

Support for survivors of modern slavery

Amendment

Clause 43, page 45 line (1), leave out subsections (3), (4) and (5) and insert —

“(3) In subsection (2), after the words from “in question” insert “and must have regard to - (a) the best interests of any child concerned;

(b) the need to ensure that assistance is provided on the basis of the individual needs of the potential victim;

(c) the need to act in a way which is compatible with the Council of Europe Convention on Action against Trafficking in Human Beings and European Convention on Human Rights.”

(4) The duties under this section apply equally to child potential victims.

(5) In the case of a child potential victim, assistance and support must be provided in a manner that is age-appropriate, trauma-informed and consistent with the best interests of the child.

(6) The Secretary of State must secure that adequate funding and resources are provided to local authorities for the purpose of ensuring that child potential victims receive assistance and support which is—

(a) compliant with the obligations of the United Kingdom under Article 12 of the Council of Europe Convention on Action against Trafficking in Human Beings, and

(b) at least equivalent in nature and extent to that which would be provided to an adult potential victim under this section.

(7) Nothing in this section prevents a local authority or any other public authority from discharging duties owed to a child under any other enactment, but the existence of such duties does not relieve the Secretary of State of the duties imposed by this section.

(8) The Secretary of State must, within 12 months of this section coming into force and annually thereafter, lay before Parliament a report setting out—

(a) the funding provided to local authorities for the purpose of supporting child potential victims of trafficking,

(b) an assessment of whether such funding is sufficient to enable compliance with Article 12 of the Council of Europe Convention on Action against Trafficking in Human Beings, and

(c) the number of child potential victims who have not received assistance and support equivalent to that which would have been provided under this section to an adult potential victim.”

Member's explanatory statement

This amendment ensures that the Secretary of State provides access to support and assistance to every adult and child victim of trafficking and exploitation in a way that is compatible with Article 12 Council of Europe Convention on Action Against Trafficking in Human Beings (ECAT). It also places a duty on the Secretary of State to provide adequate funding to local authorities and introduces annual reporting to Parliament on support provided to child potential victims and the sufficiency of funding arrangements.

Background

Clause 43 amends section 50A of the Modern Slavery Act 2015

- to provide that a person authorised by the Secretary of State can make an assessment of what constitutes 'necessary' support and assistance to assist a potential victim in their recovery from any physical, psychological or social harm arising from their exploitation. (subsection 2). Subsection 3 inserts a new provision (subsection 2A) that gives the Secretary of State the power to override such assessment.
- to remove the duties of the Secretary of State to secure the necessary assistance and support for potential victims during their initial recovery period and any subsequent recovery periods:
 - For children (Subsection (4) inserts a new subsection (4A) in section 50A of the MSA)
 - For survivors whose support, deemed suitable to meet their modern slavery needs, is withdrawn as a result of non-compliance with service requirements (Subsection (5) inserts a new subsection (5ZA) into section 50A). In this case, the Secretary of State is also relieved of the duty to provide equivalent support.

The provisions introduced through subsection (3) reflect the approach already taken under the Modern Slavery Victim Care Contract (MSVCC). However, these arrangements will now be incorporated into primary legislation with the risk of undermining the principle that decisions about a survivor's recovery and support needs should be informed by the professional judgement of frontline practitioners who work directly with survivors and are best placed to assess their needs.

Similarly, according to the Bill explanatory notes, subsection (4) has been introduced to reflect the operational reality that children are usually supported by Local Authorities. While Local Authorities are best placed to provide support for children, the removal of a clear statutory duty from the State could result in inconsistencies in the provision of support, particularly for children transitioning to adulthood, those whose age is disputed, or those not eligible for leaving care support. Additionally, Local Authorities do not currently receive ring-fenced or dedicated funding specifically for supporting child victims of trafficking and it is not clear whether dedicated funding will be provided to enable the discharge of duties under this provision.

Changes created by subsection (3) and (5) risk leaving many individuals without support, as they relieve the Secretary of State of the duty to provide specialist modern slavery support or alternative statutory support. This could leave individuals at risk of homelessness, destitution and without adequate safeguards, increasing their vulnerability to exploitation. In practice, this may force people to rely on informal or insecure sources of support, heightening the risk of further abuse and re-exploitation. It also runs contrary to the [National Plan to End Homelessness](#).

Existing support duties

Support for survivors of trafficking and modern slavery is underpinned by **Article 12 of the European Convention on Action Against Trafficking in Human Beings (ECAT)**, which puts a duty on state parties to afford support to survivors of modern slavery in receipt of a reasonable ground decision. This support to assist victims in their physical, psychological and social recovery includes but is not limited to, providing appropriate and secure accommodation, psychological and material assistance, information and access to rights and entitlements.

These duties have partially been incorporated into domestic legislation through section 50A (subsection 2) of the Modern Slavery Act 2015 and modern slavery statutory guidance.

However, Article 12 of ECAT should be read alongside Articles 3 and Article 5(5) ECAT, which prohibit discrimination in the implementation of the Convention articles and require the best interests of the child to be a primary consideration. Additionally, the European Court of Human Rights has found that Article 4 of the European Convention on Human Rights (ECHR) requires states to not only identify victims but also to provide practical and effective protection against further exploitation. In [Rantsev v. Cyprus and Russia](#), the Court held that authorities must take operational measures to protect confirmed and potential victims where there is a real and immediate risk of trafficking. In [Chowdury and others v Greece](#), the Court further confirmed that Article 4 requires an effective protective framework capable of preventing exploitation in practice, not merely in theory.

Allowing the Secretary of State to withdraw support from individuals who may have failed to behave in line with stated requirements undermines these principles and may place individuals at greater risk. The behaviours in question are often directly linked to the trauma and impact of their exploitation. There is significant evidence¹ that survivors of trafficking may experience a range of trauma-related challenges, including difficulties engaging with services, mental health issues, substance dependency, or behaviours perceived as anti-social.

Decisions to withdraw assistance in these cases will expose individuals to homelessness and destitution, leaving an already vulnerable cohort to further harm. The recent report on the UK by the Group of Experts on Action against Trafficking in Human Beings (GRETA) recognises

¹ Helen Bamber Foundation. (October 2024). [Office of the High Commissioner for Human Rights comprehensive report on mental health and human rights](#)

homelessness as both a vulnerability factor for, and a consequence of, trafficking and modern slavery. The report highlights that perpetrators often target people experiencing homelessness, exploiting their precarious circumstances as a means of coercion and control, while homelessness itself can further exacerbate individuals' vulnerability to exploitation.² The Secretary of State's own [modern slavery guidance](#) recognises homelessness as a vulnerability factor too.

Support for children

Clause 43 removes children from the Secretary of State's duty to secure assistance and support for potential victims during the recovery period. The Explanatory Notes state that this is intended to reflect "operational realities", specifically that child victims are already supported and safeguarded by local authorities and other agencies through existing duties, including under the Children Act 1989, the Social Services and Well-being (Wales) Act 2014 and *Working Together to Safeguard Children*.³

We agree that local authorities should remain responsible for the care and safeguarding of child victims. Child trafficking is child abuse and children should be supported through the child protection system, rather than through a parallel Home Office system. However, the existence of duties under children's legislation does not mean that local authorities are resourced to meet the additional needs of trafficked children, nor does it demonstrate that every child identified as a potential victim receives the assistance to which they are entitled under Article 12 of the Council of Europe Convention on Action against Trafficking in Human Beings (ECAT).

There is currently no dedicated funding provided to local authorities to meet the ECAT entitlements of children identified as victims of trafficking. The Home Office provides local authorities with £143 per child per night towards the costs of supporting unaccompanied children yet there is no equivalent funding attached to a child's identification as a potential victim of trafficking.⁴ A child victim who remains living with a parent or other person with parental responsibility, and/or who isn't seeking asylum attracts no additional funding for their local authority on account of their trafficking-specific needs.

This responsibility is being placed on a children's social care system already under substantial financial pressure. Local Government Association analysis found that councils overspent their children's social care budgets by an average of 14.2% a year between 2022/23 and 2024/25, despite increases in budgeted spending.⁵ Children's social care budgets increased by 11% to £14.2 billion in 2024/25, driven in part by rising placement costs and increasing demand for specialist support for children with complex needs. The LGA has reported that increasing costs

² GRETA. (5 May 2026). [4th Evaluation round United Kingdom](#)

³ Home Office. (2026). [Immigration and Asylum Bill: Explanatory Notes](#), para 326

⁴ Home Office. (2026). [UASC funding instructions to local authorities 2026 to 2027](#). paras 1.1 and 3.1

⁵ Local Government Association. (2025). *Autumn Budget 2025: LGA submission*, 'Fixing the sector's financial foundations'

have resulted in councils concentrating expenditure on statutory obligations, with reduced spending on preventative services and greater reliance on reactive, demand-led provision.⁶

The Government's own analysis also identifies serious pressures on the availability and suitability of children's social care placements. The Department for Education has found that workforce constraints, shortages of foster carers and insufficient specialist provision are affecting local authorities' ability to find appropriate placements, with children increasingly placed further from home where suitable specialist provision is unavailable.⁷ Ofsted has similarly identified a shortage of suitable provision, including homes being unable to meet the needs of children requiring residential care.⁸

Against this background, Clause 43 would remove the Secretary of State's statutory duty without providing local authorities with dedicated resources to meet the trafficking-specific needs of children. The Explanatory Notes identify existing legal duties but say nothing about the additional funding required to enable local authorities to discharge the UK's obligations under ECAT.

There is also no data collection through which the Government can establish whether those obligations are being met. Children referred into the National Referral Mechanism do not enter a single local authority support pathway. In England, a child may be accommodated under section 20 of the Children Act 1989 and become looked after; become subject to a care order; be assessed as a child in need under section 17; be subject to a section 47 enquiry and, where the relevant threshold is met, become subject to a child protection plan; or remain living with their family with varying levels of involvement from children's services. The Home Office does not collect data on the status of children within these local authority systems. NRM statistics therefore cannot tell us whether a child identified as a potential victim becomes looked after, the legal basis on which they are accommodated, whether they are supported under section 17, whether a section 47 enquiry has taken place or whether they become subject to a child protection plan. Nor do they establish what assistance the child actually receives.

This leaves a significant evidential gap in relation to Article 12 ECAT. The Government cannot establish from NRM data whether an individual child has received safe and appropriate accommodation, material assistance, access to necessary medical and psychological treatment, education or other assistance required for their recovery. A child being known to children's services, or being subject to a safeguarding process, does not itself establish that these entitlements have been delivered.

There are well-documented pressures on several of the services on which children rely. Access to mental health treatment provides one example. The National Audit Office has found that many people remain unable to access mental health services or face lengthy waits, with

⁶ Local Government Association. (2025). *Spending Review 2025 submission: Annexes*, 'Children's social care'

⁷ Department for Education. (2026). [Understanding children's social care sufficiency in England](#)

⁸ Ofsted. (2026). [Ofsted outlines plans to tackle sharp growth in unregistered children's homes](#)

children and young people among the groups experiencing poorer access. Mental health trusts reported responding to demand pressures by allowing waiting lists to increase and, in some cases, raising treatment thresholds.⁹ For a trafficked child requiring specialist trauma-informed psychological support, the existence of a route of referral to Child and Adolescent Mental Health Services (CAMHS) cannot therefore be treated as evidence that appropriate treatment has been received.

Similar concerns arise in relation to accommodation. The Department for Education's own analysis acknowledges that provision which exists "on paper" may not be genuinely available or suitable for an individual child.¹⁰ For trafficked children, placement suitability must include consideration of the risk of going missing, contact with exploiters and re-trafficking. The existence of a placement does not establish that the requirement for safe and appropriate accommodation has been satisfied.

The position of children who do not become looked after requires particular attention. A child may remain living with their family while being supported under section 17 or through child protection arrangements. These children do not necessarily benefit from the care planning, placement and leaving-care framework applicable to looked-after children. Their ECAT entitlements are nevertheless the same. They do not cease to require trafficking-specific recovery support because their circumstances do not meet the threshold for becoming looked after.

The consequences of gaps between trafficking identification and mainstream local authority provision were considered in *R (AM) v Secretary of State for the Home Department and London Borough of Barnet*. AM had been a victim of human trafficking as a child and received no specialist trafficking support for a period of several years. The Court found failings by both the Secretary of State and the local authority, including Barnet's failure properly to assess evidence relevant to whether he was a child victim of trafficking.¹¹ The case demonstrates the distinction between the existence of a statutory framework capable of compliance and whether an individual child actually receives the protection and assistance to which they are entitled.

Clause 43 now proposes to alter that framework by removing the Secretary of State's express statutory duty towards children. The Government has not produced evidence demonstrating that local authority provision alone consistently delivers Article 12 assistance, or explained how it will identify and address cases where it does not.

The Explanatory Report to ECAT expressly anticipates that States may deliver assistance through other organisations and services. It is equally clear that this does not transfer responsibility for compliance. Paragraph 149 states that "it is nevertheless the Parties that

⁹ National Audit Office. (2023). [Progress in improving mental health services in England](#)

¹⁰ Department for Education. (2026). [Understanding children's social care sufficiency in England](#)

¹¹ *R (AM) v Secretary of State for the Home Department and London Borough of Barnet* [2023] EWHC 3034 (Admin)

remain responsible for meeting the obligations in the Convention” and that States must take the necessary steps to ensure victims receive the assistance to which they are entitled, including by ensuring that reception, protection and assistance services are “funded adequately and in time”.¹²

Local authorities should therefore remain the bodies responsible for delivering care and safeguarding to child victims. The amendment does not disturb that principle. It requires the Secretary of State to ensure that adequate funding and resources are provided to enable local authorities to deliver assistance compliant with Article 12 ECAT. It also requires annual reporting on the funding provided, its sufficiency and the number of children who have not received assistance.

Conclusion

Taken together, these provisions represent a significant shift away from a needs-based support framework towards a more discretionary model. By allowing assessed support to be overridden and by removing statutory duties to provide support to both children and adults, Clause 43 may undermine survivors' recovery, heighten vulnerability to exploitation and harm, and reduce the effectiveness of the protections intended to assist victims of modern slavery in rebuilding their lives.

Case study

Holly (not her real name) is often very mentally unwell and unable to engage properly with services; she often cannot speak much at all and struggles to comprehend fully the issues affecting her life. She needs more time to understand and process information than most people, likely due to trauma and cognitive impairment. When her housing support was once abruptly ended, she began self-harming. Only with significant support were we able to ensure she regained a sense of safety. She would not have been able to advocate for her own need for support. Sudden withdrawal of support can therefore risk major mental health deterioration.

¹² Council of Europe. (2005). [Explanatory Report to the Council of Europe Convention on Action against Trafficking in Human Beings](#). para 149