

## Written evidence submitted by ECPAT UK

**ECPAT UK****Written Evidence to the Education Select Committee  
Inquiry: the impact of COVID-19 on education and children's services**

1. ECPAT UK is the leading UK children's rights charity rights organisation campaigning and advocating for the right of children to be protected from trafficking and transnational child sexual abuse. We have a long history of campaigning against child trafficking and exploitation in the UK, having produced the first research into the trafficking of children in the UK in 2001. An ongoing programme of research, training, youth participation and advocacy informs our campaigning efforts. We work directly with young victims of trafficking through our youth programme, which provides insight into the experiences of these children and the systems and processes that they encounter. ECPAT UK has been instrumental in raising awareness of children trafficked into the UK for all forms of exploitation and advocating for changes in policy and legislation to improve the UK's response to this abuse. ECPAT UK is part of the ECPAT International network, which is present in 102 countries, working to end child exploitation.
2. We are submitting this evidence based on the experiences of the young people we work with through our Youth Programme, as well as our partnership work with statutory and voluntary services. Our aim throughout has been to protect and promote the rights of children and young people as required by domestic legislation and international treaties including the Children Act 1989 and the UN Convention on the Rights of the Child, and to ensure that they are upheld during the COVID-19 pandemic.
3. Like many other organisations we moved to offering our services online and over the phone during the pandemic and have increased the amount of 1:1 work in response to need. Overall we have found that practical, physical and emotional needs have hugely increased as well as risks to safety and wellbeing, with significant factors identified as lack of contact with key support workers; confinement to a residence triggering re-traumatising memories of exploitation; lack of clear, trustworthy information in young people's own languages; delayed subsistence payments; delays to decisions on asylum cases and National Referral Mechanism outcomes on their official status as victims of trafficking; lack of access to electronic equipment to continue education and to remain connected to peers and support services; and inappropriate accommodation in which to remain safe from the virus. Additionally, during the pandemic children are spending more time online, leaving them exposed to risks of contact with criminals seeking to sexually, criminally or financially exploit them.
4. Young people, who were already facing great challenges in access to support and care, experience uncertainty and serious risk to life brought about by the pandemic. This means that

their needs as young survivors of trafficking and exploitation and other forms of violence and abuse are being overlooked, whilst increasing. We are concerned about their increased risk of going missing and facing further exploitation and abuse at this time when their need for support and care are not being met.

5. Of the areas outlined in the inquiry's terms of reference, our response focuses on:
  - the capacity of children's services to support vulnerable children and young people;
  - the support for pupils and families during closures;
  - the effect of Covid-19 on disadvantaged groups, particularly unaccompanied, trafficked and exploited children and young people and those at risk;
  - what contingency planning can be done to ensure the resilience of the sector in case of any future national emergency.
  
6. This submission highlights the following key concerns:
  - children's services were already under pressure before COVID-19. The pandemic has occurred at a time when they have little resilience to manage its impact;
  - the pandemic and the government response to it have exacerbated existing inequalities in access to rights and entitlements for this vulnerable group, who face structural barriers to support in the UK including immigration precarity, unequal access to education and discrimination in support and care. It has also created new risks for this group of children and young people to go missing from statutory care services and be re-trafficked;
  - the pandemic has highlighted significant gaps in the support available to children at a time when their needs have increased;
  - any recovery plan must enable children, young people and families to recover from the impact of the pandemic and include ring-fenced funding for local authorities, charities, and education settings, to allow them to expand and adapt their services and support of need.
  - the Adoption and Children (Coronavirus) (Amendment) Regulations 2020 substantially weakened legal protections for children in care and were introduced without a clear or proper consultation and without parliamentary scrutiny.

### **The capacity of children's services to support vulnerable children and young people**

7. It is well documented that children's services were already under pressure before COVID-19. Recent analysis<sup>1</sup> of children's services funding/spending rates across England estimates that funding available to local authorities for children's services fell by nearly a quarter (23%) between 2010/11 and 2018/19; yet local authorities' spending on children's services reduced by only 6% in that period, indicating the extent to which local authorities are plugging a funding gap. This is an unsustainable situation; particularly as local authorities' revenue streams are diminished by the economic impact of the pandemic.

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<sup>1</sup>Action for Children, National Children's Bureau, NSPCC, The Children's Society, Barnardo's (May 2020), Children and Young People's Services: Funding and spending 2010/11 to 2018/19. Available online at: <https://www.actionforchildren.org.uk/media/13023/childrens-and-young-peoples-services-funding-andspending-report-2018-19-002.pdf>

8. We are concerned that the COVID-19 crisis, falling on top of the pre-existing crisis in social care and local authority funding, has led to failings in the duty to safeguard and promote the welfare of children and young people in their care.
9. Many of the children and young people we work with have already had traumatic experiences of being exploited or compelled to live in isolation without any control over their lives nor any idea as to when their abuse might end, if ever. Some will have been trafficked into the United Kingdom and/or trafficked within the UK and experienced significant trauma over their lives. We understand the need for stringent public health rules, but we are concerned that the consequences for the children and young people we work with are not fully appreciated by statutory local agencies and central government departments charged with promoting and safeguarding their welfare and best interests. The restrictions that have been imposed to control the Covid-19 pandemic have meant a sudden withdrawal of much of the support they rely on for their physical, emotional and psychological health and well-being, including schools and colleges, clubs, community centres and other social groups, and a significant reduction in access to counselling and other forms of therapeutic work and mental health services, as well as decreased access to social workers.
10. At a time when these young people needed to know that there is a plan to increase the support and care around them, we have been gravely concerned that the Adoption and Children (Coronavirus) (Amendment) Regulation 2020 has curtailed their entitlements as potential risks to their safety and welfare increase. These amendments of statutory duties will have a disproportionate effect on this cohort of young people, including those looked after children who are seeking asylum and child victims of trafficking, who have no family or other support networks to act as a safety net in the absence of social worker visits or telephone contact. Looked after children and young people are entitled to and need regular contact with either their allocated social worker, key worker or personal advisor. In normal times, some will also receive additional on-site support at their accommodation. It is hard to understand how the local authorities can assure themselves as corporate parents that the children and young people they are responsible for are safe and well at a critical time, when these young people have needed practical and emotional support the most.
11. In the context of a lack of awareness and training where unaccompanied children are often not properly identified as trafficking victims, these changes are particularly concerning. It increases the likelihood of children and young people going missing under the control of traffickers.
12. The Children (Private Arrangements for Fostering) Regulations 2005 were legislative changes brought about in response to the Victoria Climbié Inquiry recommendations for greater protection for privately fostered children and their importance in identifying trafficked and exploited children and young people. The key change was to mandate proactivity on the part of local authorities in registering and seeing children. It is a critical part of the picture in identification of child victims of trafficking and exploitation and we are concerned about the move away from clear timescales for checks and regular visits, including the 7 day notification requirement for the local authority to visit and speak to the proposed private foster carer and people living with the foster carer, the child alone to ascertain the child's wishes and feelings and speak to and, if it is practicable to do so, visit the parent or person with Parental Responsibility for the child and to investigate any other matters the social worker believes to be

relevant and to visit the child at least every 6 weeks in the first year and at least every 12 weeks in subsequent years.

13. These provisions form a significant protective measure and are embedded in the mechanisms identified in the National Working Group Criminal, Civil Partnership Disruption Options for Perpetrators of Child and Adult Victims of Exploitation – known as the Disruption Toolkit<sup>2</sup>, particularly with regard to domestic servitude cases. Our concern is that if the current duties are not met due to these amendments and there is a move towards what is 'reasonably practical', children and young people are potentially more at risk of being exploited or abused within a domestic setting for a longer period of time and will not be identified and protected.
14. A 2017 report commissioned by the Department for Education and the Home Office found a need for increased training for frontline professionals and training and recruitment of specialist foster carers<sup>3</sup>. Local authorities must decide their own child protection training budgets and many do not provide any child trafficking training (or include it as part of a wider training without sufficient depth). Where training is provided it is usually irregular and doesn't reach all necessary staff, particularly other key professionals such as Youth Offending Services, Private Fostering, foster carers and support workers. The importance of involvement of the direct experiences of children and young people in educating and informing cannot be overstated. As a recent participant of ECPAT UK training said to our young contributor: *'...you are an essential part of making us all understand and react in the most caring and informed way, training like this should be mandatory!'*
15. In addition to this, the Independent Child Trafficking Guardianship service, which has been in statute since 2015, has not yet been rolled out across England and Wales, leaving the majority of child victims of trafficking without this independent support they are entitled to. Following a UK Government-commissioned Independent Review of the Modern Slavery Act (England and Wales) 2015 in May 2019, and government response in July 2019, the government reaffirmed its commitment to provision of guardianship for child victims of trafficking in England and Wales – a provision established in the 2015 legislation; re-naming the Independent Child Trafficking Advocate (ICTA) scheme to the Independent Child Trafficking Guardians (ICTG) scheme and re-stating its commitment to fully roll out the scheme across England and Wales.<sup>4</sup> The most recent [independent review of the guardianship service](#)<sup>5</sup> mirrored the findings of an earlier evaluation, that having a guardian helps reduce children's vulnerability to going missing from care and being re-trafficked and is an extremely effective intervention for children, who are able to build relationships with a consistent, trusted individual; ensure their voices are heard; and that their best interests are represented when feeding in to the various processes

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<sup>2</sup><https://www.nwgnetwork.org/wp-content/uploads/2019/11/NWG-Disruption-Toolkit-v3-1.pdf>

<sup>3</sup> <sup>3</sup> Department for Education & Home Office (2017) Local authority support for non-EEA migrant child victims of modern slavery (Cordis Bright: London)<https://www.ecpat.org.uk/news/report-finds-major-gaps-in-la-support-to-migrant-children>

<sup>4</sup> Home Office (2019) 'UK Government response to the Independent Review of the Modern Slavery Act 2015,' July 2019: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/815410/Government\\_Response\\_to\\_Independent\\_Review\\_of\\_MS\\_Act.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/815410/Government_Response_to_Independent_Review_of_MS_Act.pdf)

<sup>5</sup>An evaluation of Independent Child Trafficking Guardians – early adoptersites, Final report, Research report 111, Authors: Ravi KS Kohli, Helen Connolly, Hannah Stott, Stephen Roe, Stuart Prince, James Long and Samuel Gordon-Ramsay, July 2019[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/819723/evaluation-independent-child-trafficking-guardians-final-horr111.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/819723/evaluation-independent-child-trafficking-guardians-final-horr111.pdf)

(immigration, criminal justice proceedings and the National Referral Mechanism) children navigate.<sup>6</sup> In March 2020, the UK's Independent Anti-Slavery Commissioner called for the roll out of guardianship in public communications on her priorities<sup>7</sup> and 42 cross-party Parliamentarians wrote to the Home Secretary calling for full provision of the service.<sup>8</sup> Yet the government has still not rolled out the service or committed to a timeline for this, and even changed the service's model to roll back provision of guardians for children with parental responsibility – in practice, British national victims - in July 2019,<sup>9</sup> despite increasing numbers of British national victims identified year-on-year.<sup>10</sup> Five years following the introduction of this provision in statute, children in only one third of Local Authorities in England and Wales have access to an Independent Child Trafficking Guardian.

16. ECPAT UK, along with other children's charities, has long argued for all unaccompanied and separated children to have access to an independent legal guardian due to the well-established ability of guardians to create trusted relationships that enhance the ability of the child to disclose their experiences of exploitation. This would ensure all vulnerable children can benefit and that failings in identification do not prevent children from accessing this support. Unfortunately, the Independent Review of the Modern Slavery Act determined that guardianship for unaccompanied or separated children was outside the scope of its review;<sup>11</sup> a missed opportunity to scrutinise this vital provision for a group of children that comprises significant numbers of potential victims of trafficking.<sup>1213</sup>

### The support for pupils and families during closures

17. During the pandemic, looked after children and children with a social worker should have had access via the national scheme for devices and internet access through the local authority, schools and colleges. Young people we work with aged 14–21, in full time education, have been unable to continue with school or college work because they have not had access to laptops, wifi or support in liaising with schools regarding the same.
18. Before the Covid-19 pandemic, they were able to use computers and wifi at school or college or libraries. Young people are often without wifi with their phones being the only means of contacting the outside world, and have chosen to spend any money they have on phone credit

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<sup>6</sup> Ibid.

<sup>7</sup> See UK Independent Anti-Slavery Commissioner interview by *The Independent* (2019) 1<sup>st</sup> March 2020:

<https://www.independent.co.uk/news/uk/home-news/county-lines-slavery-child-trafficking-drugs-protection-sara-thornton-a9365906.html>

<sup>8</sup> ECPAT UK (2020) '5<sup>th</sup> anniversary of the Modern Slavery Act: 42 MPs urge Home Secretary to act on promises made to children', 26<sup>th</sup> March 2020: <https://www.ecpat.org.uk/news/40-mps-urge-home-secretary-to-act-on-promises-to-children>

<sup>9</sup> Home Office (2019) 'UK Government response to the Independent Review of the Modern Slavery Act 2015,' July 2019: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/815410/Government\\_Response\\_to\\_Independent\\_Review\\_of\\_MS\\_Act.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/815410/Government_Response_to_Independent_Review_of_MS_Act.pdf)

<sup>10</sup> Home Office (2020) National Referral Mechanism Statistics, UK, End of Year Summary, 2019:

<https://www.independent.co.uk/news/uk/home-news/child-trafficking-victims-home-office-modern-slavery-reduce-support-victims-surge-a8731321.html>

<sup>11</sup> Home Office (2019) Independent Review of the Modern Slavery Act 2015: Final Report:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/803406/Independent\\_review\\_of\\_the\\_Modern\\_Slavery\\_Act\\_-\\_final\\_report.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/803406/Independent_review_of_the_Modern_Slavery_Act_-_final_report.pdf)

<sup>12</sup> Europol (2018) Criminal networks involved in the trafficking and exploitation of underage victims in the European Union: [www.europol.europa.eu/publications-documents/criminal-networks-involved-in-trafficking-and-exploitation-of-underage-victims-in-eu](http://www.europol.europa.eu/publications-documents/criminal-networks-involved-in-trafficking-and-exploitation-of-underage-victims-in-eu)

<sup>13</sup> 'Asylum seeker kids 'missing' after being recruited by crime bosses in Birmingham'

<https://www.birminghammail.co.uk/news/midlands-news/asylum-seeker-kids-missing-after-18543991>

rather than on food and other essentials. During the pandemic, children and young people with access to charity support have relied on it entirely to advocate for them, to source laptops and to liaise with their schools and colleges regarding delays in completion of course work to avoid termination of their enrolment. It is unrealistic, impracticable and unsustainable that charities, already stretched in their funding and resources, should substitute for the central government scheme to which children and young people are eligible and entitled.

19. Some young people, reliant on local authorities to provide financial support, are at increased risk of exploitation due to late payments. While late payments are never acceptable, prior to the Covid-19 pandemic, young people could raise this with former foster carers, charities or staff at school or college with relative ease and ensure a prompt response in order that their basic needs were met. During the pandemic lockdown, with most institutions physically closed, and most adults to whom the young people would normally turn to working remotely and inaccessible in-person, young people who find themselves in this financial situation have far fewer options to turn to, exposing them to actual and real risk of significant danger and exploitation.
20. The current situation has been re-traumatising for some young people and has left many unable to cope, particularly those with pre-existing mental health issues. The restrictions that have been imposed to control the Covid-19 pandemic have meant a sudden withdrawal of much of the support they rely on for their physical, emotional and psychological health and well-being including schools and colleges, clubs, community centres and other social groups, and a significant reduction in access to counselling and other forms of therapeutic work and mental health services, as well as decreased access to social workers. The loss of tangible support and the consequential social isolation compounded by the significant restrictions on movement have been a shock to many of them, redolent of past experiences of ill treatment and trauma.
21. From our work in the London area, we are not aware of any local authorities arranging for young people to continue to access counselling or therapeutic services online that they were already receiving or offering counselling and mental health support to help them cope with the sudden loss of their normal support networks. In the absence of the emotional and psychosocial support they had pre-Covid, we have received reports from the young people we support of increased experiences of nightmares, flashbacks and overwhelming panic attacks. Some are struggling to control episodes of depression and suicidal ideation. Their need for mental health support and trauma care is increasing. Many of these young people are placed in unsuitable accommodation where they do not feel safe, feelings which the current conditions are exacerbating.
22. In particular, we are aware of young people who have suffered panic attacks such that they have required medical attention and of others who have felt suicidal, left dependent on volunteer telephone befrienders while in lockdown. Children and young people who are alone, afraid, lacking in the resources to meet their basic needs and unable to access mental health support are vulnerable to going missing and facing exploitation and abuse. We have been working with a number of young people who have identified a need for access to mental health services that they had resisted previously and are now on a very long waiting list.
23. We have been very concerned about the increased risk of going missing and facing further exploitation and abuse at this time when their need for support and care are not being met.

Unaccompanied children and children who have been trafficked are already at a higher risk of going missing from care, which can indicate exploitation and re-trafficking. ECPAT UK's *Heading back to harm*<sup>14</sup> and *Still in Harm's Way* reports show high levels of child victims of trafficking going missing: the most up-to-date data from 2017 shows 27% of all suspected child victims of trafficking (244 children) and 15% of unaccompanied children (742 children) in care went missing at least once. Of these, 169 missing, trafficked, or unaccompanied children had not been found.<sup>15</sup> Obtaining accurate data on child trafficking (and trafficked children who go missing) continues to be a challenge due to the way in which child protection is devolved and thus overseen at a local level by local authorities. As this report showed, although the numbers of child trafficking victims identified increased, showing that awareness is rising, the safeguarding response is potentially worsening, with average missing incidents for each trafficked child increasing from an average of 2.4 to 7.4 times between 2014-15 and 2017. The BBC has recently uncovered evidence of young people disappearing off the radar for weeks, months and, in some cases, years via Freedom of Information requests to local authorities<sup>16</sup>.

### **The effect of Covid-19 on disadvantaged groups**

24. The pandemic and the government response has exacerbated existing inequalities in access to rights and entitlements for this vulnerable group, who face structural barriers to support in the UK including immigration precarity, unequal access to education and discrimination in support and care. It has also created new risks for this group of children and young people to go missing from statutory care services and be re-trafficked.
25. Those living in lower-income areas and those from black and ethnic minority communities have been disproportionately impacted by Covid-19 and have higher mortality rates. Structural racial inequalities have resulted in BAME communities disproportionately experiencing poverty, precarious employment and overcrowded housing in lower-income areas and have all contributed to increased their exposure to the virus. Moreover, these socio-economic conditions have a causal effect on the comorbidities that increase susceptibility to the virus. Hostile immigration control policies have prevented migrants from accessing healthcare due to the risks of being exposed to immigration control, detained and removed from the UK, as well as lack of language and digital inclusion, the prohibitive cost of care and historic racism in treatment.
26. Most of the young people we work with are black and minority ethnic and are fully aware of the disproportionate impact of Covid-19 on them – but without any information targeted to or tailored for them about why nor any mitigation of its impact. It is within this context that we have been providing children and young people with information about Covid-19, about the risks to them and to others, and about their obligations to safeguard their own health and that of others. There has been a real need for more information in child friendly formats, in children and young people's mother tongues or in a way that those with learning difficulties or poor literacy can access.

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<sup>14</sup> ECPAT UK (2016), *Heading back to harm: A study on trafficked and unaccompanied children going missing from care in the UK*: <https://www.ecpat.org.uk/heading-back-to-harm-a-study-on-trafficked-and-unaccompanied-children-going-missing-from-care-in-the-uk>

<sup>15</sup> ECPAT UK (2018), *Still in Harm's Way: An update report on trafficked and unaccompanied children going missing from care in the UK*: <https://www.ecpat.org.uk/still-in-harms-way>

<sup>16</sup> <https://www.bbc.co.uk/news/uk-53419548>

27. The level of concern and fear has been extremely high to the point that some have been fearful of seeking medical care if they are symptomatic. A centralised, strategic approach to information directed at children and young people, particularly those at greatest risk; and to ensure that looked after children and young people and care leavers, including those who are without kinship support, are provided with information and are able to access and understand the information that they have been given is urgently needed.

**What contingency planning can be done to ensure the resilience of the sector in case of any future national emergency**

28. ECPAT UK is a signatory along with more than 150 other organisations to the call to put children and young people at the heart of the COVID19 recovery<sup>17</sup>. We are calling on the government to embrace a new vision of childhood to support children, young people and their families to recover from the impact of COVID-19. The voices of children, young people and families must be at the heart of the recovery and rebuild process, and there must be renewed investment in the services and workforce that they rely on. This means investment in universal services alongside a commitment to protect children facing additional challenges, like those we have identified here who are in need of specialist support to protect them and help them to heal, and to prevent trafficking, exploitation and abuse.
29. The experience of COVID-19 to date has shown us that disadvantaged and vulnerable children and young people need more support, care and protection, not less. There should be no ambiguity about the rights and protections and the support and care that children and young people need, established in law and practised over decades: the Adoption and Children (Coronavirus) (Amendment) Regulations 2020 should be repealed and children's social care supported to fulfil its duties.
30. The rollout of the Independent Child Trafficking Guardians (ICTG) scheme in England and Wales, already provided for in law and modelled in some areas of the UK, would provide additional capacity at a local level to support children and young people whilst building resilience and protection for children and young people to prevent further trafficking, exploitation and abuse. Guardians would help to mitigate the falling away of support for the most vulnerable children and young people that we have witnessed during lockdown.
31. The recovery plan should include ring-fenced funding to boost the capacity of children's mental health support to meet demand, through both digital and in-person delivery. Prioritising mental health support by skilling up the children's workforce and schools to adopt trauma-informed approaches, investing in mental health services and prioritising therapeutic support.
32. Work with children and young people to hear about their experiences and views during the pandemic and develop information and support tailored for them in different formats and languages and to anticipate their needs moving forward. Providing clear information and communicating directly with children and young people is critical to prevent avoidable anxiety and stress.

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<sup>17</sup>**Put children at the heart of the recovery:** statement to the Prime Minister published on Tuesday, 30th June. <https://www.ncb.org.uk/childrenattheheartofrecovery>

July 2020