



Home Office

Home Secretary

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Rt Hon Dame Diana Johnson MP
Chair, Home Affairs Select Committee
House of Commons
London
SW1A 0PW

02 May 2024

Dear Chair,

Thank you for your letter dated 7 March regarding the government's response to your inquiry into human trafficking. I welcome the Committee's support for resuming publication of an Annual Report on modern slavery which the Government seeks to do by the end of this year.

Please find below our response to the questions set out by the Committee.

Compatibility of the Nationality and Borders Act and the Illegal Migration Act with the UK's international obligations.

The Committee asked five questions about the compatibility of the modern slavery measures in the Nationality and Borders Act (NABA) and Illegal Migration Act (IMA) with the UK's obligations under the Council of Europe Convention on Action against Trafficking in Human Beings (ECAT) and Article 4 of the European Convention on Human Rights (ECHR).

The UK considers modern slavery and migration issues in a holistic way, with 75% of potential victims being foreign nationals in 2023. We are committed to supporting victims of modern slavery, and it is vital that we manage public order risks and reduce incentives for individuals to enter the country illegally.

This is what the measures in the NABA and IMA seek to do, building on provisions in ECAT and with each case being considered individually. NABA, passed by Parliament in 2023, clarified for the first time in primary legislation our obligations to victims of modern slavery and brought into domestic law the ECAT (Article 13) provision to withhold support on the grounds that an individual poses a risk to 'public order' or where it is found that a victim status is being claimed improperly. This is an important tool to ensure that those who commit serious criminal offences are not able to access the support and protections offered to modern slavery victims. The measures under the IMA are compliant with our international obligations including Article 4 ECHR and ECAT and address the immediate and pressing public order risk

from those arriving illegally. Where an individual is supporting an investigation, an exemption may apply.

The Home Office keeps all policies and procedures under review and regularly updates the Modern Slavery Statutory Guidance to ensure potential victims of Modern Slavery are appropriately identified and are provided with the support they need to begin rebuilding their lives.

Independent Child Trafficking Guardian (ICTG) programme

The Committee asked three additional questions about changes to the ICTG programme.

Informing the Committee about changes to the current model

We were not in a position to share the change to the ICTG model at the point at which the response to the Home Affairs Select Committee was sent. However, as soon as the financial position had been agreed and discussed with the incumbent supplier, the Home Office updated the sector, including the Independent Anti-Slavery Commissioner and the Child Modern Slavery Engagement Forum.

Using evaluation and evidence to inform changes

Home Office officials liaised closely with the incumbent supplier, Barnardo's, to understand how efficiencies could be made to the existing service whilst ensuring that the revised model retains its core objectives and meets our domestic and international obligations. This was in recognition of the importance of the service in assisting vulnerable children. The revised model focuses on a needs-based hybrid service for children receiving direct support by delivering a combination of face-to-face and remote sessions based on a child's vulnerability factors. Children who usually receive indirect support, due to having a figure of parental responsibility in the UK, will continue to have access to direct support in exceptional circumstances based on their vulnerability and risk factors.

The Home Office drew from a comprehensive evidence base that comprised multiple evaluations (published and unpublished) of the ICTG service to date, ICTG service management information and NRM data. Decision-making was also informed by the perspective of the incumbent supplier, Barnardo's, on the material impact to children of different delivery models, as well as the supplier's experience of delivering a fully digital service during the Covid pandemic.

The Home Office liaised with officials in the Department for Education and Welsh Government ahead of informing the sector at the appropriate time.

The Home Office has launched an ongoing programme of engagement with the sector to invite their insight and expertise in the design of the model of the ICTG service for national rollout. To date this has included both a workshop and online survey, with further events being planned.

Support provisions after the age of 18

All support provisions for victims of modern slavery are needs assessed and we provide a comprehensive package of support for adults and children in England in Wales, in line with our international and domestic obligations. When a child turns 18 whilst in the ICTG service and they require further modern-slavery specific support beyond their 18th birthday they will be transferred to the support provided by the Modern Slavery Victim Care Contract (MSVCC). The ICTG service will prepare the child for transition well in advance of their 18th birthday. Should it be determined that a child in receipt of direct support satisfies the exceptional criteria which makes them eligible for further face-to-face support, they will be able to access that until they turn 18. This is inclusive of children who may have increased vulnerabilities and risk factors due to their imminent transition into adult services.

Furthermore, the support local authorities provide to child victims is not dependent on a child remaining in the National Referral Mechanism. As such, children will continue to be supported in their existing situation by local authorities under their statutory duty to safeguard and promote the welfare of looked after children in their area. Local authority support may also continue until children reach the age of 25 where the child was looked after, or until the age of 18 otherwise, and support individuals with this transition.

Yours Sincerely,

A handwritten signature in blue ink, appearing to read 'James Cleverly', with a stylized flourish at the end.

Rt Hon James Cleverly MP
Home Secretary