

# Children and Families Bill

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AMENDMENTS  
TO BE MOVED  
IN GRAND COMMITTEE

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**After Clause 9**

LORD McCOLL OF DULWICH

Insert the following new Clause –

**“Child Trafficking Guardians for children who may have been victims of human trafficking**

- (1) The Children Act 1989 is amended as follows.
- (2) After section 26A insert –

**“26B Child Trafficking Guardians for children who may have been victims of human trafficking**

- (1) A child trafficking guardian shall be appointed to represent the best interests of each child who might be a victim of trafficking in human beings if the person who has parental responsibility for the child fulfils any of the conditions set out in subsection (3).
- (2) The child trafficking guardian shall have the following responsibilities to –
  - (a) advocate that all decisions taken are in the child’s best interest;
  - (b) advocate for the child to receive appropriate care, accommodation, medical treatment, including psychological assistance, education, translation and interpretation services;
  - (c) advocate for the child’s access to legal and other representation where necessary;
  - (d) consult with, advise and keep the child victim informed of legal rights;
  - (e) where appropriate instruct the solicitor representing the child on all matters relevant to the interests of the child arising in the course of proceedings including possibilities for appeal;

**After Clause 9 – continued**

- (f) contribute to identification of a plan to safeguard and promote the long-term welfare of the child based on an individual assessment of that child’s best interests;
  - (g) keep the child informed of all relevant immigration, criminal or compensation proceedings;
  - (h) provide a link between the child and various organisations who may provide services to the child;
  - (i) assist in establishing contact with the child’s family, where the child so wishes and it is in the child’s best interests;
  - (j) liaise with the UK Border Agency where appropriate;
  - (k) attend all police interviews with the child; and
  - (l) accompany the child whenever the child moves to new accommodation.
- (3) Subsection (1) shall apply if the person who has parental responsibility for the child –
- (a) is suspected of taking part in the trafficking of human beings;
  - (b) has another conflict of interest with the child;
  - (c) is not in contact with the child;
  - (d) is in a country outside the United Kingdom; or
  - (e) is a local authority.
- (4) In subsection (1), a child trafficking guardian may be –
- (a) an employee of a statutory body;
  - (b) an employee of a recognised charitable organisation; or
  - (c) a volunteer for a recognised charitable organisation.
- (5) Where a child trafficking guardian is appointed under subsection (1), the authority of the child trafficking guardian in relation to the child shall be recognised by any relevant body.
- (6) In subsection (5), a “relevant body” means a person or organisation –
- (a) which provides services to the child; or
  - (b) to which the child needs access in relation to being a victim.
- (7) The appropriate national authority –
- (a) shall by order set out the arrangements for the appointment of a child trafficking guardian as soon as possible after a child is identified as a potential victim of trafficking in human beings;
  - (b) may make rules about the training courses to be completed before a person may discharge duties as a child trafficking guardian;
  - (c) shall by order set out the arrangements for the provision of support services for persons discharging duties as a child trafficking guardian; and
  - (d) shall by order designate organisations as a “recognised charitable organisation” for the purposes of this section.

**After Clause 9 – continued**

- (8) In this section a child is considered to be a “potential victim of trafficking in human beings” when –
- (a) there has been a conclusive determination that the individual is a victim of trafficking in human beings, or
  - (b) there are reasonable grounds to believe that the individual is such a victim and there has not been a conclusive determination that the individual is not such a victim.
- (9) For the purposes of sub-paragraph (8)(b) there are reasonable grounds to believe that an individual is a victim of trafficking in human beings if a competent authority has determined for the purposes of Article 10 of the Trafficking Convention (identification of victims) that there are such grounds.
- (10) For the purposes of sub-paragraph (8) there is a conclusive determination that an individual is or is not a victim of trafficking in human beings when, on completion of the identification process required by Article 10 of the Trafficking Convention, a competent authority concludes that the individual is or is not such a victim.
- (11) In this section –
- “parental responsibility” has the same meaning as section 3 of this Act;
  - “competent authority” means a person who is a competent authority of the United Kingdom for the purposes of the Trafficking Convention;
  - “the Trafficking Convention” means the Council of Europe Convention on Action against Trafficking in Human Beings (done at Warsaw on 16 May 2005);
  - “trafficking in human beings” has the same meaning as in the Trafficking Convention.””

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