

Home Affairs Committee

Oral evidence: [Human Trafficking](#), HC 1142

Wednesday 21 June 2023

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Members present: Dame Diana Johnson (Chair); Lee Anderson; Paula Barker; James Daly; Simon Fell; Tim Loughton; Alison Thewliss.

Questions 306 - 427

Witnesses

I: Major Kathy Betteridge, Director of Anti-Trafficking and Modern Slavery, The Salvation Army; James Fookes, Chair, Anti-Trafficking Monitoring Group (ATMG); Elaine Bass, Director, National Returns Progression Command, Home Office; and Siobhan Jolliffe, Head, Single Competent Authority, Home Office.

II: Laura Durán, Head of Policy, Advocacy and Research, ECPAT UK; Allyson Davies, Assistant Director Children's Services, Barnardo's National Counter Trafficking Service, Independent Child Trafficking Guardianship Service (ICTGS); and Danny Bayraktarova, Public Law and Human Rights solicitor, Wilson Solicitors LLP.

Written evidence from witnesses:

[The Salvation Army](#)

[Anti-Trafficking Monitoring Group](#)

[Home Office](#)

[ECPAT UK](#)

[Barnardo's](#)

[Wilson Solicitors LLP](#)



Examination of witnesses

Witnesses: Major Kathy Betteridge, James Fookes, Elaine Bass and Siobhan Jolliffe.

Q306 **Chair:** Good morning. Welcome to the Home Affairs Select Committee. This is our next evidence session on the human trafficking inquiry that we are undertaking. Before we begin, I want to mark the 75th anniversary of the arrival of HMT Empire Windrush, which is tomorrow, 22 June. This Committee remains committed to holding the Home Office to account in ensuring that victims of the Windrush scandal are fully compensated.

Turning to our human trafficking inquiry, this morning we have two panels, and I would like to welcome our first panel. If you would you like to introduce yourselves and say where you are from, that would be very helpful.

Siobhan Jolliffe: I am Siobhan Jolliffe. I head up the Single Competent Authority within the Home Office.

Elaine Bass: I am Elaine Bass. I work in immigration enforcement in the National Returns Progression Command, and I am responsible for the Immigration Enforcement Competent Authority.

Major Betteridge: I am Major Kathy Betteridge. I am the director for our anti-trafficking and modern slavery work at the Salvation Army across the United Kingdom and Ireland.

James Fookes: I am Jamie Fookes. I am chair of the Anti-Trafficking Monitoring Group, which is a group of NGOs that monitor the UK's compliance with trafficking legislation.

Q307 **Chair:** Thank you. Today we want to focus mainly on the NRM, the national referral mechanism. I want to start us off so that we fully understand how this operates. In a session we had a little while ago, we were discussing women who had been trafficked into the UK for sexual exploitation and who may find themselves advertised on pimping websites. Can someone help me and explain the process that a woman in that situation who came to the attention of the authorities would go through in accessing the NRM? Who would like to do that?

Siobhan Jolliffe: I can take that one, and Kathy will probably want to come in as well.

Chair: Could you speak up a little bit? The fans are on and it is a little noisy in here.

Siobhan Jolliffe: That is fine. Let me know if I am shouting at you.

The individual would be encountered by a first responder, first of all—so a member of the police, a local authority or an NGO as a recognised first responder. If they recognise the indicators of modern slavery or trafficking exploitation, they would refer that individual into the national



referral mechanism if that individual gave their consent to be referred. If they did not give their consent to be referred, certain first responders have an obligation to submit what is called a duty to notify, so that the Home Office and the wider estate can understand the potential scale of slavery and trafficking, even if those individuals are not within the modern slavery system. Upon receipt of that referral, the competent authorities would ensure that the case went to the correct competent authority, depending on the cohort of cases that the individual fell into—so either the single competent authority or the Immigration Enforcement Competent Authority.

Q308 **Chair:** Just explain that, because I think we are all confused as to why there are two competent authorities.

Siobhan Jolliffe: The Immigration Enforcement Competent Authority, which Elaine looks after, is responsible for cases concerning adults within certain cohorts linked to the immigration system. Elaine, I don't know if you have got it on the top of your head.

Elaine Bass: I do, yes. The Immigration Enforcement Competent Authority was set up in November 2021. It was at a time when we had seen a significant increase in the levels of NRM referrals from individuals in detention—both foreign national offenders and immigration offenders. We had seen, in the foreign national offender space, levels of referrals increase from about 18 a month in 2019 to over 85 a month in the early part of 2021. On the immigration offender side, we had seen a significant increase in referrals from individuals in detention, which had risen from 3% in 2017, to 16% by 2019 and then to 40% in 2021.

So it was decided to set up a competent authority within immigration enforcement to try to streamline decision making so that the decision makers responsible for considering the NRM referral could sit alongside Home Office decision makers and have access to relevant information on that individual's immigration status, to have a ready stream of information between the two areas.

To make it absolutely clear, the people in the Immigration Enforcement Competent Authority have no responsibility at all for immigration status decisions. They are there to recognise individuals who have been referred in and to decide those referrals, whether or not people are a victim of trafficking. They do not make decisions on individuals' immigration status. They are completely separate.

Q309 **Chair:** Thank you. Siobhan, could you carry on with the journey?

Siobhan Jolliffe: Of course. Once the case is assigned to the correct competent authority, the first-stage decision making is called the reasonable grounds decision and—I will come on to this in a moment—the second grounds decision is called the conclusive grounds decision.

The reasonable grounds stage is a decision that will be taken as soon as possible. That potentially opens the gateway to support provision,



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although an individual can access support before their RG decision if they are in a situation of destitution or if a risk assessment judges that they require that support before the reasonable grounds decision is made. Information will be gathered, and the reasonable grounds decision will be made as quickly as possible.

Q310 **Chair:** What happens to the woman in this case? During the period that you are compiling your evidence or information, where does she go? She has come to the attention of the authorities. Someone has said, "Yes, we think there is an issue here. We think she should be referred into the NRM." What physically happens to her? Is this the point that she goes into the Salvation Army?

Siobhan Jolliffe: It depends on the individual's circumstances. If she required safe-house accommodation, for example, to remove her from a situation of exploitation, that would be a situation where pre-reasonable grounds decision support would likely be provided in line with the risk assessment that would be undertaken by our colleagues in the Salvation Army as part of the delivery of the modern slavery victim care contract.

At the reasonable grounds stage, information is gathered and considered. A reasonable grounds decision is returned either positive or negative. If it is a positive decision and the individual is not already in NRM support and would like to access NRM support, they become eligible for it. Again, that is a consent-based system, and our colleagues in the Salvation Army will be probably much better equipped than I to talk to you about the specific provision that can come in under that.

On the decision making side of things, the case would then enter the conclusive grounds decision-making stage. More information would be gathered about the case to ensure that we have the full range of information available and then a decision will be made at what is called the conclusive stage to conclusively determine whether the individual is or is not a victim.

At that point, if the individual receives a negative conclusive grounds decision, and they are in support, they will receive a further nine calendar days of that support to enable them to move into other services or to make arrangements. If they receive a positive decision, they will receive at least 45 further days of support. During that time, they will move into what is called the recovery needs assessment process, where further assessments are made of their needs to ensure that they are able to be supported towards recovery from their exploitation.

Q311 **Chair:** Okay, thank you. Would you like to say something, Major Betteridge, about what happens to the woman I am talking about during this process?

Major Betteridge: As Siobhan has said, if the woman is destitute and is in one of our safe houses, she will receive support during the period while she is waiting for her reasonable grounds decision. Once that comes



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through, if it is positive, she will remain in the safe house and receive the support that the NRM entitles her to receive under the ECAT entitlement.

Q312 **Chair:** Why is it taking so long for these cases to go through this process?

Siobhan Jolliffe: Through the decision-making process—the reasonable grounds and the conclusive grounds? There are a number of factors, one of which is resourcing of the competent authority. The number of referrals coming into the system has increased very considerably, as anybody looking at the statistics can see. I think it is over 600% between 2014 and the last full year of data. Competent authority resourcing has not followed the same trajectory, which is something that we are now in the process of addressing. We are already seeing the impact of additional decision makers who have already come in—

Q313 **Chair:** More decision makers are coming in?

Siobhan Jolliffe: Yes.

Chair: When did they arrive?

Siobhan Jolliffe: We have already had some decision makers arrive. Between 2021 and 2022, our output on conclusive grounds decisions has gone up by over 100% because we have been bringing in additional resource, as well as increasing efficiency within our decision-making processes. By the end of this year, we are planning to bring in an additional 200 decision makers to work across decision types in the national referral mechanism system, between IECA and the SCA.

Q314 **Chair:** Another 200 caseworkers?

Siobhan Jolliffe: Yes.

Q315 **Chair:** How many caseworkers do you have at the moment?

Siobhan Jolliffe: Around 300, at the moment.

Q316 **Chair:** You have 300 and you are adding another 200?

Siobhan Jolliffe: Yes.

Q317 **Chair:** Okay. Do you have a target for getting the number of days down, because it is over 500 at the moment, isn't it?

Siobhan Jolliffe: There is no specific target. A decision can only be made when the relevant information has been gathered to make that decision, effectively. We want it to be as low as possible, of course, in terms of the service to the individuals we are here to serve, but it is also just good, efficient Government practice in making those decisions.

In terms of the factors involved in the longer decision-making times that you asked about, the resourcing is one part of it, but it is only one part of it. It is critical that the competent authorities receive good information into the system so that decisions can be made as quickly as possible. So



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there is work being done with first-responder organisations. We are doing work on the information-gathering stages as part of the decision-making process, to ensure that we can gather and assess information as quickly as possible, as well as a range of operational initiatives that we can certainly go into detail on—maybe we can do that separately at some point—to ensure that the process moves as quickly as possible once the information is received into the—

Q318 **Chair:** Okay, I will go to you, James. Is there anything you want to add to this by way of example?

James Fookes: It is worth highlighting ongoing issues with the first responder system as it currently exists. That is partly reflected in the very sharp increase in the “duty to notify” statistics. We are seeing a large rise in the number of people who do not consent to entering into the NRM.

I am also seeing issues with capacities of NGO first responders, who are increasingly unable to refer people into the NRM, because the numbers are becoming so high and they do not have the resources. Therefore, you also have the issues with being able to gather evidence in time and to provide, as Siobhan was saying, an evidence base to make a quicker decision within the NRM.

It is also worth noting that it is basically on a voluntary basis—who is a first responder. Within the MSVCC, it is not like a set-up, paid position that you get lots of support for. You are basically just a volunteer. You do not get any extra resourcing to be a first responder, especially if you are an NGO. They are doing that on top of all of their other casework, and that will have an impact.

Chair: Okay, thank you. Carolyn Harris, did you want to come in?

Q319 **Carolyn Harris:** Can I come back to you, Siobhan? You mentioned the claims that people make. If a person has an asylum claim in, as well as being a suspected victim of modern slavery, which of those takes priority?

Siobhan Jolliffe: One point is that we talk about referrals within the national referral mechanism space. Individuals cannot self-refer into the NRM system. It comes through the first responders rather than claims. There is no question of primacy. Those are separate decisions. Depending, of course, on the individual’s case, the same set of facts and circumstances may be informing an asylum claim, as it does kind of constitute an NRM referral.

So we try to make sure that the information-gathering systems are smooth. If an individual has, for example, already had an asylum interview, the NRM decision makers will be able to access that interview so that the individual does not need to tell their story again and again—we try to reduce the opportunity or the potential for retraumatisation—but the decisions are very separate decisions.



Q320 **Carolyn Harris:** I am really interested to know how capable the decision makers are to make these decisions and what kind of training they have. How involved in the system have they been before they become decision makers?

Siobhan Jolliffe: I can talk to you about the training that we undertake for our decision makers and how capable they are. We have a strong assurance mechanism within our decision-making frameworks that makes sure that people are adequately supported as they go through training. Even once they are out of training, we have appropriate checking of decisions to maintain high-quality standards, which is something we are always striving for. Our staff—you would expect me to say nothing less—are dedicated and committed.

Q321 **Carolyn Harris:** How long is the training programme?

Siobhan Jolliffe: Around five weeks will take somebody from coming in the door of the Home Office through their initial training on some decision types. It depends where our requirement is at the point that the individual enters into employment as to which decision type we will train them on. Eventually, the idea is that all of our decision makers will be cross-trained across as many decision types as possible, so that we have maximum flexibility in our deployment of resource.

Q322 **Carolyn Harris:** It is actually the system that makes the decision—the individual inputs the information into a system of some sort for a decision to be made.

Siobhan Jolliffe: No. Decision makers make the decision, based on the information that comes into the competent authority, using the statutory guidance and the training that they have been given to be able to establish the thresholds and assess the information and evidence in front of them.

Chair: Paula, did you have a small question to follow up?

Q323 **Paula Barker:** Yes, please. Elaine, obviously you are the director for the National Returns Progression Command and responsible for leading on returns of immigration offenders. How many returns have you overseen since you have been in post?

Elaine Bass: All returns, or are we talking about modern slavery?

Paula Barker: Modern slavery.

Elaine Bass: I could not tell you—sorry, I do not have that statistic with me. We can write to the Committee and give you that. Over what period of time do you want it?

Paula Barker: Since you have been in post.

Elaine Bass: I have been in post doing returns since 2016.



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Chair: Hopefully, it is quite a lot, is it?

Q324 **Paula Barker:** I am a bit incredulous that you do not know, when that is your role.

Elaine Bass: I don't know the breakdown of the numbers of modern slavery victims, specifically, that I have returned, or that my teams have returned, over that period, but I can certainly write to you with that information.

Paula Barker: Yes, that would be really helpful. Thank you.

Q325 **Chair:** Can I just clarify? You said that it is five weeks training for the caseworkers and then they are straight in. Are they at full capacity after five weeks?

Siobhan Jolliffe: No. Five weeks training will get somebody to working on live cases. In that five weeks training they will be shadowing and seeing live cases being worked. At that point, they will enter into live cases with a really strong support network around them to ensure that they are able to ask questions of more experienced decision makers, technical specialists and their managers.

They will then enter what is called a checking period and a sign-off period. Decision makers are required to make a certain number of decisions to a certain standard before they achieve what is called sign-off, which essentially means that they can work more independently with less checking.

Q326 **Chair:** When is that? How long does that take?

Siobhan Jolliffe: It depends on the individual decision maker and the number of checks that reach the quality standard that we expect before we will allow for independent working.

Q327 **Chair:** I am conscious that the National Audit Office produced a report last week that made a lot of comments about caseworkers in the Home Office and about how long it takes to train the actual numbers of people making decisions. You have told me that you have 300 and you are getting another 200 but, in terms of how long it takes to train somebody, it obviously takes much longer than five weeks for them to make independent decisions. So how long is it? Six months, a year?

Siobhan Jolliffe: It depends on the individual decision maker. Six months is probably broadly what we would expect to see for somebody to be fully signed off.

Q328 **Chair:** Six months. Are you fishing in the same pool as general asylum decision makers? The Home Office has a huge target to meet by the summer; they are supposed to be at 1,800 by the summer. Obviously, it is the summer now, and I think the Home Secretary told us last week that they were at about 1,300. So they are looking for 500 caseworkers. Are you fishing in that same pool? I imagine you are.



Siobhan Jolliffe: Yes, in short, we are. We are looking for individuals with the same skills and capabilities who are available to take employment at the same time, so yes.

Q329 **James Daly:** Elaine, can I ask you a very brief question? I have a brief here that says that you are responsible for leading on returns of immigration offenders and non-foreign national offenders. This is probably my misunderstanding, but your role is to oversee the removal process of people who are not granted asylum in this country—is that right?

Elaine Bass: There is a separate command in the Home Office that deals with the removal of foreign national offenders. I am responsible for the enforced involuntary return of immigration offenders—so failed asylum seekers, any individual who has overstayed, illegal entrants and so on. It is immigration offences rather than foreign national offenders.

Q330 **James Daly:** You did not have those figures for Mrs Barker's question, but could you give us an idea of the success or not of our policies and procedures that are in place to remove people from this country? The impression I get is that it is spectacularly unsuccessful and basically most people remain here no matter what the decision is. Is that an accurate reflection of the position, or is it somewhat different to that?

Elaine Bass: I do not think that is a completely accurate impression. There was a drop in performance during the covid period, which is to be expected. We are now seeing an upturn in all returns performance across the piece—foreign national offenders removals, enforced returns and voluntary returns. Our levels of returns are returning to 2019 levels.

I will not pretend there are no challenges; there are lots of challenges to removing individuals—lots of individuals who raise barriers to return, such as at the last minute when they are detained, and we have to give them full consideration. There are obviously lots of challenges, but performance is improving and on an upward trajectory.

Q331 **James Daly:** Thank you very much for that.

Siobhan, can I ask you a question? Again, forgive me for my ignorance, but why do we have two separate processes? Again, I may be misunderstanding the system. If someone applies for asylum, they are also referred into this mechanism. Why do we have a dual process? Why can't it be one process?

Siobhan Jolliffe: Asylum decision making and national referral mechanism decision making, as you say, are separate decision points. That is because they are doing separate things. An application for asylum will often consider the same information and the same case circumstances—

Q332 **James Daly:** I am sorry to interrupt, but that was my point. What you seem to be suggesting is that both processes may involve a different



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decision, in the sense that you are trying to establish different facts, but it is the same information that is given—

James Fookes: May I come in here? I think there is a misunderstanding. The NRM is not an immigration decision-making process. It is the decision-making process over whether or not someone is entitled to victim support as a result of being the victim of a crime. It is not an immigration process.

Q333 **James Daly:** I understand that, but we are trying to look at efficiency within the system and trying to cut out inefficiencies. I don't see why it isn't possible to have the NRM and the asylum process decided by one decision maker if the information is essentially the same. What is your view on that?

Siobhan Jolliffe: The information may be the same. It also may be entirely different. Somebody could be making an application for asylum based on the circumstances or an event that has happened that falls entirely outside of modern slavery and human trafficking, and vice versa. As I mentioned, in cases where the same or similar information is being accessed in both systems, we have systems in place to ensure that—

Q334 **James Daly:** I understand the point you are making, but let me put it this way: is it possible for these two processes to be dealt with by one decision maker within the Home Office?

Siobhan Jolliffe: That would compromise the independence of both decision-making frameworks, in my opinion.

Q335 **James Daly:** Okay. There are two things about this. One is the decision-making process and referral into it. Major Betteridge, you are doing a brilliant job, but what I am concerned about is the pressure that is put on organisations like yours because of the inefficiency of the decision-making process. If it is taking 500 days, effectively, for something like this to happen, the level of support that people will need is very intense over a lengthy period.

I don't understand why it takes 500 days. I have lots of people coming here and explaining, and there is no rational explanation. I have seen some of the files that have been put together. This is not "War and Peace" that people are putting together. These are straightforward information-gathering exercises. Can you explain to us why it takes 500 days and what pressure that incompetence—the 500 days—puts on you?

Major Betteridge: The fact that it takes so long to make a decision does have an impact on the individuals who are in our service. We have shared this frequently at the Home Office. One of those impacts is around the behaviours of an individual. Literally, their life is on hold as they await a decision, and they cannot move on with their life. We find that individuals come in, their mental health is affected significantly and, therefore, their behaviours are also changing as a result, which then has an impact on our support workers. Our support workers are highly trained and highly



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competent to deliver the service that we do, but they are not always trained in some of the nuances of mental health and the issues that some of our clients display because of the length of time they are spending in the service.

Q336 **James Daly:** Why do you think it takes so long? Why do you think it takes 500 days?

Major Betteridge: Well, I don't know myself, because we have not been given that information. We do ask and we have those discussions with the Home Office, and certainly on the role of our first responders, just going back to what Jamie said about the fact that they are volunteers. There is a broad range of first responder organisations, not just ourselves. But I do not know why it is taking so long. I feel that if decisions were quicker, that would help the service so that people could move on and progress with their lives.

Q337 **James Daly:** Siobhan, one final question. If I was looking at one of these files and the information had been sought over 500 days, and the decision was being made, how many pieces of paper, on average, do I have in front of me, in the sense of the level of information that one has? I know it will vary, but these are not huge files, are they? It is basically an interview, with some other things.

Siobhan Jolliffe: Often they are quite large files of information. As you say, it varies hugely between cases, but decision makers and case preparation staff within competent authorities will gather information from a range of sources. It will not just be the initial first responder account, for example. It will be a range of sources that competent authorities have access to.

Often the files are quite large and considerable and there is conflicting information, or information that the decision maker will need to assess or ask the individual or representatives working with the individual to help them with to understand the potential discrepancies between different systemic accounts. They can be very, very large files. Equally, as you say, there can be very limited information, which is one of the challenges the competent authorities face.

Q338 **James Daly:** I am sorry, but I still do not understand how that takes 500 days. Nobody can give this Committee an explanation as to why it takes 500 days. I accept resourcing. Every single person I have spoken to since I have been an MP has said they need more resources, so I accept that. But there must be some other fundamental, underlying reason within the Home Office as to why it takes this long.

Chair: Actually, James, it is worse. It is 654 days.

James Daly: Sorry, forgive me.

Chair: I have just checked. I have 654 for the SCA and 350 days for the IECA.



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Siobhan Jolliffe: Yes, and then averaged out it is around 566 days in the last quarterly statistics. It is not the case that if you had a fully complete file placed in front of you it would take 566 days to make the decision at all.

There is the resourcing point that we have talked about—the ability to get to the cases in our caseloads, to start working on them, gathering the information and getting it to a stage where it is possible for a decision maker to make a good, reasonable, defensible decision, using the range of information available and the various assurance processes that go into it. Resourcing is a huge part of it, but it is not all of it; the quality of information coming in through the front door is really important as well.

Q339 **Alison Thewliss:** UK national children are the fastest growing group in the NRM in England and Wales. Is the NRM an appropriate means for child victims of modern slavery? I am not sure who wants to take that.

Siobhan Jolliffe: I can start us off, but I think colleagues at the end of the table will have insights to offer. Support for children is delivered via local authority structures rather than through the Home Office, the modern slavery care contract, which is for adults in England and Wales.

On the decision-making process, as you say, a large proportion of these children are British nationals and linked to county lines exploitation—we have seen a real increase in that type of exploitation entering the NRM system. There is currently a Home Office pilot under way on local authority decision making, which is testing whether moving NRM decision making closer to local authority structures, where the support is provided, means faster and more effective decision making for those children. The agencies and organisations involved in the protection and support of those children can come together and share their information almost in live time in a meeting to make effective decisions, rather than us pulling things into the Home Office and then making the decisions using broadly the same information available to that multi-agency group. That is under way in, I believe, 20 sites around the UK. We will certainly be looking at the results of that pilot with interest to see if it is a more effective mechanism for children.

Q340 **Alison Thewliss:** Are you able to say, from the early stages of that pilot, if those decisions are being made more quickly?

Siobhan Jolliffe: I cannot remember if it is a memorandum of understanding or a contract that local authorities or the groups sign on to. There is an expected timescale that they must meet within the decision-making framework, which is 45 days from the point of referral to a reasonable grounds decision and 45 days from that point to a conclusive grounds decision, with those being the maximum. So the maximum time for a child to receive a conclusive grounds decision is 90 days. There are quite strict timescales attached to the funding, the training and the piloting programme.



Q341 **Alison Thewliss:** Has that been met so far?

Siobhan Jolliffe: I don't have the statistics in front of me. I am not aware of any systemic issues with those timescales being met.

James Fookes: There are general issues with a one-size-fits-all approach to the NRM, and we are seeing that a more decentralised, devolved, demographic-focused approach can be a lot more effective and certainly more beneficial for the survivor. That is definitely true for children.

There are also a lot of considerations around the fact that, sometimes, we bring in policies that affect all people in the NRM—around, say, issues of bad faith—without necessarily considering that maybe children cannot consent to being in the NRM. That throws up some issues later on down the line.

The point is that these more localised pilots, which, as Siobhan said, are taking this away from a national Home Office structure and putting it into a place that is much closer for the people responsible for the child's care, can have a more effective outcome, not just in terms of decision making, which is important, but in terms of the wellbeing of the child, which is of fundamental importance.

Major Betteridge: From our perspective, although we look after adults who are 18-plus, we have a significant number of dependent children in the service. The care contract does not quite facilitate for them in the way that we would like it to, so we have introduced various ways of supporting them. We have done some research around the impact of trafficking and the slavery situation that the child has experienced with their parent or that they have seen their parent experience. It has a significant impact, so we are now delivering a programme with an NGO to help parents manage the behaviours and understand the child's anxieties because of what they have experienced. That is another area of concern and support that we want to give.

Q342 **Alison Thewliss:** That is interesting, because the system is sort of designed for solo adults rather than families.

Major Betteridge: Yes. We do facilitate for families—we have houses that have families occupying them—but the actual care for the the dependent children is something that we are mindful of.

Q343 **Alison Thewliss:** That is interesting. James, can I ask about the other groups within this? I understand that in 2022 the second largest group referred to the NRM was British nationals, and we heard from Justice and Care that the NRM does not really work for this group either. Do you take a view on that?

James Fookes: With all due respect, I do not know if the NRM works for lots of people at the moment. There are lots of issues throughout it. To put yourself in the position of some of our members at the ATMG, you



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have a client in front of you and, if they are a British victim, there may be other ways of getting them more immediate support, if they are in a slightly precarious situation, than going through the long decision process of the NRM and then the recovery needs assessment process, especially when, at the moment, unfortunately, that process is not working very well. It is very limited, you get support for a limited amount of time and not a lot of things are covered.

Going back to the child issue, the support that you get has to be tied to your recovery, but childcare, for instance, is not covered. We did a report in 2022 that showed that, similar to what Kathy said, survivors have to bring their children along to interviews with the SCA, or caseworkers sometimes, because they cannot get childcare. If you are looking at a British victim in that sense and going, "This is what these people are entitled to. They could get universal credit. They may be able to access housing through the local authority," you might think, "Well, what is the benefit of the NRM for that British victim?" I think that needs looking at.

The NRM is a difficult system to get through. As you said, there are lots of delays and, as Kathy alluded to, those delays can have serious psychological impacts for the person waiting for the decision to come—that is for both British and non-British victims, but especially non-British victims who cannot work during that time. What do they get at the other end of it? Usually lots of applications for very small amounts of support, which they can get randomly exited from if they then receive some other support from somewhere else.

We need to have a hard look at what continuation care looks like after the NRM. For people who have complex and intense support needs, what does it look like for them once they have gone through that process? At the moment, I think that it is fair, but some people in the sector will advise their clients not to go into the NRM.

Major Betteridge: Can I come back on that? To follow on from what James was saying, British nationals are the second highest figure in our service at the moment. Some of the difficulties they experience are with access to mental health services and the local services that they are potentially entitled to, such as drug and alcohol support services.

One of the biggest difficulties is accessing housing. When they have their positive CG and they are in the RNA process, the ability to access housing—this local connection element—is key, and we would like that to be removed. We had a lad up in the north who was involved in county lines. He had to move to the south to keep him safe. He is still in the south, but he is not able to move to the north because of the difficulties that he has there and the threats to him and his family. The difficulty with housing is the issue, because he is not local to the south. That is the experience of a number of our client group.



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For us, better partnership, better working together of statutory bodies and an understanding of some of those issues would be of real benefit for some of the clients in our service.

Q344 Tim Loughton: Following on from Alison Thewliss's question on UK national children, I do not think that I have heard an explanation of why you think they are the fastest growing addition to the NRM system. Can somebody draw a profile of what sort of children we are talking about, the reasons and the contrast with them being taken into care through the local authority, for example? Why is it different?

James Fookes: I am happy to start on the reason why. We have to understand that the NRM referrals have increased quite substantially, but they are not outside the realms of what is probably the reality of the number of people who are in an exploitative situation in the UK currently. There are estimates that go up to as high as 130,000 at any point in time in terms of those who are in some form of exploitation, under the statutory definitions that we have.

A lot of the time, when we see these large increases in referrals of particular demographics, they come from us doing a better job. We understand what that looks like. We understand the risk factors. We have more intel on what happens in those particular communities. A case in point is county lines. County lines was not really understood 10 years ago, but now we understand that young people being moved from urban areas to traffic drugs into more rural areas is a form of trafficking, which it is. We have a better understanding of that, and I think that is probably one of the reasons why we have seen this large increase in the referral of British national children—because we have a better understanding of it.

I think that is an important point to make in this context. We look at this huge increase in referrals to the NRM as some kind of problem, when we should be thinking that we are still relatively new at this game. The Modern Slavery Act is about a decade old; it is still relatively recent. We are learning as we go along, and we will see inconsistent rises or different demographics as we understand the issues better and as we move to avert them. It is worth considering that in this context.

Q345 Tim Loughton: I should declare an interest as I chair a safeguarding committee for a children's organisation. Are those children primarily involved in county lines and drugs? I notice that 80% are boys rather than girls.

James Fookes: I do not know if the SCA has specific statistics on that.

Siobhan Jolliffe: Some potential useful information is that we have what we call tags in the NRM system where we can tag certain exploitation types. Around 40% of British nationals who are referred into the NRM system have this county lines indicator on their case, which is not conclusively saying 40% of people have been exploited by county lines,



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but it is a large proportion of the British nationals who are entered into the NRM system.

Q346 **Tim Loughton:** What about age profiles? What sort of proportion are already in the care system, for example?

Siobhan Jolliffe: I cannot give you information about the proportion of people in the care system, unfortunately. That is outside of my remit and understanding. On the age profiles of British citizens referred into the national referral mechanism system, 80% were children at the point that they were exploited.

Chair: Sorry, I am struggling again to hear you. Could you speak up?

Siobhan Jolliffe: I do not know how to make this better. In terms of the age at exploitation of the British nationals in the NRM system, the full-year statistics for last year showed that around 80% were children at the time that they were exploited. That does not necessarily track across the county lines. The tags are slightly separate.

Q347 **Tim Loughton:** What sort of age children? Are we talking about older teenagers, or are we talking about—how young?

Siobhan Jolliffe: It would ordinarily be older teenagers, but not exclusively—not at all.

Q348 **Tim Loughton:** Have we got the figures on how many are in the care system? That is obviously a key feature.

Siobhan Jolliffe: I do not believe that we would have that as the Home Office.

Q349 **Tim Loughton:** Why not?

Siobhan Jolliffe: For the national referral mechanism system, it is not a datapoint that we collect as part of that referral.

Q350 **Tim Loughton:** It is an important point as to who the responsible parent is, isn't it?

Siobhan Jolliffe: We would have it as part of who we are communicating with to gather information about the child potentially or communicating with about the case, but it is not a datapoint as such that we can easily pull and report on.

Q351 **Tim Loughton:** Do you not think that that is an important piece of data that should be readily collected?

Siobhan Jolliffe: As far as the NRM information gathering is concerned, as long as we have appropriate contact details for somebody who is able to act on behalf of or in partnership with the child, we do not necessarily tag which organisation, whether it is a parental responsibility, a legal representative or a local authority.

Q352 **Tim Loughton:** Do you not think that would help you?



Siobhan Jolliffe: I think that we have the information at the point that we need it. We do not gather reportable information on it.

Q353 **Tim Loughton:** Surely, in an assessment of whether somebody should be in the NRM system and what support they can be given, if they are accepted into it, a large factor is who the child's parent is—if the child has a parent—whether the child has a corporate parent and what the child's chances are of being restored to his or her family, if he or she has one, by the measures that your system will put on them. I find it astonishing that you are not concerned about the family nature of the child.

Siobhan Jolliffe: Most referrals for children into the NRM system come from local authorities as part of their statutory responsibilities towards the safeguarding of the children, but also in their capacity as first responder organisations. It is not necessarily for the NRM system to know where parental responsibility lies, but we can probably conclude from that that the majority of child cases referred into the NRM system are already part of the protective and safeguarding mechanism involving local authority groups.

Q354 **Tim Loughton:** Can a parent refer a child into the NRM?

Siobhan Jolliffe: No.

Q355 **Tim Loughton:** Okay. They would have to go to a local authority to ask for them to be referred into the NRM, wouldn't they?

Siobhan Jolliffe: We only recognise first responders. First responders are able to refer into the NRM. It could be a local authority involved in the child or family's case. It could be a police officer, for example, who has encountered the child as part of a county lines investigation. It could be a Home Office first responder. It could be another NGO that is involved with the child or family.

Q356 **Tim Loughton:** Okay, but you have just said that the vast majority of them are referred by a local authority.

Siobhan Jolliffe: They are, yes.

Q357 **Tim Loughton:** Okay, so if I was a parent who had a serious problem with a child of mine, who I thought was being trafficked, and I wanted them referred to the NRM system, the obvious person to go to would be the local authority. If there have been any past links with a social worker, that does not suggest that the child is in care; that child is with the family. The fact that the vast majority are referrals by the local authority does not confirm that they are the corporate parent, does it?

Siobhan Jolliffe: No. I agree.

Q358 **Tim Loughton:** You need that information, don't you?

Siobhan Jolliffe: I do not think that we do, no. Understanding who the corporate or natural parent of an individual is is not a necessary factor in being able to gather information about an individual child and about their



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case and being able to move them through the decision-making process and the NRM system.

Q359 **Tim Loughton:** Okay. I just find it astounding. The first question one asks about the status of a child is, "Are you living with your family? Do you have living family or are you in the corporate care of a local authority?" That is the most important determining factor as to what support and rehabilitation measures can be brought to bear with that child, I would have thought, and it is extraordinary you do not agree.

Siobhan Jolliffe: As I mentioned earlier, local authorities are responsible for the care and protection of children who have been potentially exploited through modern slavery or human trafficking, rather than the Home Office. The local authority will be informed that a child is part of the NRM system, if indeed they were not the original referrers into that system, and the local authority is responsible for ensuring that the protection and safeguarding arrangements around that child are in place and adequate. The Home Office, as part of the NRM decision-making function for that child, does not necessarily need to know that. The information is there in the right place to be able to safeguard and protect the child.

Q360 **Tim Loughton:** Under the Children Act 1989, the Home Office is not a corporate parent. It will be the local authority. Determining whether the local authority already has a locus in the care of a child through the care system, through a child protection order, through having pursued a section 47 order or whatever is quite an important piece of information for the status of a child and who will pick up the support packages that child may be required to enjoy, subject to what happens in the referral mechanism. I think that is a no-brainer, so I find it strange that you do not think it is useful to know the status of the child.

Siobhan Jolliffe: As I mentioned before, on an individual case level that will be known about the child, because the Home Office will know who we need to communicate with about the child's case and who we need to ensure is aware of the child's case so that appropriate support provision can be made. It is not collected as a reportable data format whether an individual is in care or not in care as they enter the NRM system.

Tim Loughton: If 90% of children referred to the NRM are in the care of local authorities, it might focus the level of intervention and support that is required. If that figure was 10%, clearly the problems are with the families of the children, if they have a familial environment. Anyway, we are obviously not going to agree on this.

Q361 **Carolyn Harris:** To stay with these children and care for them, presumably they are where: kinship carers, local authority care homes, foster care?

Siobhan Jolliffe: Potentially. Unfortunately, the support provision for children is outside of my remit. The Home Office is responsible for support through the MSVCC support contracts, support provision for



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adults in England and Wales. There are obviously wider state services and state responsibilities.

Q362 **Carolyn Harris:** At what age would the child become an adult?

Siobhan Jolliffe: Eighteen.

Q363 **Carolyn Harris:** At what age does the child cease to be a child?

Siobhan Jolliffe: Eighteen.

Carolyn Harris: But the local authorities' responsibility for care ends at 16. What happens to children between 17—

Tim Loughton: No, it does not.

Carolyn Harris: You will not get a foster carer for a 17-year-old.

Tim Loughton: Yes, you will.

Chair: Okay. Let us question the witnesses rather than each other.

Carolyn Harris: You have put me off my train now.

Tim Loughton: Sorry. It is just wrong.

Carolyn Harris: Okay. Thank you. Thank you, Chair.

Q364 **Paula Barker:** Can you talk me through what the process for return is? There is a child or an adult who has been referred into the NRM. There is a decision that they have not been trafficked. What is the process of return?

Elaine Bass: If somebody is recognised as a victim of trafficking, they get a positive conclusive grounds decision. That does not necessarily mean that they get permission to remain in the UK. Everyone who gets a positive conclusive grounds decision will automatically be considered for temporary permission to stay. That process is based on three factors: whether or not the individual is engaged in prosecution or criminal investigation related to their exploitation, whether or not they are pursuing compensation, and a consideration of their ongoing support needs and whether those could be met in the country that we are seeking to return that individual to. That process happens before we consider return.

Everyone will automatically be considered, whether or not they qualify for temporary permission to stay. It is only after that has happened, and if it is concluded that they do not qualify, that we would then consider removal. Of course, many people who are in the NRM system may have other applications outstanding that mean you cannot immediately move to remove them anyway. They might still be in the asylum system, for example, or raise another issue. It is not a case that, the minute they have had a negative decision, we would then seek to remove them.



Q365 **Paula Barker:** When Mr Daly questioned you earlier, you said the levels of returns are back to 2019 levels.

Elaine Bass: That was generally across all returns. I was not talking specifically about modern slavery victims. The question, as I understood it, was about the overall volume of returns.

Q366 **Paula Barker:** On that, what are 2019 levels? What is the number?

Elaine Bass: Of modern slavery victims?

Paula Barker: No, of what you were just saying. The thing that you quoted before, which you said is over our—

Elaine Bass: We have certainly not got to them in this year yet, but basically we are getting back to those levels. We were looking at about 40 to 50 enforced returns a week of non-FNOs and voluntary returns in the region of 200 to 300 a week.

Q367 **Paula Barker:** Can I just go back? I think this may be for you, Siobhan. You talked about the decision making. We have the average figure. What is the longest anyone has ever waited?

Siobhan Jolliffe: The statistics on the length of time to a CG decision are quite tricky. For example, if an individual entered the NRM system in 2015 and then absconded—as it used to be called—or went missing and fell out of contact with the system, and they then reappeared into the system in 2023 and had a decision made for them, the amount of time taken to make that decision would be shown as 2015 to 2023, or whenever the decision was made. The statistics can be skewed hugely by outlying cases where somebody falls out of contact with the system and the case is then reinvigorated. I do not have in front of me the very longest case, but it will be very many years and it will be for that reason. We can probably pull that out and write to you with it.

Q368 **Paula Barker:** I know that you cannot, obviously, comment on individual cases, but I have a constituent who was referred in June 2019, and she has literally just got a decision in the last few weeks. She did not fall out of the system; she has been fully engaged with the system. I wonder what the rationale is for a four-year decision process.

Siobhan Jolliffe: Within the statutory guidance framework that the NRM operates within, we are tasked with prioritising certain cases. We prioritise cases for children who are about to turn 18—so that age transition where it is critical to inform further adult services that they may need to access. We also prioritise cases that are linked with the criminal justice system—specifically ones where there are custody time limits attached or there is an upcoming urgent court date. With the big rise in county lines cases, for example, the criminal justice system cohort of cases that we are tasked with prioritising is a large proportion of the cases that we need to move through the system at pace. It may be that



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certain cases have needed to come forward in the queue to meet the prioritisation requirement.

More generally, as competent authorities, we are working hard to get through all of the cases that have been waiting. We know that decision-making times need to come down considerably, which is why we are putting in extra resource and a huge amount of effort in terms of operational initiatives, policy changes and so on to be able to improve the decision-making times for victims, so that people like your constituent do not need to wait four years for a decision.

Q369 **Paula Barker:** Can you write to us with your prioritisation list?

Siobhan Jolliffe: It is in the statutory guidance. We can send that to you, yes.

Q370 **Paula Barker:** Can you give us a flavour when you write to us of how many people—maybe over the last three years—are falling outside these average timescales of 500 or so days?

Siobhan Jolliffe: Yes. I do not have the data in front of me. I assume that we can pull that.

Q371 **Paula Barker:** I have to be honest, I am absolutely amazed, because every time we have someone from the Home Office in front of us, that is all we ever hear: “We don’t have the information to hand.” Given that we are very clear on the detail of our investigations and our witnesses, I am absolutely astounded that this information is not to hand every time we question someone from the Home Office.

Siobhan Jolliffe: We absolutely have information in front of us right now about the average decisions—

Q372 **Paula Barker:** I am not suggesting you do not, but there are various questions that a number of us have raised, and you do not have the answers. I think that it is unacceptable, quite frankly.

Siobhan Jolliffe: Which questions specifically are you looking for an answer to? We may well have it in front of us.

Q373 **Paula Barker:** What about how many people are falling outside of those timescales? How many people are returned annually?

Siobhan Jolliffe: The timescales within published statistics represent the median amount of time for a decision to be made within that quarter. That is another element to bear in mind with the statistics. The quarterly statistics represent the decisions made within that quarter and the median amount of time it has taken to get to that decision. Obviously, around the median there is a large variety of individual numbers of days that the decisions will have taken. The median is presented to be able to present the most accurate averaged timescale for the decisions in that quarter.

Q374 **Paula Barker:** I have one final question. You spoke about the need for



greater resources, and I understand and fully accept that. But you also said that resources are not the panacea and that there are also other things, and you spoke about policy change. What policies are you currently working on that will be brought in to get these cases moving in a much speedier manner and to get people decisions that they so desperately need?

Siobhan Jolliffe: I am aware that you are speaking with our policy colleagues in a couple of weeks' time, and they will be in a much better position than we are to take you through the policies that are planned or in development. Some recent policies that have made a significant difference for us are the application of stricter timescales for the provision of information to competent authorities and the ability to move to a decision after a certain amount of days with the information that we have. That was recently introduced—at the end of January, I believe—and that has made a significant difference in the number of cases that we are able to move through case preparation and get in front of decision makers, so that we can get that file in front of them and they can make the decision as speedily as possible.

There are lots of examples of policies that are helping us to make incremental changes to what is a huge and complex system. My colleagues in policy and the Minister, in a couple of weeks, will be able to give you more of a flavour of what is coming up in future.

Q375 **Chair:** Following that up, in the last quarter that I have statistics for, a receiving conclusive grounds decision took 654 days for the SCA and 352 days for the IECA. That has been increasing, hasn't it? Are you saying to me that, with the implementation of these new policies, we will see those numbers come down in the next quarter?

Siobhan Jolliffe: I would really love to say yes. I hope that they will. The introduction of new policies and procedural change often takes more than a quarter to be able to be viewed in the statistics and, as I mentioned, those statistics reflect the cases that are decided in that quarter. As competent authorities, wherever possible we will focus on the oldest cases so that we can give those individuals certainty as soon as possible.

Q376 **Chair:** When will it start coming down?

Siobhan Jolliffe: The number of cases within the conclusive grounds case load—as in cases that are still awaiting conclusive grounds decisions—is already starting to come down.

Q377 **Chair:** There will be a reduction?

Siobhan Jolliffe: Yes.

Q378 **Chair:** The direction of travel for the number of days waited in the next quarter will go in the opposite direction?



Siobhan Jolliffe: Strangely, the number of cases awaiting a decision are likely to come down, but the number of days waited is likely to go up. As we have the capacity to get to those older cases, it will be, for example, the cases that we can pull out of the queue and make the decision on. What good looks like for us is that, in the short term, the decision-making timeframe goes up, because that shows that the older cases are getting their decisions and are moving out of the system. Then it will come down considerably as we get through that older case load.

Q379 **Chair:** What is the timescale for that?

Siobhan Jolliffe: We are looking to get 200 additional decision makers across competent authorities by the end of the year. We anticipate that that will have an operational impact as some of our existing staff will need to train up staff, but we manage that as much as possible. Indeed, we have done so already with the number of decision makers that we have already brought in, which is why we are seeing this considerable increase in the output of conclusive grounds decisions. As I said earlier, I think it is over 100% between last year's statistics and the most recent year, and we will be pushing for that to take effect as quickly as possible.

Q380 **Chair:** You have not told me what the timescale is.

Siobhan Jolliffe: I do not have a firm timescale for you, unfortunately. Our staff will be in by the end of this year, all going to plan, and then we will hopefully see the impact of that very soon thereafter.

Q381 **Chair:** Okay. We have had lots of promises from the Home Office about getting additional staff in and then it fails to meet its target and there is no clear timescale. What would you expect the numbers to be? How long would you want people to be waiting for decisions?

Siobhan Jolliffe: As little time as possible.

Q382 **Chair:** What is the target?

Siobhan Jolliffe: There is no target.

Q383 **Chair:** There is no target, there is no timescale and you are just hoping you will be able to recruit all these people by the end of the year.

Siobhan Jolliffe: We have firm operational plans in place to ensure that we can recruit as many individuals as we are trying to get through. We are obviously subject to the same challenges as other areas are.

Chair: Firm operational plans from the Home Office—we will be watching those firm operational plans. James, did you want to come back in on this?

Q384 **James Daly:** Very quickly. In terms of the mysteries of Home Office decision making in general, you are obviously a very senior person, with a title that goes along with that position, so which of your line managers—whether they are Ministers, directors or whatever—comes to you and says, "This 654 days is completely unacceptable"? Do those



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conversations actually exist? Do people hold you or other people accountable for a system that is just not working? I am not talking about you personally, but I do not understand. As the Chair said, this just seems to meander on. How can you not have a target? Not having something to work towards seems utterly baffling. Have you ever spoken to a Minister? Has a Minister ever come to you and said, "What on earth is going on?" Has the permanent secretary said, "What on earth is going on?" Or do those conversations just not happen?

Siobhan Jolliffe: Yes to both of those, and a very firm yes. The permanent secretary, in his role as accounting officer, was the person to sign off on our original recruitment requests a couple of years ago, which have led us to the increased output within conclusive grounds.

Q385 **James Daly:** Does he agree that there should not be a target—that you should not be working towards getting things done within a certain period time?

Siobhan Jolliffe: No, we absolutely should be working towards getting decisions made as quickly as possible. Applying a target to it is not something that we are looking to do, because the—

Q386 **James Daly:** Why, though?

Siobhan Jolliffe: Because a decision can only be made at the point that the relevant information has been provided to the competent authorities to be able to make a defensible decision.

Q387 **Chair:** I want to ask two very quick questions. The recent report from the Human Trafficking Foundation suggested that the updated reasonable grounds decisions needing the objective evidence has led to delays in decision making and inconsistent outcomes. Have you seen any early evidence of the impact of that change?

James Fookes: Yes, we have. We have seen the early evidence. I think it is reasonable to assume that that was one of the reasons why the number of reasonable ground decisions reduced in the first quarter of this year.

There is a very important risk to lay out here. We keep talking about needing to bring the delays down, and yes we do, and I am sure that there are also policy changes that need to be made. But we are at risk of blocking people from accessing the NRM who desperately need that support and of going, "Well, look at that, we've cleared the system out." That is a very real risk with the lowering of the threshold.

We have had reports from our members that people from the SCA turn back to them and say, "We are sure that this person is a victim of trafficking, but we do not have the objective evidence that is set out within the Nationality and Borders Act statutory guidance to say definitely." That is deeply worrying.



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There is a slight fear here that we have cut off our nose to spite our face. We have gone, "There is a problem with the system. We need to raise the thresholds to access the reasonable grounds decision making," but we are chasing a phantom problem. That was never the problem. The threshold was fine. The threshold, when it was designed, was quite high. If you think about other kinds of victims, very few have to go through this level of proof to access support. It is a really onerous system, and we have made it harder.

We will see the detrimental impact of that in the form of people who need to access the NRM to access a safe house and recovery needs not being able to access the NRM, because they cannot gather the evidence within the timeframe. You are going to ask some incredibly vulnerable people; we have had clients or individuals that have literally just been identified on the street with no documentation, no luggage, no nothing. How are they meant to provide objective evidence within a tight timeframe to receive a reasonable grounds decision?

We really need to think about what the reality is for survivors. I think that that is something that has gone missing recently. What is the reality for survivors? Can they meet this threshold change? It is the opinion of the sector that a lot of them will not be able to, and that will have a real detrimental impact as time goes on, and it will only be exacerbated with incoming legislation.

Q388 **Chair:** Do you want to say anything else about that?

James Fookes: We are talking about the NRM, but we are facing an existential crisis from the NRM at the moment if the legislation currently proposed in Parliament goes through, because it will cause complete chaos in the system. It will block huge numbers of people from being able to access the system and cause backlogs and chaos in other areas. We need to acknowledge the elephant in the room: the Nationality and Borders Act and the upcoming immigration Bill represent a real systemic change in how we approach modern slavery in the UK. The NRM will look unrecognisable in the end, and a lot of this conversation today will be largely academic.

Elaine Bass: Can I come back quickly on the threshold issue, just to make it clear that it is based on objective factors? It does not mean that the individual themselves has to present material evidence. We recognise that not all people will have material evidence that they can present. The threshold is based on objective factors, which include evidence from a first responder, what happened in the encounter and the account that they give of the circumstances of the individual. It could be based on police reports or other objective factors. It is not an expectation that each individual who gets referred into the NRM has to have concrete evidence themselves.

Major Betteridge: Can I come back on that? As a first responder organisation, we have a team of first responders, and we have noticed a



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significant change since January, in terms of positive RG decisions moving from 85% down to 58% now. We are finding that the objective evidence is one of the main concerns, in terms of things that an individual is not able necessarily to provide. Although there might be a letter from a doctor or some other kind of proof that they have been in modern slavery, and there are signs that the individual has been through that horrendous situation, they are still getting a negative decision. We have asked if we could have an understanding of why those decisions are being granted in such a way, and we are not receiving that information.

There is a concern, as Jamie has said. I appreciate the reasoning that the competent authorities are giving, but there is a concern because, at the end of the day, these are people whose lives are being affected and who have been traumatised. They need to have special care and support, and they are potentially not getting it. It is a real concern.

Chair: That is very helpful. We will have one last question from Carolyn Harris.

Q389 **Carolyn Harris:** Is there an appeals process, Major?

Major Betteridge: We can ask the competent authority to reconsider, so we do that. We wait for that reconsideration, and it can come back still as a negative.

Q390 **Carolyn Harris:** To go back to the training, do you believe that the training that the decision makers are undergoing is not allowing them the flexibility to make decisions based on common sense, if they cannot make a decision about a piece of evidence when it is quite obvious that someone is a victim of slavery?

Major Betteridge: We have asked the competent authority and we have had discussions at the Home Office about understanding the detail of the decision making, and we have not had that information. I do not know, is the answer to that. It is a concern for us. We have written to the Home Office ourselves, and the sector and the subcontractors that we work with are concerned about it. We have robust conversations with the Home Office about it.

Chair: I am glad to hear you have robust conversations with the Home Office—that is reassuring.

Tim Loughton: So do we.

Chair: Yes, we do have very robust conversations as well.

Carolyn Harris: We do not have many answers, but we have conversations.

Chair: I thank all of you for coming along this morning. It has been incredibly helpful for the Committee in understanding how the NRM functions, some of the problems with it and the issues that we need to



consider when we are writing our report. If there is anything you have not been able to say today that you would like the Committee to consider, please send us anything in writing. Thank you very much for your time today. We will now move on to the second panel.

Examination of witnesses

Witnesses: Laura Durán, Allyson Davies and Danny Bayraktarova.

Q391 **Chair:** Good morning. Welcome to the Home Affairs Select Committee. I will ask each of you to introduce yourselves, starting with Laura.

Laura Durán: Hello, my name is Laura Durán. I am head of policy for ECPAT UK, which stands for Every Child Protected Against Trafficking.

Allyson Davies: Good morning, everybody. My name is Allyson Davies. I am an assistant director at Barnardo's. The service that I oversee is the Independent Child Trafficking Guardianship Service. This is within section 48 of the Modern Slavery Act.

Danny Bayraktarova: Good morning. My name is Danny Bayraktarova. I am a public lawyer human rights solicitor at Wilson Solicitors. I represent largely migrants, including unaccompanied asylum-seeking children, on various matters, including age assessments, support with local authorities, trafficking claims and judicial reviews.

Chair: We have the fans on, so perhaps everyone could speak up, because it is a little noisy in the room. I will go first to Tim Loughton.

Q392 **Tim Loughton:** I think you were sitting in on the earlier session, where we found that the Home Office does not appear to keep a record of what proportion of UK national children coming into the NRM are in the care system, which I for one found slightly surprising. Are you surprised, or did you know that? Do you think that is a good idea or not? Are we missing out on something?

Laura Durán: Thank you so much for raising that question. That is something we have raised with the Home Office for several years now. It is not just in regards to UK national children, but the fact that they could never provide us with any statistical account of whether the children were looked after at all, whether they were looked after under section 20 of the Children Act or under a care order under section 31, what the legal status was of the child, and who had parental responsibility if they were with family—so an accompanied child or an unaccompanied child. Unfortunately, we have not been able to persuade them to keep this in a way that is reportable and as part of the quarterly statistics that the Home Office provides on the national referral mechanism.

Q393 **Tim Loughton:** What is your guess at the proportion of UK national children who are already in the care system, subject to one of those care orders or whatever?



Laura Durán: It is hard to estimate. I suspect that most of the children may be known to the local authority in some way, as to whether they are looked-after children or not. I think many of them will not be looked-after children. This is something Barnardo's may be in a better position to respond to, from the Independent Child Trafficking Guardianship Service. Some will probably be looked after under a care order, but many will be with parents or carers—with family members.

Q394 **Tim Loughton:** Ms Davies, given that Barnardo's comes face to face with many of these children, what is your calculation on this?

Allyson Davies: For that purpose, it is a fundamental data capture for any child referred into the Independent Child Trafficking Guardianship Service. It is one of the first questions we ask. We ask who has parental responsibility for that child and we capture that information. But bear in mind that we are only in operation across two thirds of the UK—England Wales. I would need to send you the breakdown of the data, because the information provided at the point of referral sometimes comes from first responders that do not know that information—maybe, for example, a police officer. We capture the information at the point of referral and then subsequently update it when we have liaised with the local authority.

For children who are referred to us, one of our fundamental questions is: who is responsible? We engage with the local authority that has responsibility for them. In our experience, it is a really mixed response. We have some children—a smaller number—who are on full care orders with the local authority, which are the equivalent of a section 31. Mostly, children referred to us are that agreed section 20, or section 76 within Wales, but most children are with family members or connected and extended family members.

It is fair to say that that data changes within time, because when children are alerted to the local authority, if they were not already known, there will be a variety of different safeguarding meetings. You would expect your section 47 assessment. You would expect there to be child protection meetings. There are sometimes children who are placed with family members as safeguarding measures. Those children can move between the categories, is what I am trying to outline. But in terms of children referred to us, we would be able to provide that data at the point of referral and updated—

Q395 **Tim Loughton:** That would be useful, even though you say you cover only two thirds. I think it is a bit more than that, but it is obviously a much better piece of information than the Home Office is apparently able to provide.

Danny—can we call you Danny? I do not want to get your name wrong.

Danny Bayraktarova: Of course, yes.



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Tim Loughton: Obviously you are concerned more with unaccompanied children coming into the country. Can you give a profile of the children ending up in the NRM from overseas?

Danny Bayraktarova: Most of my clients—the clients of my firm—are Albanian nationals, with a large proportion of Vietnamese nationals, but we also represent children coming from countries such as Sudan, Iran and Iraq. A lot of these children flee persecution in their country and are trafficked into the UK and continue to be trafficked within the UK before they are discovered.

Q396 **Tim Loughton:** How are they trafficked? What sort of people are behind the trafficking and what happens to them when they come to the UK? Can you give us a typical journey?

Danny Bayraktarova: We need to bear in mind that these children are already living in quite precarious situations in their home country, so there are reasons why they are fleeing those home countries. A lot of times, there are no safe routes to the UK, apart from the very limited resettlement schemes that the Home Office and the Government have. Really the only option that these children have is to put themselves in the hands of traffickers and smugglers.

A lot of times, I have seen in my practice families who want to safeguard a child, and they cannot do that in their home countries because internal relocation is not necessarily possible, so they think that sending their child away is the safest option. Of course, putting those children in the hands of traffickers and smugglers is quite risky, and they end up in situations of exploitation. Sometimes, for example, I have come across cases where—particularly, I would say, in Vietnam—a family member would go into debt because of poverty.

Q397 **Tim Loughton:** You have just said that a child has no choice but to put themselves into the hands of traffickers. We were in Albania and we met some impressive NGOs who have been dealing with this, and we met some victims who had been trafficked to the UK and had come back to Albania.

There were a number of instances of where families had, effectively, pushed a child into trafficking. It may be because they think they will end up getting better prospects in the UK or whatever. I am slightly confused how you define a child who has no choice but to put themselves in the hand of traffickers. What are the circumstances where a child would want to do that, or is it the traffickers recruiting them, so it is not the child's choice?

Danny Bayraktarova: I understand what you are asking. In my practice, both situations occur. Traffickers do recruit children and the nature of the trafficking is that children are being deceived as to what their life in the UK might look like. That often happens through social



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media, such as Snapchat and TikTok. That is definitely a method that traffickers use to recruit those children.

On the other hand, we have a situation that I think is very much influenced by cultural and socioeconomic norms within the home country—for example, in Albania. For children, and particularly male children—we are talking about older children of 16 or 17—whose family is coming from poverty, those children might be expected to provide and to work. If there are no opportunities in, say, Albania, they might be expected to go somewhere else, because of the false narrative and false information that is being provided to them—“You will come to the UK. We will get you a job in hospitality or a carwash. You will earn so much money and save so much money that you will be able to send it back home.” In reality, the situation on the ground is not like that: you will come to the UK and you will be exploited.

Q398 Tim Loughton: They are being trafficked for economic reasons for their families—sending money back to their families in many cases?

Danny Bayraktarova: Not only, but, yes, that does happen. That is not the only reason though.

Q399 Tim Loughton: We have heard that, for UK children, the profile is 80% boys and 20% girls. Does the same apply to those from Albania, Vietnam and other countries you are dealing with, or is it more girls and more ending up in the sex trade?

Danny Bayraktarova: I would say so from my personal experience in representing this client group. Most of the young people that I represent are male and are mostly involved in child criminal exploitation. Most of the young women that I represent are involved in sex trafficking.

Q400 Tim Loughton: Do you think they are more in danger in the UK or back in their home country—for example, Albania?

Danny Bayraktarova: That is a difficult question to answer. It depends on the circumstances of the individual, but there are definitely grave risks in both countries. I have clients who are already here, and they have been exploited here, but they report to me that traffickers visit their families in Albania or Vietnam and threaten their families there. We must recognise that these trafficking groups are very highly organised. They are international, cross-border; they do not just operate in the UK. That normally starts in Albania, for example. They will have the means to track down my client’s family and to intimidate and threaten them. The risks are real in both the UK and Albania.

Q401 Tim Loughton: Who has the primary responsibility for a child who is facing those sorts of risks? Is it the Government of that child’s nationality, or is it the UK, in which that child is temporarily being hosted?



Danny Bayraktarova: If the child is in the UK, it is the responsibility of the UK Government—specifically the local authority where the child is.

Q402 **Tim Loughton:** Who has primary responsibility? Surely it is the responsibility of the Government of the country they come from to make sure they can live safely there, isn't it? Isn't the first duty of any Government to make sure its citizens are safe within its borders?

Danny Bayraktarova: Yes, it is, but that does not necessarily reflect what happens on the ground, as we can see. There are still risks in Albania, particularly, and in Vietnam and other countries. There are groups of people, particularly marginalised people, who still face those risks.

Q403 **Tim Loughton:** Do you think the Albanian Government should be and could be doing rather more to protect its own citizens within its own borders, rather than them feeling the necessity to move outside those borders, particularly to a faraway country such as the UK, with whom they have no connections whatsoever?

Danny Bayraktarova: If people are at risk and feeling at risk in Albania, it is absolutely their right to flee to wherever they feel safe.

Q404 **Tim Loughton:** Why would the UK be the first port of call for many of those if they do not have family links in the UK already?

Danny Bayraktarova: There are many reasons why people come to the UK. They may have family links. People in the UK speak English, and it might be the language that connects them to the UK. It will be easier for them to integrate in the UK because they might already know English. We must also recognise that people are getting trafficked, so children are not necessarily voluntarily leaving. They might be deceived into coming to the UK or trafficked physically by smugglers and traffickers that will—

Q405 **Tim Loughton:** Do you think that most of those children, having gone through the NRM system, could then be safely returned to their home countries, such as Albania, with the proper checks and support mechanisms being agreed with the Albanian authorities?

Danny Bayraktarova: I honestly do not think that it would be safe for them to return. I have clients, who are Albanian nationals, who have real fears of returning back to Albania, because their families continue to be threatened and intimidated. I have clients whose families are still putting pressure on them because of the threats that they will be—

Q406 **Tim Loughton:** I am sure that is the case. You are saying that, in the vast majority of cases, once an Albanian child has come to the UK, gone through the NRM system, they are likely to be permanently accommodated in the United Kingdom?

Danny Bayraktarova: It really depends on what the decision of the NRM is. I definitely see—



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Q407 **Tim Loughton:** Do you think that they should be permanently accommodated in the UK?

Danny Bayraktarova: Yes, if they are recognised victims of trafficking.

Tim Loughton: Then it is down to us.

Q408 **Lee Anderson:** Perhaps I can carry on from what Mr Loughton has been saying to you, Danny, because I am a little bit confused between people being trafficked and child refugees, asylum seekers—whatever we want to call them. Do you think, in your experience, that if, as a country, we manage to stop the boats and stop people coming in in the back of lorries, this would help to solve a lot of the problems that you are facing at the moment? How would it impact on the children or young people who are coming from Albania? Where would they go then?

Danny Bayraktarova: With stopping the boats, in my experience, to go back to my point about no safe routes, that is the reason why people put themselves in danger.

Q409 **Lee Anderson:** I did not ask that. I asked what would happen if we stopped vulnerable children or trafficked children coming to this country.

Danny Bayraktarova: Why would you want vulnerable children to stop coming to the UK?

Lee Anderson: I did not ask what your personal opinion was. I asked what would happen to the children.

Danny Bayraktarova: They would likely remain in other situations of trafficking if they do not come to the UK. For example, they might remain in France where a lot of—

Q410 **Lee Anderson:** Is France safe?

Danny Bayraktarova: It depends, because on the border in the Calais jungle there are still people who are exploiting those children, so it may not necessarily be safe.

Q411 **Lee Anderson:** What is the safest country in Europe for vulnerable children to come to or go to?

Danny Bayraktarova: I cannot answer that question. It depends on the individual circumstances. You might be from a country that is considered safe, and the Government does consider Albania to be a safe country, yet, as we know, people become victims of exploitation and trafficking.

Chair: We have produced a report on this very recently, and we have highlighted that trafficking is an issue and that that needs to be addressed. I do not know, Lee, do you want to ask something else on that.



Q412 **Lee Anderson:** I just want them to answer my question, please. If we manage to stop children being trafficked into this country, what would happen to those children?

Laura Durán: I think you are not going to be able to manage to stop children being trafficked by the deterrence means that the Government have proposed. The simple fact is that child trafficking is a form of child abuse. We are not just talking about migration here or small boats, for that matter. Many children are trafficked with a visa through ports. It is not necessarily children just arriving unaccompanied in small boats.

Q413 **Lee Anderson:** What about Albanians?

Laura Durán: Albanian children arrive through all sorts of different means. Many Albanian children might have been, for example, victimised in their home country. Many have been victims of domestic abuse or they have histories of other forms of child abuse. It is not necessarily that stopping small boats and these deterrent methods will prevent Albanian children from being exploited.

They are likely to be trafficked into other European countries. They are likely to remain in exploitative situations. It is important that children who are being exploited in this way are provided with the support they need to recover. Some children may want to return themselves. There may be instances where there are no intrafamilial issues around the exploitation or it was not facilitated by a family member, so they may have a family that they can be returned to safely. That is an individual assessment that needs to be made by child protection experts on an individual basis, not a de facto policy for all Albanian children, because many of them will not be safe if returned.

We have seen this with cases of children who were trafficked from Romania, for example. When we were members of the European Union, it was much easier to facilitate the return of trafficked children back to Romania. In one of the biggest law enforcement operations we had tackling child trafficking, the one witness that the whole operation hinged on was a child trafficked from Romania. She was returned to Romania, and she was re trafficked immediately. That is what I want to highlight with regards to this questioning, because it is a form of child abuse.

Q414 **Lee Anderson:** The point I am trying to make, Laura, is that if we continue to allow this to happen—that is, children being trafficked into this country—it never solves the problem in the home country where the children have come from; they are just going to keep coming and coming and coming. Is it not better to try to help these countries sort this problem out at source?

Laura Durán: Yes, of course, but we do not have a lot of input into some of the wider socioeconomic drivers of exploitation in other countries. We could, through international development programmes, try to facilitate



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some means of trying to tackle those root causes, but deterrence of immigration is not going to stop child trafficking.

Q415 **Lee Anderson:** Let us put the children to one side, for the sake of this argument. Let us look at the traffickers—the people who are making the real money out of this, making hundreds of millions of pounds a year out of human misery. In our system at the moment, we are failing to control our borders. We know that we are allowing human traffickers to traffic children and young people from all over the world. We are allowing these gangs to make millions of pounds. If we tighten up this end in the UK and stop young people being trafficked, the traffickers obviously will not make as much money. It makes them go somewhere else and do something else utterly nasty, and it encourages these countries, where these children come from, to actually do something to safeguard their children.

Laura Durán: I think they are still going to be making money. What you will facilitate with those policies is that children will never come forward. They will remain in exploitation and if, for example, you want to be able to prosecute the traffickers for those offences and tackle that at source, they will never give evidence. These policies will only facilitate the traffickers using the fact that children will be returned, they will be removed, they will be liable for immigration detention, to keep them in exploitation.

Q416 **Lee Anderson:** One more question please, Chair. What will stop the traffickers, in your opinion?

Laura Durán: That is a challenging question. What will stop trafficking is co-operation within the international community and having the programmes that tackle the root causes, but deterrence on immigration enforcement does not work—has never worked.

Lee Anderson: What sort of programmes will tackle it?

Chair: Can I just stop this here, Lee? We are trying to focus on the NRM and the effect of putting children in the NRM and how that all works. I think that you are wanting to have a broader debate, and our witnesses have a lot of specialist knowledge that we are keen to hear. Thank you for your questions.

Q417 **Paula Barker:** Hello, everyone. Last week, we heard from the Home Secretary that there were currently no unaccompanied asylum-seeking children in hotels. Do you recognise that, and do you agree with it?

Laura Durán: I believe that, as of yesterday, that is not the case. We know that there are some children in one of the hotels in the south-east, and there has been a notification to stand up one of the previous hotels that had had children. We can only rely on the word of the Home Secretary that, at that point in time, there were no children, but I believe that, as of today, that is not the case.



Danny Bayraktarova: There are also age-disputed children placed in adult hotels. They are children and people who claim to be children but who the Home Office says are not, and they may be going through an age-assessment process. They are normally placed in adult hotel asylum accommodation—so apart from hotels that are being provided specifically for unaccompanied asylum-seeking children. I personally represent a few children who are going through the age-dispute process and who are currently accommodated in adult asylum hotel accommodation.

Allyson Davies: The ICTG service covers x amount of the UK. We have three under-18 hotels within our ICTG service. As of yesterday, we also received referrals for children who have newly arrived and been placed into under-18 Home Office hotel accommodation.

Q418 **Paula Barker:** Thank you, that is really helpful. The Refugee Council has described the loss of dozens of asylum-seeking children from hotels as “a child protection scandal”. Can you tell me a little about the policies and protocols in place to address the situation of children who are going missing from hotels and being re-trafficked? Are the policies and procedures adequate, and are the policies being enforced?

Laura Durán: As a starting point, it is important to remember that unaccompanied children in Home Office hotels are completely outside of the child protection welfare system. They should have been taken in by the local authority in the area where they are present, and they are owed the duties and obligations under part 3 of the Children Act, but they are technically not looked after by any local authority. They effectively have nobody exercising corporate parenting responsibilities for them. They are being accommodated by a Government Department that has no authority to accommodate children, that has no expertise in caring for vulnerable children and that has no duties and obligations towards them.

They are not covered by the general statutory guidance, for example, around children missing from care, which has very strict sets of policies working together. The agreement between the Home Office and the local areas where the hotels have been erected and have come ad hoc is a safeguarding arrangement, but that is outside of the child welfare regime. That is at the crux or the heart of it.

Danny Bayraktarova: I represent a number of children who were placed in the hotels designed for unaccompanied asylum-seeking children. The conditions that I have had reported to me are terrible. There is no adequate safeguarding. I believe that the Home Office has previously said that there are social workers there, but the information that we have gathered is that the social workers will not be in the hotel all the time. They might be coming into the hotel on two or three days, so the children there do not have access to a social worker. A social worker is not specifically allocated to a child, but there are one or two social workers responsible for a lot of children placed in the hotels.



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I have also received reports from my clients that there is no adequate access to healthcare. There are sometimes nurses or doctors in those hotels but children do not always have access to them. There are also no interpreting services in the hotels. Children who have very limited knowledge of English struggle to request help and to explain what they need.

I have also seen welfare assessments being done in those hotels that have not been detailed enough, that have missed very important health and safety issues, and missed trafficking indicators as well. Once those children come to us, we notice all of these issues. There is no mental health care in those hotels. We have to remember that a lot of the children have come to the UK and have had very traumatic journeys; they may have had very traumatic experiences in their home countries. That will have a severe psychological impact on them. A lot of my clients have been diagnosed with serious mental health conditions, such as post-traumatic stress disorder and depression, which cannot adequately be addressed in the hotels.

It is just a two-tier system for unaccompanied minors who come here and are being placed in hotels: British children have access to the care system and all the support under the Children Act 1989, whereas unaccompanied minors are being prevented from accessing that support, which they are completely entitled to.

Q419 Paula Barker: Can I press you on the age profiles as well, please? We visited Manston a while ago and we spoke about age profiling. I was a bit taken aback by how it happened and what it entailed. How long is the age profiling taking, in your experience, and can it be challenged?

Danny Bayraktarova: Normally, what I experience in my practice is that a child will arrive, stay in Kent and be processed by the Kent intake unit, for example. I believe they have social workers there. If the child's age is disputed, they can do a very short assessment and reach a conclusion on age. If there are further concerns, the child is referred to the local authority so that it can complete a more detailed age assessment. That detailed age assessment could take a long time—sometimes a few months—because the local authority would need time to gather evidence. Those assessments can be challenged, and my colleagues and I do challenge them by way of judicial review. That is the process.

Paula Barker: That is helpful, thank you.

Q420 Alison Thewliss: I have some questions around the issues with the NRM process as it affects children. Could you tell us some of the key issues in the way in which the NRM is used to identify potential child victims of trafficking?

Allyson Davies: Do you want me to talk about the devolved children's panels?



Alison Thewliss: That would be useful.

Allyson Davies: The Home Office is running 20 of them across the UK; 14 are within ICTG areas and one of them is in Scotland, and our Barnardo's service there works very closely with them. Our experience of those devolved panels has been very positive. They are multi-agency panels, they are localised and they have children's services, police and health representatives. They have the ability to be nimble, in terms of meeting very frequently. That kind of process is being evaluated to look at whether there is potential for expansion.

What that means for us in service is that the children are not waiting for reasonable grounds decisions. We are seeing multi-agency partnerships coming together. There is a real lens on the child understanding what is going on, and on understanding how those partnerships can support, and that is regardless of the nationality. We are seeing this being effective for UK nationals, where there may be some involvement with a team around the family or a child in need approach, or they may have previously been part of child protection procedures but are not now.

That means that you bring local representations in. They can look at the histories of those families and interventions that have happened previously. It provides a much more holistic package for decisions, and those decisions are very swift and smart. There are actions in there in terms of police with occurrence numbers and interviewing potential children or family members. It is much easier to meet the objective factors, because you have people who have those histories.

With children who have newly entered the country, you still have representation from people who have at least met the child—their social worker, maybe ICTG, maybe their looked-after nurse who has done their health assessment. Those processes, for us, mean that the decisions are much quicker in terms of the safeguarding response to the children.

You are seeing really good actions, with police markers going on properties, actions being taken on disruption. We are seeing very nice activities falling out in terms of victimless prosecutions. We had a nice example in Wales last year and an example in London more recently, where perpetrators have had 19 years and the children were not required to give evidence. Those things are coming from the devolved decision-making, multi-agency hubs working nicely—making not just the NRM decisions, but those good safeguarding responses you want for children. I do not know if that helps.

Q421 **Alison Thewliss:** That is really encouraging to hear. Can you say anything about the timescales for decision making? You said that is quicker.

Allyson Davies: All of the panels that are currently in operation have all of calendar dates set for the year. Most are meeting fortnightly, some monthly. All have the ability to flex whenever needed. It is very common.



We have a devolved NRM lead in our ICTG service. It is very frequent to have one called within a few days. They have that nimble ability in responding to referrals of children and calling panels ad hoc when need be. Timescales are generally very tight. There is a multi-agency agreement in decision making as well. They have support from the Home Office with technical spec and legality advice and guidance. The experience so far is very positive for children.

Q422 Alison Thewliss: Can you give some feedback about the experience for the children getting through that process? The most frustrating cases I find are children who have been left to wait for far too long within the system, who have seen the cohort of people who arrived around the same time move on. What does that decision-making process mean for those children, and what are the outcomes for them after that?

Allyson Davies: One of the stark differences for children is that, obviously, they do not consent to going into the NRM. Sometimes, the children who are going in via the normal routes may not even know that anybody submitted an NRM for them. Within the devolved decision making, one of the key aspects is, who will talk to the person who has parental responsibility? Who will talk to the child about the NRM? Is there a way of including the child in that NRM and getting their voice decisions? They are provided with leaflets and information. There is a whole way of making sure that anybody who is relevant in that child's life has an opportunity to know about the process and how they can contribute to it.

Laura Durán: To answer your question about the general NRM process, I would quickly highlight that, in terms of the contrast between adults and children, as was mentioned in the previous panel, children are meant to receive their ECAT entitlements through local authorities. One of the issues that we have seen there is that, with the incredible lack of resources that many children's services are facing across the country, the level of support that individual children are receiving really varies from area to area and can be quite limited.

We would like to see equivalent specialist support given from central Government to address the needs of trafficked children. For many children, the only benefit they get from being referred to the NRM is access to the Independent Child Trafficking Guardianship Service. That is limited to children where there is nobody with parental responsibility for them, albeit they might access ICTG in certain areas where they are piloting access on the discretionary basis for other children.

Danny Bayraktarova: I would add that what I have seen, in my experience in my practice, is that when children enter local authority care, a lot of the time the support provided is quite generic—like that for children who are not victims of trafficking. Children who are victims of trafficking and modern slavery need a lot more specialist support.

It is sometimes an issue of resourcing, and local authorities cannot commission specialist support where they do not necessarily have it in-



house. In cases where that support has been commissioned, I have seen that it has been hugely beneficial for long-term outcomes for the child, although there have been issues where the child turns 18 and receives leaving care support. The specialist support that has been commissioned then dwindles because local authorities do not want to continue to pay for it, unfortunately.

Q423 Alison Thewliss: That is interesting. Are there any significant differences in what is provided in the Scottish guardianship service and what is provided in England and Wales?

Allyson Davies: They are completely different models at the moment. Barnardo's delivers the contract for the Northern Ireland Guardianship Service and, obviously, it is commissioned to a different provider within Scotland. Most of the children going through the Northern Ireland guardianship service, and the Scottish, are children coming into the country. In England and Wales, we have a variation of models. We have had this contract since about 2014, and at each point there have been evaluations and different iterations. At some point, we have offered support to all children and at points following evaluations we have offered to different cohorts.

The current offer that we have across the whole of Wales and part of England is that we have direct support for children who do not have a person with parental responsibility in the UK. We have an indirect offer for those who do have parental responsibility in the UK. But we are also piloting two particular initiatives that we called for and had good evidence and feedback on, which we felt could make a difference to children.

In areas, at the moment, where it has been evaluated and is in the process of being released, we have an offer for direct support for children who have somebody with parental responsibility in the UK and for the children who have turned 18 as well, because we know that that age is just a number and about the importance of transitioning into proper services. So far, the feedback has been very positive about those roles, and we can see those being offered across the sites that we are delivering in.

Q424 Carolyn Harris: I was fascinated there. How are the traffickers targeting and controlling the children victims?

Allyson Davies: We will all talk in slightly different ways about maybe slightly different cohorts of children, but there is the use of online and Snapchat and those kind of social engagements. We have recently had a 10-year-old UK child referred in, and his first engagement with the person that then went on to traffic and exploit him for criminal purposes was through a PlayStation game. Even when children are not out in the community and not being targeted directly, they are engaged with so much social media activity—different platforms, different learning provisions—that people who want to target and exploit can find ways of



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doing that. I do not know, Laura or Danny, if you want to talk to that a little more.

Laura Durán: I think there is a wide, different scope of typologies of children who are trafficked. Obviously, some may be recruited through social media. UK children and foreign national children may be recruited for job opportunities. It could be grooming of family members for employment purposes, for example, in the context of labour exploitation.

The means and methods that traffickers are using vary across the board. They could be known to the child, they could be known not to the child but to the family or the community or, as you were highlighting, it could be people they encounter online. It is a wide scope of typology.

We have had offenders who are upstanding members of the community, not linked to any form of crime. For example, there are lawyers and diplomats who have trafficked children, especially in the context of domestic servitude.

It is not a crime that is necessarily linked to organised crime. It can be single offenders. I think it is important to see this as child abuse in its entirety.

Q425 **Carolyn Harris:** Is the message not getting back that things are not as they have been promised online? Is that not filtering back through and preventing any kind of involvement with traffickers?

Allyson Davies: It is like that whole grooming process. For many of our children, the way that they are targeted, groomed and coerced can sometimes be really subtle. If we go back maybe 10, 15 years, when we were first talking about child sexual exploitation, we found it difficult to understand why children were making those decisions. We were telling them about all of these risks, but it was still happening.

I think people are really sophisticated in how they target children. They use additional vulnerabilities, whether learning needs or whatever they may be for that particular child. They target and hone an offer, focusing on whatever may be potentially missing. That can be a huge raft of things when you look at the circumstances of our children at the minute.

I think that identification is key as well. We do lots of awareness raising, but we see the girls being identified for sexual, the boys for criminal. We were fortunate when Mo Farrah shared his story, because that shines a light on domestic servitude for us and labour. We have started to see children talking to us about observing organ harvesting.

It is about making sure that we do not stereotype children by their gender into different exploitation types, because those who are exploiting children will use every opportunity. We see multiple exploitation of children across all of the different types.

Carolyn Harris: Danny, did you want to add anything?



Danny Bayraktarova: I echo all the points that ECPAT and Barnardo's made. I have also seen children being trafficked and families sending their children abroad, not necessarily knowing that those children will then end up in a situation of domestic servitude and exploitation. In my practice, I see traffickers exploiting vulnerabilities, particularly when it comes to unaccompanied children whose immigration status is very precarious. They do not know anyone here in the UK; they might come from countries where there is corruption and authorities cannot be trusted. Traffickers use all of that information to continue to exert control. They tell children, "If you run away and go to the police or the local authority, they will just deport you back and then we will find you and retraffic you."

These are the types of mechanisms, and the fear that the traffickers impose on the children is tremendous. I have seen how difficult it is even for specialists to break that chain, break that cycle, because this is how the traffickers continue to exert control. Even if the child is referred into the NRM and then into local authority support, that control very much continues. Exploitation of vulnerabilities allows that to happen.

Q426 **Carolyn Harris:** Can you tell us a little bit about the non-punishment principle?

Laura Durán: I am happy to talk about that. This is an important principle in public international law. The way that this was adopted in England and Wales was through setting out the statutory defence under section 45 of the Modern Slavery Act, which has a specific standard for children. The non-prosecution principle is also incorporated in the Crown Prosecution guidance in the way that they are meant to evaluate their own decision-making process as to whether or not it is appropriate to continue with the prosecution of a potential victim of trafficking for offences that they have committed as a result of their exploitation.

One of the issues that I would highlight about the way children are navigated through the system—particularly given the disproportionate representation of children who are being identified as being exploited for criminality in the UK, which often can be linked to them also facing prosecution for offences that they have committed as a result of that exploitation—is that this process can be very challenging for them.

We have seen an increase in the Crown determining that it is not appropriate to conduct a prosecution, which we would always welcome, but for some children the prosecution is continued. They actively have to raise the statutory defence. It has become even more challenging for them to obtain a positive outcome because of recent cases, and they end up facing sometimes even custodial sentences for those offences.

Danny Bayraktarova: The section 45 defence is only available when a decision to prosecute is made. You cannot raise a defence before that. I think that there is lack of awareness in police forces and CPS that the



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non-punishment principle can be applied before that decision is made and that prosecution may not necessarily need to be pursued.

The other point that I wanted to make is that, a lot of times, children are being seen as perpetrators rather than victims of crime. That informs where the prosecution will be pursued. Also, I have seen in my practice that, sometimes, criminal practitioners are not necessarily aware of the existence of the defence, so that raises a lot of other issues.

Q427 Chair: I am very conscious that we have to conclude, but I want to ask one final question. The written evidence from Barnardo's highlighted that there is no statutory definition of child criminal exploitation in the same way that there is for child sexual exploitation. Could you comment about how a statutory definition would improve victim support and the prevention of child trafficking? Very briefly, is this something that ought to be considered for the victims Bill? I do not know if you want to comment on that.

Allyson Davies: In the same way that we had with child sexual exploitation, at the moment across the UK we have completely different definitions and criteria being used, so we have a real disparity in how people are recognising, addressing and supporting children. Having one clear definition that is agreed and determined and that can be measured against is crucial for victims and should be included in the Bill.

Chair: It could go in the victims Bill? We could try to get an amendment in.

Thank you very much for your evidence to the Committee this morning. It has been very helpful. If there is anything else that you feel that we need to consider, please write to us with that information, and we will consider it. Thank you for your time.