

Committee of the Parties
to the Council of Europe Convention
on Action against Trafficking in Human Beings



CP(2017)33

**Report submitted by the British authorities
on measures taken to comply with
Committee of the Parties Recommendation
CP(2016)12 on the implementation
of the Council of Europe Convention
on Action against Trafficking in Human Beings**

Second evaluation round

Received on 31 October 2017

Ce document n'est disponible qu'en anglais.



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31st October 2017

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UK Report to the Committee of the Parties on the measures taken to improve the implementation of the Convention on Action against Trafficking in Human Beings

I am pleased to enclose the UK's report to the Committee of the Parties on the measures taken to implement the Convention on Action against Trafficking in Human Beings.

Tackling human trafficking and modern slavery remains a top priority for this government and we are committed to stamping out this abhorrent crime. Our report outlines the considerable work that has been done to tackle modern slavery across the UK over the past year.

We have also recently announced a broad package of reforms to the UK National Referral Mechanism (NRM). This included a pledge to enshrine the rights of victims into law throughout the UK. We will also enhance the NRM decision-making process, and keep it separate from the immigration system, through the establishment of a single expert unit to handle all cases and an independent panel to review negative decisions. If it would be of interest, we would be pleased to share further information on these reforms or any of the work highlighted in our report.

We continue to be grateful to GRETA for their work with us and other countries to fully implement the Convention. We look forward to continued dialogue and engagement with both GRETA and the Committee of the Parties.

Sarah Newton

Sarah Newton MP
Minister for Crime, Safeguarding and Vulnerability

Report of the United Kingdom of Great Britain and Northern Ireland on measures taken to comply with the Recommendation of the Committee of the Parties to the Council of Europe Convention on Action against Trafficking in Human Beings CP(2016)12

The Committee of the Parties to the Council of Europe Convention on Action against Trafficking in Human Beings, acting under the terms of Article 38(7) of the Convention, recommends that the UK authorities take measures to address the following issues for immediate action identified in GRETA's second evaluation report of 8 July 2016:

- **Make further efforts to ensure that all victims of trafficking are provided with adequate support and assistance, according to their individual needs, beyond the 45-day period covered by the NRM, with a view to facilitating their reintegration and recovery as well as guaranteeing their protection.**

England and Wales

All adult potential victims of trafficking in England and Wales have access to the Government-funded support service, which is currently delivered by The Salvation Army. Potential victims receive specialist support and assistance which is tailored to their needs. In England and Wales, victims receive support for a minimum of 45 days, until a conclusive grounds decision has been made. Following their conclusive grounds decision, confirmed victims have 14 days to move on from their support. This 14 day period can be extended, dependent on the victim's circumstances, and applications are considered on a case by case basis. This goes further than the 30 day requirement of the Council of Europe Convention on Action against Trafficking in Human Beings.

The UK Government is committed to facilitating the reintegration and recovery of confirmed victims of modern slavery. As part of the UK's plans to reform the National Referral Mechanism (NRM), the move-on period of support for confirmed victims of modern slavery will be extended from 14 days to 45 days, in addition to establishing a 6 month drop in service to confirmed victims after leaving support. This service will provide ongoing support on planning budgets, finding employment opportunities, language classes, and assisting integration into their local community. The Government shall also work with up to six local authorities to test care pathways that facilitate the smooth transition of victims leaving government-funded care into mainstream care systems available in the community where they have a right to reside.

Northern Ireland

Under section 18 of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015, the assistance and support that is provided to adult potential victims is to be provided beyond the 45 day period until a conclusive grounds decision has been reached. In addition, the Act provides discretionary powers to extend support on a case by case basis for such a period as considered necessary. This is generally intended to ensure that individuals who have progressed through the NRM have been able to access appropriate provision under the wider welfare system before the Department of Justice funded support is withdrawn.

Special arrangements for children in Northern Ireland will ensure appropriate support and assistance beyond the 45-day period covered by the NRM, with a view to facilitating their reintegration and recovery as well as guaranteeing their protection.

Scotland

Section 9 of the Human Trafficking and Exploitation (Scotland) Act 2015 places a duty on Scottish Ministers to secure support and assistance for adult victims of trafficking. It also allows them to determine the relevant period during which that support and assistance should be provided through regulations and to provide support and assistance before and after that period.

In June 2017, the Scottish Government announced that the period of support to be made available to victims of trafficking recovered in Scotland would be extended from 45 days to 90 days. Regulations will be brought forward in early 2018. The agreement with TARA and Migrant Help (the organisations funded by the Scottish Government to provide support and assistance to victims of human trafficking) sets out that the services provided should be aimed at increasing clients' personal resilience and supporting them to safety and recovery.

Take steps to improve the identification and protection of child victims of trafficking, in accordance with the best interests of the child, and in particular to:

- **address the problem of children going missing from local authority care, by providing suitable safe accommodation and adequately trained supervisors or foster parents;**
- **improve the exchange of information on missing unaccompanied children between police forces and local authorities;**
- **ensure that child victims who may be at risk of re-trafficking can be accommodated in another local authority area, to ensure effective protection from such risk;**

England and Wales

The UK Government has made a commitment to review current practice concerning trafficked children and consider how capacity could be strengthened. We expect to publish a report shortly.

Foster carers provide homes and families for children who may have been trafficked and are best placed to do so. They are trained, skilled and experienced in dealing with children with a huge range of needs. Social workers are aware of the extra precautions they must take when dealing with trafficked children. Those specialising in foster or residential care are advised to be aware of the high risk that trafficked children may return to their traffickers and therefore make provisions to mitigate this risk. If an interpreter is required, they are to be appropriately trained to comprehend the issues a trafficked child may have.

The 2011 Missing Children and Adults Strategy is currently being refreshed. Her Majesty's Inspectorate of Constabulary (HMIC) has undertaken a review of police forces' use of the terms 'missing' and 'absent' when recording the whereabouts of children. The findings from this will help inform the revised strategy, with an action orientated implementation plan being attached to the strategy. Statutory guidance on children missing from care (2014) is also being revised to ensure greater clarity around the exchange of information on missing children.

Wales has had the 'All Wales Child Protection Procedures' since 2008 and is currently reviewing the Missing Children Protocol part of this procedure.

Local authorities are aware of the need to consider the risk of a child being re-trafficked when planning for a permanent placement. In July 2014 the Department of Education published statutory guidance for local authorities on the care of unaccompanied and trafficked children: Care of unaccompanied and trafficked children 2014 (www.gov.uk/government/publications/care-of-unaccompanied-and-trafficked-children). The guidance is clear about placement decisions, which “should take particular account of protecting the child from any continued risk from traffickers, and from a heightened risk of going missing”. It is agreed that an out of area placement might in some cases be appropriate to put distance between the child and where the traffickers expect them to be. Specialist accommodation should also be considered, for example, in settings which specialise in dealing with victims of trafficking. The Children Act 1989 guidance and regulations, Volume 2: care planning, placement and case review, June 2015; also make clear that out-of-area placements may be necessary to ensure that looked after children are appropriately safeguarded. The Department of Education is updating this guidance and hopes to publish it shortly.

Northern Ireland

Child victims and potential child victims of human trafficking are responded to in compliance with the provisions of the Children (Northern Ireland) Order 1995. They become ‘Looked After’ and are therefore entitled to a full range of support including Leaving Care and After-Care Provision required by the Children (Leaving Care) Act (Northern Ireland) 2002 and associated guidance.

Northern Ireland uses a bespoke residential facility to accommodate and support child victims and suspected child victims of trafficking. Victims and potential victims are assigned a social worker and independent legal representation where necessary. An Independent Guardian will also be appointed to support, advise and represent a child victim and potential child victim of human trafficking. Independent Guardians can be retrospectively appointed to support and represent child victims or potential child victims of human trafficking already in the care system in Northern Ireland.

GRETA’s report affords specific recognition to the steps taken to improve the identification and protection of child victims of trafficking in Northern Ireland, including collation of information and the provision of tailored accommodation and support services. It also highlights the problem of children going missing from local authority care but makes specific reference to the steps taken to reduce this problem in Northern Ireland and affords appropriate acknowledgement that no child or young person admitted to the dedicated residential unit has subsequently gone missing from it.

The Regional Health and Social Care Board (HSCB) and Police Service of Northern Ireland (PSNI) have provided guidance, “Runaway And Missing From Home And Care Missing Children Protocol” to assist social workers and police officers to work collaboratively to address the circumstances of children and young people who go missing. The cases of all children and young people who go missing are managed in compliance with this guidance.

Scotland

Unaccompanied children are looked after children under Section 25 of the Children (Scotland) Act 1995. This entitles a child or young person to the highest level of care and safeguarding to ensure that their best interests are met. In Scotland, there is also the Scottish Guardianship Service which works alongside the social worker to ensure that the child is supported as they integrate into society. Due to these two mechanisms, there is a low incidence rate of trafficked children going missing and possibly being re-trafficked.

Scotland has a Missing Persons Strategy which sets out the roles and shared responsibilities of respective agencies, as well as key national objectives and supporting commitments to focus efforts on preventing people from going missing and limiting the harm associated when they do go missing.

The Scottish Government has also made statutory the service of the Guardian to eligible children via section 11 of the Human Trafficking and Exploitation (Scotland) Act 2015. The Guardian will work with the unaccompanied child and the social worker to ensure that the best interests of the child are protected. This includes provision of suitable accommodation, safeguarding against going missing, the necessary sharing of information between services and the training and employment of suitably qualified professionals to work with these vulnerable children.

There is further guidance specifically on missing children in the National Guidance for Child Protection in Scotland.

- **train all professionals working with child victims of trafficking to recognise and respond appropriately to their individual needs and the best interests of the child;**

England and Wales

In September last year, the UK commissioned ECPAT UK and the Refugee Council to deliver training on the care of unaccompanied and trafficked children to foster carers, support workers and other professionals. This training was designed to equip them to better understand the complexities facing children and gain their trust to support them better and prevent them running away from safe placements.

The Home Office has also commissioned a new training programme for existing Independent Advocates, which are a statutory provision available to all looked after children, and Border Force Safeguarding and Modern Slavery (SMS) Officers. The training aims to improve the awareness of both Independent Advocates and SMS Officers, along with their understanding of the specific needs of trafficked children and how to support them.

The training consists of two elements. The first is an e-learning package; the second is face-to-face awareness sessions in a range of locations across the country. These sessions took place in March 2017 and were facilitated by Barnardo's. The face-to-face awareness sessions complement the e-learning.

Northern Ireland

Training has been provided to member organisations of the Northern Ireland Regional Practice Network to recognise and respond appropriately to individual needs and best interests of child victims and potential child victims.

Bespoke training has been provided to social workers and social care staff working with child victims and potential child victims and training will continue to be delivered on an on-going basis and in response to newly emerging issues relevant to separated, trafficked and unaccompanied asylum-seeking children and young people.

Scotland

In Scotland, local Child Protection Committees lead on the development and delivery of multi-agency training in relation to child trafficking. This is reflected within the Trafficking and Exploitation Strategy, and is in addition to any single agency training.

- **ensure that possible victims of trafficking are assigned a legal guardian, as expeditiously as possible, to ensure that the best interests of the child are effectively protected (Article 10(4) of the Convention);**

England and Wales

On 28 June 2016 the Government announced that it would commence section 48 of the Modern Slavery Act 2015 and committed to the full national roll out of Independent Child Trafficking Advocates (ICTAs) across England and Wales.

The main aim and purpose of the ICTA will be to advocate on behalf of the child to ensure the child's best interests are reflected in the decision making processes undertaken by the public authorities who are involved in the child's care and support. Where necessary and appropriate, ICTAs will also be able to assist the child in obtaining legal or other advice, assistance and representation or instruct a legal representative to act on the child's behalf.

ICTAs were introduced in three early-adopter sites (Greater Manchester, Hampshire and nationally in Wales) on the 30th January 2017 and as of September this year, have supported over 140 children. The UK Government shall continue work to roll out ICTAs nationally.

Northern Ireland

The Department of Health is in the process of introducing an Independent Guardian Service required under section 21 of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015. The Regional Health and Social Care Board (HSCB) is currently undertaking a procurement process to appoint an appropriate organisation to manage this service. An Independent Guardian will be able to support, advise and represent a child victim and potential child victim of human trafficking until the young person attains 21 years of age. It is hoped that the first Guardians will be in place by early 2018.

Scotland

Unaccompanied children are looked after children under Section 25 of the Children (Scotland) Act 1995. This entitles a child or young person to the highest level of care and safeguarding to ensure that their best interests are met. In Scotland there is also the Scottish Guardianship Service which works alongside the social worker to ensure that the child is supported in the welfare and wellbeing as they integrate into society. Due to these two mechanisms there is a low incidence rate of trafficked children going missing and possibly being re-trafficked.

- **ensure full compliance with Article 10(3) of the Convention concerning age assessment and provision of special protection measures.**

England and Wales

On 15 October 2015, the government commenced the 'Presumption about Age' provision (section 51) in the Modern Slavery Act 2015 for child victims of trafficking in England and Wales. This provision ensures that in cases where there is uncertainty over the age of a victim that local authorities should assume that the victim is under 18 until an age assessment that is compliant with 'Merton Principles' has been completed.

Northern Ireland

Guidance has been issued to all Health and Social Care Trusts by the Health and Social Care Board detailing the requirements concerning age assessment and provision of special protection measures.

The Regional Health and Social Care Board (HSCB) and the Regional Practice Network have provided training to social work staff to improve capacity and assist them undertake age assessments that are compliant with the 'Merton Principles'.

Scotland

Section 12 of the Human Trafficking and Exploitation (Scotland) Act 2015 relates to presumption of age, and when brought into effect will ensure that where a victim's age is uncertain but where there are reasonable grounds to believe that the person may be a child and potentially a victim of trafficking, the person will be presumed to be a child for the purpose of receiving immediate age-appropriate support and services. The age assessment guidance is being revised to reflect this presumption.

Take appropriate measures to:

- **enshrine in the law applicable in England and Wales, Scotland and Northern Ireland the right to a recovery and reflection period as defined in Article 13 of the Convention;**

England and Wales

The UK is compliant with obligations under Article 13 of the Convention. The NRM entitles identified victims of human trafficking to a minimum of 45 calendar days' reflection and recovery period, once the competent authority has made a reasonable grounds decision. The UK has pledged to exercise section 50 under the Modern Slavery Act 2015, which grants the Secretary of State the power to pass regulations on identifying and supporting victims. This will enshrine the rights of victims in England and Wales in law.

Northern Ireland

The right to a recovery and reflection period is on a statutory footing in Northern Ireland, under section 18 of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015. Section 18 places a statutory duty on the Department of Justice to provide assistance and support to adult potential victims of human trafficking, during a 45 day "recovery and reflection" period, pending determination of their status as victims by a Competent Authority.

The Children (Northern Ireland) Order 1995 provides comprehensive provision for all children, including victims and potential victims of trafficking. Compliance with UN Convention on the Rights of the Child obligations assures that the rights of child victims and potential child victims of human trafficking are recognised, respected and addressed.

Scotland

The right to a recovery and reflection period is on a statutory footing in Scotland under the Human Trafficking and Exploitation (Scotland) Act 2015. Regulations will be brought forward in early 2018 under section 9(2) of the Act to set a period of 90 days as being the relevant period of support to be provided to victims of human trafficking.

The Scottish response to child trafficking sits firmly within our existing child protection processes as identified within our National Guidance for Child Protection in Scotland (refreshed in 2014). In the

national Trafficking and Exploitation Strategy (published in May 2017) there is a deliberate link between child trafficking and child abuse. Unlike the position of adults, children should already be afforded protection and care through the child protection system (for those children who require direct care as a result of trafficking, they are considered as having Looked After Children status under section 25 of the Children (Scotland) Act 1995).

- **ensure that all possible victims of trafficking, including children, are offered all the measures of protection and assistance stated in Article 12, paragraphs 1 and 2, of the Convention during the recovery and reflection period.**

England and Wales

The UK NRM entitles identified victims of human trafficking to a minimum of 45 calendar days' reflection and recovery period and entitles them to the support defined in Article 12, once the competent authority has made a reasonable grounds determination.

On 28 June 2016 the Government announced that it would commence section 48 of the Modern Slavery Act 2015 and committed to the full national roll out of Independent Child Trafficking Advocates (ICTAs) across England and Wales. The ICTA involvement throughout the decision making process is intended to ensure the child is protected from further harm, prevent possible repeat victimisation, re-trafficking or going missing and promote the child's recovery. The ICTA will also provide support to the child and help them navigate, as appropriate, the respective local authority children's services and the immigration and criminal justice systems, as well as ensuring that their educational and health needs are met through liaison with the appropriate statutory agencies and public authorities. The ICTA will be an additional resource to those children in the early-adopter sites and the UK Government is committed to rolling out ICTAs nationally, in addition to testing new and innovative ways to support victims.

In October 2017, the Government announced that it will also be exploring how best to make the NRM decision-making process 'child-friendly' including looking at how we are communicating NRM decisions to children.

Northern Ireland

Section 18 of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 places a statutory duty on the Department of Justice to provide assistance and support to adult potential victims of human trafficking. Subsection 7 makes provision in respect of the types of assistance and support that should be provided under the section, according to assessed need, and sets out a non-exhaustive list of support.

Domestic legislation, regulations, Child Protection Policy and Procedures and associated guidance requires that all child victims or potential child victims of human trafficking and modern slavery are offered all the measures of protection and assistance stated in Article 12, paragraphs 1 and 2, of the Convention during the recovery and reflection period.

Scotland

Section 9 of Human Trafficking and Exploitation (Scotland) Act 2015 places a duty on Scottish Ministers to provide support to adult victims of human trafficking. Section 9(4) details what may be provided and includes the measures set out in Article 12, paragraph 1 of the Convention.

Facilitate and guarantee access to compensation for victims of THB, and in particular to:

- **ensure that victims of trafficking are systematically informed in a language they understand of the available avenues to seek compensation and the procedures to be followed;**
- **enable victims of trafficking to exercise their right to compensation by ensuring their effective access to compensation;**

England and Wales

Under the UK Government funded Victim Care Contract, identified victims are supported to access translation services to facilitate access to any relevant information or services required for their reflection and recovery period. This includes translation and interpreting services to ensure victims can understand the available avenues to seek compensation and procedures to follow.

The UK provides civil legal aid funding to expert and experienced legal providers to advise victims of human trafficking on the avenues available to seek compensation. The Modern Slavery Act 2015 extended legal aid provisions to include all victims of modern slavery. The Ministry of Justice has conducted a review into legal aid provision for these matters, and is taking action following the findings of the review to increase awareness of this provision.

Northern Ireland

All victims of trafficking in Northern Ireland are able to apply for compensation. Guidance is available in several languages to facilitate this and can be accessed either in hardcopy or on the Department of Justice and Northern Ireland Direct websites.

The Northern Ireland Criminal Injuries Compensation Scheme does not require an applicant to have legal advice or representation in order to apply for compensation. If applicants decide to engage legal or other advice to help them make their application, they must do so at their own expense.

Children's Services make use of the Northern Ireland Health and Social Care Interpreting Service (NIHSCIS) to ensure child victims and potential child victims of human trafficking are systematically informed in a language they understand of the available remedies to assist them, including available avenues to seek compensation. Independent legal representation and the appointment of an Independent Guardian to represent the child victim or potential child victims' rights also ensure effective access to compensation.

Scotland

Section 3C of the Victims and Witnesses (Scotland) Act 2014 obliges Police Scotland to direct victims of crime towards the Victims' Code for Scotland. The code has information about compensation and is available in a number of languages.

Scotland's Trafficking and Exploitation Strategy, published in May 2017, contains an action that support agencies will take an active role in making victims aware and supporting them to claim compensation where appropriate. This will include ensuring helping to deal with any language barriers.

- **secure criminal assets as early as possible in trafficking investigations to make confiscation orders effective;**

Financial investigation is considered in every trafficking case and assets restrained and secured as and when there is sufficient information and grounds to do so. Restraining and securing assets is dependent upon identifying and tracing them where, frequently in these cases, assets are sent out of the country through money transfer bureaus.

- **instruct prosecutors to request reparation orders to the greatest possible extent, including in cases where the defendant has limited earning capacity and no assets;**

England and Wales

Reparation Orders are applied for during Proceeds of Crime Hearings when a confiscation order has been made, which usually follows any other criminal proceedings. Advocates are instructed by the Crown Prosecution Service to request reparation in all appropriate cases. In determining whether to make a Reparation Order, the court must have regards to the person's means (section 8(5) of the Modern Slavery Act 2015).

Northern Ireland

All cases involving human trafficking are now dealt with by Senior Public Prosecutors within the Prosecution Service for Northern Ireland (PPS) Serious Crime Unit. All prosecutors within the Unit have received training on prosecuting cases of human trafficking including the Ancillary Orders (which include Compensation Orders) that may be applied for.

The PPS Policy for Prosecuting Cases which was issued in 2013 is currently being updated. Prosecutors have been instructed to apply for orders in appropriate cases.

Scotland

Section 249 of the Criminal Procedure (Scotland) Act 1995 allows the court to make an order that a person who has been convicted of an offence pay compensation to the victim of that offence.

There is currently no legislative provision which allows a prosecutor to request reparation orders on behalf of victims and witnesses in Scotland.

Where there is evidence that a victim or witness has suffered a financial loss, the prosecutor should extract that information during the course of the witness' evidence or, in the event of a guilty plea, when narrating the circumstances to the sentencing Sheriff or Judge. It is for the Sheriff or Judge to decide on the appropriate sentence, based on the evidence before him/her, and one option open to him/her is to impose a compensation order in favour of the victim or witness.

- **ensure that all victims of human trafficking are eligible for compensation from the Criminal Injuries Compensation Authority, regardless of the nature of the means used, and that the amount of compensation from the Northern Ireland Criminal Injuries Compensation Authority is not made dependent on the victim's co-operation with the authorities or prior convictions;**

England, Scotland and Wales

Victims of human trafficking who have suffered an injury as a result of a crime of violence can apply for compensation through the Criminal Injuries Compensation Scheme. There is no right to automatic

compensation and as with all claims for criminal injuries compensation; there are eligibility criteria which the victim is required to evidence.

We consider this sufficient and that to extend compensation automatically would mean that we treat victims of trafficking differently from other victims. There is no automatic right to compensation; applications from all victims are treated fairly in accordance with rules of the Criminal Injuries Compensation Scheme which Parliament has introduced. The applicant must have suffered a physical and/or psychological injury which was sustained in and directly attributable to a crime of violence occurring in England, Scotland or Wales. Compensation is based on the injuries sustained and not how the injury was caused. The criteria include co-operating with the Criminal Injuries Compensation Authority and consideration of any unspent convictions.

Northern Ireland

Compensation is not 'dependent' on the victim's co-operation with the authorities or prior convictions. The Criminal Injuries Compensation Scheme 2009 includes provision to withhold or reduce an award where Compensation Services considers that the applicant failed to co-operate with the police or other authority in attempting to bring the assailant to justice.

Compensation Services assesses each claim for compensation on its own merits and considers the full circumstances of how the criminal injury was sustained and the applicant's behaviours and character before, during and after the incident which led to the injury.

- **remove the fee to initiate employment proceedings for victims of trafficking as well as the requirement to enter into mediation before initiating employment proceedings for victims of trafficking;**
- **ensure that victims of trafficking who are irregular migrants are not prevented from seeking unpaid salaries before employment tribunals by reason of their immigration status.**

England and Wales

As of July 2017, no fees are payable to initiate employment proceedings. There is also no requirement to enter into mediation before initiating employment proceedings. Employees must notify Advisory, Conciliation and Arbitration Services (ACAS) of their intention to bring a claim so that ACAS can offer optional free early conciliation. In the event that parties cannot resolve their dispute through conciliation, or it is not appropriate to attempt to do so, ACAS will provide an 'early conciliation certificate number' to allow a claimant to bring an employment tribunal claim.

As a result of the Modern Slavery Act 2015, identified potential victims of modern slavery that enter the NRM are entitled to legal aid to fund the cost of initiating employment proceedings. As noted in the GRETA Report, victims of trafficking have not been prevented from seeking unpaid salaries before employment tribunals by reason of their immigration status since July 2014.

Northern Ireland

No fees have been introduced either to access or proceed through employment tribunals in Northern Ireland.

Scotland

The Scotland Act 2016 allows for the powers relating to the management and operation of Employment Tribunals to transfer to Scotland. The Scottish Government has committed to abolish employment tribunal fees, and will continue to work with stakeholders, including trade unions, to ensure that the new employment tribunal system provides access to justice and contributes to our vision for Fair Work to be embedded in all workplaces in Scotland.

- **Ensure that the best interests of the child are effectively respected, protected and fulfilled, including through pre-removal risk and security assessments, in particular for unaccompanied children, by specialised bodies, working with relevant partners in countries of return; such assessments should also ensure effective enjoyment of the child's right to education and measures to secure adequate care or receipt by the family or appropriate care structures in countries of return (Article 16, paragraph 5) of the Convention).**

UK

The UK Home Office has a statutory duty under section 55 of the Borders, Citizenship and Immigration Act 2009 to ensure that its immigration, asylum, nationality and customs functions are discharged having regard to the need to safeguard and promote the welfare of children who are in the UK. Under this duty the child's best interests – regardless of which part of the UK they reside in - are a primary consideration, but not the only consideration, and must be considered alongside other considerations, such as the need to provide effective immigration control. The UK will not remove an unaccompanied child unless safe and adequate reception arrangements are confirmed in the country of return.

England and Wales

All returns of victims are conducted in accordance with these principles and our international obligations.

Northern Ireland

Compliance with the UN Convention on the Rights of the Child and the Children (Northern Ireland) Order 1995 requires that, in respect of proceedings in relation to children in Northern Ireland, the best interests of the child are the paramount consideration in all such proceedings. Revised Guidance "Working Arrangements for the Welfare and Safeguarding of Child Victims and Potential Child Victims of Human Trafficking and Modern Slavery" [2017] ensure that the best interests of the child are effectively respected, protected and fulfilled, including through pre-removal risk and security assessments, working with relevant partners in countries of return.

Assessments in advance of a separated child's repatriation should also ensure receipt by the family or appropriate care structures and education in countries of return.

Scotland

The Scottish Government, in line with the Children (Scotland) Act 1995, has clearly committed to the principle of ensuring the best interests of the child are of paramount consideration when working with the child and their home country on facilitating a return.