



Kevin Hyland OBE
Independent Anti-Slavery Commissioner

T: +44 (0) 20 3513 0440
E: IASC@antislaverycommissioner.gsi.gov.uk
5th Floor, Globe House, 89 Eccleston Square, London, SW1V 1PN

Karen Bradley MP
Minister for Preventing Abuse, Exploitation and Crime
Home Office
2 Marsham Street
London SW1P 4DF

Friday 29th April 2016

Dear Karen,

**Independent Child Trafficking Advocates trial:
Recommendations for next steps**

I am writing to you to express my views, concerns and recommendations for the next steps of the Independent Child Trafficking Advocates trial.

Trafficked children, as well as children at risk of being trafficked, are the most vulnerable for future harm, abuse and exploitation for various reasons, including loyalty to their trafficker, lack of trust in the authorities, lack of education, poor knowledge of English, separation from their family. Protection of these vulnerable children is a priority that requires a coordinated and immediate response. Section 48 of the Modern Slavery Act clearly states that the duty of the Independent Child Trafficking Advocate is to promote the child's wellbeing and act in the child's best interest. It is essential to ensure child advocates are put in place as soon as possible, and that they are empowered and capable to achieve what is required from them to meet the high level of expectation.

I commend the Government's commitment to ensure an effective system of child advocates is in place to prevent any further exploitation and abuse of trafficked children, and therefore I support the idea of the second phase of trials. However, we must ensure that all possible protection measures, in both pilot and non-pilot areas, are put in place and are implemented to ensure trafficked children are better protected and supported in line with current legislation and policies. Part III of the Children's Act 1989 clearly states that it is a general duty of every local authority, amongst others, to safeguard and promote the welfare of children within their

area who are in need. We have to address the risk of children going missing from local authority care imminently. Vulnerable children cannot wait for two more years whilst we are searching for better solutions to respond to their needs. It is our legal and moral duty to protect and safeguard these children.

It is encouraging that the evaluation of the Independent Child Trafficking Advocates trial published by the University of Bedfordshire found the child advocate's role was considered to be beneficial by children themselves, as well as by many other stakeholders and was successful in coordinating actions between various agencies while maintaining a holistic view of a child's life. Whilst the evaluation showed positive results in some areas of the advocate's intervention and provided overall added value to existing services, I do share the remaining concerns about lack of evidence indicating a reduction in the number of children going missing, as well as limited evidence of benefits in terms of involvement with the immigration and criminal justice systems. Therefore, I do believe that further work on the child advocates is needed to get model fit for purpose. However, we have to ensure interim measures are in place to ensure that every day child victims of trafficking are rescued, protected and given the necessary support to rebuild their lives.

IASC recommendations:

These my key recommendations, in addition to my previously shared recommendations that have already been included in the Government's proposed next steps to continue the child trafficking advocates trials:

1) A culturally tailored approach

I was encouraged to learn that one of the potential proposals already includes my recommendations on culturally tailored interventions. I agree that more focus should be put on better informed campaigning and up-stream prevention in countries of origin. However, there is also a need for a culturally tailored response within the UK that would require the child advocate to be trained to understand various cultures and subtleties of dealing with children coming from a specific country or region.

The evaluation report showed that children who went permanently missing were predominantly from Vietnam. As you know, in autumn last year I led a fact-finding mission to Vietnam upon the request of the Prime Minister in order to identify what more UK Government could do to address trafficking of Vietnamese adults and children to the UK. My findings and recommendations will soon be presented in a report, which will better inform the UK's response, in particular with the view of identifying, assisting and protecting Vietnamese trafficked children.

2) Accountability and crime recording

As you know, over the past six months I have been actively promoting compliance with crime recording procedures for all alleged cases of modern slavery and human trafficking. Recording a crime ensures that investigations are conducted to disrupt criminal networks, and also increases the chances of victims, including children, being able to access crucial forms of support. Without an investigation, criminals who abuse children will continue to operate with impunity.

In 2015 a total of 982 children were referred to the NRM as potential victims of modern slavery. This number of referrals exceeds the total of 844 crime reports for both adults and children for the same period. Therefore it is clear that not all cases involving a minor have been recorded as a crime. I have already raised my concerns with the national policing lead for modern slavery, Chief Constable Shaun Sawyer, as I am clear that it is incumbent on all law enforcement agencies to coordinate and develop responses that ensure all alleged modern slavery crimes are recorded and investigated.

Each and every case of child trafficking must be properly recorded and investigated as a crime. This will create a process of accountability, as well as facilitate victims' access to the criminal justice system. It is important to note that the recording of a crime does not compel a victim to cooperate with law enforcement. The role of the child advocate would be to facilitate the child's journey through this complicated process and to ensure that the child's best interest is at its heart.

3) Building on existing models to provide continuity

The initial Independent Child Trafficking Advocates trial and its evaluation report have provided a good amount of information on what worked well and what did not, and why. In some cases the outcomes did not meet the expectations. I am glad to see that a lot of lessons have already been taken on board and are included in the new proposals for the next phase, such as the removal of allocation of a child trafficking advocate via a local authority SPOC to allow for different referral routes and, most importantly, to avoid any delays in children getting a designated advocate. I am pleased to see that the new model will test legal powers for the child advocates to enable them to get involved in the decision making process and, where necessary, instruct legal representation. To achieve the most out of the new phase, attention must be given to the extent to which public authorities engage with the child advocate as stipulated in the Modern Slavery Act.

I am concerned that any new trial will commence from scratch and will involve a procurement procedure requiring recruitment and training of new advocates, identification of new partners,

including local authorities. In my opinion, this would potentially cause unnecessary delays in implementation of the second phase of the trial. Therefore, I would strongly recommend building the second phase on already existing knowledge and (effective) structures established during the first phase.

In addition, I believe it is important to identify what has happened and is continuing to happen with the children who benefited from having advocates in the first phase. It is important to assess their needs and, where necessary, consider including them in the second phase to secure their protection. This will bring added value to the assessment of the trials in their entirety.

4) Independent evaluation mechanism

I strongly believe that new proposed trials must be supported by a transparent, independent evaluation mechanism, with clear and measurable outcomes for children. This may be embodied in a multi-disciplinary panel formed of recognised experts in the field of child protection, safeguarding, policy making, criminal justice, as well as modern slavery. The panel should be able to receive information about the trials continuously and meet regularly to discuss the progress. If at any point, for example mid-term evaluation, the panel considers that the pilots are successful then the Government should proceed with implementation as soon as possible. Meanwhile, I believe that consideration must be given to interim measures to ensure that in the course of the next two years trafficked children are better supported and protected.

To conclude, I would like to reiterate that protection of trafficked children, and children at risk of being trafficked, is a priority and requires a co-ordinated and immediate response. I welcome the Government's commitment to introducing an effective system of child advocates. It is certainly important to get the model right. However we cannot afford to let children suffer in silence and continue to go missing. There is a duty on all statutory agencies to protect children and for safeguarding measures to be effective in line with current legislation and policies. As we have seen on a number of occasions, failings to provide safeguarding can have catastrophic consequences.

With best wishes,

A handwritten signature in black ink, appearing to read 'Kevin Hyland', with a stylized, looped flourish at the end.

Kevin Hyland

UK Independent Anti-Slavery Commissioner