



Home Office

# **Interim Guidance for the three Independent Child Trafficking Advocates Early Adopter Sites – Greater Manchester, Wales and Hampshire**

January 2017



© Crown copyright 2017

This publication is licensed under the terms of the Open Government Licence v3.0 except where otherwise stated. To view this licence, visit [nationalarchives.gov.uk/doc/open-government-licence/version/3](https://nationalarchives.gov.uk/doc/open-government-licence/version/3) or write to the Information Policy Team, The National Archives, Kew, London TW9 4DU, or email: [psi@nationalarchives.gsi.gov.uk](mailto:psi@nationalarchives.gsi.gov.uk).

Where we have identified any third party copyright information you will need to obtain permission from the copyright holders concerned.

This publication is available at [www.gov.uk/government/publications](https://www.gov.uk/government/publications)

Any enquiries regarding this publication should be sent to us at [childtrafficking@homeoffice.gsi.gov.uk](mailto:childtrafficking@homeoffice.gsi.gov.uk)

# Contents

Definitions	2
Introduction	3
Purpose of this guidance	4
Who is this guidance for?	5
Guiding principles and general considerations	6
Identifying child victims of trafficking	7
Possible indicators that a child may be a potential victim of trafficking	9
Identifying UK nationals	9
Independent Child Trafficking Advocates (ICTAs)	9
Overview	9
Role of the ICTA	11
Referral to ICTAs provision	12
Presumption of age/ establishing age	13
National Referral Mechanism (NRM) Referral	14
Out of hours contact	15
Post referral to the ICTA	16
First meeting between ICTA and child	17
Potential trafficking of UK children within the UK	17
ICTAs role after referral	17
ICTAs ongoing involvement and engagement with public authorities	19
Instructing legal representation	21
Missing and contact with traffickers	22
Exiting/transition from the ICTA provision	23
Exiting/transition from the ICTA provision: Immigration	23
Exiting/transition from the ICTA provision: Criminal Justice System	24
Exiting/transition from the ICTA provision: Learning disabilities	25
Refusal of ICTA support / Opting out of the process	25
Complaints procedure for ICTAs	26
Annex A	27
High level overview of the ICTA referral process	27

## Definitions

The definitions below relate solely to this guidance:

- **Early Adopter Sites** are currently the three sites (Hampshire & Isle of Wight, Greater Manchester and Wales) in which ICTAs will support child trafficking victims.
- **Independent Child Trafficking Advocate (ICTA)/Advocate** means any member of a Service Provider's staff who provides advocacy support to an identified Child in accordance with the provisions in the Modern Slavery Act 2015.
- **Independent Child Trafficking Advocate Service Provider** will be the Service Provider who operates the ICTA provision in the Early Adopter Sites.
- **National Referral Mechanism ("NRM")** means the multi-agency framework for locating and identifying potential victims of all modern slavery and ensuring they receive the appropriate support. The NRM is run jointly by the Home Office and the NCA Modern Slavery and Human Trafficking Unit (MSHTU)<sup>1</sup>.
- **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.

---

<sup>1</sup> Changes to the NRM are currently being piloted in West Yorkshire and South West England. These changes will not impact upon the Early Adopter Sites. If changes to the NRM are implemented in the Early Adopter Sites whilst the Scheme is being delivered, the Authority and Recipient will work together to determine how such changes impact on the Scheme and its delivery and implement them as appropriate.

## Introduction

1. This interim statutory guidance provides guidance to the three Early Adopter Sites where Independent Child Trafficking Advocates (ICTAs) will be implemented. This 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. ICTAs will provide support for all potential child victims of trafficking in the three Early Adopter Sites.
2. Any child who is recruited, transported, transferred, harboured or received for the purposes of exploitation is considered to be a trafficking victim.
3. Trafficked children 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, should be followed if trafficking is suspected as it can have a devastating and lasting impact on victims. Children can be trafficked in, out and around the UK 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.
4. Potential child trafficking victims 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, schools 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. Child victims of trafficking may also have contact with a range of non-Governmental or community sector organisations and legal representatives.
5. This guidance describes specific legislative functions and duties and provides guidance in relation to victims and potential victims of child trafficking. We recognise that section 48 of the Modern Slavery Act 2015 has yet to be commenced. However, for the purposes of this guidance we wish ICTAs and public authorities in the Early Adopter Sites to proceed as if section 48 has been commenced to enable us to assess the ICTA process.
6. As this guidance is a matter of Home Office policy, Immigration Enforcement, Border Force, and UK Visas and Immigration must follow this 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 CID.

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

## Purpose of this guidance

7. Section 48 of the Modern Slavery Act 2015 has not yet been commenced. The purpose of this interim statutory guidance is therefore to provide guidance that supports and enables the establishment of ICTAs and identifies 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, Border Force and Immigration Enforcement;
  - National Crime Agency;
  - The Crown Prosecution Service;
  - The ICTA Service Provider and any staff who will be providing the service to trafficked and potentially trafficked children identified in the Early Adopter Sites;
  - Organisations and their staff who work with trafficked and potentially trafficked children in the Early Adopter Sites, and
  - The Courts and Tribunals Service, Youth Justice Board.
8. To ensure the service provided in the Early Adopter Sites reflects the yet to be commenced legislation, this guidance will ensure Early Adopter Sites and other public authorities:
  - a. recognise and pay due regard to the ICTAs functions in line with Section 48(6)(e)(i) of the Modern Slavery Act 2015; and
  - b. provide ICTAs with access to information to enable them to carry out their role effectively in line with Section 48(6)(e)(ii) of the Modern Slavery Act 2015.
9. This guidance also provides for ICTAs to have a duty to act in the child’s best interests, in line with Section 48(4) of the Modern Slavery Act 2015; and provides

for ICTAs to assist the child to obtain legal advice and instruct legal representatives (where necessary and appropriate), in line with Section 48(5) of the Modern Slavery Act 2015.

10. This guidance is published under Section 49 of the Modern Slavery Act 2015.

## Who is this guidance for?

11. This guidance is aimed at all ICTA Service Provider staff as well as staff in public authorities and other non-governmental organisations in Greater Manchester,<sup>2</sup> Hampshire<sup>3</sup> and nationally in Wales<sup>4</sup> (and any future Early Adopter Site that ICTAs may operate in, in advance of national implementation).
12. In addition, this guidance is aimed at statutory and voluntary sector organisations who work nationally such as Border Force, the police, Immigration Enforcement, UK Visas and Immigration (UKVI) and the National Crime Agency who deliver services or functions in the Early Adopter Sites, who are likely to encounter potential child victims of trafficking or who are involved in supporting such potential victims.
13. This guidance should be read in conjunction with all 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 Greater Manchester and Hampshire and the Isle of Wight, this guidance should also be read in conjunction with the statutory guidance, [Care of unaccompanied and trafficked children \(2014\)](#) or any subsequent or update of this guidance. For local authorities in Wales, as child protection and safeguarding policy is devolved it should be read in conjunction with appropriate Welsh Government guidance [Safeguarding Children who may have been Trafficked](#). This guidance does not replace these existing guidance documents, rather it seeks to clarify and compliment them by highlighting the roles and responsibilities the new ICTA procedure creates.
15. This guidance will only apply to the Early Adopter Sites and the respective public authorities in those areas. This guidance will be time limited and will last for the duration of the ICTAs provision in the Early Adopter Sites, from January 2017.

---

<sup>2</sup> Comprising the following local authorities - Manchester; Trafford; Tameside; Rochdale; Wigan; Oldham; Stockport; Salford; Bolton; Bury; along with the related Police and Crime Commissioning areas:

<sup>3</sup> Comprising the following Tier 1 authorities Hampshire and Isle of Wight (including relevant district councils as appropriate), Portsmouth and Southampton and any Tier 2 district authorities; along with the related Police and Crime Commissioning areas:

<sup>4</sup> All 22 Local Authorities are detailed [here](#) along with the related Police and Crime Commissioning areas:

## Guiding principles and general considerations

16. In addition to the Modern Slavery Act 2015, those involved in supporting child victims should be familiar with other relevant legislation, including the [Human Rights Act 1998](#).
17. ICTAs should also be aware of the Children Acts [1989](#) and [2004](#) as well as 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).
18. ICTAs and public authorities should keep the following points in mind when discussing the support needs for trafficked children:
  - Child trafficking is child abuse and relevant child protection procedures, as set out in [Working together to safeguard children](#), must be followed if trafficking is suspected;
  - 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 potential victims of child trafficking and have a responsibility to act to protect these children from potential or actual harm, including referring them to appropriate organisations for support;
  - All public authorities and practitioners are expected to work together and contribute to whatever actions are needed to safeguard the child, promote their welfare and keep them safe from harm or further harm;
  - Children have the right to have their dignity respected;
  - The child or young person's views, wishes and feelings should always be sought and taken into consideration by their social worker/representative/trusted individual/ICTA 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 development process from childhood to adulthood, particularly during adolescence, involves significant changes in a wide range of areas, such as physical, emotional and cognitive development. Victims of trafficking may have suffered significant trauma as a result of their experiences which can have an impact on their individual developmental process. These factors need to be taken into account when determining how best to support the child;
- Local authorities should, where appropriate, consult other public authorities in the Early Adopter Site, as well as other local authorities across England, in respect of the availability of appropriate accommodation, when undertaking the risk assessment for the child 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 will 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 the child, 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 child victims of trafficking

19. 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 1989 or 2004 Children Acts.
20. All public authorities who come into contact with children in their everyday work need to be able to identify potential victims of child trafficking and be able to act to protect these children from potential or actual harm.
21. For public authorities who do not have regular contact with potential victims this might be difficult. They do, however, have a responsibility for identifying the child as a possible victim of trafficking and putting them in touch with the responsible authorities and support providers. Only organisations classed as [first responders](#) can refer a potential victim of trafficking into the NRM.
22. If a potential victim of child trafficking is encountered, effective child protection and safeguarding is the overriding priority.

23. As with potential adult victims, potential child victims 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 victims or provide stories for victims 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.
24. Victims' early accounts may also be affected by the impact of trauma. This could impact on the mental health of the child in a number of ways, which can result in symptoms including hostility, aggression, 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. The 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. They may also fear repercussions as a result of the stories they have been told by their traffickers..
25. Potential victims of child trafficking may be identified in different settings and in different ways – there is no single expected location in which trafficked children may be identified. This includes at school, when receiving healthcare treatment, via social services, during law enforcement action, on entry or exit at an airport, seaport, or via clandestine entry, or while in the criminal justice system. Potential child victims of trafficking can be UK nationals, European Economic Area<sup>5</sup> (EEA) nationals or non-EEA nationals and they may be identified in all geographical locations in the UK. Switzerland is neither an EU nor EEA member but is part of the single market - this means Swiss nationals have the same rights to live and work in the UK as other EEA nationals.
26. In addition, whether a child is a potential victim of trafficking 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 [Safeguarding of Children and Young People from Sexual Exploitation](#).

---

<sup>5</sup> The EEA includes EU countries and also Iceland, Liechtenstein and Norway.

## Possible indicators that a child may be a potential victim of trafficking

27. To understand more about possible indicators of trafficking see the Modern Slavery: [frontline staff guidance](#) and [National Referral Mechanism guidance for child first responders](#).
28. In addition, specific indicators of child sexual abuse are contained in [Safeguarding Children and Young People from sexual exploitation](#).

## Identifying UK nationals

29. British children under the age of 18 can also be trafficked both inside and outside the UK's national borders for all forms of exploitation.
30. Children who are UK nationals must be referred to the NRM, should they be considered to be potential victims of trafficking.

## Independent Child Trafficking Advocates (ICTAs)

### Overview

31. The main aim and purpose of the ICTA is to advocate on behalf of the child<sup>6</sup> 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.
32. The ICTAs 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 ICTA 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.
33. ICTAs, as far as practicable, should be **independent** of those authorities who are responsible for making decisions about the child. The public authorities who take decisions regarding, or providing services to, the child must recognise and pay due regard to the ICTA and provide information (subject to any restrictions on disclosure) to the ICTA to support them in performing this role.
34. ICTAs will not replace any existing provisions in the Early Adopter Sites concerning the support and safeguarding of children. ICTAs are an **additional resource** and

---

<sup>6</sup> The MSA 2015 defines children as those under the age of 18 (s.56).

should not impact on the provision of any other support provided by public authorities or required by the trafficked child as a result of the many varied needs they may have.

35. ICTAs 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.
36. An ICTA will be available to all potentially trafficked and trafficked children, irrespective of their nationality or immigration status, who are identified in the three Early Adopter Sites (Hampshire & Isle of Wight, Greater Manchester and Wales). This includes all nationalities of children, EEA, non-EEA nationals and for UK children who are trafficked internally within the UK as well as those subject to the [National Transfer Protocol](#) who are transferred into the Early Adopter Sites and become their responsibility.
37. ICTAs 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).
38. In cases where the child is involved in either the immigration or the criminal justice system, the ICTA 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. See [Exiting/transition from the ICTA provision: Immigration](#) and [Exiting/transition from the ICTA provision: Criminal Justice System](#) sections for further information.
39. 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' or 'legal 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 ICTA will not have 'parental responsibility' or 'legal responsibility' and so will not be able to make these decisions regarding the child's upbringing.
40. ICTAs are expected to provide the Home Office/external providers procured by the Home Office, with data as requested by the Home Office on a regular basis which relates to the child they are supporting. The data will focus on identifying outcomes for children who have an ICTA in order to support the assessment of the ICTA provision in the Early Adopter Sites.

## Role of the ICTA

41. Section 48 of the Modern Slavery Act 2015 provides for ICTAs. ICTAs will represent and support children where there are reasonable grounds to believe that they may have been trafficked. ICTAs will need to understand the unique and differing risks that affect children who are trafficked. ICTAs 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, even when this may mean 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 are 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 of the child, highlighting the different needs of trafficked children and promoting the safety and wellbeing of the child;
- 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 trafficked children who they are supporting if they have gone 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 or equivalent legislation in Wales, the Social Services and Well-being (Wales) Act 2014, Human Rights Act 1998 and the Equality Act 2010 and relevant case law.

## Referral to ICTAs provision

42. In line with existing [NRM guidance for child first responders](#), all agencies and organisations within the Early Adopter Sites who find themselves with grounds for concern that a person may be a victim of child trafficking have a responsibility for identifying the person as a possible victim and putting them in touch with the responsible authorities and support providers. However, in line with existing guidance, only organisations who are classed as '[first responders](#)' can refer a potential victim of trafficking into the NRM.
43. In the Early Adopter Sites, the same process will apply. Therefore, if a child is considered to be a potential victim of trafficking, the first responder must be informed. Once this identification has been made the first responder must:
- Firstly, refer the child through the normal safeguarding route in the Local Authority;
  - Secondly, complete dedicated ICTA pro-forma (even if the first responder is also an ICTA) and issue to the ICTA Service as soon as possible, or at least on the same calendar day, as the indicators of trafficking are identified and the child is considered to be a potential victim of trafficking; and
  - finally 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 ICTA referral process.

44. The 'first responder' will contact the ICTA by completing a dedicated [pro-forma](#) and send it to [trafficking.referrals@bypmk.cjsm.net](mailto:trafficking.referrals@bypmk.cjsm.net).
45. Each ICTA will also be a designated 'first responder' and will be able to make NRM referrals if required but they won't always be the first responder who identifies the child as a potential victim of trafficking. Where an ICTA is the first responder who identifies a potentially trafficked child (rather than the police or immigration authorities for example), they should still follow the same procedure as detailed above. They must still complete the ICTA pro forma to ensure the ICTA Service Provider is aware of the referral as this will enable the ICTA Service Provider to allocate an ICTA to the child (who may not always be the ICTA who identified the child as being potentially trafficked) in the usual manner.
46. **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 ICTA to the child and provides them with details of the child.**
47. The ICTA should acknowledge receipt of the pro forma and respond via email to advise:
- **who** will be attending to meet and represent the child;
  - the **location** of where the meeting will take place;
  - the **time** that the ICTA will be available to meet the child;
- to ensure there is a clear and agreed plan between all parties.

48. It is possible that the first meeting between the ICTA and the child will take place before the NRM referral is made by the first responder.
49. As the development of a trusted relationship with the child is fundamental to the role of the ICTA, we would expect the initial meeting always to be held face-to-face.
50. Regular face-to-face contact remains important in order to maintain a trusted relationship between the child and the ICTA, 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.
51. The ICTA Service Provider must be available to the first responders who will identify potentially trafficked children, 24 hours a day, 7 days a week, 365/6 days per year.
52. A contact/helpline number for the ICTA Service Provider [**0800 043 4303**] is available for clarification purposes, advice, case conferencing and emergency contact. If in the case of an emergency a referral is made to the ICTA Service Provider using the telephone number, it must be followed up using an e-mail of the dedicated proforma to ensure all cases are appropriately logged and identified between all parties.
53. 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, we would expect the referral to the ICTA to 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 to be terminated as a result of this information, it would however be expected that the ICTA would be involved in any further interviews or meetings in accordance with the usual process.
54. If a trafficked child is transferred into an Early Adopter Site e.g. they were referred into the NRM at an earlier date from a different location where ICTA's are not operating, the receiving local authority must advise the ICTA Service Provider of the child by completing the dedicated ICTA pro-forma and issuing it to the ICTA 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.cjism.net](mailto:trafficking.referrals@bypmk.cjism.net)

## Presumption of age/ establishing age

55. Section 51 of the Modern Slavery Act 2015 puts on a statutory footing the presumption that, where there are reasonable grounds to believe a person is a victim of modern slavery and, despite uncertainty, has reasonable grounds to believe that the person may be under 18, then they are to be treated as being under 18 years of age for the purposes of assistance and support under the Modern Slavery Act 2015 until an 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](#).

56. If an age assessment is required the ICTA 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 personally 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.
57. Where an age assessment is being undertaken, the potential victim of trafficking will remain entitled to an ICTA and support under the Modern Slavery Act 2015 as they are presumed to be a child until the definitive assessment is received.
58. 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 ICTA until a final determination has been made.
59. If the age assessment declares that the individual is over 18, then the individual ceases to be entitled to an ICTA and the ICTA should transition the individual out of the service and into existing mainstream adult provision as soon as possible from the final decision date.
60. 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.

## National Referral Mechanism (NRM) Referral

61. The referral process to the NRM has not been changed by this guidance. Therefore please refer to [NRM referral form and guidance notes](#).
62. If the first responder is unsure on whether a referral to the NRM should be made, the [competent authority](#) of the NRM should be contacted for advice.
63. The ICTA should support the first responder with the NRM referral by providing any additional information they obtain as a result of meeting with the child to further support the NRM process.
64. A child does not need to consent to being referred into the NRM. It is however, best 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.
65. Once the NRM form has been completed by the first responder and issued to the Competent Authority, the first responders should also send a copy of it to the ICTA using [trafficking.referrals@bypmk.cjsm.net](mailto:trafficking.referrals@bypmk.cjsm.net). This will advise the ICTA that the NRM referral has been made as well as enable the sharing of relevant information with them about the child.

## Out of hours contact

66. 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 potential child victim during unsocial hours.
67. In this scenario, the process is the same as that detailed above:-
- a. The first responder refers the child through the normal safeguarding route in the Local Authority,
  - b. The first responder completes the dedicated ICTA referral [pro forma](#) and sends it to [trafficking.referrals@bypmk.cjism.net](mailto:trafficking.referrals@bypmk.cjism.net);
  - c. The first responder begins the NRM referral process.
  - d. The ICTA Service Provider acknowledges receipt of the pro-forma and responds via email to advise who will be attending to meet the child, at what time and where;
- The existing process has not been changed. There is only an additional requirement of notifying the ICTA Service Provider of the potentially trafficked child.**
68. It is recognised that in this scenario the ICTA who may accept the referral and attend the first meeting with the child may not be the long term dedicated ICTA for the child. This should not diminish the service provided to the child by the ICTA. In scenarios where a child's case is transferred to another ICTA who may be more suitable, for example the child may request an ICTA of a different gender after an initial visit, a full and clear handover must be undertaken and documented.
69. If the referral is made out of hours the ICTA should be aware of the local authority out of hours contact in order to engage with them and to ensure the ICTA is able to contact the child in line with the agreed timings detailed above.
70. If the ICTA is unable to make contact with the local authority that is responsible for the care and support of the child, or if there is no response from the public authority to the ICTA's contact with them in 24 hours, the ICTA should consider escalating this issue to a lead contact in the public authority. The matter should also be raised in the ICTA's own hierarchy 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 ICTA meeting with the child.
71. We would always expect the initial meeting between the ICTA and the child to be face-to-face.

## Post referral to the ICTA

72. Once the first responder has referred the child to the ICTA Service Provider, the Provider must ensure that the child is allocated and have met with an ICTA as soon as possible, and **within a maximum of 24 hours of the original referral to the ICTA Service Provider**. If there are reasons why this is not possible or where additional time would be beneficial before meeting the child, this must be documented by the ICTA.
73. If possible and where appropriate, before the ICTA 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.
74. During this initial engagement, ICTAs should request and receive information which the public authorities already hold on the child. This will enable the ICTA to prepare for their initial and subsequent meetings with the child and enable the ICTA to be apprised 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.
75. For further information around handling and sharing sensitive information, ICTAs and other professionals involved in the care and support of children may wish to refer to [Information sharing: advice for practitioners providing safeguarding services](#).

## First meeting between ICTA and child

76. The development of a trusted relationship with the child is fundamental to the role of the ICTA. We would therefore expect the initial meeting between the ICTA and the child to always be face-to-face.
77. If the child speaks a different language, the safest and most preferable approach would be for the ICTA to be able to speak the same language, and if possible dialect, as the child to remove any miscommunication.
78. If this is not possible and an interpreter is required, the ICTA should ensure as far as possible, that the interpreter speaks the same language, including dialect, as the child.
79. In addition, if an interpreter is required the child should be provided with the opportunity to request the gender of the interpreter.
80. Where an interpreter is required, the ICTA should ensure, as far as possible, that the interpreter meets the child and interprets face-to-face, rather than over the telephone.

## Potential trafficking of UK children within the UK

81. It is important to recognise that the ICTA will represent all potential victims of child trafficking, including British national children/other children trafficked within the UK, in the Early Adopter Sites. See [Identifying UK nationals](#).
82. Although British national children will not require support from the ICTA from an immigration perspective, and may already be known to public authorities in the Early Adopter Sites, they will still benefit from the trusted relationship and single consistent point of contact that the ICTA provides.
83. In such cases there will still be a range of public authorities involved in the child's case. The ICTA's role therefore remains one of supporting and advocating across these public authorities to ensure the best interests of the child are recognised and acknowledged.

## ICTAs role after referral

84. It is important that the ICTA meets the child regularly 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.
85. ICTAs should 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 ICTA consistently. However, the child must have access to the service and to an ICTA at any time they need it.
86. Each child the ICTA works with will have their own unique and specific set of needs. ICTAs must be aware of this and use their knowledge and experience to ensure the best and most appropriate outcome is achieved for each child.

87. The ICTA will support the child through the care system, in particular in safety planning, age assessment and future planning, and assisting the local authority in identifying and planning defined pathways for the child's future.
88. The ICTA 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.
89. Where appropriate, the ICTA 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 if they are involved in the criminal justice system. This will enable the ICTA to develop a holistic understanding of the child and maintain a single consistent point of contact for them.
90. The ICTA will provide support to the child on immigration matters such as ensuring applications are made appropriately and in time. If such support is required, the ICTA supporting the child must be registered with the [Office of the Immigration Services Commissioner](#) (OISC), or seek the support of an ICTA who is registered with the OISC, or seek independent legal advice as only then can advice be provided on immigration matters.
91. The ICTA 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.
92. The ICTA will also support the child through the criminal justice process if they are witnesses or victims of defendants in a criminal trial.

## ICTAs ongoing involvement and engagement with public authorities

93. As a prerequisite to becoming an Early Adopter Site it has been agreed that ICTAs 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. This includes multi agency meetings as well as those involving individual agencies. These will include, for example, those with the local authority, police, immigration and those which may take place within the criminal justice system. They must also be informed of all decisions relating to the child.
94. This approach will enable the creation of a single point of knowledge about the child. The ICTA'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.
95. The public authorities in the Early Adopter Sites must provide the ICTA with access to all relevant information, subject to any restrictions on the disclosure of the information, relating to the child to enable the ICTA to perform their role effectively.
96. Likewise, the ICTA must share relevant information they have obtained from their meetings with the child with public authorities to enable them to continue to perform their role in the child's support and care, effectively.
97. 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 ICTAs role of acting in the child's best interests.
98. Such multi-lateral and diverse engagement will provide the ICTA with a holistic view of the child and allow the ICTA to proactively take part in these meetings.
99. This knowledge will enable the ICTA 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.
100. ICTAs should receive information from public authorities in a timely fashion a **minimum of 2 working days** before a meeting where practicable. 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 ICTA to be fully prepared when attending meetings with professionals and subsequently with the child. This will also enable ICTAs 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.
101. It must be acknowledged that there will be occasions where the child's ICTA is not available to attend certain multi-agency meetings between public authorities or those involving individual agencies in the Early Adopter Sites 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 ICTA cannot attend.

102. In such scenarios the ICTA should arrange and brief an alternative ICTA 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. ICTAs 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.
103. During discussion about the child, ICTAs 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 of the child, which might be unique to that child.
104. ICTAs 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.
105. ICTAs would be expected to influence discussions and approaches suggested by the public authorities in the Early Adopter Sites which impact on the child, effectively, ensuring the best interests of the child are reflected in the outcome. ICTAs would also need to recognise when they need to raise a safeguarding concern or escalate a contentious issue and to whom through agreed escalation procedures, whilst at the same time maintaining effective relationships with key professionals.
106. Public authorities in the Early Adopter Sites should recognise the holistic perspective that the ICTA brings to all discussions regarding the child and must pay due regard to the input and advice provided by the ICTA. To achieve this, as detailed above, public authorities in the Early Adopter Sites must provide the ICTA with access to all relevant information relating to the child. The public authorities should work collaboratively with the ICTA to identify and achieve the best possible outcome for the child within existing public authority safeguarding arrangements.
107. The Early Adopter Sites are expected to provide the Home Office/external providers procured by the Home Office, with data as requested by the Home Office on a regular basis which relates to the children who have an ICTA, who they are responsible for.
108. As ICTAs do not have 'parental responsibility' or 'legal 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

109. Where an ICTA 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.
110. If an ICTA 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 ICTA 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 ICTA Service Providers' own escalation processes to try and review the outcome.
111. Only once these options and any others which are not detailed here have been exhausted, should the ICTA 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.
112. The public authority must recognise that the ICTA can perform this role in order to continue their role of acting in the best interests of the child.
113. 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.

## Missing and contact with traffickers

114. Where a child is a potential victim of trafficking, 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. As a result of these missing episodes, 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.
115. Statutory guidance on [children who run away or go missing from home or care](#) 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.
116. 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. Therefore, 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 ICTA to make contact with the child as soon as possible.
117. Equally it is important for the ICTA to be given early sight of information relating to the child and to have the opportunity to provide input into discussions on the child's behalf regarding the different needs of trafficked children, when key decisions are being made, acknowledging that final decisions remain with the relevant public authority.
118. 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.
119. The ICTA must 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.
120. If a child the ICTA is representing in an Early Adopter Site goes missing, the ICTA 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 [Competent Authority](#) (CA) whether the CA will suspend or proceed to take a decision on the child's NRM status in the;

- 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 conducted and this should be detailed in the care plan. Therefore consideration should be given to the child's potential exposure to trafficking indicators during their return home interview. All relevant learning from the return home interview should be shared with all relevant parties.

## Exiting/transition from the ICTA provision

121. It is important that all potentially trafficked children in the Early Adopter Sites are provided with and have access to, an ICTA. The ICTA 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.
122. ICTAs should plan well in advance where this end date is known, for example a 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.
123. 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 ICTA 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.

## Exiting/transition from the ICTA provision: Immigration

124. The ICTA should support the child through all their meetings and/or interviews where those take place with Border Force, UKVI, Immigration Enforcement or NCA Modern Slavery and Human Trafficking Unit (MSHTU) regarding the child's Reasonable Grounds (RG) determination, and, if appropriate, their Conclusive Grounds (CG) determination.
125. The outcome of this 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 have been trafficked and therefore is no longer eligible for the ICTA provision. Following a negative decision, the child should be transferred to existing mainstream provision within **three months** of the decision being made.
126. The child, with the support of the ICTA, may wish to seek a reconsideration of the RG or CG decision which has been made by the [CA](#). If the ICTA was not the first responder involved in the case originally, they will need to discuss the reconsideration request with the support provider or first responder as to whether they are willing to make a reconsideration request.

127. In such cases the child remains entitled to the ICTA provision until the outcome of the reconsideration has been reached where the competent authority has agreed to reconsider. The existing process for reconsideration remains in place, which means that only the support provider or first responder involved in the case can request a reconsideration of the decision.
128. If, as a result of any reconsideration the negative determination (whether RG or CG) is to be amended, the child remains entitled to an ICTA. If the reconsideration where one takes place is not successful and the negative determination (whether RG or CG) is upheld, the child becomes ineligible for the ICTA provision. Following a negative decision, the child should be transferred to existing mainstream provision within **three months** of the decision being made.
129. If the child wishes to undertake a Judicial Review (JR) of the Competent Authority's decision, the ICTA would remain in place supporting the child until the JR process is complete or until the child becomes 18 years of age whichever is sooner.
130. As the overarching objective of the ICTA is to support and advocate in the best interests of the child, where a child has received a negative determination and exits the NRM, the ICTA 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 ICTA 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.
131. If the child receives a positive CG determination and they are also in the process of claiming Discretionary Leave to Remain or asylum, they will continue to receive the support of the ICTA.
132. This support will continue until the conclusion of any appeals process where there is a right of appeal as well as the conclusion of any JR process relating to the refusal to grant any form of leave to remain in the UK or asylum.
133. In this scenario, the ICTA will continue to support the child until the process is complete or until the child becomes 18 years of age whichever is sooner, at which time they will transition into existing support.

### Exiting/transition from the ICTA provision: Criminal Justice System

134. A child may retain an ICTA beyond 18 months if they are a defendant, victim, or witness in a case that is being taken through the criminal justice system where it relates to their status as a trafficked child or is likely to have a severe detrimental impact on the child's wellbeing. The support of the ICTA 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.
135. In this scenario, the ICTA 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 ICTA will not be reinstated.

## Exiting/transition from the ICTA provision: Learning disabilities

136. Whilst the ICTA provides support for the child for 18 months or until the child becomes 18 (whichever is sooner), we appreciate that children and young people develop at different rates and that some may have additional needs due to learning disabilities which may make them particularly at risk of re-trafficking and exploitation.
137. The ICTA would be best placed to provide this ongoing support. Therefore, if the child has a diagnosed learning disability the ICTA would continue to provide support for the child for an additional transitional period of **three months** or until the child reaches 18 years of age.
138. During this period the ICTA 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.
139. At least one month before the end of the three months, the ICTA 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 ICTA support is required after this three month period the reasons for this must be documented by the ICTA.

## Refusal of ICTA support / Opting out of the process

140. All children who are identified as trafficked or potentially trafficked within the Early Adopter Sites will be allocated an ICTA.
141. There may be occasions however where the child does not want to engage with the ICTA as they already have an existing 'responsible adult' in their lives, this could be a social worker for example.
142. The child cannot and should not be made to engage with an ICTA if they do not want to. The ICTA however would still be required to perform important functions to protect the child. These could include ensuring any missing episodes are investigated, to use their knowledge and experience to advocate for appropriate accommodation for the child and to ensure the child's views are given due weight by decision-makers. The ICTA should therefore work with the 'responsible adult' 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.
143. In the case of internally trafficked children, the child's parent or person with parental responsibility may wish to decline or ask for the child to leave the advocacy service. In this scenario, the ICTA should discuss the request to leave with the parent or person with parental responsibility to ensure the child will continue to be

adequately supported in the ICTAs absence. They should also speak with the child to obtain their views on leaving the service.

144. If the parent or person with parental responsibility still wishes to remove the child from the service, the ICTA should document the parents' wishes as well as record the views of the child regarding leaving the service. As a result the ICTA may not be able to fully engage with the child. However, the ICTA would still be expected to perform important functions to protect the child. These may include ensuring any missing episodes are investigated and using their knowledge and experience to ensure the best interests of the child are reflected at all appropriate meetings and engagements with statutory agencies and public authorities including any subsequent care proceedings.

### **Complaints procedure for ICTAs**

145. The Service Provider shall develop and implement a complaints procedure for children supported by ICTAs. It will enable complaints about the advice and guidance provided by the ICTA to be raised and addressed.
146. The procedure shall be easy for children to understand and access, and be available in an appropriate language.
147. All reasonable endeavours will be made to ensure the child understands the reply to the complaint.

## Annex A

### High level overview of the ICTA referral process

- The role of the first responder will not change in terms of NRM referrals.
- The only addition to the first responder's role is the completion of the pro forma which alerts the ICTA to the child and provides them with details of the child;
- This pro forma must be sent on the same calendar day as the child is identified as a potential victim of trafficking;
- The child must be allocated and have met with an ICTA within a maximum of 24 hours of the original referral.



