in the Early Adopter 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);
- The ICTG Service and any staff who will be providing the service to children who have been trafficked in the Early Adopter Sites;
- Organisations and their staff who work with children who have been trafficked in the Early Adopter Sites, and
- The Courts and Tribunals Service, Youth Justice Board.

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 East Midlands, Greater Manchester, Hampshire & the Isle of Wight, London Borough of Croydon, Wales and West Midlands and any future Early Adopter Site that ICTG Direct Workers and ICTG Regional Practice Coordinators 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 Early Adopter 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 all other statutory guidance being developed under Section 49 of the Modern Slavery Act 2015, as well as the National Referral Mechanism ([NRM](#)) - [guidance for child first responders](#).
14. For local authorities in Early Adopter 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 (to be published in late summer 2019)* and the [All Wales Practice Guide- safeguarding who may be trafficked](#).
15. This interim guidance does not replace these existing guidance documents, rather it seeks to clarify and compliment them by highlighting the roles and responsibilities the ICTG provision creates in this revised model.
16. This interim guidance will only apply to the Early Adopter Sites and the respective public authorities in those areas, and those organisations listed in paragraph 8. This interim guidance will be time limited and will last for the duration of the ICTG provision in the Early Adopter Sites, from October 2018, 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. ICTG Direct Workers and ICTG Regional Practice Coordinators should also be aware of the:
  - Children Acts [1989](#) and [2004](#)
  - Social Services and Well-being (Wales) Act 2014 [http://www.legislation.gov.uk/anaw/2014/4/pdfs/anaw\\_20140004\\_en.pdf](http://www.legislation.gov.uk/anaw/2014/4/pdfs/anaw_20140004_en.pdf)
  - 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. ICTG Direct Workers, ICTG Regional Practice Coordinators 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;
  - 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 (to be published in late summer 2019)* and the [All Wales Practice Guide- safeguarding 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

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safeguard the child, promote their welfare and keep them safe from harm or further harm;

- 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 Direct Worker/ICTG Regional Practice Coordinator 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.

## Identifying children who have been trafficked

20. All children, irrespective of their immigration status, are entitled to safeguarding and protection under the law. The nationality or immigration status of the child does not affect any statutory responsibilities that the particular public authorities have under the Children Acts [1989](#) and [2004](#) or the [Social Services and Well-being \(Wales\) Act 2014](#).
21. All public authorities who come into contact with children in their everyday work need to be able to identify children who have been trafficked and be able to act to protect these children from potential or actual harm.
22. For public authorities who do not have regular contact with children who have been trafficked this might be difficult. They do, however, have a responsibility for identifying the child as a possible target of trafficking and putting them in touch with the responsible authorities and support providers. Only organisations classed as [first responders](#) can refer a child who has been trafficked into the NRM. It is important to note that British children can also be trafficked both inside and outside the UK's national borders for all forms of exploitation. Children of any nationality must be referred to the NRM, if they are considered to be trafficked or potentially trafficked.
23. Child protection and safeguarding protocols and procedures must be followed as a priority if a potentially trafficked child is identified.
24. As with their adult counterparts, children who have been trafficked may not show obvious signs of distress or see themselves as being at risk of harm from a trafficker and may be distrustful of public authorities. It can take a significant period of time for the child to develop trusted relationships and to share their story, and some may never do this. It is not uncommon for traffickers to coach children they exploit or provide stories for them to tell if approached by the authorities. Any errors or inconsistencies in the child's account may be because they are repeating stories created by others.
25. Early accounts from children who have been trafficked may also be affected by the impact of trauma. Trauma related to being trafficked could impact on the mental health of the child in a number of ways, which can result in symptoms including hostility and aggression or silence and withdrawal, difficulty in recalling details or entire episodes, and difficulty concentrating. Children who have been trafficked may also be uncertain about the places and countries they have travelled

through as their traffickers are likely to withhold that information from them. A child could also be worried about their removal from the UK, as well as be afraid of police or authorities' actions based on their previous experiences in their home country or on their journey to the UK. They may also fear repercussions as a result of the stories they have been told by their traffickers

26. Children who have been trafficked, whether UK nationals, European Economic Area<sup>6</sup> (EEA) nationals/Swiss nationals or non-EEA/Swiss nationals, may be identified in different settings and in different ways. This includes at school, when receiving healthcare treatment, via Child Services, during law enforcement action, on entry or exit at an airport, seaport, or via clandestine entry, or while in the immigration or criminal justice systems.
27. In addition, whether a child is a potentially trafficked or not, any child that has been groomed and coerced into sexual exploitation, including UK nationals, should be subject to the safeguarding measures outlined in [Safeguarding Children and Young People from Sexual Exploitation](#), the Department for Education's supplementary guidance to [Working Together to Safeguard Children](#) as well as the statutory guidance in Wales, *Working Together to Safeguard People: Volume 7 – Safeguarding Children from Child Sexual Exploitation (forthcoming)*. Further practice advice is provided in the *Wales Safeguarding Procedures (to be published in late summer 2019)* and the [All Wales Practice Guide- safeguarding who may be trafficked](#) must be followed.

## Possible indicators that a child may be trafficked

28. To understand more about possible indicators of trafficking see the Modern Slavery: [frontline staff guidance](#) and [National Referral Mechanism guidance for child first responders](#).
29. In addition, specific indicators of child sexual abuse are contained in [Safeguarding Children and Young People from sexual exploitation](#) and in the Welsh Government statutory guidance *Working Together to Safeguard People: Volume 7 –Safeguarding Children from Child Sexual Exploitation (forthcoming)*.

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<sup>6</sup> The EEA includes EU countries and also Iceland, Liechtenstein and Norway.

### **Referral to ICTG Service**

30. In line with existing [NRM guidance for child first responders](#), all agencies and organisations within the Early Adopter Sites 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 organisations who are classed as first responders can refer a potential individual of trafficking into the NRM.
31. In the Early Adopter Sites, the same process will apply. Therefore, if a child is considered to be trafficked, the first responder must be informed. Once this identification has been made the first responder must:
- a. Firstly, refer the child through the normal safeguarding route in the Local Authority;
  - b. Refer the child into the ICTG Service.
  - c. Complete the NRM referral form.

For more details about referring a case to the NRM please see the [NRM guidance for child first responders](#). Annex A also provides a high-level overview of the ICTG Service referral process.

32. The first responder will contact the ICTG Service by completing dedicated [pro-forma](#) and send it to [trafficking.referrals@bypmk.cjsm.net](mailto:trafficking.referrals@bypmk.cjsm.net).
33. The ICTG Service will also be a designated first responder and will be able to make NRM referrals. Where an ICTG Direct Worker or ICTG Regional Practice Coordinator is the first responder they should still follow the same procedure as detailed above. They must still complete the ICTG Service [pro-forma](#).
34. The role of the first responder in the Early Adopter Sites will not change. The only addition to the first responder's role is the completion of the dedicated [pro-forma](#) which alerts the ICTG Service to a child who has been trafficked and provides them with details of the child.
35. The ICTG Direct Worker should acknowledge receipt of the pro-forma and respond via email to advise:

- On immediate safety advice and guidance for care givers of children who have been trafficked;
- **who** will be attending to meet and represent the child;
- the **location** of where the meeting will take place;

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- the **time** that the ICTG Direct Worker will be available to meet the child;

to ensure there is a clear and agreed plan between all parties.

36. It is possible that the first meeting between the ICTG Direct Worker and the child will take place before the NRM referral is made by the first responder.
37. As the development of a trusted relationship with the child is fundamental to the role of the ICTG Direct Worker, the initial meeting will always to be held face-to-face.
38. Regular face-to-face contact remains important in order to maintain a trusted relationship between the child and the ICTG Direct Worker, even once a relationship has been established. Where additional meetings are planned outside of these regular face-to-face meetings, alternative mediums of communications, such as video-conferencing or telephone, may be considered. However, the decision to use such mediums should be made in consultation with the child and a decision made in line with their identified preferences, availability and safety.
39. The ICTG Service will be available 24 hours a day, 7 days a week, 365/6 days per year.
40. A 24/7 support line number for the ICTG Service [**0800 043 4303**] is available for advice and case conferencing. Referrals can also be made through the support line if sending a referral [pro-forma](#) via secure email [trafficking.referrals@bypmk.cjsm.net](mailto:trafficking.referrals@bypmk.cjsm.net) is not possible.
41. 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, however it be expected that the ICTG Service would be involved in any further interviews or meetings in accordance with the usual process.
42. If a child who has been trafficked is transferred into an Early Adopter Site, the receiving local authority must advise the ICTG Service of the child by completing the dedicated ICTG Service [pro-forma](#) and issuing it to the ICTG Service as soon as possible or at least on the same calendar day as the child has been received by the local authority. The pro-forma should be sent to [trafficking.referrals@bypmk.cjsm.net](mailto:trafficking.referrals@bypmk.cjsm.net).



## ICTG service model

43. A revised model of the ICTG Service has been in operation since October 2018. This model continues to provide ICTG Direct Workers for children where no one holds parental responsibility for them in the UK. It also introduced ICTG Regional Practice Coordinators who will work strategically across regions with public authorities to improve the support and processes in place for safeguarding children who have been trafficked. Whilst the ICTG Regional Practice Coordinator will not offer one-to-one support for children, they will work with professionals who are themselves working directly with these children. The role will focus on children who do have someone with parental responsibility for them in the UK. Further information on the ICTG Direct Worker and ICTG Regional Practice Coordinator roles are detailed in the relevant sections below. In the event of suspicions that the individual/s with parental responsibility for a child in the UK may be involved in the trafficking of the child, the case should be allocated to an ICTG Regional Practice Coordinator to establish whether there is a requirement for the child to be allocated an ICTG Direct Worker.

## ICTG Regional Practice Coordinator

44. This section provides details on the role performed by the ICTG Regional Practice Coordinator.

### Overview

45. The aim of the ICTG Regional Practice Coordinator is to take a strategic role, working with professionals already supporting children who have been trafficked, rather than working on direct one-to-one basis. The role of the ICTG Regional Practice Coordinator will have a particular focus on children for whom there is someone with parental responsibility in the UK.

46. In such cases there are likely to be a range of public authorities involved in the child's case. The ICTG Regional Practice Coordinator's role therefore remains one of supporting public authorities through advice and consultation to ensure the best interests of the child are recognised and acknowledged.

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47. ICTG Regional Practice Coordinators, as far as practicable, should be independent of those authorities who are responsible for making decisions about the child.
48. The ICTG Regional Practice Coordinator should have in depth and specialist knowledge of provisions in their local area and be able to offer expert advice to the professionals working directly with children, on how best to safeguard and support those children in their care. This role should adapt to regional differences, both in terms of the nature of trafficking in local areas as well as existing provisions and services.
49. Core to this role is awareness raising of child trafficking and modern slavery within the individual Early Adopter Sites. ICTG Regional Practice Coordinators will actively highlight the movement of children for the purpose of exploitation as trafficking and using their specialist knowledge, alert professionals to regional emerging trends and risks. In addition, ICTG Regional Practice Coordinators will assist professionals to robustly identify indicators of trafficking and other types of exploitation and practices. Using their experience, the ICTG Regional Practice Coordinators will provide perspective about how children are moved, coerced and/or deceived for exploitation and provide advice and guidance on the application of trafficking legislation to identify, disrupt and safeguard children.
50. The ICTG Regional Practice Coordinator will play a pivotal role in increasing the visibility of the trafficking dimension of those children who have someone with parental responsibility for them in the UK, by providing insight and understanding of the regionally changing landscape. The ICTG Regional Practice Coordinator will readily provide professionals with information on existing provisions and pathways available to children who have been trafficked, actively seek out new services being developed and highlight gaps in services where further development is necessary to ensure children are provided with appropriate safeguarding and support as well as advising on the commissioning of specialist support services for children who have been trafficked in the Early Adopter Site.
51. The ICTG Regional Practice Coordinator will work with professionals supporting children who have been trafficked, highlighting child protection consistently and effectively under the complexities and multi-faceted nature of trafficking. Early Adopter Sites must pay due regard to the ICTG Regional Practice Coordinator, as per Section 48 (6) (e) (i) and Section 48 (6) (e) (ii) of the Modern Slavery Act 2015.
52. The ICTG Regional Practice Coordinator should champion the use of strategy meetings and multi-agency meetings to ensure trafficking is considered, discussed and used in planning contextual safeguarding around the child, offer specialist advice and guidance as well risk management consultation to ensure that professionals are continuously assessing the risk that trafficking, re-trafficking and further exploitation

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and movement poses and when necessary, challenging practices and outcomes appropriately.

53. Using contextual safeguarding approach, ICTG Regional Practice Coordinators will enable professionals and children alike to recognise blockages, issues and frustrations, offering innovative solutions. Through experiential learning, the Regional Practice Coordinator will embed understanding and effective practice by bringing to life what it feels like for a child to be trafficked and the effects this has on their lives. This role will highlight poor practice that children may have faced, identifying barriers that might occur as a consequence in the future and will promote systematic change by asking professionals to work differently.
54. In order increase compliance of legal obligations, ICTG Regional Practice Coordinators will take on a consultative role, sharing national learning on good practice. NRM surgeries will be facilitated to help professionals understand the context of the NRM, how to submit a quality NRM referral and to follow up with ongoing information to make sure that the decision is as accurate as possible. Similar outlets will be used to communicate and educate 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 regional specific policy and practice.
55. The ICTG Regional Practice Coordinator will have a role in raising awareness about the non-punishment principle and the section 45 defence of the Modern Slavery Act 2015 for children who 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 Early Adopter Site as well as discussions and presentations at strategic and operational meetings.
56. When supporting professionals in relation to a child who has committed offences in the course, or as a consequence of being trafficked, the ICTG Regional Practice Coordinator should work to ensure that all professionals involved have an understanding of the non-punishment principle and section 45 defence and ensure that consideration is given to these factors in relation to any decision making relating to the child.
57. The ICTG Service must open a casefile to record all advice provided by an ICTG Regional Practice Coordinator on individual children. Where an ICTG Regional Practice Coordinator is providing guidance to professionals working with a child, the child must be informed by the lead professional 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.
58. Credibility will be given to the ICTG Regional Practice Coordinator from all levels to ensure that the role is an advice and guidance outlet, but

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also an authority in the statutory world in line with the requirements of section 48 of the Modern Slavery Act 2015.

### Role of the ICTG Regional Practice Coordinator

The role of the ICTG Regional Practice Coordinator is to:

- Support professionals working with children who have been trafficked so that the professionals can help and support children to navigate the complex systems of social care and criminal justice.
- Enable the voices of children who have experienced trafficking to be heard, encouraging and informing best practice and strategy development.
- Promote best practice in keeping children safe and the prevention of re-trafficking of children by providing advocacy, guidance and signposting to relevant services for professionals working with children who have been trafficked.
- Identify unmet regional need and bring it to the attention of local partners in effective and proactive ways.
- Develop a practice strategy in the region alongside multi-agency stakeholders to find the best ways to upskill and support professionals across the sector to recognise trafficking in all its forms.
- Identify and address potential blockages to effective multi-agency approaches to children who have been trafficked.
- Contribute to and deliver training and development for professionals and multi-agency stakeholders.
- Ensure that professionals have an understanding of the NRM and are equipped to refer children who have been trafficked to the NRM.
- Support professionals to develop their skills in compiling and submitting NRM referrals as required.
- Work with police, local authorities and other statutory partners to foster a collaborative working relationship in relation to children who have been trafficked and maintain an accurate understanding and analysis of the nature and extent of internal child trafficking in the region.
- Promote the Modern Slavery Act 2015, tools and resources including identification indicators, the NRM, appropriate safeguarding and accommodation providers.
- 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 Direct Worker

59. This section provides details on the role performed by ICTG Direct Workers.

### Overview

60. ICTG Direct Workers will be available to provide support on an individual basis to children who have been trafficked within the Early Adopter Sites where there is no one who has parental responsibility for that child in the UK. This includes children who are transferred via the National Transfer Scheme to be looked after in one of the Early Adopter sites. For further information on the National Transfer Scheme please refer to [National Transfer Protocol](#).

61. The main aim and purpose of the ICTG Direct Worker is to advocate 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.

62. The ICTG Direct Worker's advocacy and involvement throughout the decision-making process is intended to ensure the child is protected from further harm, prevent possible repeat victimisation, re-trafficking or going missing and promote the child's recovery. The ICTG Direct Worker will also provide support to the child and help them navigate, as appropriate, the respective local authority children's services and the immigration and criminal justice systems, as well as ensuring that their educational and health needs are met through liaison with the appropriate statutory agencies and public authorities.

63. ICTG Direct Worker 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 Direct Worker and share information (subject to any restrictions on disclosure) with the ICTG Direct Worker 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.

64. ICTG Direct Worker will not replace any existing provisions in the Early Adopter Sites concerning the support and safeguarding of children. ICTG Direct Workers 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.

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65. ICTG Direct Worker 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.
66. ICTG Direct Worker will be expected to provide support to the child, including advocating on their behalf with all statutory agencies and public authorities for 18 months or until the child becomes 18 (whichever is sooner).
67. In cases where the child is involved in either the immigration or the criminal justice system, the ICTG Direct Worker will provide continued support to the child until the child's involvement in the processes has concluded, or until the child reaches 18 years of age, at which point they will transition to existing provision.
68. Should a child's circumstances change during the period of ICTG Direct Worker support and the child acquires parental responsibility in the UK, the child will transition to a Regional Practice Coordinator. For other changes in the child's circumstances, see *Exiting/transition from the ICTG Service*, *Exiting/transition from the ICTG Service: Criminal Justice System*, *Exiting/transition from the ICTG Service: Learning disabilities and Exiting/transition from the ICTG Service: Change in circumstances*
69. Under family law in England and Wales, the responsibility 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. 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. An ICTG Direct Worker will not have 'parental responsibility' and so will not be able to make these decisions regarding the child's upbringing.
70. The ICTG Service is expected to provide the Home Office/external providers procured by 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 ICTG provision in the Early Adopter Sites. This data will not be used in the making of any immigration decision

### Role of the ICTG Direct Worker

71. ICTG Direct Worker will represent and support children where there are indicators of trafficking. ICTG Direct Workers will need to understand

the varied risks that affect children who have been trafficked. ICTG Direct Workers should:

- Provide independent, balanced advice and guidance to the child.
- Be a consistent and trusted point of contact for the child.
- Always act in the best interests of the child, including when putting forward a view that is different to the child's or other professionals.
- Co-operate and work with public authorities that have a role in providing support and services to children who have been trafficked and maintain an effective relationship with key professionals in the Early Adopter Sites.
- Accompany the child to meetings with other professionals e.g. immigration officials, legal representatives, health, education and local authority officials and the police, where appropriate.
- 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.
- Ensure the child is able to participate in decisions that affect them. Wherever possible decisions should be agreed with the child. If this is not possible, and a decision is made in their best interests and counter to the views of the child, this should be explained to them.
- Make recommendations for referrals to other services (e.g. mental health services) to ensure the child receives educational, medical, practical and legal support that they need and are entitled to.
- Proactively support other agencies and professions to find any child for whom they are responsible, when that child is missing.
- 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
- 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

72. 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

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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](#).

73. 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.
74. Where an age assessment is being undertaken, 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.
75. 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.
76. 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.
77. 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.

## Out of hours contact

78. 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.
79. 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 phones the 24/7 support line (0800 043 4303) to complete a referral or completes the dedicated ICTG Service



referral [pro-forma](#) and sends it securely to [trafficking.referrals@bypmk.cjsm.net](mailto:trafficking.referrals@bypmk.cjsm.net);

- c. The first responder begins the NRM referral process;
  - d. The ICTG Service acknowledges receipt of the pro-forma and responds to the referrer to give immediate advice and guidance, obtain further information necessary to allocate an ICTG to meet the child.
80. It is recognised that in this scenario the ICTG Direct Worker who may accept the referral and attend the first meeting with the child may not be the allocated ICTG Direct Worker for the child in the longer term. This should not diminish the service provided to the child by the ICTG Service. In scenarios where a child's case is transferred to another ICTG Direct Worker who may be more suitable, for example the child may request an ICTG Direct Worker of a different gender after an initial visit, a full and clear handover must be undertaken and documented.
81. 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 Direct Worker is able to contact the child.
82. If the ICTG Direct Worker 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 Direct Worker 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 Direct Worker meeting with the child.

## First meeting with the child

83. Once the first responder has referred the child, for whom no one holds parental responsibility for them in the UK, to the ICTG Service, the ICTG Service must ensure that the child is allocated and has had contact with an ICTG Direct Worker as soon as possible, and where possible within a maximum of 24 hours of the original referral to the ICTG Service. If there are reasons why this is not possible or where additional time would be beneficial before contacting the child, this must be documented by the ICTG Direct Worker.
84. If possible and where appropriate, before the ICTG Direct Worker makes contact with the child they should talk 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.

85. During this initial engagement, ICTG Direct Workers should request and receive information which the public authorities already hold on the child. This will enable the ICTG Direct Worker to prepare for their initial and subsequent meetings with the child, manage any associated risks and enable the ICTG Direct Worker 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 experience for them.

86. For further information around handling and sharing sensitive information, ICTG Direct Workers, ICTG Regional Practice Coordinator and other professionals involved in the care and support of children should refer to [Information sharing: advice for practitioners providing safeguarding services](#).

## The use of interpreters/translation service

87. If an ICTG Direct Worker 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.

88. 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 Direct Worker must ensure that the interpreter does not have unsupervised contact with the child.

89. In addition, if an interpreter is required, the child, where possible, should be provided with the opportunity to request the gender of the interpreter.

90. Where an interpreter is required, the ICTG Service should ensure, as far as possible and appropriate, that the interpreter meets the child and interprets face-to-face, rather than over the telephone.

91. If the child requires information to be translated, the ICTG Service should seek translation services from an established and reputable organisation.
92. Professionals working with the child will need to ensure their own interpreter and translation processes are followed for all other meetings.

## Building a trusted relationship

93. It is important that the ICTG Direct Worker meets the child frequently to develop a trusting relationship. As the needs of each child vary it is inappropriate to prescribe the number of meetings that would be required to develop such a relationship, but a minimum of one meeting a week would be expected for those children who are newly referred.
94. The ICTG Service will be available for the child 24 hours a day, 7 days a week, 365 days a year. It is acknowledged that such 'round the clock' care would not be able to be provided by the same ICTG Direct Worker consistently.
95. The 24/7 support line number for the ICTG Service will be made available to a child who is new to the service, as part of the implementation of a safety plan. Alongside the support line, the child should also be given relevant contact details for professionals and services that are supporting them. This will ensure that the child can directly or via carers get relevant support when required.
96. The need for additional support should be reviewed at every safety plan review or other multi agency meeting. 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 minimise any dependency.
97. The 24/7 support line is not an emergency or ongoing counselling support service. ICTG Service will be able to provide proactive reassurance, advice and information to the child as well as signposting to appropriate services as required. In any emergency, the child or the carer should call 999 or 111 immediately.
98. Each child the ICTG Direct Worker works with will have their own specific set of needs. ICTG Direct Workers must be aware of this and

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use their knowledge and experience to ensure the best and most appropriate outcome is achieved for each child.

99. The ICTG Direct Worker will support the child through the care system or will advocate for the child to be in the care system, in particular in safety planning, age assessment and assisting the local authority in identifying and planning defined pathways for the child's future.
100. The ICTG Direct Worker will also identify compensation to which the child may be entitled as well as 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.
101. Where appropriate, the ICTG Direct Worker will accompany the child to meetings with other professionals involved in their support and care, including, but not limited to, the child's Asylum interview with immigration officials, discussions relating to their accommodation with the local authority and meetings with their legal representative where relevant. This will enable the ICTG Direct Worker to develop a holistic understanding of the child and remain a single consistent point of contact for them.
102. If a child in the ICTG Service requires support on immigration matters, the advice must be given by independent legal representatives acting on behalf of the child. However, the ICTG Service can support the child by instructing 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. Any legal support that goes beyond this scope must be provided by an ICTG Direct Worker or ICTG Regional Practice Coordinator who is registered with the [Office of the Immigration Services Commissioner](#) (OISC), or seek the support of another individual within the ICTG Service who is registered with the OISC. Those within the ICTG Service registered with OISC must ensure that they do not act above their registered level of competence as set out in the [OISC Guidance on Competence](#). For those within the ICTG Service who are not registered with OISC, the [OISC Practice Note](#) provides guidance on what support can be provided to a child.
103. The ICTG Direct Worker will provide advice to the child on welfare matters, including access to education and health care. This can include supporting access to a General Practitioner or secondary care services, including mental health services, and ensuring that the child, up to school leaving age, is in school and attending school.

104. The ICTG Direct Worker will also support the child through the criminal justice process if they have been trafficked, witness, or defendant in a criminal trial or civil justice system where appropriate.

## ICTG Service ongoing involvement and engagement with public authorities

105. Under Section 48 (6) (e) (i) and Section 48 (6) (e) (ii) of the Modern Slavery Act 2015, the ICTG Direct Worker or ICTG Regional Practice Coordinator must be invited and provided with the opportunity to take part in all meetings and discussions which relate to and impact upon the child in the Early Adopter Sites; including 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. The ICTG Service must also be informed of all decisions relating to the child.
106. 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. The ICTG Direct Worker or ICTG Regional Practice Coordinator's attendance and engagement in these meetings and discussions will ensure that all relevant information is shared with and across, the appropriate public authorities in the Early Adopter Sites who are involved in the care and support of the child.
107. The public authorities in the Early Adopter Sites must provide the ICTG Service with access to all relevant information, subject to any restrictions on the disclosure of the information, relating to the child to enable the ICTG Service to perform their role effectively in line with safeguarding responsibilities.
108. Likewise, the ICTG Direct Worker or ICTG Regional Practice Coordinator must share relevant information they have obtained from their meetings with the child with the public authorities to enable them to continue to perform their role in the child's support and care, effectively.
109. 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

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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 Well-being \(Wales\) Act 2014](#). 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.

110. 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.
111. The ICTG Service must adhere to their legal obligations as set out in the Data Protection Act 2018 and General Data Protection Regulation (GDPR).
112. Such multi-lateral and diverse engagement will provide the ICTG Service with a holistic view of the child and allow the ICTG Direct Worker or ICTG Regional Practice Coordinator to proactively take part in these meetings.
113. This knowledge will enable the ICTG Direct Worker or ICTG Regional Practice Coordinator to not only 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, having drawn on their own personal knowledge and their own wider experience as well as that of the professionals involved in the care and support of the child.
114. 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 Direct Worker or ICTG Regional Practice Coordinator to be fully prepared when attending meetings with professionals and subsequently with the child. This will also enable ICTG Direct Worker or ICTG Regional Practice Coordinator 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.

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115. There will be occasions where the child's ICTG Direct Worker or ICTG Regional Practice Coordinator is not available to attend certain multi-agency 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.
116. In such scenarios the ICTG Direct Worker or ICTG Regional Practice Coordinator should, where possible, arrange and brief an alternative ICTG Direct Worker or ICTG Regional Practice Coordinator 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 support line staff are also able to remotely dial in on these occasions, therefore conference calling facilities should be made available where necessary. 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**.
117. During discussion about the child, ICTG Direct Worker or ICTG Regional Practice Coordinator would be expected to recommend referrals to other services, where appropriate, in the Early Adopter Sites (such as mental health services and specialist NGOs) and highlight the specific needs and differences in care requirements to the child.
118. ICTG Direct Worker or ICTG Regional Practice Coordinator would be expected, where appropriate, to address concerns raised by the public authorities regarding the recommendations they have made on behalf of the child, in an effective and productive way.
119. Public authorities in the Early Adopter Sites should recognise the holistic perspective that the ICTG Direct Worker or ICTG Regional Practice Coordinator brings to all discussions regarding the child and must pay due regard to the input and advice provided by the ICTG Service as per Section 48 (6) (e) (i) and Section 48 (6) (e) (ii) of the Modern Slavery Act 2015. To achieve this, as detailed above, public authorities in the Early Adopter Sites must provide the ICTG Direct Worker or ICTG Regional Practice Coordinator with access to all relevant information relating to the child. The public authorities should work collaboratively with the ICTG Direct Worker or ICTG Regional Practice Coordinator to identify and achieve the best possible outcome for the child within existing public authority safeguarding arrangements.

120. As 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

121. 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.

122. If an ICTG Direct Worker or ICTG Regional Practice Coordinator 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 Direct Worker or ICTG Regional Practice Coordinator 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.

123. 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.

124. 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>



125. The public authority must recognise that the ICTG Service can perform this role in order to continue their role of acting in the best interests of the child.
126. 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

127. The referral process to the NRM has not been changed by this guidance. Therefore please refer to [NRM referral form and guidance notes](#). The NRM referral and ICTG referral should be made in parallel.
128. If the first responder is unsure on whether a referral to the NRM should be made, the SCA should be contacted.
129. Where an NRM referral has not yet been made, the ICTG Direct Worker or the ICTG Regional Practice Coordinator 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 support line.
130. 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.
131. Once the NRM referral has been completed by the first responder and issued to the SCA, the first responders should also send a copy of it to the ICTG Direct Worker using [trafficking.referrals@bypmk.cjsm.net](mailto:trafficking.referrals@bypmk.cjsm.net). 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.

## Exiting/transition from the ICTG Service

132. It is important that all children who have been trafficked in the Early Adopter Sites are provided with and have access to an ICTG Direct Worker or ICTG Regional Practice Coordinator. The ICTG Direct Worker will be expected to provide support to the child and advocate on their behalf with all statutory agencies and public authorities for 18 months or until the child becomes 18 (whichever is sooner). For example, if a child has just turned 16 years they will be provided with support until they are 17 and a half years old.
133. The ICTG Service should plan well in advance where this end date is known, for example a child's 18<sup>th</sup> Birthday, to enable an effective transition to occur and to ensure appropriate support is available to the child from mainstream services in the Early Adopter Sites.
134. If the child leaves the Early Adopter 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.
135. The outcome the NRM process may be that the child receives a negative RG determination, or a negative CG determination. Either determination means that the child has been found not to be a victim of modern slavery and therefore is no longer eligible for the ICTG Service. Following a negative decision, the child should be transferred to existing mainstream provision within **three months** of the decision being made.
136. The ICTG Service may wish to seek a reconsideration of the RG or CG decision which has been made by the SCA.
137. 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.

138. If, as a result of a reconsideration, a positive CG outcome is reached, the child remains entitled to the ICTG Service until their 18<sup>th</sup> Birthday or until they have received 18 months of ICTG Service support (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 **three months** of the decision being made.
139. 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 the child becomes 18 years of age, whichever is sooner.
140. As the overarching objective of the ICTG Service is to support and advocate in the best interests of the child, where a child has received a negative RG determination or negative CG determination and exits the NRM, the ICTG Service would continue to provide support for the child for a transitional period of **three months** of the decision being made. During this period, although the child would no longer be entitled to specific trafficking support, the ICTG Regional Practice Coordinator should work with relevant statutory agencies or voluntary sector services in the Early Adopter Sites to ensure the appropriate care and support provisions are put in place.

## Exiting/transition from the ICTG Service: Criminal Justice System

141. A child may retain support of the ICTG Service beyond 18 months if they are a defendant or witness in a case that is being taken through the criminal justice system where it relates to their status as a child who has been trafficked or is likely to have a severe detrimental impact on the child's wellbeing. The support of the ICTG Service will remain until the conclusion of the case or until the child reaches 18 years of age whichever is sooner. This extends to any appeals or retrials of such a case where the child remains involved in the criminal proceedings.
142. In this scenario, the ICTG Service will continue to support the child until the conclusion of the case or until the child reaches 18 years of age, at which time they will transition into existing mainstream support. 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.

## Exiting/transition from the ICTG Service: Learning disabilities

143. Whilst the ICTG Service provides support for the child up to 18 months, we appreciate that some children may have additional needs due to learning disabilities which may make them particularly at risk of re-trafficking and exploitation.
144. Therefore, if the child has a diagnosed learning disability the ICTG Service will continue to provide support for the child for an additional transitional period of **three months (up to 21 months in total)** or until the child reaches 18 years of age (whichever is sooner).
145. During this period the ICTG Direct Worker or ICTG Regional Practice Coordinator should work with relevant statutory agencies or voluntary sector services in the Early Adopter Sites to identify and secure support which the child, or in some cases adult, would require, to ensure the continuation of care, support and advocacy.
146. At least one month before the end of the three months, the ICTG Direct Worker or ICTG Regional Practice Coordinator should review the situation with the public authorities or voluntary sector services in the Early Adopter Sites to determine what alternative arrangements have been made. If ICTG Service support is required after this three-month period, the reasons for this must be documented by the ICTG Service.

## Exiting/transition from the ICTG Service: Change in circumstances

147. It is acknowledged that children's circumstances and family arrangements can sometimes change. Should a child acquire parental responsibility, for example through family reunion, the child will no longer be eligible for the ICTG Direct Worker.
148. In these circumstances, the ICTG Direct Worker will ensure a safe transition of the child to a ICTG Regional Practice Coordinator.

149. 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 for an ICTG Direct Worker to be allocated to the child as soon as possible.

## Refusal of ICTG Service support / Opting out of the process

150. All children who are identified as potentially trafficked within the Early Adopter Sites are eligible for the ICTG Service.
151. 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 Direct Worker if they do not want to. In these cases, the ICTG Regional Practice Coordinator 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.
152. If in due course a child decides to engage with the ICTG Service, they will be allocated an ICTG Direct Worker if no one holds parental responsibility for them in the UK.

## Missing episodes and contact with traffickers

153. Where a child who 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.
154. 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* (to be published in late summer 2019) 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.

155. 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 Early Adopter Sites, and for the ICTG Service to make contact with the child as soon as possible.
156. 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.
157. 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.
158. 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.
159. If a child the ICTG Direct Worker or ICTG Regional Practice Coordinator is representing in an Early Adopter Site goes missing, the ICTG Direct Worker or ICTG Regional Practice Coordinator must:
- ensure that this is reported immediately 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;
  - ensure and provide a coordinated response via strategy meetings 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 NRM status;

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- 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
- ensure 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.

## Complaints procedure

160. 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 Direct Worker or ICTG Regional Practice Coordinator to be raised and addressed.

161. The procedure shall be easy for children to understand and access and be available in an appropriate language.

162. All reasonable endeavours will be made to ensure the child understands the reply to the complaint.

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

