

Modern Slavery Bill

Factsheet: Child trafficking advocates (Clause 47)

Minister for Modern Slavery and Organised Crime, Karen Bradley:

“I am determined that children who have been trafficked are protected from their abusers and supported to recover from the heinous crimes they have suffered.

That is why the Government is trialling independent advocates to ensure these children receive the help they need, and including a power in the Modern Slavery Bill to give formal legal status to these advocates.”

Background

Trafficked children are a particularly vulnerable group. There is strong evidence that they can often face being trafficked again, even after being rescued. The traffickers often remain in touch with the child and can manipulate the child into believing that they are the child’s friend.

These very vulnerable children need specialist help to ensure that they recover from their ordeal and do not face being re-trafficked.

What we are going to do

A trial of specialist, independent advocates to support child victims of trafficking, began in September 2014.

For the first time, each child allocated an advocate will be supported by a dedicated contact with the capacity and expertise to promote their welfare and guide them through the social care, immigration and criminal justice systems. For the trial period Barnardo’s are providing the advocacy service. It is envisaged that the advocates will help to reduce the risk of these vulnerable children going missing and being re-trafficked and will ensure that they receive the support and protection they need and deserve.

The trial will last for 12 months across 23 local authorities in England including Croydon, Derbyshire, Manchester City, Stockport, Tameside, Oldham, Rochdale, Bury, Bolton, Wigan, Salford and Trafford, Kent, Lancashire, Oxfordshire, Birmingham, Coventry, Dudley, Sandwell, Solihull, Walsall, Wolverhampton, and West Sussex.

We will be evaluating this new approach robustly. There will be an initial evaluation report after six months followed by a full evaluation on completion of the trials.

We are taking the opportunity in the Modern Slavery Bill to include a clause to give child trafficking advocates a statutory basis and the status they need to effectively support and represent the child. The clause, subject to parliamentary commencement procedures in both Houses following the evaluation of the trials, provides the Secretary of State with a duty to make such arrangements as she considers reasonable for child trafficking advocates to be available to support and represent children who there is reason to believe may be victims of trafficking. The clause also makes clear on the face of the Bill that advocates would be independent, act in the best interests of the child and provides for regulations to require public authorities to cooperate with the advocates.

Benefits

- Trialling child trafficking advocates will enable us to better understand the difference a system of specialist independent advocates could make in providing support, advice and guidance to children who have been trafficked.
- The Government wants to ensure the most effective possible support and protection for very vulnerable trafficked children. The clause gives the Government and Parliament the necessary flexibility to take into account the findings from this trial so that any statutory scheme will reflect best practice in protecting and supporting child victims of trafficking.
- By improving protection and support for child victims of trafficking it is envisaged that fewer children will be re-trafficked and subject to horrendous abuse and that more children will be prepared, and able, to give evidence against their abusers.

Q&A

How will these new advocates differ from current provision of children's guardians in public children law proceedings?

- These specialist, independent advocates will not only provide fully independent advocacy services helping give a voice to these vulnerable children, but will go further in supporting, advising and providing guidance to the child as needed.
- They will have expertise across the immigration, criminal justice and social care support systems and will be completely independent of the Local Authority. The purpose of the trial is to see if that makes the difference that we hope it will.
- This is a different and much wider remit to that of children's guardians in public children law proceedings since these guardian's have a very specific

statutory role in such proceedings to report to the court about what is in the child's best interests.

Will these advocates be able to instruct lawyers on behalf of the child?

- It is envisaged that a child trafficking advocate will act as the child's litigation friend in court proceedings, including making applications and instructing solicitors unless the court agrees that the child is of an age and competence where they can do so themselves. In such circumstances the advocate would support the child through the process

Will you extend the advocates trial to all unaccompanied asylum seeking children?

- The child advocates trial focuses specifically on specialist support for trafficked children, who are incredibly vulnerable, and often face a significant risk of re-trafficking.
- All unaccompanied children entering local authority care are already entitled to the same level of support and protection, regardless of their immigration status, nationality or documentation.
- New guidance and regulations have recently been published by the Department for Education. These regulations set out the steps that all local authorities should take to plan for supporting unaccompanied asylum seeking children.
- The regulations require local authorities to have particular regard to the child's particular circumstances and needs as an unaccompanied asylum seeking child.

**Home Office
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