



Home Office

# Modern Slavery Act 2015 – Statutory Guidance for England and Wales

Version 1.00

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# 1. About this guidance

## Introduction to modern slavery

*'The best idea is to think of the victim in terms of rehabilitation and work towards it. You are working with people who have been in an environment where they were slaves; they now need to learn how to be in an environment where they are human. See how institutional efforts can be addressed in this direction: Staff need to be able to assist and guide victims as specific individuals; caring for each person requires more than protocols and appointments.'* **Michael, 40, survivor of modern slavery**

- 1.1. **Modern slavery is a serious crime that violates human rights.** Victims are forced, threatened or deceived into situations of subjugation, degradation and control which undermine their personal identity and sense of self.
- 1.2. **Identification, protection, care and support for victims of modern slavery is at the heart of this Statutory Guidance.** Professionals should work proactively with a view to preventing modern slavery in all its forms. They should be trained to take appropriate action and provide possible victims with appropriate protection and support, based upon their individual needs. It is essential that professionals recognise that survivors of modern slavery may be at risk of re-trafficking and further harm.
- 1.3. **Collaborative partnerships, multi-disciplinary and multi-agency working are fundamental to ensure that victims are identified, protected and safeguarded.** Activities should be carried out in partnership with other agencies to provide victims with integrated support and access to their rights and entitlements.
- 1.4. **It is important for professionals to understand the specific vulnerability of victims of modern slavery and utilise practical, trauma-informed methods of working which are based upon fundamental principles of dignity, compassion and respect.** Victim's voices must always be heard, and their rights respected.
- 1.5. **The Government is introducing minimum standards of care in all future contracts providing support to adult victims of modern slavery and an associated inspection regime based on The Slavery and Trafficking Survivor Care Standards** which contain detailed practical advice on all aspects of working with victims of modern slavery, and are available [here](#).
- 1.6. **An oversight group will be established by the Government to ensure this Statutory Guidance is systematically reviewed and updated.** The group will consist of a range of multi-disciplinary experts and survivors from across the anti-slavery sector and statutory services who provide expert advice on identification, support and care for victims of modern slavery.

## Who this guidance is for

- 1.7. This guidance is aimed at staff in England and Wales. This guidance does not apply to Scotland and Northern Ireland unless it specifically states that this is the case – see section on [Devolved Administrations](#) for more information.
- 1.8. This guidance is aimed at staff:
- within public authorities who may encounter potential victims of modern slavery; and/or
  - who are involved in supporting victims; and/or
  - who make decisions on whether or not an individual is a potential victim of modern slavery for the purpose of the National Referral Mechanism (NRM).
- 1.9. These individuals and organisations must have regard to this guidance, with a view to developing a more consistent response to modern slavery victims to ensure they are identified and receive the available and appropriate support.
- 1.10. Further information on the roles and responsibilities of specific public bodies can be found in the [Roles and Responsibilities](#) section.

## Devolved administrations

- 1.11. The majority of provisions under the Modern Slavery Act 2015 apply only to England and Wales. Some provisions in respect of maritime enforcement, the Independent Anti-Slavery Commissioner and [transparency in supply chains \(TISC\)](#) provisions also extend to Northern Ireland and Scotland.
- 1.12. Under the respective devolution settlements for Scotland and Northern Ireland, responsibility for the policy and legislative response to modern slavery rests with the respective devolved administrations.
- 1.13. The overarching objective of the [Human Trafficking and Exploitation \(Scotland\) Act 2015](#) is to consolidate and strengthen the existing criminal law against human trafficking and exploitation and enhance the status of and support for its victims. The Act also gives Ministers power, by regulations, to specify relevant public authorities who must notify the chief constable of the Police Service of Scotland about a person who is, or appears to be, a victim of an offence of human trafficking or slavery, servitude and forced or compulsory labour.
- 1.14. The [Human Trafficking and Exploitation \(Criminal Justice and Support for Victims\) Act \(Northern Ireland\) 2015](#) provides Northern Ireland with a robust legal framework in respect of the prosecution of perpetrators of

modern slavery in Northern Ireland; the provision of improved support for victims; and tackling the demand for the services of trafficked victims.<sup>1</sup>

- 1.15. In Wales, community care and housing is devolved and local guidance should be followed including the Modern Slavery Safeguarding Pathway.

## Purpose of this guidance

- 1.16. This guidance is published under section 49(1) of the [Modern Slavery Act 2015](#) which requires the Secretary of State to 'issue guidance to such public authorities and other persons as the Secretary of State considers appropriate about –

- (a) the sorts of things which indicate that a person may be a victim of slavery or human trafficking;
- (b) arrangements for providing assistance and support to persons who there are reasonable grounds to believe may be victims of slavery or human trafficking;
- (c) arrangements for determining whether there are reasonable grounds to believe that a person may be a victim of slavery or human trafficking'

## Guidance replaced by this statutory guidance

- 1.17. The following guidance documents are superseded by this statutory guidance:

- Guidance: Duty to Notify the Home Office of potential victims of modern slavery
- Victims of modern slavery: frontline staff guidance
- Victims of modern slavery: competent authority guidance
- Multi-Agency Assurance Panels Guidance
- Duty to Notify Guidance

- 1.18. The landscape for support is constantly evolving as we continue to review the processes for identifying, supporting and making decisions about victims of modern slavery. This guidance will be updated periodically to reflect this in line with section 49(2) of the Modern Slavery Act 2015.

## Contacts

- 1.19. If you have any questions about the guidance or the content then email the Modern Slavery Unit on: [NRMReform@homeoffice.gov.uk](mailto:NRMReform@homeoffice.gov.uk).

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<sup>1</sup> 1.1. The Act also enhanced compliance with international obligations under the Council of Europe Convention on Action against Trafficking in Human Beings and the European Directive on Preventing and Combatting Trafficking in Human Beings and Protecting its Victims.

## Changes from last version of this guidance

1.20. None.

## Glossary

1.21. In this guidance:

**“adult”** is any person aged 18 or over where there are no reasonable grounds to believe that person may be under 18;

**“Adult at Risk”** under section 42 of the Care Act 2014 refers to an adult who has needs for care and support, who is experiencing, or at risk of, abuse or neglect and as a result of their care needs is unable to protect themselves;

**“child”** is any person under the age of 18. Where there are reasonable grounds to believe a person may be under 18 it is presumed they are a child unless and until their age is otherwise determined, for example, by an age assessment carried out by a Local Authority. Further information is provided in the [Presumption of Age](#) section;

**“child criminal exploitation”** is defined in the [Serious Violence Strategy](#) which states: ‘Child Criminal Exploitation occurs where an individual or group takes advantage of an imbalance of power to coerce, control, manipulate or deceive a child or young person under the age of 18 into any criminal activity (a) in exchange for something the victim needs or wants, and/or (b) for the financial or other advantage of the perpetrator or facilitator and/or (c) through violence or the threat of violence. The victim may have been criminally exploited even if the activity appears consensual. Child Criminal Exploitation does not always involve physical contact; it can also occur through the use of technology’;

**“competent authority”** is the competent authority for making decisions regarding modern slavery cases; in the UK this is the Single Competent Authority (see below);

**“Conclusive Grounds decision”** is a decision taken by the Single Competent Authority as to whether, on the balance of probabilities, there are sufficient grounds to decide that the individual being considered is a victim of modern slavery (human trafficking or slavery, servitude, or forced or compulsory labour).

**“county lines”** is defined in the [Serious Violence Strategy](#) which states: ‘County lines is a term used to describe gangs and organised criminal networks involved in exporting illegal drugs into one or more importing areas [within the UK], using dedicated mobile phone lines or other form of “deal line”. They are likely to exploit children and vulnerable adults to move [and store] the drugs and money and they will often use coercion, intimidation, violence (including sexual violence) and weapons.’;

**“detailed needs based assessment”** is a more detailed assessment than the initial needs based assessment carried out by the VCC support provider to determine the services that will be provided to the victim;

**“Discretionary Leave”** refers to leave granted outside of the Immigration Rules, as set out in the [Discretionary Leave considerations for victims of](#)



[modern slavery](#) guidance. Discretionary Leave is based on the individual circumstances of the victim;

**“Duty to Notify”** is the duty placed on public authorities in England and Wales by section 52 of the Modern Slavery Act 2015 to notify the Secretary of State when encountering a potential victim of Modern Slavery. In practice, this is discharged by informing the Home Office;

**“emergency accommodation”** refers to accommodation provided under the Victim Care Contract ahead of a Reasonable Grounds decision where a potential victim is at risk of becoming destitute;

**“extension request”** refers to an application for additional support following a negative Reasonable Grounds or Conclusive Grounds decision;

**“First Responder”** means a member at a First Responder Organisation who has a responsibility for discharging one or more of the functions of the First Responder Organisation and who has been trained to discharge those functions;

**“First Responder Organisation (‘FRO’)”** means an authority that is authorised to refer a potential victim of modern slavery into the National Referral Mechanism. A full list of First Responders is available [here](#). There are different cohorts of First Responders in Scotland and Northern Ireland;

**“Independent Child Trafficking Guardians (‘ICTGs’)”** are individuals appointed to provide an independent service through a contract with the Home Office. They are appointed based on their experiences relevant to child trafficking, criminal justice, social care, asylum and immigration by the service provider and offer a source of advice for trafficked children. The ICTG service provides somebody who can speak up on behalf of, and act in the best interests of, the child. Further information is available in the [Child trafficking guardians: early adopter sites](#). The ICTG service model provides two discrete services to children who have been trafficked; ICTG Direct Worker to support children for whom there is no one with parental responsibility for them in the UK and ICTG Regional Practice Co-ordinator whose role is to focus on children who do have a figure with parental responsibility for them in the UK;

**“Independent Child Trafficking Guardian Direct Worker (‘ICTG Direct Worker’)”** provides one-to-one support to a child who has been trafficked 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;

**“Independent Child Trafficking Guardians Regional Practice Co-ordinator” (ICTG RPC)”** The ICTG RPC holds a strategic role, working with professionals who are already engaged with and supporting the child, rather than directly working with the child. The ICTG RPC has in-depth and specialist knowledge of provisions in their local area and is able to offer expert advice to professionals working directly with children on how best to safeguard the children in their care;

**“initial needs based assessment”** is an initial assessment by a VCC support provider to ascertain the immediate welfare needs of the potential victim and their dependents, including whether the victim needs to be accommodated;

**“modern slavery”** unless otherwise specified, refers to both human trafficking and slavery, servitude, and forced or compulsory labour;

**“move-on support”** refers to the support provided after a Conclusive Grounds decision. This period lasts for at least 45 calendar days from the date of a positive decision or 9 working days from the date of a negative decision;

**“Multi-Agency Assurance Panels (‘MAAPs’)**” form part of the revised decision-making process within the Single Competent Authority. The aim and purpose of MAAPs is to help ensure robust and consistent decision-making processes are undertaken within the NRM, as well as to improve victim and stakeholder confidence in NRM decisions. MAAPs are chaired by an independent professional appointed via a public appointments process. Panel members are drawn from a selection of professions including from police/law enforcement; Local Authorities and Non-Governmental Organisations (NGOs), all of whom have experience and knowledge of dealing with victims of modern slavery;

**“National Referral Mechanism (‘NRM’)**” refers to the UK’s framework for identifying and supporting victims of modern slavery. It is one means of ensuring that adult victims receive the necessary support and assistance in the period immediately after their identification as a potential victim;

**“potential victim”** is an individual who is suspected of being a victim of modern slavery. They may have received a positive Reasonable Grounds decision but will not yet have received a Conclusive Grounds decision from the Single Competent Authority;

**“public authority”** means any public authority in the meaning of section 6 of the Human Rights Act 1998, other than a court or tribunal, as defined in the Modern Slavery Act 2015;

**“Reasonable Grounds decision”** is a decision taken by the Single Competent Authority as to whether the decision maker suspects but cannot prove that the individual being considered is a victim of modern slavery (human trafficking or slavery, servitude, or forced or compulsory labour);

**“Recovery and Reflection Period (‘Recovery Period’)**” refers to the period from the date of a positive Reasonable Grounds decision until a Conclusive Grounds decision is made which will be at least 45 days.

**“Single Competent Authority (‘SCA’)**” refers to the UK’s decision-making body that is responsible for making Reasonable Grounds decisions and Conclusive Grounds decisions regarding individuals referred as potential victims of modern slavery. This replaces the two competent authorities that existed prior to April 2019;

**“support provider”** means a body which is employed or engaged pursuant to the Victim Care Contract to provide care and coordination services for victims, including by way of a sub-contract;

**“unaccompanied child”** is defined in the [Care of unaccompanied migrant children and child victims of modern slavery](#) guidance and refers to children from outside the UK who fall into one of the categories below. Such children may have begun their life in the UK with family or with relatives, and for a range of reasons these care arrangements are no longer working and the child becomes looked after. The unaccompanied children may have parents and family members who are not in the UK. Being unaccompanied is not necessarily a permanent status and may change, particularly if the child has other family members in the UK.

**Unaccompanied asylum-seeking child:** a child who is claiming asylum in their own right, who is separated from both parents, and who is not being cared for by an adult who in law or by custom has responsibility to do so. Some will not qualify for asylum but may require “humanitarian protection”. Others may not qualify for any leave to remain in the UK. Their status will be determined by the Home Office.

**Unaccompanied migrant child not seeking asylum:** a child who is not seeking asylum because their reasons for being here are not connected to seeking protection, or who may be undocumented, or is not seeking asylum because they have not been advised of the need to do so. The child may be separated from both parents and is not being cared for by an adult who in law or by custom has responsibility to do so.

**Unaccompanied EEA national child:** a child who is a national of a European Economic Area country and who has entered the UK with a family member and has been separated from them or has entered independently. They have a right to reside in the UK for an initial period of three months. After this time, an EEA national child will only have a right to reside in the UK if they are exercising their free movement rights or they are the family member of an EEA national exercising free movement rights in the UK.

“**Victim Care Contract**” refers to the Home Office contract to provide care to adult victims of modern slavery in England and Wales.

“**Victim Care Contract prime contractor (‘VCC Prime Contractor’)**” refers to the prime supplier of the Victim Care Contract. In some cases, the VCC Prime Contractor may subcontract other service providers to discharge specific parts of the contract;

“**Voluntary Returns Service**” refers to a Home Office service that supports individuals to return to their country of origin either through financial means or support in kind.

“**Vulnerable witness**” refers to a person classed as ‘vulnerable or intimidated witnesses’ who are afforded special measures under the Code of Practice for Victims of Crime (the Victims’ Code).

1.22. Different definitions may apply in Scotland and Northern Ireland.

## 2. What is Modern Slavery?

2.1. This chapter provides information about the definition of modern slavery for staff who may encounter or support potential victims and those who make National Referral Mechanism (NRM) decisions.

### Key points:

- Modern slavery encompasses **human trafficking** and **slavery, servitude and forced or compulsory labour**.
- Human trafficking consists of three basic components: **action, means and purpose** of exploitation. All three components must be present in an adult trafficking case; for child trafficking the 'means' component is not required.
- In human trafficking cases, **exploitation can take many forms**, including: sexual exploitation, forced labour, slavery, servitude, forced criminality and removal of organs.
- **Some people may not be victims of human trafficking but still victims of modern slavery if they have been subject to slavery, servitude and forced or compulsory labour.**
- **Human trafficking is not the same as human smuggling.** There are **common myths about modern slavery**, such as misconceptions that UK nationals cannot be victims and that a person cannot be a victim if they reject offers of help.

2.2. Modern slavery encompasses:

- human trafficking
- slavery, servitude and forced or compulsory labour

### Human trafficking

2.3. The essence of human trafficking is that the victim is coerced or deceived into a situation where they are exploited. Article 4(a) of the Council of Europe Convention on Action against Trafficking in Human Beings (the Convention) defines 'human trafficking' as:

“the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of

others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.”

2.4. Human trafficking consists of 3 basic components: action, means and purpose of exploitation.

2.5. As noted in the [Office of the United Nations High Commissioner for Refugees \(UNHCR\) guidelines](#) on international protection:

‘An important aspect of this definition is an understanding of trafficking as a process comprising a number of interrelated actions rather than a single act at a given point in time. Once initial control is secured, victims are generally moved to a place where there is a market for their services, often where they lack language skills and other basic knowledge that would enable them to seek help. While these actions can all take place within one country’s borders, they can also take place across borders with the recruitment taking place in one country and the act of receiving the victim and the exploitation taking place in another. Whether or not an international border is crossed, the intention to exploit the individual concerned underpins the entire process.’

<b>Components of adult trafficking</b>	<b>What it means</b>
Action	recruitment, transportation, transfer, harbouring or receipt, which includes an element of movement whether national or cross-border;  which is achieved by a...
Means	threat or use of force, coercion, abduction, fraud, deception, abuse of power or vulnerability;  for the purpose of...
Exploitation	for example, sexual exploitation, forced labour or domestic servitude, slavery, financial exploitation, removal of organs

2.6. All 3 components must be present in an adult trafficking case. However, in a child trafficking case the ‘means’ component is not required as they are not able to give informed consent to engage in criminal or other exploitative activity, and they cannot give consent to be abused or trafficked.

2.7. Child human trafficking will therefore consist of 2 basic components: ‘action’ and ‘purpose of exploitation’.

<b>Components of child trafficking</b>	<b>What it means</b>
Action	recruitment, transportation, transfer, harbouring or receipt, of child which includes an element of movement whether national or cross-border

Exploitation	For example, sexual exploitation, forced labour or domestic servitude, slavery, financial exploitation, removal of organs of child
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## Action

2.8. To be a victim of human trafficking, the person needs to be subjected to the act of either:

- recruitment
- transportation
- transfer
- harbouring
- receipt

## Means

2.9. An **adult** victim of human trafficking must have been subject to a 'means' – the threat or use of force or other form of coercion to achieve the consent of a person having control over another person.

2.10. The **apparent** consent of a victim to be controlled and exploited is **irrelevant** when one or more of the following has been used to get that consent:

- the threat or use of force
- abduction
- fraud
- deception
- the abuse of power or of a position of vulnerability
- the giving or receiving of payments or benefits

2.11. It is not necessary for there to have been 'means' for a child to be a victim, because children cannot give informed consent to engage in criminal or other exploitative activity, and they cannot give consent to be abused or trafficked. Any child who is recruited, transported, or transferred for the purpose of exploitation is considered to be a potential victim, whether or not there have been 'means', though in many cases the means will be present.

2.12. A potential victim of trafficking who may have been a victim as a child, but only identified and referred into the NRM after reaching adulthood, is treated under child criteria in assessing whether they were trafficked. The practical effect of this is that they do not have to meet the means test. However, as an adult at the time of referral they must still provide consent for the referral.

- 2.13. Different types of **means** that may be present in human trafficking cases are explained below.

### Trafficking: means – deception

- 2.14. An example of deception may be that the recruiter or employer has provided the worker with maliciously false, inaccurate, or misleading information. For example, a person who ends up being exploited through prostitution may originally have been under the impression there were legitimate education or employment opportunities (for example in the service industry, as a dancer, or for childcare).
- 2.15. There are also less straightforward cases, for example where people have been aware they would be working consensually in the sex industry in the UK but they were misled as to the conditions of the environment, particularly the degree of control (over freedom and earnings) before they arrived. Where the situation such individuals find themselves in amounts to exploitation, this could be a modern slavery case.

### Trafficking: means – physical coercion

- 2.16. Physical coercion refers to the threat of the use of force or the actual use of force against the victim of trafficking or their family members. Physical coercion could also be more subtle measures of control, for example withholding travel or immigration documents.

### Trafficking: means – psychological coercion

- 2.17. Psychological coercion refers to the threat or the perceived threat to the victim's relationships with other people. Examples of psychological coercion include:
- blackmail
  - ritual oaths – there is evidence to suggest witchcraft or ritual oaths can be used to make an individual fearful and compliant
  - forcing someone to pay an excessive amount of money for substandard accommodation
  - making significant deductions from an individual's 'salary'
  - threats of rejection from, or disapproval by, a peer group or family members
- 2.18. There does not necessarily have to be a direct personal relationship in psychological coercion. It could refer to wider issues, for example social stigma. This is particularly relevant in cases involving sexual exploitation or other forms of sexual violence. Other examples include:
- grooming - where people are enticed over time to take part in activity in which they may not be entirely willing participants (for example, a



trafficker may present themselves as a ‘boyfriend’ in a sexual exploitation case)

- ‘Stockholm syndrome’ – where due to unequal power, victims create a false emotional or psychological attachment to their controller

2.19. In both of these examples the individuals can often first appear to be ‘willing participants’. Due to their age and dependent status, children are especially susceptible to physical and psychological coercion.

## Trafficking: means – complex cases

2.20. There are also more complex cases where victims have been trafficked and subjected to exploitation in their own countries, and after escaping their situation travel to the UK to continue working in similar industries without such obvious control over movement or freedom.

2.21. An example of this may be where a child has been sexually exploited in their home country and then travels to the UK as an adult to work in prostitution. At first it may appear the individual is a willing participant, but SCA staff must consider any progression of control and coercion when making their decision.

## Exploitation

2.22. To be a victim, someone must have been trafficked for the **purpose of** ‘exploitation’ which may take the form of either:

- sexual exploitation
- forced labour or services
- slavery or practices similar to slavery
- servitude
- forced criminality
- removal of organs (also known as organ harvesting)

## Trafficked for the ‘purpose of exploitation’ – what if someone hasn’t yet been exploited?

2.23. Under the Convention on action Against Trafficking in Human Beings (ECAT), a person is a ‘victim’ even if they haven’t been exploited yet, for example because a police raid takes place before the exploitation happens.

2.24. This is because, under the definition of trafficking, trafficking occurs once certain acts are carried out for the purpose of exploitation. So, it is the **purpose** which is key, rather than whether or not exploitation has actually occurred. Even if the UK authorities intervene and prevent exploitation taking place in the UK, victims may have experienced serious trauma in their home country or on the way to the UK and may still be in need of support.



## Trafficking: exploitation – sexual exploitation

- 2.25. In most cases involving human trafficking for the purpose of sexual exploitation, the victim is female; however, it is important to be aware that there are also male victims.
- 2.26. The majority of female victims of trafficking identified in the UK are exploited through prostitution. Many are beaten, raped and abused. They may go abroad based on false promises of good jobs and economic opportunities, often out of ambition to earn money and make a better life for their children or family.
- 2.27. The forcible or deceptive recruitment of women and girls for forced prostitution or sexual exploitation is a form of gender-related violence. For more information on gender related violence, see:
- [Violence against women and girls](#)
  - [Stolen Smiles: a summary report](#)
- 2.28. Male victims of sexual exploitation may have additional barriers to disclosure. There is currently a limited research base to assess the exact extent of adult male sexual exploitation.
- 2.29. Please refer to the detailed guidance regarding children who are being sexually exploited. See [Safeguarding children from sexual exploitation](#).
- 2.30. There is no typical experience of people who have been trafficked for sexual exploitation. Some are held captive, assaulted and violated. Others are less abused physically, but are psychologically tormented, and live in fear of harm to themselves and their family members. The way in which different people describe their experiences means First Responders and SCA staff must not rely on victims to self-identify in explicit or obvious ways.

## Trafficking: exploitation – forced labour

- 2.31. Forced labour is not restricted to a particular sector of the labour market but cases have been identified in these sectors:
- manufacturing
  - food processing
  - agriculture
  - hospitality
- 2.32. For forced labour within the home, see the [domestic servitude](#) section.
- 2.33. As with other forms of trafficking related exploitation, a high level of harm and control or coercion is needed to trigger the UK's obligation under the Council of Europe Convention on Action against Trafficking in Human Beings.

2.34. Forced labour represents a severe violation of human rights and is a restriction of human freedom. The International Labour Organisation (ILO) defines forced work as:

‘All work or service which is exacted from any person under the menace of any penalty and for which the person has not offered himself voluntarily’.

2.35. This definition is a useful indication of the scope of forced labour for the purposes of human trafficking. In *Siliadan v France* 2005 (Application no. 73316/01), the European Court of Human Rights took this as the starting point for considering a forced labour threshold and held that for forced labour, there must be work:

‘exacted under the menace of any penalty which is performed against the will of the person concerned, that is, for which the person has not offered themselves voluntarily.’

2.36. Forced labour cannot be equated (considered) simply with either:

- working for low wages and/or in poor working conditions
- situations of pure economic necessity, as when a worker feels unable to leave a job because of the real or perceived absence of employment alternatives

### Trafficking: exploitation – forced criminality

2.37. Forced criminality is understood as the exploitation of a person to commit:

- pick-pocketing
- shop-lifting
- drug trafficking or cultivation
- other similar activities which are subject to penalties and imply financial gain

2.38. As noted in European Directive 011/36/EU, these must be understood as a form of forced labour or services as defined in the [1930 ILO Convention \(No. 29\) concerning Forced or Compulsory Labour](#).

2.39. Therefore, the exploitation of a person for criminal activity only falls within the scope of the definition of trafficking in human beings when all the elements of forced labour or services occur.

2.40. In cases involving children, criminal activity may appear not to have been forced but decision-makers should bear in mind that children cannot give informed consent to engage in criminal or other exploitative activity, and they cannot give consent to be abused or trafficked. Not all children involved in criminality will have been trafficked; in assessing a case all the circumstances present must be taken into account to determine whether the

child has been recruited, transported, transferred, harboured or received for the purpose of exploitation. Cases may be complex in nature, and the SCA must consider cases on the specific facts of an individual case.

### Trafficking: exploitation – removal of organs (organ harvesting)

- 2.41. This type of trafficking involves exploiting people by their internal organs, which are used for transplant. Traffickers can force or deceive their victims into giving up an organ. Organs commonly traded are kidneys and liver, but any organ that cannot regenerate and can be removed and re-used could be the subject of this illegal trade.
- 2.42. The [World Health Organization \(WHO\)'s Guiding Principles on Human Organ Transplantation \(1991\)](#) states the commercialisation of human organs is 'a violation of human rights and human dignity'.
- 2.43. Section 3 of the [Human Tissue Act 2004](#) requires 'appropriate consent' for organ donation. Section 33 of this Act outlines the restriction on transplants involving a live donor. Section 3 of the Human Tissue (Scotland) Act 2006 provides that a part of a deceased person's body can be removed after that person's death and used for all or any of the purposes of transplantation, research, education, training or audit.
- 2.44. The EU Organ Directive (2010/53/EU) requires organ donation to be voluntary and unpaid. However, compensation may be granted to make good the expenses and loss of income related to the donation, but avoids any financial incentive.
- 2.45. The Council of Europe Convention against trafficking in human organs, has been adopted by the committee of ministers, and is the first legally binding international instrument devoted solely to organ trafficking.

### Trafficking: exploitation – domestic servitude

- 2.46. Domestic servitude often involves people working in a household where they are:
- ill treated
  - humiliated
  - subjected to exhausting working hours
  - forced to live and work under unbearable conditions
  - forced to work for little or no pay
- 2.47. The problems of domestic workers held in servitude are made worse by the fact it is often very difficult for them to leave their employers and seek help. Abusive employers create physical and psychological obstacles by, for example, instilling fear in the domestic slave by threatening them, or their relatives, with further abuse or deportation, or by withholding their passport.

- 2.48. Children living in domestic servitude may not see it as exploitation because they may have been used for domestic servitude in their home countries and it may appear like an extension of the same arrangement. Some children may have been groomed and see the domestic servitude as normal work they have to do in return for food and lodgings. There is evidence to suggest if children are kept in domestic servitude by powerful members of their community or family members they are unable to report the abuse due to the psychological control. For more information on psychological coercion see [Trafficking: means – psychological coercion](#).
- 2.49. For more information on domestic servitude, see the [United Nations Office on Drugs and Crime - Domestic 'service' or domestic slavery?](#)

## Human smuggling is not human trafficking

- 2.50. The SCA must not confuse human trafficking with human smuggling. Human smuggling is also called people smuggling.
- 2.51. Human smuggling occurs when an individual seeks the help of a facilitator to enter a country illegally, and the relationship between both parties ends once the transaction ends. Many of those who enter the UK illegally do so by this route. Human smuggling is not a form of modern slavery.
- 2.52. The purpose of human smuggling is to move a person across a border illegally, and it is regarded as a violation of state sovereignty. The purpose of modern slavery is to exploit the victim for gain or other benefit and is regarded as a violation of that person's freedom and integrity.
- 2.53. There are several factors which help distinguish smuggling and modern slavery (trafficking):
- with trafficking, a victim's entry into a state can be legal or illegal but smuggling is characterised by illegal entry
  - trafficking can take place both within and across national borders but international travel is required for smuggling
  - in the case of adults, trafficking is carried out with the use of force and/or deception – smuggling is not, which indicates it is a voluntary act on the part of those being smuggled
  - trafficking involves the intended exploitation of people on arrival while the services of smugglers usually end when people reach their destination and the transaction ends

## Unclear cases

- 2.54. Trafficking victims may indeed start out believing that they are being smuggled, will have control over how their debt is repaid and will be free to go about their business once the agreed fee has been settled. Some may well end up in a potentially exploitative situation, where they are debt bonded

and forced to work to pay off their 'debts', which in many cases are increased by their trafficker over time to retain control over them.

- 2.55. As noted in '[Smuggled or Trafficked?](#)' by [Jacqueline Bhabha and Monette Zard](#) staff in the SCA must appreciate that in some cases the distinction of smuggling and trafficking can be blurred. There are certainly 'pure' cases of trafficking and smuggling. For example, there may be trafficking cases where children are kidnapped without their parents' consent, or in which migrant workers are defrauded and forced from the outset.
- 2.56. At the other end of the spectrum, there are completely transparent cross-border transportation agreements where a fee is mutually agreed and the relationship between transporter and transported ends upon arrival. However, at the point of departure and at multiple stages of the journey, it may well be unclear which category – trafficking or smuggling – is at issue.
- 2.57. In less clear cases, the Competent Authority must consider the information in this section of the guidance and use their judgement in order to reach a decision.

### Unclear cases: illegal adoption

- 2.58. Not every illegal adoption would be considered exploitation. A child might, for example, be sold or adopted illegally but not exploited. The purposes of baby-selling and human trafficking/modern slavery are not necessarily the same.
- 2.59. Some people assume that baby-selling for adoption is a form of human trafficking because it results in a profit by selling another person. However, illegally selling a child for adoption would not constitute trafficking where the child itself is not to be exploited. Baby-selling generally results in a situation that is non-exploitative with respect to the child. Where the 'parents' are looking to adopt the child and give it a loving home it should be considered as an illegal adoption case but not a case of trafficking or modern slavery.
- 2.60. Trafficking/modern slavery, on the other hand, implies exploitation of the victims. If an adopted child is subjected to [coerced labour](#) or sexual exploitation, then this can meet the exploitation element of human trafficking/modern slavery. Where the child is given to 'parents' via illegal adoption who intend to exploit the child, then this may fall under an exploitation purpose that would be considered as an element of trafficking or modern slavery.
- 2.61. In some cases where the baby is forcibly removed from the mother, or the mother is forced or exploited to give birth, the mother may be a victim of trafficking or modern slavery.

### Unclear cases: forced marriage

- 2.62. Forced marriage is a crime and victims of forced marriage deserve help and support.
- 2.63. The joint Home Office and Foreign & Commonwealth Office Forced Marriage Unit (FMU) provides direct support and advice for victims and those at risk through its public helpline. The support offered ranges from providing information and guidance, to organising rescue and repatriation to the UK (for victims overseas). The FMU can be contacted at tel: +44 (0)207 0080 151, email: [fmu@fco.gov.uk](mailto:fmu@fco.gov.uk)
- 2.64. However, a forced marriage alone would not necessarily mean that a person is a victim of modern slavery. Cases referred to the NRM must be considered in accordance with this guidance to see whether all components of the definition of either trafficking or slavery, servitude or forced and compulsory labour are present.

### Unclear cases: sham marriage

- 2.65. Individuals may enter into a marriage or civil partnership when there is actually no genuine subsisting relationship, but in order to gain an advantage, such as for immigration purposes. The existence of a marriage which does not appear to be genuine may be an indicator of coercion or exploitation, but will not be in all cases. Each of the components of trafficking or slavery, servitude or forced and compulsory labour must be considered in accordance with this guidance.

### Slavery, servitude and forced or compulsory labour

- 2.66. Modern slavery includes trafficking, but also encompasses cases of slavery, servitude and forced or compulsory labour. Some people may not be victims of human trafficking, but are still victims of modern slavery. SCA decision makers must decide whether, if someone is not a victim of trafficking, they are nonetheless a victim of another form of modern slavery, including:
- victims of slavery
  - victims of servitude
  - victims of forced or compulsory labour
- 2.67. Slavery, servitude and forced or compulsory labour may also be present in trafficking cases. However, not every person who is exploited through forced labour has been trafficked. For example in some cases, a person may have been seriously exploited, but there was no action (element of movement), which means they do not meet the definition of a trafficking victim.
- 2.68. Slavery, servitude and forced or compulsory labour are prohibited by Article 4 of the European Convention on Human Rights and illegal across the UK, but each jurisdiction has its own legislative framework of prohibitions. For the purposes of the NRM the UK recognises that slavery, servitude and

forced or compulsory labour have the same meaning as they do under Article 4 of the European Convention on Human Rights. This ensures a consistent approach for victims across the UK.

## Forced or compulsory labour (victim not trafficked)

2.69. UN Convention No. 29 concerning forced or compulsory labour defines ‘forced or compulsory labour’ as ‘all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily’.

2.70. Labour is the provision of any service, not just manual labour. ‘Penalty’ may go as far as physical violence or restraint, but it can also take subtler forms of a psychological nature, such as threats to denounce victims to the police or immigration authorities when their employment status is illegal. Consent is a factor in forced and compulsory labour, but a victim may have given consent in a situation where they felt they had no viable alternative, in which case they could still be subject to forced or compulsory labour. For a person to be a victim of forced or compulsory labour there must have been 2 basic components:

- Means – threat of penalty – for example, threat or use of force, coercion, abduction, fraud, deception, abuse of power or vulnerability
- Service – as a result of the means, an individual provides a service for benefit, for example, begging, sexual services, manual labour, or domestic service

2.71. However, there does not need to be a means used for children as they are not able to give informed consent to engage in criminal or other exploitative activity, and they cannot give consent to be abused or trafficked.

2.72. Child forced or compulsory labour (victim not trafficked as there has been no element of movement) will therefore consist of one basic component:

- Service – a child provides a service for benefit, for example, begging, sexual services, manual labour, or domestic service

2.73. Where a case meets the test for forced and/or compulsory labour, they would receive a positive Conclusive Grounds decision. The concepts of servitude and slavery are explained below for completeness.

2.74. For more information, see the [Convention](#) and [explanatory report](#).

## Servitude

2.75. ‘Servitude’ means an obligation to provide a service that is imposed by the use of coercion.



- 2.76. Servitude is an ‘aggravated’ form of forced or compulsory labour. The fundamental distinguishing feature between servitude and forced or compulsory labour is in the victim feeling that their condition is permanent and that the situation is unlikely to change.

## Slavery

- 2.77. The 1926 Slavery Convention defines slavery as ‘the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised’.
- 2.78. This concept of ownership is what makes slavery distinct – for example a situation where an individual was being controlled by another would not meet this threshold, unless there was clear evidence the person was being used as a commodity. It is a form of servitude with the additional concept of ownership. This section gives further guidance on the components that apply to victims of slavery, servitude and forced or compulsory labour where the victims have not been trafficked – means and service.

## The components of modern slavery – slavery, servitude and forced or compulsory labour: means

- 2.79. For an individual to be a victim of slavery, servitude and forced or compulsory labour where the victims have not been trafficked, they must have been subject to a means, or threat of penalty through which that service was derived.
- 2.80. The UN Convention No. 29 concerning forced or compulsory labour defines ‘forced or compulsory labour’ as ‘all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily’.
- 2.81. ‘Penalty’ may go as far as physical violence or restraint, but it can also take subtler forms of a psychological nature, such as threats to denounce victims to the police or immigration authorities when their employment status is illegal. Consent is a factor in forced and compulsory labour, but a victim may have given consent in a situation where they felt they had no viable alternative, in which case they could still be subject to forced or compulsory labour.
- 2.82. Slavery, servitude and forced or compulsory labour must include this threat of penalty.
- 2.83. Deception must of itself constitute a threat of penalty to establish means.
- 2.84. Different types of **means** that may be present in modern slavery cases are explained below.



## **Slavery, servitude, and forced or compulsory labour: means – physical coercion**

2.85. Physical coercion refers to the threat of the use of force or the actual use of force against the victim of modern slavery or their family members. Physical coercion could also be more subtle measures of control, for example withholding travel or immigration documents.

## **Slavery, servitude, and forced or compulsory labour: means – psychological coercion**

2.86. Psychological coercion refers to the threat or the perceived threat to the victim's relationships with other people. Examples of psychological coercion include any of the following:

- blackmail
- ritual oaths – there is evidence to suggest witchcraft or ritual oaths can also be used to make an individual fearful and compliant
- forcing someone to pay an excessive amount of money for substandard accommodation
- making significant deductions from an individual's 'salary'
- threats of rejection from, or disapproval by, a peer group, family
- anger or displeasure by the person considered to be a partner by the victim

2.87. There does not necessarily have to be a direct personal relationship in psychological coercion. It could refer to wider issues, for example social stigma. This is particularly relevant in cases involving sexual exploitation or other forms of sexual violence. Other examples include:

- grooming – where individuals are enticed over time to take part in activity in which they may not be entirely willing participants (for example the 'boyfriend' method is fairly common in sexual exploitation)
- 'Stockholm syndrome' – where due to unequal power, victims create a false emotional or psychological attachment to their controller

2.88. In both of these examples the individuals can often first appear to be 'willing participants'. Due to their age and dependent status, children are especially susceptible to physical and psychological coercion.

## **Slavery, servitude, and forced or compulsory labour: means – complex cases**

2.89. There are also more complex cases where victims have been a victim of modern slavery and subject to exploitation in their own country, and after escaping their situation travel to the UK to continue working in similar industries without such obvious control over movement or freedom.

2.90. An example of this may be where a child has been sexually exploited in a home country and then travels to the UK as an adult to work in prostitution. At first it may appear the individual is a willing participant but SCA staff must consider any progression of control and coercion when they make their decision.

## Slavery, servitude and forced or compulsory labour: service

2.91. For a person to be a victim of slavery, servitude, and forced or compulsory labour where the victims have not been trafficked, there must have been a service derived via the threat of penalty.

2.92. The UN Convention No. 29 concerning forced or compulsory labour defines 'forced or compulsory labour' as 'all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily'. Labour is the provision of any service, not just manual labour.

2.93. 'Service' or labour includes: forced labour, domestic servitude, sexual services and forced criminality. These forms of service could take place in a variety of industries or in private homes.

2.94. Servitude and slavery are more serious forms of forced or compulsory labour. For the purposes of the NRM, SCA staff will only need to determine whether an individual has been the victim of slavery, servitude, and forced or compulsory labour. Definitions for servitude and forced or compulsory labour are within [Slavery, servitude and forced or compulsory labour](#).

## Myths about modern slavery

2.95. Those working with potential victims should understand some of the common misconceptions about modern slavery and its victims.

Myth	Reality
The person did not take opportunities to escape so is not being coerced.	Remaining in an exploitative situation could indicate a willingness to remain there and/or an absence of coercion. But there are many reasons why someone may choose not to escape an exploitative situation, for example: <ul style="list-style-type: none"> <li>• fear of reprisal against the person or family members</li> <li>• vulnerability</li> <li>• Stockholm syndrome (psychological dependency on the person exploiting them) or grooming</li> <li>• lack of knowledge of their environment</li> <li>• belief that the trafficker or exploiter will fulfil their promise</li> <li>• fear of witchcraft</li> <li>• violence or threats of violence</li> <li>• not knowing how and where to seek help</li> </ul>
UK nationals cannot be victims of modern slavery.	UK nationals can and have been victims of modern slavery.

<p>Crossing a border is required in order to be trafficked.</p>	<p>Trafficking does not have to occur across borders; it can occur within a country.</p>
<p>Modern slavery is a necessary evil in some cultures and so must be accepted.</p>	<p>Abusive people may use 'culture' as a justification for modern slavery or trafficking other human beings. Modern slavery is a crime in the UK and child modern slavery is child abuse, not a 'cultural' issue.</p>
<p>It cannot be modern slavery when organiser and victim are related, married, living together or lovers.</p>	<p>Close relationships are often used to exploit and control others. This is especially relevant in child modern slavery. There have been numerous incidents where 'boyfriends' have groomed women and children into sexual exploitation or family members have colluded (intentionally or unintentionally) in the exploitation.</p>
<p>A person is not a victim of modern slavery when they say they have a better life than previously.</p>	<p>Some people are willing to tolerate their situation because they may perceive it as a 'stepping stone' to a better future and may compare it favourably to experiences at home. This doesn't mean they are not a victim of modern slavery.</p>
<p>A person is not a victim of modern slavery when they reject an offer of help.</p>	<p>It is not uncommon for victims to reject offers of help at first. This is not unique to victims of modern slavery.</p>

## 3. Identifying potential victims of modern slavery

3.1. This chapter provides information for staff who may encounter potential victims about common indicators that may be present in a situation of modern slavery.

### Key points:

- In practice, **it can be challenging to identify a potential victim of modern slavery**. Potential victims may be reluctant to come forward or not recognise themselves as victims.
- **First Responders and frontline staff who may encounter a potential victim of modern slavery should be familiar with these indicators** to support the identification of potential victims. This section includes **general, physical and psychological indicators**, and some **situational and environmental indicators** that may be present in a situation of modern slavery.
- **Some indicators are specific to child victims and/or certain types of exploitation**, such as 'county lines' cases. Further detail on indicators These are set out in detail in [Annex A](#).

### Indicators of modern slavery

3.2. In order to identify a potential victim of modern slavery, frontline staff who might encounter a potential victim should be familiar with the indicators set out in this section. This includes First Responders, who need to know and understand the signs which may indicate a person is a victim of modern slavery in order to decide whether to refer a case to the National Referral Mechanism (NRM). SCA staff, while not First Responders, should be aware of the indicators to identify these indicators in referrals. Frontline staff who are not First Responders who encounter a victim of modern slavery will need to work with a First Responder to make a referral.

3.3. A First Responder's decision as to whether to refer a potential victim into the NRM is a decision of professional judgment based on the evidence available to them. First Responders should consider the presence of any indicators of modern slavery, including for example the non-verbal presentation of the victim, what the victim says, situational and environmental factors and objective evidence regarding known patterns of modern slavery. Not all indicators of modern slavery will be present in all situations.

3.4. Victims of Modern Slavery can be found in a variety of situations. The [United Nations Office on Drugs and Crime](#) provides further guidance on indicators of Human Trafficking. These factors are also relevant to slavery, servitude, forced or compulsory labour and so may be present in any situation of modern slavery. These are set out in tables throughout this section and in **Annex A.**<sup>2</sup>

3.5. In practice it is **not easy** to identify a potential victim – there are many different physical and psychological elements to be considered as detailed below. For a variety of reasons, potential victims of modern slavery may also:

- be reluctant to come forward with information
- not recognise themselves as having been trafficked or enslaved
- tell their stories with obvious errors and/or omissions

3.6. For more information on identifying potential victims who are reluctant to identify themselves, see [victims who are reluctant to self-identify](#).

3.7. In some cases, First Responders may find it helpful to consult with other professionals before making a decision on whether to refer someone into the NRM. Frontline staff who are not First Responders will need to engage with a First Responder to facilitate an NRM referral.

3.8. The following table outlines General Indicators of modern slavery.

<b>General Indicators – Victims may:</b>	
<ul style="list-style-type: none"> <li>• Believe that they must work against their will</li> <li>• Be unable to leave their work environment or home environment</li> <li>• Show signs that their movements are being controlled</li> <li>• Feel that they cannot leave</li> <li>• Show fear or anxiety</li> <li>• Be subjected to violence or threats of violence against themselves or against their family members and loved ones</li> <li>• Suffer injuries that appear to be the result of an assault</li> <li>• Suffer injuries or impairments typical of certain jobs or control measures</li> <li>• Suffer injuries that appear to be the result of the application of control measures</li> </ul>	<ul style="list-style-type: none"> <li>• Have false identity or travel documents (or none at all)</li> <li>• Be found in or connected to a type of location likely to be used for exploiting people</li> <li>• Be unfamiliar with the local language</li> <li>• Not know their home or work address</li> <li>• Allow others to speak for them when addressed directly</li> <li>• Act as if they were instructed by someone else</li> <li>• Be forced, threatened or deceived into working in poor conditions</li> <li>• Be disciplined through punishment</li> <li>• Be unable to negotiate working conditions</li> <li>• Receive little or no payment</li> <li>• Have no access to their earnings</li> </ul>

<sup>2</sup> There are a number of small amendments to the indicators as originally published to reflect the evolving nature of modern slavery.

<ul style="list-style-type: none"> <li>• Be distrustful of the authorities</li> <li>• Be threatened with being handed over to the authorities</li> <li>• Be afraid of revealing their immigration status</li> <li>• Not be in possession of their passports or other travel or identity documents, as those documents are being held by someone else</li> <li>• Come from a place known to be a source of human trafficking</li> <li>• Have had the fees for their transport to the country of destination paid for by facilitators, whom they must pay back by working or providing services in the destination</li> </ul>	<ul style="list-style-type: none"> <li>• Work excessively long hours over long periods</li> <li>• Not have any days off</li> <li>• Live in poor or substandard accommodations</li> <li>• Have no access to medical care</li> <li>• Have limited or no social interaction</li> <li>• Have limited contact with their families or with people outside of their immediate environment</li> <li>• Be unable to communicate freely with others</li> <li>• Be under the perception that they are bonded by debt</li> <li>• Be in a situation of dependence</li> <li>• Have acted on the basis of false promises</li> </ul>
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## Physical and psychological indicators of modern slavery

- 3.9. First Responders and other frontline staff who may encounter a victim need to know about the physical and psychological signs that can indicate a person is a victim of modern slavery.
- 3.10. Victims of any form of modern slavery may have suffered acts of physical and/or psychological cruelty, abuse, neglect, exploitation and degradation. The enduring impact to victims' physical and mental health can be profound.
- 3.11. Such acts can occur at various times and/or repeatedly throughout the modern slavery experience. Victims may be subjected to physical violence, rape and sexual abuse, deprivation of their freedom and forced, threatened or deceived into working and/or living in poor conditions. Some victims are psychologically controlled or conditioned by their exploiters to the extent that they are unable to envisage escape.
- 3.12. As a result of the abuse and neglect that victims have experienced, they may develop poor physical or mental health. Individuals with mental or physical health conditions may also make them more likely to become a victim of modern slavery in the future.
- 3.13. It is important to remain observant for signs of physical injuries, health conditions and psychological trauma. However, it should also be noted that physical injuries, psychological problems and illnesses may not be obvious or visible in many cases and may not be easily disclosed by victims. For those who have been both physically and psychologically abused over prolonged periods the physical and psychological complaints are deeply entwined.

## Physical indicators

3.14. Some physical indicators may only be identified by trained medical professionals. Physical indicators of modern slavery may include:

- **Physical injuries** – these may have unclear explanations as to how or when they were sustained, they may be untreated, or partially treated, or there may be multiple or unusual scars or healed fractures
- **Work related injuries** – often through inadequate personal protective equipment or poor health and safety
- **Physical consequences of captivity, neglect, poor environmental conditions** – for example, infections including tuberculosis, chest infections or skin infections, malnutrition and vitamin deficiencies or anaemia
- **Neurological symptoms** – for example, headaches, dizzy spells, poor memory, poor concentration, problems with cognition, post traumatic epilepsy
- **Dental problems** – from physical abuse and/or neglect of dental hygiene
- **Deterioration of pre-existing chronic medical conditions** – these may be untreated (or poorly treated) chronic conditions such as diabetes, hypertension or cancers
- **Cardiovascular or respiratory symptoms** – often chest pain, palpitations, breathlessness (may be due to anxiety, but poor health in victims means that such symptoms need exploring)
- **Gastrointestinal symptoms** – abdominal pain or health conditions related to swallowed, internally placed or ruptured packets of illegal substances.
- **Non-specific symptoms** – fatigue, weight loss, fainting
- **Chronic pain** – this can be from specific injuries or may be more generalised – “all over body pain”. Exacerbated by lack of sleep and stress. May be psychosomatic.
- **Medically unexplained symptoms** – symptoms without an identifiable physical cause are common, and can be non-specific such as headaches, dizziness or back pain, or may be related to trauma to a particular part of the body, for example, abdominal pain in rape victims.
- **Disfigurements** – cutting, burning, or branding may be used as a means of punishment or to indicate ownership by exploiters. Victims are sometimes forced to undergo cosmetic procedures, for example, breast implantation, use of skin lightening creams. Disfigurement can also be the result of self-harm and attempted suicide.
- **Post-operative pain** – infection or scarring from organ harvesting, particularly of a kidney.

## Mental health and psychological indicators



3.15. Trauma can manifest in a number of ways, and this could be as a mental health problem, for example, as anxiety, low mood or suicidal thinking. Victims may also have diagnosable psychiatric disorders such as post-traumatic stress disorder (PTSD), complex PTSD, depressive disorders, anxiety disorders and adjustment reactions. Symptoms may be worsened by exacerbating factors, such as significant sleep deprivation and malnutrition. Psychological indicators of modern slavery may include:

- **Expression** – of fear or anxiety
- **Depression** – lack of interest in engaging in activities, lack of interest in engaging with other individuals, hopelessness
- **Isolation or alienation**
- **Attachment and identity issues** – can create detachments from others or an over-dependence (or both). This can include a dependency on exploiters
- **An inability to regulate emotions** – for example a persistent shifting between sadness, forgiveness, anger, aggression, frustration and/or emotional detachment or emotional withdrawal
- **Difficulties with relationships** – difficulties with trusting others (either lack of trust or too trusting) causing difficulties in relationships and difficulties assessing/addressing risks or warning signs in relationships
- **Loss of autonomy** – for example difficulty in making simple decisions, tendency to acquiesce to the views/desires of others
- **Memory difficulties** – either problems with concentration/attention or poor memory for past events e.g. 'gaps' or confusion about events
- **Dissociative episodes and re-experiencing phenomena** such as flashbacks
- **Other indicators may include:**
  - hostility
  - aggression
  - difficulty concentrating
  - self-harm
  - suicidal ideation
  - an attitude of guilt, self-blame, shame or low self-esteem
  - psychosis or the presence of hallucinations and delusions
  - substance misuse and addictions

## Situational and environmental indicators of modern slavery

3.16. First Responders and frontline staff need to know about the situational and environmental signs that can indicate a person is being exploited and is a victim of modern slavery.

3.17. The following indicators, drawing on work by the [International Labour Organization \(ILO\)](#), have been identified as particularly relevant to those victims of modern slavery exploited for forced labour, domestic servitude and forced criminality. Indicators may include:



- **Withheld passports or identity documents, contracts, payslips, bank information, health records**
- **Lack of information about rights as workers in the UK as well as support and advice services**
- **Lack of information about a person's rights as a visitor in the UK or a lack of knowledge about the area they live in the UK**
- **Acting as if coerced or controlled by another**
- **Going missing for periods**
- **Fearful and emotional about their family or dependents**
- **Limited English, for example only having vocabulary relating to their exploitative situation**
- **Restriction of movement (noting that victims are not often 'locked-up' but movement can be restricted) or being held in isolation**
- **Withholding wages (including deductions from wages)**
- **Debt bondage**
- **Abusive working and/or living conditions**
- **Excessive overtime**

3.18. The indicators in this section are relevant to both adult and child victims. There are also specific indicators relating to child victims, and indicators relating to specific types of exploitation including sexual exploitation, forced labour, domestic servitude, criminal exploitation and county lines set out in [Annex A](#).

## 4. Roles and Responsibilities

### Key points:

- Specified public authorities in England and Wales have a **statutory Duty to Notify** the Home Office when they encounter potential victims.
- **A First Responder Organisation is an organisation authorised to refer potential victims into the NRM.** First Responder Organisations include certain public authorities and some organisations that are not public authorities.
- The Single Competent Authority (SCA) in the Home Office **makes decisions on all cases referred to the NRM** about whether they are recognised as victims of modern slavery.
- It is essential that organisations **collaborate, work together and share information** to tackle modern slavery. [Annex B](#) includes details about how the SCA should share information with other agencies.

4.1. This chapter sets out the roles and responsibilities of organisations involved in tackling modern slavery.

### Public authorities

4.2. In England and Wales, public authorities specified in [section 52](#) of the Modern Slavery Act 2015, have a statutory Duty to Notify the Home Office when they come across potential victims of modern slavery.

4.3. This duty is discharged by either [referring a potential victim into the National Referral Mechanism \(NRM\)](#) where they are a child or consenting adult, or by notifying the Home Office where an adult does not consent to enter the NRM. Both a referral and a notification can be made through the Modern Slavery Portal. The portal can be accessed at: <https://www.modernslavery.gov.uk/start>

4.4. Similar provisions are set out, but are not yet in force, in [section 38 of the Human Trafficking and Exploitation \(Scotland\) Act 2015](#). In Northern Ireland, these provisions are in section 13 of the [Human Trafficking and Exploitation \(Criminal Justice and Support for Victims\) Act \(Northern Ireland\) 2015](#).

### First Responder Organisations and First Responders

4.5. A First Responder Organisation is, in England and Wales, an authority that is authorised to refer a potential victim of modern slavery into the NRM. The NRM is the UK's framework for identifying victims of modern slavery. It is also

one means of ensuring that adult victims receive the necessary support and assistance in the period immediately after their identification as a potential victim.

4.6. A full list of First Responders is available [here](#). There are different cohorts of First Responder Organisations in Scotland and Northern Ireland.

4.7. It is for the First Responder Organisation to decide how it will discharge its functions as a First Responder Organisation, which are to:

- Identify potential victims of modern slavery and recognise the indicators of modern slavery.
- Gather information in order to understand what has happened to them.
- Refer victims into the NRM (in England and Wales this includes notifying the Home Office if an adult victim doesn't consent to being referred). Both can be done via the [Modern Slavery Portal](#)
- Provide a point of contact for the Single Competent Authority (SCA) to assist with the Reasonable Grounds and Conclusive Grounds decisions and to request a reconsideration.

4.8. First Responders are members of staff at First Responder Organisations who have a responsibility for discharging one or more of the functions of the First Responder Organisation and who have been trained to discharge those functions. It is for the First Responder Organisation to decide how best to discharge these functions; whether through specialist leads, training for all frontline officers or a different model. All First Responder Organisations should ensure they have [pathways and protocols](#) in place to support First Responders when they encounter a potential victim, and that all staff acting as First Responders are trained appropriately.

4.9. First Responders should also refer potential adult victims into [Emergency Accommodation](#) through the Victim Care Contract after submitting an NRM referral where no other safe and secure accommodation is available.

## Public authorities that are First Responder Organisations

4.10. In England and Wales, these public authorities are First Responder Organisations. As such, these organisations have a Duty to Notify the Home Office when encountering a potential victim of modern slavery. They have the following roles:

- **Law enforcement (police, NCA, Gangmasters and Labour Abuse Authority)** – have responsibility for proactively leading modern slavery investigations, identifying potential victims, making referrals into the NRM, arresting perpetrators and raising awareness in their jurisdictions. Police are responsible for working with Local Authorities and healthcare organisations/providers to safeguard children and vulnerable adults.
- **Local Authorities** – have a statutory duty to safeguard child victims under section 47 of the Children Act 1989, and Adults at Risk under

section 42 of the Care Act 2015. Local Authorities have responsibility for identifying potential victims and making referrals into the NRM. The Ministry for Housing Communities and Local Government has also [published guidance](#) on providing homelessness services to victims of modern slavery.

- **Border Force, UKVI and Immigration Enforcement** – Certain parts of the Home Office are First Responder Organisations. These agencies have responsibility for maintaining the security and integrity of the UK border, taking decisions about who has the right to visit or stay in the country, and enforcing immigration law. Border Force, UKVI and Immigration Enforcement may encounter potential victims of modern slavery during the course of this work and are First Responder Organisations.

## First Responder Organisations that are not public authorities

4.11. A number of organisations that are not public authorities are also First Responder Organisations in England and Wales. These are:

- Barnardo's
- BAWSO
- Kalayaan
- Medaille Trust
- Migrant Help
- New Pathways
- NSPCC
- Poppy Project
- Refugee Council
- The Salvation Army
- Unseen UK

## Non-First Responder Organisations involved in tackling modern slavery

4.12. These public authorities in England and Wales are not First Responder Organisations and do not have a Duty to Notify the Home Office when encountering a potential victim of modern slavery. However, they still have the following roles:

## Single Competent Authority (SCA)

4.13. Decisions about who is recognised as a victim of modern slavery are made by trained specialists in the SCA. The SCA replaced the previous Competent Authorities on 29th April 2019.

4.14. All referrals to the NRM from First Responders must be sent to the SCA for consideration. The SCA also manages the data on NRM referrals.

4.15. The SCA will also consider whether to issue [Discretionary Leave to Remain](#) to a confirmed victim.

## The Independent Anti-Slavery Commissioner (IASC)

4.16. The Independent Anti-Slavery Commissioner (IASC) role was created in accordance with sections 40-44 of the Modern Slavery Act 2015.

4.17. The Modern Slavery Act requires IASC to encourage good practice in:

- The prevention, detection, investigation and prosecution of slavery and human trafficking offences.
- The identification of victims of those offences.
- The provision of assistance and support to victims of slavery and human trafficking offences.

4.18. While the Commissioner does not exercise functions in relation to individual cases, the Modern Slavery Act 2015 provides that the Commissioner may consider individual cases and draw conclusions about them for the purpose of considering a general issue.

4.19. Schedule 3 of the Modern Slavery Act 2015 sets out public authorities under a duty to co-operate with the Commissioner.

4.20. Further information can be found on the [IASC website](#).

## The Home Office Modern Slavery Unit

4.21. The Modern Slavery Unit has overall responsibility for modern slavery policy in England and Wales.

## Other public authorities

4.22. These public authorities should work with First Responder Organisations to make referrals where potential victims of modern slavery are identified. They should be proactive in multi-agency information sharing, utilising their locally agreed Anti-Slavery partnership strategies.

- **Prisons and detention centres** – have responsibility for identifying and supporting victims and raising awareness of this crime amongst prisoners/detainees and staff.
- **Prosecutorial Services and Courts** – should be alert to signs of modern slavery and the circumstances in which a section 45 defence may apply (see [Annex H](#)). They should also be aware of the protections awarded to vulnerable witnesses under the Victims' Code.
- **Healthcare organisations/providers** – can identify potential victims in primary and secondary healthcare settings and should raise awareness of this crime amongst patients, visitors and staff. Healthcare

organisations/providers, together with Local Authorities and the police have a responsibility for safeguarding children. Healthcare organisations/providers also have a responsibility to provide emergency and ongoing medical treatment to potential and confirmed victims.

- **Education (schools and colleges)** – have responsibility for educating potential child victims of modern slavery and educating the child dependents of adult victims.
- **Wider civil service** – have responsibility for identifying potential victims and raising awareness of this crime amongst staff. Victims may be identified in a variety of settings such as Job Centres or Fire Service enforcement actions. The civil service has a responsibility for ensuring their processes and systems consider the specific needs of victims of modern slavery.

## Independent Child Trafficking Guardians (ICTGs)

- 4.23. Where available, an Independent Child Trafficking Guardian (ICTG) provides advocacy on behalf of child victims. The locations of where the ICTG provision is currently available and corresponding guidance on the role of the ICTG can be found [here](#). Further information on the role of ICTGs is provided in [this](#) section.

## Multi-agency working

- 4.24. The fight against modern slavery encompasses many aspects. There is the need to identify and support victims, safeguard individuals, bring perpetrators to justice, develop information and data flows, increase awareness and create long-term, sustainable changes to behaviours, practice, skills and expertise. No single agency can eradicate modern slavery alone and so it is vital that organisations collaborate, work together and share information, both with domestic partners and internationally.

## Information Sharing, Confidentiality and Record Keeping

- 4.25. Poor or non-existent information sharing is a factor repeatedly identified as an issue in Domestic Homicide Reviews, Adult Death Reviews and Serious Case Reviews carried out following the death of, or serious injury to, a child. Organisations involved in identifying and supporting victims need to understand how and when they can share information in support of victims.
- 4.26. Victims will have been in situations where contact with outsiders has been handled with suspicion. They may be concerned about risks to their health and safety. Careless handling of personal information greatly increases that risk. Inter-agency cooperation is essential in correctly identifying and sufficiently supporting victims but the data that gets transferred between agencies must be heavily protected.

- 4.27. First Responder Organisations, government bodies, the SCA, and support providers under the Victim Care Contract should ensure that victims are aware of what information will be treated confidentially. Those working with the victim should be particularly careful of the victim's address, support arrangements or any other details that may compromise their safety. Confidentiality is an important condition in working with victims of modern slavery but should not be a barrier to working with victims.
- 4.28. First Responder Organisations, government bodies, the SCA, and support providers under the Victim Care Contract will need to be aware of how to share information between organisations.
- 4.29. Information regarding victims should be collected, held and shared in line with General Data Protection Regulation (GDPR) and the [Data Protection Act 2018](#).
- 4.30. The valid legal basis for the Home Office collecting and sharing information is set out in the [Privacy Information notice: national referral mechanism](#).
- 4.31. Those working with victims should consider whether there are safeguarding risks to the individual if information is not shared, or if sharing the information is in the public interest, for example in order to prevent a crime being committed. Safeguarding the victim should always take priority.
- 4.32. For those working with victims, in addition to the GDPR and Data Protection Act 2018, practitioners need to balance the common law duty of confidence, and the rights within the [Human Rights Act 1998](#), against the effect on children or Adults at Risk, if they do not share the information.
- 4.33. In the context of safeguarding a child or young person, where the child's welfare is paramount, practitioners must consider what is necessary and proportionate to disclose on a case-by-case basis.
- 4.34. If there is uncertainty around what information can be shared, staff should seek advice from the Data Protection Officer in their organisation.
- 4.35. Further information on data sharing, including GDPR issues, can be found in the Government guidance on [Information sharing Advice for practitioners providing safeguarding services to children, young people, parents and carers](#).
- 4.36. [Annex B](#) sets out further guidance for the SCA about sharing information with different agencies.



## 5. Referring potential victims of modern slavery into the National Referral Mechanism

5.1. This chapter provides information for First Responders in England about what to do when encountering a potential victim of modern slavery, including how to refer them into the NRM.

5.2. In Wales a Multi-Agency Risk Assessment Conference (MARAC) approach is adopted to refer victims into support. The [MARAC guidance](#) should be followed when a victim is identified in Wales. The remainder of this chapter applies in England.

### Key points:

- **First Responders who encounter potential victims should follow the safeguarding procedures set out by their organisation.** The safety, protection and support of the potential victim must always be the first priority.
- **There are different referral processes for adult and child victims:**
  - Consent is required to refer an adult into the NRM. Being recognised as a potential victim, or victim, through the NRM may allow the individual to access support. Where an adult does not consent, the First Responder still has a 'Duty to Notify' the Home Office that they have encountered a potential victim. In all cases, First Responders should consider whether it is appropriate to also refer the potential adult victim to Local Authority Adult Safeguarding Services.
  - First Responders should immediately contact local authority children's services when a child victim is identified. First Responders should refer all child victims to the NRM.
  - Adult and child referrals, and notifications under the Duty to Notify can be made through the online portal:  
<https://www.modernslavery.gov.uk/start>
- **[Annex C](#) sets out specific referral pathways for different organisations**, namely: police, local authorities, Immigration Enforcement, Border Force, NCA, UKVI, NHS England and Wales, and NGOs.

### Ensuring immediate safety

**5.3. The safety, protection and support of the potential victim must always be the first priority.** Victims of modern slavery are a vulnerable group and



should be treated with the same sensitivity as other vulnerable groups, such as victims of domestic violence. For more information see [Working with vulnerable people](#).

5.4. If a First Responder identifies a potential victim of modern slavery they should follow the safeguarding procedures set out by their organisation. In general:

- Where there is a risk of immediate harm to the potential victim, the police should be contacted by calling 999
- When the potential victim is a child, the Local Authority with safeguarding responsibility must be contacted. All victims, including possible/potential victims of modern slavery who are under the age of 18 must be referred to Children's Social Care urgently under child protection procedures
- Do not use an accompanying person as interpreter for the potential victim, and where safe to do so a potential victim should be spoken to away from anyone accompanying them

5.5. In England, when the potential victim is an adult and the identifying party believes the potential victim may be an Adult at Risk, they should inform Local Authority Adult Social Services as soon as possible. Local Authority Adult Social Services can determine whether a safeguarding enquiry under section 42 of the Care Act 2014 is required. Where the potential victim consents, they should also continue with the NRM referral process.

5.6. All potential victims are able to access emergency medical care. For further information see [Medical treatment, assistance and counselling](#).

5.7. Adult potential victims at risk of destitution are eligible for [Emergency Accommodation](#).

5.8. There are different referral processes for adult and child victims. First Responders should ensure referrals are made in line with the processes set out in this guidance.

5.9. This chapter sets out general principles for referring potential victims and [Annex C](#) sets out specific referral pathways for different organisations, namely: police, local authorities, Immigration Enforcement, Border Force, NCA, UKVI, NHS England and Wales, and NGOs.

## Why enter the National Referral Mechanism?

5.10. While not all support for adult victims is provided through the National Referral Mechanism (NRM), being recognised as a potential victim, or victim, may allow the individual to access support via the NRM. Support for adult victims may include:

- access to legal aid for immigration advice

- access to short-term Government-funded support through the Victim Care Contract (accommodation, material assistance, translation and interpretation services, counselling, advice, etc.)
  - outreach support if already in Local Authority accommodation or asylum accommodation
  - assistance to return to their home country if not a UK national
- 5.11. Support for children is provided through the Local Authority. In addition, children may be able to access support from Independent Child Trafficking Guardians. As children do not need to consent to enter the NRM, all children should be referred in.
- 5.12. Details of the support victims may receive is set out in the [Support for adult victims](#) and [Child victims](#) sections of this guidance.

## Referring an adult potential victim into the National Referral Mechanism

- 5.13. This section explains how First Responder Organisations should discharge the Duty to Notify when encountering an adult potential victim and how to refer them into the NRM where appropriate. The Duty to Notify is discharged for adults by making a referral into the NRM where the adult consents to enter the NRM, or by completing an anonymous entry on the digital system where the adult does not consent.
- 5.14. A First Responder's decision as to whether to refer a potential victim into the NRM is a decision of professional judgment based on the evidence available to them. Further information on identifying potential victims of modern slavery can be found in the [Indicators of modern slavery](#) section.

## Safeguarding

- 5.15. Victims of modern slavery are often Adults at Risk, particularly when rescued from a situation of exploitation. First Responders should take account of the guidance in this document regarding [Working with vulnerable people](#). If the First Responder believes the potential victim may be an Adult at Risk they should inform the Local Authority Adult Safeguarding Service as soon as possible to identify whether a section 42 enquiry, under the Care Act 2014, is required for the victim.
- 5.16. Councils responsibilities for safeguarding adults derive from the [Care Act 2014](#) and the [Care and Support Statutory guidance](#). As described in the [Care Act factsheets](#), 'Safeguarding is aimed at people with care and support needs who may be in vulnerable circumstances and at risk of abuse or neglect. In these cases, local services must work together to spot those at risk and take steps to protect them. The Act requires Local Authorities to make enquires, or ask others to make enquiries, when they think an adult with care and support needs may be at risk of abuse or neglect in their area

and to find out what, if any, action may be needed. This applies whether or not the authority is actually providing any care and support services to that adult.’

- 5.17. Subsequent support from councils will be determined by whether the individual has care and support needs under the Care Act 2014.
- 5.18. When determining whether to make a referral to Local Authority Adult Safeguarding Services, First Responders should consider:
- The victim’s level of trauma
  - The level of sophistication demonstrated by their exploiter
  - The desire the exploiter has to recover the victim
  - Other factors that may result in the potential victim being at risk of re-victimisation. Examples of adults who are particularly susceptible to modern slavery are outlined in the [Adults who are particularly susceptible to modern slavery](#) section of the guidance.
- 5.19. This may require coordination and cooperation between different departments within a Local Authority, or between different Local Authorities. For all Local Authorities it will require co-operation with other public authorities. Sharing observations and concerns with another staff member and a safeguarding team and other frontline staff ensures that appropriate safeguarding for potential victims is not overlooked. Other specialist organisations and Non-governmental organisations (NGOs) may also be a good source of information and advice.
- 5.20. A safeguarding referral to a Local Authority should be done in collaboration with the adult victim, taking into account their needs and wishes.
- 5.21. The ‘Making Safeguarding Personal’ approach in the Care Act 2014 also requires that the person at the centre of a section 42 enquiry be consulted about what they would like to happen as a result of the enquiry and to have their views taken into consideration.
- 5.22. Potential victims may have complex care and support needs which are not necessarily easy to identify. Wider support agencies may be able to assist in understanding care and support needs and the risks to the adult victim.
- 5.23. Even where an adult has been removed from a harmful situation, they are at risk of re-victimisation. If there is no immediate risk relating to safety or the individual’s welfare, it remains important to discuss any concerns with your designated safeguarding professional or Local Authority Safeguarding Adults Team and follow adult safeguarding policies and procedures.
- 5.24. It is important that relevant information is shared with Safeguarding Adults Boards to reduce the risk of harm to potential victims. Further information on information sharing is available [here](#).

## Capacity

- 5.25. It should be presumed that an individual has the capacity to make a decision about whether to consent to entering the NRM.
- 5.26. When there may be concern about a person's capacity to independently make a decision about whether or not to consent to entering the NRM, steps should be taken to try to support the individual to make the decision. See Chapter 3 of the [Mental Capacity Act Code of Practice](#) for more information.
- 5.27. An individual cannot be presumed to lack mental capacity for a particular decision unless they have been given all practicable support to make it. However, as set out in Sections 2-4 of the [Mental Capacity Act 2005](#) where an individual does not have the capacity to consent, a best interests decision should be taken. Before a decision is taken in the best interests of an individual, it is vital to consult with any other agencies involved in the care and support of the individual.
- 5.28. Further information is available in the [Mental Capacity Act Code of Practice, which covers England and Wales](#).

## Informed Consent

- 5.29. Adult victims need to give informed consent to enter the NRM and access the VCC support specifically available to victims of modern slavery.
- 5.30. It is important that, where the individual has the capacity to consent, that they understand what they are consenting to. First Responders should ensure that victims understand that by entering the NRM they are consenting to a Reasonable Grounds and Conclusive Grounds decision being made. First Responders should inform the victims of the support that they may be able to receive as set out in the [Why enter the National Referral Mechanism?](#) section of this guidance. This may require the assistance of an appropriate interpreter.
- 5.31. First Responders are required to record that they have obtained consent when completing a referral through the Modern Slavery Portal.

## When the adult consents to entering the NRM

- 5.32. When the adult consents to enter the NRM, the First Responder should make a referral into the NRM through the Modern Slavery Portal: <https://www.modernslavery.gov.uk/start>
- 5.33. Making an NRM referral discharges the Duty to Notify which applies to public authorities set out in section 52 of the Modern Slavery Act 2015.

- 5.34. Organisations that are not designated First Responder Organisations will need to work with a First Responder Organisation to make a referral.

## When an adult does not consent to enter the National Referral Mechanism

- 5.35. Adult potential victims who choose not to enter the NRM may still be eligible for other state support. A victim who does not enter the NRM may still:

- Be in immediate risk of harm, in which case the police should be contacted by calling 999
- Be eligible for housing support through the Local Authority or be eligible for other support from the state where they have recourse to public funds
- Be eligible to make a claim for asylum or another type of immigration status or stay in asylum support if they have an active claim (where the individual does not have the right to reside in the UK)
- Be able to receive emergency medical care
- Be at risk of further exploitation, see the [safeguarding](#) section.

- 5.36. It is important to note that only qualified immigration advisors may offer advice on immigration options. Immigration advisors can be located using the government [Find an Immigration Advisor](#) service.

- 5.37. Where the potential victim does not consent to enter the NRM, the Duty to Notify is discharged by notifying the SCA via the Modern Slavery Portal: <https://www.modernslavery.gov.uk/start>

- 5.38. The information provided via the Modern Slavery Portal will be used to build a better picture of modern slavery in England and Wales, and to improve law enforcement response. The police can use the information provided through the portal to inform potential decisions around victim safeguarding. Information submitted via the portal will be passed on to police Regional Organised Crime Units by the SCA. It is therefore important that any information supplied is as detailed as possible. The Duty to Notify does not replace or supersede the existing safeguarding procedures in your organisation.

- 5.39. Information submitted as part of a Duty to Notify must not identify the potential victim unless they have consented to providing their personal details. A potential victim can refuse to engage with police services and can refuse to provide their personal details but they cannot prevent the information being submitted to the police. The anonymous information provided should include any relevant non-personal information which may help the police to investigate the crime.

- 5.40. If a First Responder knows that another organisation has already notified the Home Office of the potential victim under the 'Duty to Notify', then an additional notification is not required. If possible and appropriate, the First

Responder should contact other agencies who have previously encountered the individual to check whether a referral has already been made.

- 5.41. This duty is not retrospective and so public authorities do not need to notify the Home Office of victims first encountered prior to 1 November 2015. Where a case has already been referred into the NRM prior to 1 November 2015 and the individual is encountered again, a 'Duty to Notify' notification is not required.

## Referring a child potential victim into the National Referral Mechanism

- 5.42. Support for child victims is provided through the Local Authority rather than through the VCC. When encountering a child victim, First Responders should ensure the Local Authority children's services are contacted immediately. See the section on [Safeguarding children](#) for more information.
- 5.43. An NRM referral should still be made by the First Responder who identified the child victim. Child victims do not need to consent to enter the NRM, and as such, an NRM referral should always be made using the Modern Slavery Portal: <https://www.modernslavery.gov.uk/start>
- 5.44. Making this referral discharges the Duty to Notify.
- 5.45. Even though children do not need to consent to enter the NRM every effort should be made to ensure the child understands what is happening. Best practice for children's social care is to keep children informed of what is happening using trauma-informed and age-appropriate methods of communication in a language that they fully understand.
- 5.46. The First Responder should always make a referral to the [Independent Child Trafficking Guardian \(ICTG\)](#) service if available in the area.

## 6. Working with vulnerable people

6.1. This section sets out considerations that staff involved in the identification, interviewing or support of victims should give regard to when interacting with victims.

### Key points:

- **Victims of modern slavery have been through traumatic events** and therefore any professional interaction with victims should be treated as an opportunity to help them progress towards long-term stability.
- **Victims may be reluctant to, or unable to, self-identify.** Some groups are more susceptible to becoming victims of modern slavery, particularly children, former victims, people who are homeless or people with drug and alcohol dependency issues.
- Victims may experience post-traumatic stress disorder and **anyone interviewing a potential victim should be aware of the impact of trauma** on the interviewee, for example difficulty recalling facts.
- Where a child is a potential victim, there is an **increased risk they will go missing** and may return to their traffickers and be re-trafficked.
- **[Annex D](#) includes further information on working with vulnerable victims**, including: common barriers to disclosure, interviewing people who have experienced trauma and working with child victims.

6.2. Victims of modern slavery have been through traumatic events. While only medical professionals should make an assessment of trauma, it is important that those working with victims should take care to avoid re-traumatising victims. A victim may have hidden vulnerabilities or may have been subjected to a range of forms of modern slavery, not all of which will necessarily be revealed by the victim. Victims may not be aware that they have been exploited or may be unwilling to self-identify for another reason.

6.3. [Annex D](#) sets out considerations those involved in the identification, interviewing or support of victims of modern slavery should give regard to when interacting with victims. It also includes information on groups who are particularly susceptible to modern slavery and the impact of trauma on disclosure and credibility.



## 7. The National Referral Mechanism decision-making process

7.1. This chapter sets out how the Single Competent Authority (SCA) determines if someone is a victim of modern slavery through the NRM process. This guidance is for SCA staff and those working with victims who need to understand how decisions are made.

### Key points:

- **The SCA considers cases of all potential victims referred to the NRM** by First Responder Organisations.
- Following referral from a First Responder Organisation, **the SCA will make a Reasonable Grounds decision** to determine whether it ‘suspects but cannot prove’ that an individual is a potential victim of modern slavery. This decision should be made within 5 working days of referral, where possible. Following a positive Reasonable Grounds decision, a potential victim will receive a Recovery Period of at least 45 calendar days and will be able to receive support as set out in the Support section.
- **The SCA will make a Conclusive Grounds decision** no sooner than 45 calendar days after the reasonable grounds decision, to determine whether ‘on the balance of probabilities’ there are sufficient grounds to decide that the individual is a victim of modern slavery. This decision is based on evidence made available to the SCA. Following a positive Conclusive Grounds decision, victims will be exited from support only when appropriate to do so. Victims with a positive Conclusive Grounds decision will receive at least 45 calendar days of support during the move-on support period.
- **Multi-Agency Assurance Panels (MAAPs) review all negative Conclusive Grounds decisions made by the SCA** and have the ability to ask the SCA to review cases.
- In some situations, **individuals may request a reconsideration** of a Reasonable or Conclusive Grounds decision.
- The SCA will also consider whether to issue [Discretionary Leave to remain](#) for confirmed victims who do not have a right to remain in the UK.
- **[Annex E](#) is intended for staff at the SCA and sets out further detail about each stage of the NRM decision-making process.**

### The victim’s journey

7.2. This section provides a summary of the journey a victim will go through in the NRM process.

- **Identify a potential victim of modern slavery and refer to the NRM.** First Responder Organisations, who are specified public authorities and Non-Governmental Organisations, have a responsibility to identify potential victims and refer cases to the SCA. In the case of adult victims, consent must be sought ahead of making a referral. See [Referring potential victims of modern slavery into the National Referral Mechanism](#). There will often be immediate safety concerns, and there may be a need to arrange [Emergency Accommodation](#) if the potential victim is at risk of becoming destitute.
- **Reasonable Grounds decision made by the SCA** to determine whether it either:
  - suspects but cannot prove this person is a potential victim of human trafficking
  - suspects but cannot prove this person is a victim of slavery, servitude, and forced or compulsory labour
  - concludes there are not Reasonable Grounds to believe this individual is a victim of any form of modern slavery

‘Suspect but cannot prove’ is a relatively low threshold, lower than the criminal standard of proof, or Conclusive Grounds test. See [Making a Reasonable Grounds decision](#). Following a positive Reasonable Grounds decision an adult victim is entitled to support as set out in the [Support for Adult Victims](#) section.

This Reasonable Grounds decision should be made, where possible, within 5 working days of referral to the NRM, but only when there is sufficient information available to do so.

The Reasonable Grounds decision acts as a filter for potential victims referred to the NRM based on the information available at that time. This will be followed by a substantive Conclusive Grounds decision on whether someone is formally recognised as a victim, with a higher threshold.

- **Following a positive Reasonable Grounds decision a victim will receive a Recovery Period of at least 45 calendar days.** This period begins on the date the decision was made. If a victim receives a negative Reasonable Grounds decision they will not enter VCC support and will exit emergency support.
- **Conclusive Grounds decision is made by the SCA** The Conclusive Grounds decision should generally be made as soon as possible after 45 calendar days. A decision can only be made when sufficient information about the case has been shared or made available by interested parties to the SCA. See [Making a conclusive grounds decision](#).

The test to use for the Conclusive Grounds decision is whether, ‘on the balance of probabilities’, there are sufficient grounds to decide that the individual being considered is a victim of human trafficking or slavery, servitude, and forced or compulsory labour. This threshold is higher than the reasonable grounds test, but lower than the criminal standard of proof.

The SCA must first consider whether there are sufficient grounds to decide that the individual is a victim of trafficking. If there are not sufficient grounds, then the SCA must go on to consider if there are sufficient grounds to decide that the individual is a victim of slavery, servitude, and forced or compulsory labour.

- **Following a positive Conclusive Grounds decision victims will be exited from VCC support only when appropriate to do so. Victims will receive at least 45 calendar days of support during the move-on period** during which the support provider will help the victim transition out of support. This move on period starts when the victim receives their positive Conclusive Grounds decision. The point at which a victim will be exited from VCC support will be determined through a Recovery Needs Assessment conducted in accordance with [Recovery Needs Assessment \(RNA\) process guidance](#).
- Following a negative Conclusive Grounds decision being made, an individual will receive 9 working days of move-on support. An extension request may be made where an individual has received a negative decision and needs an additional period to become self-supporting or to transition into mainstream support. For example, a support provider may make an extension request when an individual is waiting for a National Insurance Number in order to begin work.
- In some situations a First Responder, a support provider under the VCC, or an ICTG (where appointed) may request a [reconsideration](#) of an Reasonable Grounds or Conclusive Grounds decision where there is additional evidence that may impact the decision or they believe the decision is not in line with published guidance.
- Following a positive Conclusive Grounds decision, where the victim does not have the right to remain, they may be able to apply for a grant of Discretionary Leave. Non-EEA nationals will automatically be considered for a grant of Discretionary Leave. EEA nationals will need to make an application. If they have received a positive Reasonable and/or Conclusive Grounds decision they can receive legal aid to support this application. For further information see [Discretionary Leave to remain](#).

7.3. [Annex E](#) sets out in detail the steps that SCA staff should take as part of the NRM decision-making process, including how to record the decision and who to notify.

## 8. Support for Adult Victims

8.1. This chapter summarises guidance for staff who may support potential adult victims about the support available across England and Wales. Northern Ireland and Scotland have separate arrangements for supporting victims.

### Key points:

- **Support for potential and confirmed adult victims in England and Wales is provided through a mixture of mainstream and/or specialist support.** Support for adult victims referred into the NRM may include:
  - Access to Government-funded support through the Victim Care Contract (including accommodation, material assistance, financial support, translation and interpretation services, information and advice)
  - Outreach support if already in safe, secure and appropriate accommodation (which may include local authority accommodation or asylum accommodation)
  - Access to legal aid for immigration advice
  - Medical care and counselling
  - Assistance to return to their home country if not a UK national
- **[Annex F](#) sets out the further information on support available to adult potential victims.**

8.2. The safety of the potential victim or victim must always come first as they may be at serious risk from their traffickers or exploiters. First Responders should take appropriate steps to make sure the potential victim is safe until a Reasonable Grounds decision is made, for example, by requesting [Emergency Accommodation](#) where appropriate, or contacting the police on 999 when the individual is in immediate risk of harm.

8.3. In the case of Adults at Risk as defined in the Care Act 2014, Local Authorities should provide emergency support in line with local safeguarding arrangements. Local Authorities also have existing obligations to offer long-term support to Adults at Risk.

8.4. Support for potential victims and confirmed victims can be provided through a mixture of mainstream and/or specialist support. Specialist support is accessed by completing a National Referral Mechanism referral (see [Referring an adult potential victim into the National Referral Mechanism](#)).

8.5. Support services may be delivered by a range of organisations, including central government and the support on offer through the Victim Care Contract managed by the Home Office. Potential victims and victims

may also access support outside of specialist modern slavery support provision, for example, they may receive accommodation through the asylum support system or from a Local Authority. Support may also be provided by third parties not contracted by the state.

## The general principle of support provided through the Victim Care Contract

8.6. The Victim Care Contract operates as a bridge, to lift adult victims out of a situation of exploitation and to set them on a pathway to rebuilding their lives. As such, it is important that no support provided through the Victim Care Contract prevents potential victims or victims from accessing support they would otherwise be entitled to receive. The Victim Care Contract generally offers temporary support and long-term support options should be pursued where they are available and able to meet the victim's needs. One of the roles of the Victim Care Contract is to provide information and signposting to Service Users, and in some circumstances facilitate access to statutory and non-statutory services, including services that may provide longer-term support.

## Assessing need on entry to the Victim Care Contract

8.7. The VCC Contract Prime will undertake an Initial Needs Based Assessment for potential adult victims following a referral into the NRM when the potential victim has consented to receiving support through the Victim Care Contract. If they are in need of Emergency Accommodation this assessment will take place prior to a Reasonable Grounds decision, otherwise the Initial Needs Based Assessment will occur after a positive Reasonable Grounds decision. This may occur via telephone interview. The purpose of the Initial Needs Based Assessment is to:

- Ascertain the immediate welfare needs of the victim and their dependents
- To determine whether the victim needs to be accommodated

8.8. An Initial Needs-Based Assessment should cover, as a minimum:

- **Emotional and mental wellbeing** Level of trauma, risk of self-harm, suicide etc
- **Physical health** including long-term medical conditions, need for emergency or immediate medical care
- **Specific accommodation requirements** such as a need for single-sex accommodation, any reasons to be located in a specific area
- **Support currently received** including external services they are currently accessing for example, counselling or medication
- **Ability to live independently** maintain personal care, hygiene, self-medicate etc
- **Language and cultural needs**
- **Family situation** such as pregnancy, whether they have dependents etc

- **Risk to self and others**

8.9. After the Initial Needs Based Assessment their support provider under the VCC will conduct a Detailed Needs Based Assessment. This assessment will identify the detailed support needs of the victim at the Reasonable Grounds stage. Need should continue be reviewed throughout the victim's time in support as appropriate.

8.10. The purpose of the Detailed Needs Based Assessment is to identify the detailed support needs of the potential victim (and their dependents), whilst they are in Victim Care Contract support. The assessment will include:

- physical (including sexual) health needs
- psychological and emotional needs
- cultural and spiritual needs
- practical needs, such as but not limited to the need for material assistance, interpretation services
- if there is a need to access legal advice and representation
- if there is a need to access other advice and assistance
- arrangements for meeting welfare needs and payment of financial support
- if any dependents should be referred to the NRM in their own right
- access to education for school-aged dependents

8.11. All needs assessments should be conducted in a language understood by the victim.

8.12. Where a support provider has conducted an Initial Needs-Based Assessment, or a Detailed Needs Based Assessment, for an adult potential victim and believes the potential victim may be an Adult at Risk, the Adult Safeguarding Service for the Local Authority should be contacted to ensure safeguarding adults procedures are followed as appropriate.

## Recovery Period

8.13. Following a positive Reasonable Grounds decision, adult victims will be provided with a Recovery Period of at least 45 calendar days. This period begins on the day the Reasonable Grounds decision is made. During this period, support and assistance will also be provided on a consensual basis and potential victims will not be removed from the UK. A Recovery Period will not be observed where grounds of public order prevent it.

8.14. Where a victim has entered VCC support, an assessment of the potential victim's needs will be undertaken as described in [Assessing need on entry to the Victim Care Contract](#). Elements of support are specific to the individual's ongoing recovery needs arising from their modern slavery experiences.



- 8.15. Victims who consent to enter VCC support will receive advocacy to access this support. This will usually be provided by a support worker in VCC accommodation or a support worker engaged in outreach support.
- 8.16. It is important to note that a full recovery should not be expected during this minimum 45 day period; for some victims this may take considerably longer or may not be possible at all. It is therefore expected that victims will leave the VCC with ongoing recovery needs when they have alternate sources of support to help them meet these needs.

## Move-on Period

- 8.17. A period of move-on support follows a conclusive determination by the Single Competent Authority (SCA) that the individual is or is not recognised as a victim. Those recognised as victims receive a guaranteed minimum of 45 calendar days of move-on support from receipt of their positive Conclusive Grounds decision to help them transition out of VCC support, whilst a [Recovery Needs Assessment](#) is conducted soon after to determine what this transition might involve. Those not recognised as victims receive 9 working days of move-on support following their negative Conclusive Grounds decision.
- 8.18. [Annex F](#) sets out the full range of support available to adult potential victims, including through the VCC. The Annex contains details on:
- Accommodation and Emergency Accommodation
  - Financial support and material assistance
  - Translation and interpretation services
  - Information on rights and services
  - Medical treatment, assistance and counselling
  - Assistance during criminal proceedings
  - Access to the labour market, vocational training and education
  - Access to legal representation and legal aid
  - Pursuing compensation
  - Travel to appointments
  - Assistance to return to home country if not a UK national and Discretionary Leave
  - Support in transitioning to alternative support services
- 8.19. It also sets out information about support available for individuals that receive a negative Conclusive Grounds decision and the process for making an extension request for victims who are not ready to exit VCC support.



## 9. Child Victims

9.1. This chapter summarises information for staff who may support potential child victims across England and Wales

### Key points:

- **Support for child victims of modern slavery is provided through local authorities.** Local authorities are the primary service provider for safeguarding child victims regardless of their nationality or immigration. Relevant child protection procedures, as set out in *Working Together to Safeguard Children 2018* must be followed if modern slavery is suspected.
- **Local safeguarding partners** – local authorities, police and clinical commissioning groups - have a duty to work together to safeguard and promote the welfare of children including child victims of modern slavery.
- **Independent Child Trafficking Guardians (ICTGs) in England and Wales are an independent source of advice for trafficked children,** somebody who can speak up on their behalf and act in the best interests of the child. ICTGs are available in one-third of local authorities and the Government has committed to rolling out ICTGs across England and Wales.
- **[Annex G](#)** provides further information on the support available to child victims.

### Multi-agency working and protocols to support child victims

9.2. A cohesive multi-agency approach is essential to protecting child victims of modern slavery from further risk from their exploiters and of further exploitation.

9.3. [Working Together to Safeguard Children 2018](#) sets out the new system of multi-agency safeguarding arrangements, established by the [Children and Social Work Act 2017](#). Under the new legislation, three safeguarding partners (Local Authorities, chief officers of police, and clinical commissioning groups) must make arrangements to work together with relevant agencies (as they consider appropriate) to safeguard and protect the welfare of children in the area. These three local safeguarding partners have a duty to work together to safeguard and promote the welfare of children including child victims of modern slavery.

9.4. The three safeguarding partners must set out in their published arrangements which organisations and agencies they will be working with to safeguard and promote the welfare of children. When selected by the safeguarding partners to be part of the local safeguarding arrangements, relevant agencies must act

in accordance with the arrangements. They should contribute to whatever actions are needed to safeguard and promote the child's welfare and keep them safe from harm or further harm. Safeguarding partners should make sure the relevant organisations, agencies and practitioners are aware of the expectations placed on them by the new arrangements.

- 9.5. Local multi-agency safeguarding arrangements coordinate what is done at local level by all agencies who have a duty to safeguard and promote the welfare of children in their local area and to ensure the effectiveness of that work. That can include addressing trafficking as well as other forms of maltreatment.
- 9.6. A range of appropriate agencies should work together to coordinate preventative measures and consider modern slavery as part of the local needs assessment, where necessary taking action to address it as an explicit part of the local multi-agency safeguarding arrangements.
- 9.7. Local multi-agency safeguarding arrangements should include details of how inter-agency training will be commissioned, delivered and monitored and this may include trafficking issues as appropriate.

## Development of local protocols for Child Victims and response to the identification of a Child Victim

- 9.8. Local multi-agency safeguarding arrangements should include details of how agencies will work together to identify and respond to the needs of children in their area. It may mean developing local inter-agency protocols to guide action where there are concerns that a child is a victim of modern slavery, including sharing concerns about a child's safety and the recording of cases. The protocols can be part of, and in any case should be consistent with, wider local multi-agency safeguarding policies and procedures for working with children and with relevant aspects of youth offending protocols. The identification of a child who is a potential victim of modern slavery, or is at risk of being a victim, should always trigger the agreed local child protection procedures to ensure the child's safety and welfare, and to enable the police to gather evidence about abusers and coercers. Local areas may find it useful to refer to the [Safeguarding Trafficked Children Toolkit](#), developed by the London Safeguarding Children Board, to help raise awareness of this issue among Local Authorities and refer to the London Safeguarding Trafficked Children Guidance (supplementary guidance to the [London Child Protection procedures, 4th edition 2010](#)).

## Presumption of Age

- 9.9. [Section 51 of the Modern Slavery Act 2015](#) puts on a statutory footing the presumption that, where there are reasonable grounds to believe a person is a victim of modern slavery, and it is not certain but there are reasonable grounds to believe that the person may be under 18, then the person is to be treated as being under 18 years of age for the purposes of the public

authority's functions under relevant arrangements until an age assessment is carried out by a Local Authority or the person's age is otherwise determined.<sup>3</sup> This includes being supported by the ICTG service where available. The Association of Directors of Children's Services (ADCS) have published guidance for social workers undertaking appropriate age assessments [here](#) and a joint information sharing protocol with the Home Office is available [here](#). Additional guidance on age assessment is provided in the Department for Education's statutory guidance on [care for unaccompanied migrant children and child victims of modern slavery](#).

- 9.10. In the event of a challenge to the age assessment decision, such as by way of Judicial Review, the child would continue to receive the support of an ICTG (in areas where the service is available) until a final determination has been made.
- 9.11. Whether an individual is a child or an adult must be established before the SCA reaches its Conclusive Grounds decision.
- 9.12. If the child goes missing before the age assessment has been completed, then they must be treated as a missing child by all public authorities involved in their support and care.

## Safeguarding Children

- 9.13. Local Authorities are the primary service provider for safeguarding and responding to the needs of a child victim of modern slavery, regardless of their nationality or immigration status.
- 9.14. Whatever form it takes, modern slavery and child trafficking is child abuse and relevant child protection procedures, as set out in [Working Together to Safeguard Children 2018](#), must be followed if modern slavery or trafficking is suspected.
- 9.15. First Responders and other frontline staff should refer a child to the Local Authority if it is suspected, or there are concerns that they are a victim of modern slavery. Where a child has been referred to the Local Authority because of modern slavery concerns, children's social care should decide within 24 hours whether to undertake an initial assessment to determine whether the child is a child in need. Also, where appropriate, the Local Authority should convene a strategy discussion, and then provide early help, complete the assessment under section 17 of the children Act 1989/2004 or initiate a section 47 enquiry. Where the child is unaccompanied there will be additional responsibilities under s20 of the Children Act 1989 as set out below. Further detail on section 17 and section 47 assessment processes are

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<sup>3</sup> Children may have been given false documents, such as passports or birth certificates, with an incorrect date of birth suggesting they are an adult.

set out in Chapter 1 of the statutory safeguarding guidance [Working Together to Safeguard Children 2018](#).

- 9.16. It is important that until an assessment of the child's needs has been undertaken by a Local Authority child protection team, that the child is kept safe. The first priority of the identifying public authority or professional is to keep the child safe, including stopping contact with exploiters and preventing them from going missing. The child should immediately be referred through the normal safeguarding route to the relevant Local Authority children's social care services.
- 9.17. The [relevant police force](#) must also be informed. Upon a Reasonable Grounds decision the SCA will contact the police. Frontline staff, First Responders or the Local Authority should contact the police directly as soon as possible if there is a potentially dangerous situation or they believe there are other potential victims.
- 9.18. Child potential victims should be referred into the NRM. For more information see [Referring a child potential victim into the National Referral Mechanism](#).

## Unaccompanied Children

- 9.19. Under section 20 of the [Children Act 1989](#), Local Authorities must provide accommodation for unaccompanied children who present in their area.
- 9.20. After they have been accommodated for 24 hours, they will become looked after children, entitled to the same Local Authority provision as any other looked after child. The first 24 hours are when children are most at risk of going missing. Local Authorities' duties towards looked after children and care leavers are set out in the [Care Planning, Placement and Case Review \(England\) Regulations 2010](#) and [The Care Leavers \(England\) Regulations 2010](#).
- 9.21. Unaccompanied children, including those that are victims of modern slavery, often have complex needs in addition to those faced by looked after children generally. This is because of the circumstances they have faced which may include trauma in their country of origin, and abuse or exploitation on their journey to the UK or in the UK. The support required to address these needs must begin as soon as the child becomes known to the Local Authority.
- 9.22. The Local Authority must allocate a social worker to an unaccompanied child who becomes looked after. The social worker will assess the child's needs and draw up a care plan setting out how the Local Authority will meet those needs, including health and education. Particular consideration will need to be given to the child's needs as an unaccompanied and/or trafficked child. This includes recognising the placement decisions should take account of the need to protect a child from any ongoing risk from traffickers.

9.23. All those involved in the care of unaccompanied children and child victims of modern slavery should be able to recognise and understand the particular issues these children are likely to have faced.

9.24. There is additional statutory guidance provided by the Department for Education for Local Authorities on [the care of unaccompanied migrant children and child victims of modern slavery](#).

## Independent Child Trafficking Guardians (ICTGs)

9.25. In England and Wales, Independent Child Trafficking Guardians (ICTGs) are an independent source of advice for trafficked children; somebody who can speak up on their behalf and act in the best interests of the child. This service was formerly known as Independent Child Trafficking Advocates (ICTAs) but formally amended following the recommendations of the Independent Review of the Modern Slavery Act.

9.26. The Government has committed to rolling out ICTGs across England and Wales and, as of April 2019, ICTGs are available in one-third of Local Authorities. The locations of where the ICTG provision is currently available and corresponding guidance on the role of the ICTG can be found [here](#).

9.27. The service model provides:

- **An ICTG Direct Worker** offering one-to-one support for children for whom there is no one with parental responsibility for them in the UK
- **An ICTG Regional Practice Co-ordinator** offering strategic support working with professionals supporting a child who has someone with parental responsibility for them in the UK.

9.28. Section 48 of the [Modern Slavery Act 2015](#) is yet to be commenced, however in locations where ICTGs are available, public authorities who take decisions regarding, or provide services to, the child must recognise and pay due regard and provide information (subject to any restrictions on disclosure) to the ICTG to support them in performing this role, as would be required by regulations made under section 48(6)(e)(i) and (ii).

9.29. An ICTG's advocacy and 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. ICTGs are independent of those authorities who are responsible for making decisions about the child.

9.30. Where the ICTG service has been implemented, if the First Responder considers a child to be a potential victim of modern slavery, they should complete a dedicated ICTG pro-forma and issue this to the ICTG Service at [trafficking.referrals@bypmk.cjsm.net](mailto:trafficking.referrals@bypmk.cjsm.net) as soon as possible. This is in addition to following usual safeguarding routes and NRM referrals.

## Child Criminal Exploitation (CCE)

9.31. There is no statutory definition of Child Criminal Exploitation (CCE). For the purposes of this guidance the Government defines CCE as:

**‘Child Criminal Exploitation is common in county lines and occurs where an individual or group takes advantage of an imbalance of power to coerce, control, manipulate or deceive a child or young person under the age of 18. The victim may have been criminally exploited even if the activity appears consensual. Child Criminal Exploitation does not always involve physical contact; it can also occur through the use of technology.’**

9.32. CCE includes a number of types of exploitation, including forced labour, forced theft, benefit fraud, acquisitive crime, drug cultivation and production, and county lines cases.

9.33. The Government approach to child offenders continues to recognise and promote safeguarding children as the primary objective, to see the child first and the offender second. All work by professionals should be child-centred and child-focused.

9.34. If anyone has concerns that a child may be a victim of Child Criminal Exploitation they should be referred to Local Authority Children’s Social Care, who will decide within 24 hours what action to take including (where there is reasonable cause to suspect that a child is suffering or is likely to suffer significant harm) whether to convene a strategy discussion. A timely assessment based on the needs of the child will then take place within 45 days. The full assessment may take the form of a section 47 enquiry, or an assessment under section 17 of the [Children Act 1989](#). Where the child is unaccompanied there will be additional responsibilities under s20 of the Children Act 1989 as set out above. With cases of CCE, it is important that Local Authorities consider the wider context and extrafamilial threats when safeguarding children. More information on contextual safeguarding can be found in [Working Together to Safeguard Children 2018](#). If no Local Authority children’s social care support is required other action or signposting may still be required including early help.

9.35. If Local Authority Children’s Social Care, or a First Responder consider the child to be a victim of modern slavery the child should also be [referred into the NRM](#).

9.36. Where criminal acts have been committed by child victims as a result of their exploitation they may be eligible for a defence under section 45 of the Modern Slavery Act 2015 (see [Annex H](#) for more information).

9.37. Indicators of Child Criminal Exploitation and county lines cases for children can be found [here](#) and further guidance for frontline staff working to safeguard children can be found in the [Child Exploitation Disruption toolkit](#).



## County lines

- 9.38. The Serious Violence Strategy sets out a definition of County Lines:
- 9.39. **‘County lines is a term used to describe gangs and organised criminal networks involved in exporting illegal drugs into one or more importing areas [within the UK], using dedicated mobile phone lines or other form of “deal line”. They are likely to exploit children and vulnerable adults to move [and store] the drugs and money and they will often use coercion, intimidation, violence (including sexual violence) and weapons.’**
- 9.40. If a First Responder believes a victim of county lines is also a victim of modern slavery, they should follow the procedures in this guidance for safeguarding and referring the child and/or adult victims into appropriate support.
- 9.41. Where children are victims of county lines type activity, they will also be victims of Child Criminal Exploitation and may also be victims of Child Sexual Exploitation.
- 9.42. Children who are victims of county lines type activity should be offered specialist support where possible. Co-operation between services to reduce risks to them and their families and prevent exploitation in all its forms is important.<sup>4</sup> Local Authorities should be alert to the signs of other types of exploitation and facilitate access to specialist support where possible and where appropriate as part of the child’s recovery.
- 9.43. Early identification is important in safeguarding children who are involved in county lines type activity. Often, they will be susceptible to other forms of exploitation such as Child Sexual Exploitation. As with modern slavery, the [principle of information sharing](#) applies.
- 9.44. [Annex G](#) sets out the detail of support available to children in England and Wales.

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<sup>4</sup> The Children’s Society have best-practice resources [here](#) including prevention projects and toolkits for professionals.



# Annex A – Indicators of child victims and specific types of modern slavery

10. This Annex provides further information on indicators.

## Sexual Exploitation

10.1. The following table of indicators applies specifically to Sexual Exploitation:

Indicators of Sexual Exploitation – Victims may:	
<ul style="list-style-type: none"> <li>• Be of any gender and age although the age may vary according to the location and the market</li> <li>• Move from one brothel to the next or work in various locations</li> <li>• Be escorted whenever they go to and return from work and other outside activities</li> <li>• Have tattoos or other marks indicating “ownership” by their exploiters</li> <li>• Work long hours or have few if any days off</li> <li>• Sleep where they work</li> <li>• Live or travel in a group, sometimes with other people who do not speak the same language</li> <li>• Have very few items of clothing</li> <li>• Have clothes that are mostly the kind typically worn for prostitution</li> <li>• Only know how to say sex-related words in the local language or in the language of the client group</li> </ul>	<ul style="list-style-type: none"> <li>• Have no cash of their own</li> <li>• Be unable to show an identity document</li> <li>• There is evidence that suspected victims have had unprotected and/or violent sex.</li> <li>• There is evidence that suspected victims cannot refuse unprotected and/or violent sex.</li> <li>• There is evidence that a person has been bought and sold.</li> <li>• There is evidence that groups of women are under the control of others.</li> <li>• Advertisements are placed for brothels or similar places offering the services of women of a particular ethnicity or nationality.</li> <li>• It is reported that sex workers provide services to a clientele of a particular ethnicity or nationality.</li> <li>• It is reported by clients that sex workers do not smile, or appear fearful and/or mistreated.</li> </ul>

## Sexual health indicators

10.2. Sexual health indicators that can indicate a person is a victim of modern slavery may include:

- **Sexually transmitted diseases** – including blood borne viruses such as HIV or Hepatitis B or C. These may be untreated or partially treated
- **Injuries of a sexual nature** – including injuries to genitals (male and female), anus or breasts
- **Gynaecological symptoms** – such as urinary or vaginal infections, pelvic inflammation or pain or irregular bleeding, fistulae
- **Anogenital symptoms** – such as anal fissures, fistulae, damage to genitals, persistent infection. Possibility of increased incidence of some

genital neoplasia due to lack of screening e.g. cervical screening and/or genital wart infection

- **Infertility** – due to infections/untreated infections (sexual, secondary to Female Genital Mutilation (FGM) or other causes), multiple miscarriages and/or terminations

## Maternity Indicators

10.3. Indicators during maternity that can indicate a person is a victim of modern slavery may include:

- **Concealed pregnancy**
- **Infrequent, or failure to attend appointments**
- **Self-referral to hospital**
- **Reluctance to accept a home visit**
- **Poor opportunity to prepare for the impending birth of baby physically, mentally and practically**
- **Lack of attachment to the unborn infant**
- **No antenatal care or poor antenatal care**
- **Alcohol or drug misuse in pregnancy**
- **Miscarriages or ectopic pregnancies**
- **Teenage or child pregnancy**
- **Frequent attendances to triage**
- **Frequent calls to helpline, for example, NHS 111 or 999**

## Forced Labour

10.4. The following table of indicators applies specifically to Forced Labour:

<b>Indicators of Forced Labour – Victims may:</b>	
<ul style="list-style-type: none"> <li>• Live in groups in the same place where they work and leave those premises infrequently, if at all</li> <li>• Live in degraded, unsuitable places, such as in agricultural or industrial buildings</li> <li>• Not be dressed adequately for the work they do: for example, they may lack protective equipment or warm clothing</li> <li>• Be given only leftovers to eat</li> <li>• Have no access to their earnings</li> <li>• Have no labour contract</li> <li>• Work excessively long hours</li> </ul>	<ul style="list-style-type: none"> <li>• Be subject to security measures designed to keep them on the work premises</li> <li>• Be disciplined through fines</li> <li>• Be subjected to insults, abuse, threats or violence</li> <li>• Lack basic training and professional licences</li> </ul> <p><b>The following might also indicate that people have been trafficked for labour exploitation:</b></p>

<ul style="list-style-type: none"> <li>• Depend on their employer for a number of services, including work, transportation and accommodation</li> <li>• Have no choice of accommodation</li> <li>• Never leave the work premises without their employer</li> <li>• Be unable to move freely</li> <li>• Equipment is designed or has been modified so that it can be operated by children.</li> <li>• There is evidence that labour laws are being breached.</li> </ul>	<ul style="list-style-type: none"> <li>• Notices have been posted in languages other than the local language.</li> <li>• There are no health and safety notices.</li> <li>• The employer or manager is unable to show the documents required for employing workers from other countries.</li> <li>• The employer or manager is unable to show records of wages paid to workers.</li> <li>• The health and safety equipment is of poor quality or is missing.</li> <li>• There is evidence that workers must pay for tools, food or accommodation or that those costs are being deducted from their wages.</li> </ul>
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## Domestic Servitude

10.5. In some cases, victims may appear free to move and leave the house of their own free will. However, they may not have meaningful freedom of movement due to, for example, a lack of bank account, finances or identity documents which means they must return to their employer. Common indicators of domestic servitude include:

<h3>Indicators of Domestic Servitude – Victims may:</h3>	
<ul style="list-style-type: none"> <li>• Live with a family</li> <li>• Not eat with the rest of the family</li> <li>• Have no private space</li> <li>• Sleep in a shared or inappropriate space</li> <li>• Be reported missing by their employer even though they are still living in their employer's house</li> </ul>	<ul style="list-style-type: none"> <li>• Never or rarely leave the house for social reasons</li> <li>• Never leave the house without their employer</li> <li>• Be given only leftovers to eat</li> <li>• Be subjected to insults, abuse, threats or violence</li> </ul>

## Criminal Exploitation

10.6. Common indicators of trafficking for Criminal Exploitation include:

<h3>Indicators of Trafficking for Criminal Exploitation – Victims may:</h3>	
<ul style="list-style-type: none"> <li>• Be children, elderly persons or disabled migrants who tend to beg in public places and on public transport</li> </ul>	<ul style="list-style-type: none"> <li>• Live with members of their gang</li> <li>• Travel with members of their gang to the country of destination</li> </ul>

<ul style="list-style-type: none"> <li>• Be carrying and/or selling illicit drugs</li> <li>• Have physical impairments that appear to be the result of mutilation</li> <li>• Be children of the same nationality or ethnicity who move in large groups with only a few adults</li> <li>• Be unaccompanied minors who have been “found” by an adult of the same nationality or ethnicity</li> <li>• Move in groups while travelling on public transport: for example, they may walk up and down the length of trains</li> <li>• Participate in the activities of organised criminal gangs</li> <li>• Be part of large groups of children who have the same adult guardian</li> <li>• Be punished if they do not collect or steal enough</li> </ul>	<ul style="list-style-type: none"> <li>• Live, as gang members, with adults who are not their parents</li> <li>• Move daily in large groups and/or over considerable distances</li> <li>• Be forced to commit benefit fraud</li> </ul> <p><b>The following might also indicate that people have been trafficked for begging or for committing petty crimes:</b></p> <ul style="list-style-type: none"> <li>• New forms of gang-related crime appear.</li> <li>• There is evidence that the group of suspected victims has moved, over a period of time, through a number of countries.</li> <li>• There is evidence that suspected victims have been involved in begging or in committing petty crimes in another country.</li> </ul>
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## Child-specific indicators

10.7. Child victims may be identified in a range of contexts. They may be citizen or migrant children. Some children arrive in the UK accompanied by adults who are either not related to them or in circumstances which raise child protection concerns. For example, there may be:

- no evidence of parental permission for the child to travel to the UK or stay with the adult
- little or no evidence of any pre-existing relationship with the adult or even an absence of any knowledge of the accompanying adult
- evidence of unsatisfactory accommodation arranged in the UK

10.8. These irregularities may be the only indication that the child could be a victim of trafficking or modern slavery. On discovery, children who are victims of human trafficking or modern slavery may not show any obvious signs of distress or imminent harm.

10.9. Child victims may find it particularly hard to disclose and are often reluctant to give information. This may be because their stories are made up by their trafficker or exploiter, or the traffickers may have given them inaccurate information about the role of authorities, and they may have had bad experiences with corrupt authorities during their journey if trafficked. As a result, they may relate their experiences in an inconsistent way or with obvious errors. As such, First Responders and frontline staff should ensure they are familiar with child-specific indicators so that they can identify victims

who do not self-identify. For more information see [Working with vulnerable people](#).

- 10.10. Children under 18 travelling unaccompanied by adults or with an adult who is not their parent should not be assumed to be victims of modern slavery just based on this factor alone as their situation may be perfectly legitimate or unrelated to modern slavery. Frontline staff should make additional enquiries as appropriate which might establish whether or not any indicators of modern slavery are present.
- 10.11. Children may be victims of child sexual exploitation, and/or child criminal exploitation including county lines. There are a number of indicators associated with these forms of exploitation and all those working with children need to be aware of them.
- 10.12. Children may have further vulnerabilities as severely abusive situations and neglect can significantly impact growth and development. Similarly, developmental conditions such as Foetal Alcohol Spectrum Disorders, may increase vulnerability.
- 10.13. PTSD and trauma responses in children at different developmental stages may vary significantly from adult presentations. As with adults, children may seem unaware that their situation is exploitative, harmful or abnormal.
- 10.14. Children may display any of the indicators above. In addition, the following child-specific indicators should be considered:
- **Children may have a history of underage sexual activity, pregnancy and substance abuse, or behave in an overconfident or oversexualised way**
  - **Children may have a history of abuse and subsequent involvement with the care system and/or with law enforcement**
  - **Children may have a history of educational difficulty or lack of access to education**

<b>Indicators of Child Victims</b>	
<ul style="list-style-type: none"> <li>• Have no access to their parents or guardians (although children may be living with their parents or guardians and still be exploited)</li> <li>• Look intimidated</li> <li>• Behave in a way that does not correspond with behaviour typical of children their age</li> <li>• Have no friends of their own age</li> <li>• Have no access to education</li> <li>• Have no time for playing</li> </ul>	<p><b>The following might also indicate that children have been trafficked:</b></p> <ul style="list-style-type: none"> <li>• The presence of child-sized clothing typically worn for doing manual work or forced prostitution</li> <li>• The presence of toys, beds and children's clothing in inappropriate places such as brothels and factories</li> </ul>

<ul style="list-style-type: none"> <li>• Live apart from other children and in substandard accommodation</li> <li>• Eat apart from other members of the “family”</li> <li>• Be given only leftovers to eat</li> <li>• Be engaged in work that is not suitable for children</li> <li>• Travel unaccompanied by adults</li> <li>• Travel in groups with persons who are not relatives</li> </ul>	<ul style="list-style-type: none"> <li>• The claim made by an adult that he or she has “found” an unaccompanied child</li> <li>• The finding of unaccompanied children carrying telephone numbers for calling taxis</li> <li>• The discovery of cases involving illegal adoption</li> </ul>
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10.15. The following indicators may indicate County Lines cases:

<b>Indicators of County Lines cases for children</b>	
<b>More information regarding CCE and County Lines can be found <a href="#">here</a>.</b>	
<ul style="list-style-type: none"> <li>• Persistently going missing from school, home, care, being found out-of-area and/or children travelling to locations they have no obvious connections with, including seaside or market towns;</li> <li>• Unwillingness to explain their whereabouts;</li> <li>• Unexplained acquisition of money, clothes, accessories or mobile phones which they are unable to account for;</li> <li>• Excessive receipt of texts/phone calls and/or having multiple mobile phone handsets and/or sim cards;</li> <li>• Withdrawal and/or sudden change in personality/behaviour and/or language used;</li> </ul>	<ul style="list-style-type: none"> <li>• Relationships with controlling/older individuals or groups;</li> <li>• Leaving home/care without explanation;</li> <li>• Suspicion of physical assault/unexplained injuries;</li> <li>• Parental concerns;</li> <li>• Carrying weapons;</li> <li>• Significant decline in school results/performance;</li> <li>• Gang association or isolation from peers or social networks;</li> <li>• Self-harm or significant changes in emotional well-being.</li> </ul>

## Indicators of Child Sexual Exploitation

- In addition, the Department for Education has produced specific indicators of child sexual abuse in [Child sexual exploitation: definition and guidance for practitioners](#).

# Annex B – Further guidance on information sharing

11. This Annex provides further guidance on information sharing between agencies.

## Information sharing between the SCA and the Police

### Responsibilities of the Single Competent Authority

- 11.1. All cases will be referred to the police by the SCA following receipt of the referral.
- 11.2. When making a referral to the police the SCA should send referral information to:
- the police force for the area where the SCA believes the exploitation took place; **or**
  - if the SCA does not know where the exploitation occurred, or if the exploitation occurred overseas, the case should be referred to the police force in the area where the potential victim currently lives; **or**
  - if the potential victim's place of residence is unknown, the SCA should send the referral to the police force for the local area where they were encountered.
- 11.3. A potential victim of modern slavery is a potential victim of a crime. All cases should be referred to the police - either on the victim's behalf where they consent, or as a third-party referral where they do not.
- 11.4. The Modern Slavery Act 2015 sets out two main modern slavery offences punishable by up to life imprisonment:
- slavery, servitude and forced or compulsory labour
  - human trafficking
- 11.5. In cases where there is an immediate threat to the potential victim a referral to the police should already have been made by the First Responder or Frontline staff member (e.g. in the case of the NHS). Where this has not happened and the SCA considers there is an immediate threat to the potential victim, the SCA must refer a case to the police as soon as the information regarding immediate threat is known.
- 11.6. The SCA should update police following a Reasonable Grounds decision or Conclusive Grounds decision. Other agencies that should be updated at this point are set out in [Actions for the SCA following a National Referral Mechanism decision](#). The update to the police at the Reasonable Grounds stage should include the outcome of the decision, the minute/reasons for the decision where applicable, and the NRM Referral



Form. The update to the police at the Conclusive Grounds stage should include the outcome of the decision, and the minute/reasons for the decision.

- 11.7. When sharing information with the police, the SCA should be aware that potential victims are under no obligation to cooperate with the police themselves and some potential victims may not want the police to be involved at all.
- 11.8. The SCA is entitled to process information in accordance with the Data Protection Act 2018 and the General Data Protection Regulation and where appropriate refer this information to the police to support the detection and prevention of crime. The SCA does not require consent from the victim to do so. The intention is to do this in all cases referred into the NRM where there has not already been a police referral.
- 11.9. Even where there is limited information in the referral the case should still be referred. It is not for the SCA to seek to filter the cases which are likely or unlikely to be of interest to the police.

## Record keeping and disclosure

- 11.10. The SCA must be aware that the [Criminal Procedure and Investigations Act 1996 \(CPIA\)](#) places a requirement on the police and/or investigating body to record, retain and reveal to the prosecutor material obtained in a criminal investigation and which may be relevant to the investigation, and related matters or any person being investigated, or to the surrounding circumstances of the case, unless it is incapable of having any impact on the case.
- 11.11. Any deliberations regarding a decision could be disclosed in a criminal trial as well as in any future judicial review or other litigation relating to the decision. Where an individual is being treated by the police as a potential victim and/or witness, the SCA must keep in regular contact with the Senior Investigating Officer.
- 11.12. The decision as to whether there is enough evidence to prove that an individual is a victim rests with the SCA. The SCA must be alert to the impact that the decision may have, not only on the victim, but on a criminal investigation and the criminal justice process.
- 11.13. Where there is any doubt about the relevance of the material that is held by the SCA it should be retained and may be used as part of a criminal investigation. Material is either unused or relevant.
- 11.14. The SCA must ensure all modern slavery records are, at a minimum, given the government marking of 'official-sensitive'. More information on handling and protectively marking secure documents can be found in internal guidance.

- 11.15. The SCA must not disclose to anyone other than the police and those directly involved in the case the potential victim's address, support arrangements or any other details that may compromise their safety.
- 11.16. Where a notification of a decision is sent to a potential victim the SCA should not send this to an address where the victim was known to have been exploited. Notification of a decision must always be sent to a potential victim at a safe address.

## Responsibilities of the Police

- 11.17. The police should follow Authorised Professional Practice guidance for working with victims and give regard to the [Working with vulnerable people](#) section of this guidance when working with potential victims and victims of modern slavery.
- 11.18. The police must record all referrals from the NRM as notifiable incidents as soon as they are received. The SCA will then notify the force of the outcome of the Reasonable Grounds decision. If the decision is positive, the case must then be recorded as a crime and counted as such. Cases where a negative Reasonable Grounds decision is made or where the alleged criminality is entirely outside the UK will be retained for intelligence purposes as a crime-related incident; forces are not mandated to record this as a crime, although they have discretion to do so.
- 11.19. Where a crime is recorded, the crime reference number must be shared with the SCA to add to the case record. When providing the crime reference number to the SCA the police should, wherever possible, indicate if an investigation is underway or likely to be undertaken. This will help to inform the SCA of any evidence that may support the Conclusive Grounds decision.
- 11.20. The investigating police force should update the SCA at regular intervals regarding the investigation, or at any point where they have information that could inform a Conclusive Grounds decision, or if the case is closed.
- 11.21. The police may choose to pursue a victimless prosecution where the potential victim does not engage with them directly.

## Information sharing between the SCA and the Crown Prosecutorial Services

- 11.22. Although an active police investigation (or Crown Prosecution Service (CPS) or Crown Office and Procurator Fiscal Service (COPFS) prosecution) may give weight to a claim of modern slavery offences, potential victims are not obliged to cooperate with the police at any stage in the NRM process.

- 11.23. When making a Conclusive Grounds decision for an individual involved in a case with an ongoing investigation, the SCA will contact the police to establish when an appropriate point to make a Conclusive Grounds decision would be taking into account timescales for decision-making, and given any additional information the investigation might provide.
- 11.24. When a potential victim of modern slavery referred to the NRM is being prosecuted by the CPS, staff at the SCA must make sure, where possible, that the NRM decision is made before the court hearing.
- 11.25. The decision to prosecute is a discretionary one taken by the CPS, COPFS or Public Prosecution Service for Northern Ireland but making a NRM decision as soon as possible will make sure they can take an informed decision on whether to proceed with the prosecution.

## Further guidance for the Single Competent Authority on information sharing

### Cases involving child victims

- 11.26. The SCA must make the police aware of all modern slavery cases involving a child victim at the same points as with an adult victim. See [Actions for the SCA following a National Referral Mechanism decision](#). In addition, the SCA must also contact the Local Authority (and ICTG where available). In child cases, information is shared under the [Principle of Information Sharing](#).

### Information sharing with Immigration Intelligence

- 11.27. There is no requirement to make a referral to Immigration Intelligence on every NRM case nor any specific point within the life of the NRM case when a referral should be made. The SCA should make a referral when they have information that would be of value to Immigration Intelligence.
- 11.28. Immigration Intelligence require information that may assist in helping to identify those individuals who may be involved in organised immigration crime so that mitigation can be put in place to protect victims and disrupt criminality.
- 11.29. Staff should follow relevant local procedures at the time to share information with Immigration Intelligence.

### Information sharing with IEI

- 11.30. The SCA should share information with Immigration Enforcement International (IEI) where it appears a victim or trafficker entered the UK on a genuine visa.

# Annex C – Referral pathways for organisations that may encounter potential victims

## Referral pathways for First Responder Organisations

12. This Annex sets out some of the situations when First Responder Organisations may encounter potential victims, the immediate next steps to be taken and signposting to relevant further guidance.

### Guidance for Police Forces

- 12.1. Police forces in England and Wales identify large numbers of child and adult victims of modern slavery. Victims may be identified through targeted enforcement operations by the police or in-cooperation with other agencies such as the GLAA, NCA or Fire Service.
- 12.2. In some cases, victims will be referred to the police by other bodies that are not First Responder Organisations, particularly where there is an immediate risk of harm to the victim.
- 12.3. Victims may also seek out the support of the police when escaping from a situation of exploitation. Many victims do not self-disclose but are identified by police officers who recognise [Indicators of modern slavery](#).
- 12.4. If it is suspected that a person is a victim of modern slavery the welfare and safety of the victim must be the first priority. The police officer should seek immediate advice from a supervisor or specialist force lead/champion.
- 12.5. Child and suspected child victims at risk of significant harm should be taken into immediate Police Protection, under section 46 [Children Act 1989](#), and the appropriate specialist Public Protection Unit notified of this action as soon as possible. In all cases of modern slavery involving sexual exploitation a specialist Sexual Offences and Domestic Abuse Investigation Team Officer is to be deployed at the earliest opportunity.
- 12.6. Police should refer to [Achieving Best Evidence in Criminal Proceedings Guidance](#) on interviewing victims and witnesses, and guidance on using special measures when interviewing potential victims.
- 12.7. Section 52 of the Modern Slavery Act 2015 imposes a statutory duty on public authorities including the Police to notify the Home Office when they suspect a person may be a victim of modern slavery or human trafficking. See the section on [Referring potential victims of modern slavery into the National Referral Mechanism](#) for information on how to discharge this duty. In all cases a Modern Slavery Act crime should be recorded for each victim.

- 12.8. When working with victims police should give regard to the [Authorised Professional Practice](#) guidance.

## Guidance for the Gangmasters and Labour Abuse Authority (GLAA)

- 12.9. The GLAA has a duty to report potential victims of modern slavery to the Home Office under section 52 of the Modern Slavery Act 2015. As a First Responder Organisation the GLAA has a Duty to Notify the Home Office when encountering a potential victim of modern slavery. This is discharged by referring a victim into the NRM or by completing a notification to the Home Office when a potential adult victim does not consent to a referral.
- 12.10. If it is suspected that a person is a victim of modern slavery the welfare and safety of the victim must be the first priority. There may be different procedures to follow in different parts of the UK so GLAA staff should always follow guidance (including local guidance) and training on how to appropriately refer cases.
- 12.11. When encountering a victim of modern slavery GLAA staff should give regard to the guidance set out in the [Working with vulnerable people](#) section of this guidance.

## Guidance for Local Authorities

- 12.12. Local Authorities have a wide range of roles to play in tackling modern slavery. These roles include:
- **Identifying and referring potential victims into the NRM** - Possible victims of modern slavery could be identified by a number of frontline council staff, including children's and adult's services, housing teams, or those working in a range of different regulatory and environmental roles, community safety and general customer contact. It is important that councils ensure that all relevant frontline staff have received basic awareness training on what modern slavery and human trafficking is, identifying indicators of modern slavery and human trafficking and groups at particular risk.

Local Authorities are First Responder Organisations and, under section 52 of the Modern Slavery Act 2015, have a statutory Duty to Notify the Home Office when they suspect a person may be a victim of modern slavery or human trafficking. This is discharged by [referring a victim](#) into the NRM or by completing a notification to the Home Office when a potential adult victim does not consent to a referral. Councils must ensure that individuals acting as First Responders have adequate training to ensure they are clear about the steps they should take in the event that they identify a possible victim or victims of modern slavery and where such concerns should be referred to (i.e. the council's referral

pathway). This training should be clear on who is responsible for making the NRM referral, whether it is the individual who has encountered the victim, a designated Modern Slavery lead, or Adult or Child Social Services.

Councils may find it helpful to distinguish between the broad range of frontline staff who are responsible for recognising the indicators of modern slavery and identifying potential victims, and a smaller group of frontline staff who are responsible for the First Responder functions of gathering information about what has happened to a suspected victim, making an NRM National Referral Mechanism referral, submitting a reconsideration request where appropriate and providing a point of contact for the SCA. More detailed and specialist training is likely to be required for this group of staff, for example on working with victims or vicarious trauma.

- **Supporting child victims** - Dependent on their functions and responsibilities, councils have statutory responsibilities to provide support to all suspected child victims of modern slavery. Modern slavery is a form of child abuse and normal safeguarding/child protection procedures should always be followed in regard to any potential victim, in line with the guidance outlined in [Working Together to Safeguard Children 2018](#).
- **Supporting adults at risk** – Adult victims of modern slavery may be at risk and there may be a role for Adult Safeguarding and an enquiry under Section 42 of the [Care Act 2014](#). Modern slavery is a form of abuse and councils should adhere to their roles and responsibilities under the Care Act 2014, the [Housing Act 1996](#) and the [Homelessness Reduction Act 2017](#).
- **Providing accommodation to adult victims** – Adult victims who meet the eligibility criteria for Local Authority accommodation should be able to access safe and secure accommodation through the Local Authority.
- **Disrupting modern slavery** - Regulatory and community safety services may additionally be involved in joint action to disrupt suspected modern slavery in the local area.
- **Ensuring compliance with other statutory frameworks** - Local Authorities should ensure they comply with other relevant statutory frameworks, for example, on information sharing, GDPR and the Modern Slavery Act 2015.

12.13. Given the breadth of different roles and service areas potentially involved in modern slavery and human trafficking, councils may find it helpful to designate an existing role or team that can lead the organisation's work on modern slavery. This could involve acting as a first point of contact for modern slavery referrals and queries, ensuring a link with safeguarding responsibilities, and helping to coordinate activity and intelligence across different parts of the organisation.



- 12.14. Tackling modern slavery and human trafficking requires councils to work in partnership with local and national partners including the police, GLAA, health services and third sector and local businesses. Councils must ensure they are linked-in to local multi-agency arrangements for dealing with modern slavery and human trafficking and that referral pathways reflect both their own internal arrangements as well as local partnership structures.
- 12.15. Councils can draw on examples of good practice and training materials from a number of sources, including the Independent Anti-Slavery Commissioner and University of Nottingham's [Anti-slavery partnership toolkit](#).
- 12.16. Referral pathways for frontline staff in councils will be shaped by the internal structures individual councils establish for managing modern slavery, the way in which a suspected victim has been identified, and by whom - for example, whether or not a victim has been identified in the course of a regulatory visit and remains in a situation of exploitation, or has presented to the council as a victim.
- 12.17. However, the following general principles should apply across all Local Authority referral pathways:
- Designating an existing role or team to act as a modern slavery lead or first point of contact within the council may help coordinate intelligence and support across different service areas and cases, providing a critical starting and reference point in the referral pathway.
  - Referral pathways should take account of the broader local partnership arrangements that have been put in place to tackle modern slavery and human trafficking, with relevant information and intelligence shared appropriately.
  - Supporting victims and the underpinning referral pathways may require close and coordinated working between different services, for example between housing and social care. Two-tier areas should agree systems for joint working on modern slavery and human trafficking so that referral pathways effectively link relevant services in different councils.
  - Depending on whether a potential victim chooses to enter the National Referral Mechanism or not they may need immediate support, or support once they exit the NRM.
  - When a victim has been identified and appears to be at risk of immediate harm, the relevant frontline officer should contact the police on 999 and seek emergency assistance.
  - Where a situation of ongoing possible exploitation has been identified but is not considered to present an immediate danger, this should be referred (via a council modern slavery lead if appropriate) to relevant local multi-agency arrangements for consideration of next steps. For suspected



child victims, this would include local children’s services alongside local modern slavery structures.

- Any planned disruption activity relating to suspected cases of modern slavery or human trafficking should involve prior consultation with relevant council and third sector support services – housing, safeguarding and social care – to ensure support can be accessed.

12.18. The referral pathway will also need to consider how councils handle and coordinate work by different services and agencies on a single case.

## Local Authority Referral Pathways Summary

ADULT VICTIMS - Key stages of a LA referral pathway			
Initial identification and referral	Handling and coordination	Consent to enter NRM/Duty to Notify	Eligibility for immediate and post VCC support
<ul style="list-style-type: none"> <li>• Potential victim identified</li> <li>• In immediate danger? Contact 999</li> <li>• If not in immediate danger refer according to Local Authority pathway e.g. to Single Point of Contact (SPOC)</li> </ul>	<ul style="list-style-type: none"> <li>• How does Local Authority ensure potential victims’ cases are managed across services – SPOC? Case worker?</li> <li>• How is Local Authority linked into local modern slavery partnership activity?</li> </ul>	<ul style="list-style-type: none"> <li>• Trained/specialist staff engage with potential victim to discuss NRM</li> <li>• Does the potential victim consent to enter the NRM?</li> <li>• If yes, is the potential victim in need of Emergency Accommodation prior to a Reasonable Grounds decision?</li> <li>• If no, complete a Duty to Notify</li> </ul>	<ul style="list-style-type: none"> <li>• What are the needs of the potential victim?</li> <li>• Is the potential victim in need of and eligible for housing assistance?</li> <li>• Is the potential victim in need of and eligible for support under the Care Act 2014?</li> </ul>

CHILD VICTIMS - Key stages of a LA referral pathway		
Initial identification and referral	Normal child protection procedures	Effective link-up with LA/Local Modern Slavery structures
<ul style="list-style-type: none"> <li>• Potential victim identified</li> <li>• In immediate danger? Contact 999 and alert Children’s Services</li> <li>• If not in immediate danger refer to children’s services (and potentially refer to Local Authority lead/SPOC)</li> <li>• Refer to ICTG service if available</li> </ul>	<ul style="list-style-type: none"> <li>• Children’s services follow standard child protection and safeguarding procedures</li> </ul>	<ul style="list-style-type: none"> <li>• Children’s services complete NRM referral</li> <li>• Children’s services update and share intelligence with Local Authority/local partnership structures</li> </ul>

## Guidance for Immigration Enforcement

12.19. In some modern slavery cases the victim is recruited through registered or illegal agencies that organise and aid the process of travel from one country to another. In others a community member, family member, perceived friend, partner or any other mediator will recruit the victim and sponsor their visit or arrange for their illegal movement.

12.20. Some of the risks might only become apparent after the potential victim has entered the UK, for example that the job does not exist or is on different terms from those understood.

- 12.21. Potential victims of modern slavery who are currently overseas cannot be referred to the NRM as potential victims must be in the UK to enter VCC support.
- 12.22. When a potential victim of modern slavery is identified in the UK they should be informed of the support available through the NRM. If they consent to entering the NRM a [referral](#) should be made. If not then a notification should be made through the Modern Slavery Portal:  
<https://www.modernslavery.gov.uk/start>.

## Guidance for Border Force

- 12.23. All ports of entry in the UK are potential channels for victims of modern slavery. Border Force staff working at ports of entry must be alert to all possible signs. Victims may not self-identify, or may have been coached with a story to tell the authorities at the border so it is important for frontline staff to be aware of the indicators of modern slavery set out [here](#).
- 12.24. Border Force staff may seek advice from their Safeguarding and Modern Slavery (SAMS) Team before completing the NRM referral.
- 12.25. If a Border Force officer believes a person is a potential victim of modern slavery they should act as the First Responder and follow the steps on handling potential victims of modern slavery including [referral to the NRM](#).

## Identifying Children at the Border (and the responsibility of Local Authorities)

- 12.26. When a child suspected of being trafficked arrives at the border, Border Force officials should contact the Local Authority for the area where the child is identified immediately. Border Force officials should make a referral into the NRM in consultation with the Local Authority.
- 12.27. Section 17 of the Children Act 1989 places a general duty on every Local Authority to safeguard and promote the welfare of children in need within their area by providing services appropriate to those children's needs. Where the child is unaccompanied there will be additional responsibilities under s20 of the Children Act 1989 as set out above. The Local Authority should ensure that they facilitate a transfer to safe accommodation as soon as possible. Facilities at the ports are unsuitable for children and often identifying staff will not be trained to care for children.
- 12.28. Potential child victims of modern slavery are at their most vulnerable in the first 72 hours after identification and are particularly vulnerable to going missing. All Local Authority areas should have effective multi-agency plans in place to cover this critical period. This includes appropriate out-of-hours care which includes weekends when some services might not be available and other statutory agencies may therefore need to provide cover.

- 12.29. Further guidance for frontline staff working to safeguard children can be found in the [Child Exploitation Disruption toolkit](#).

## Guidance for the National Crime Agency (NCA)

- 12.30. The NCA will encounter child and adult victims of modern slavery predominantly through targeted enforcement operations they lead, or support in cooperation with other agencies such as police forces, Immigration Enforcement and the GLAA.
- 12.31. If it is suspected that a person is a victim of modern slavery the welfare and safety of the victim must be the first priority. Staff should seek immediate advice from a supervisor or from the Modern Slavery Tactical Advisors.
- 12.32. Child and suspected child victims at risk of significant harm should be taken into immediate Police Protection, under section 46 Children Act 1989, and the appropriate police specialist Public Protection Unit notified of this action as soon as possible. In all cases of modern slavery the on-call Modern Slavery and Human Trafficking tactical advisor is to be informed at the earliest opportunity.
- 12.33. Officers should refer to [Achieving Best Evidence in Criminal Proceedings Guidance](#) on interviewing victims and witnesses, and guidance on using special measures when interviewing potential victims. Subject matter expertise from the Vulnerable Persons Team must be obtained.
- 12.34. Section 52 of the Modern Slavery Act 2015 imposes a statutory duty on public authorities including the NCA to notify the Home Office when they suspect a person may be a victim of modern slavery. Notification is through the National Referral Mechanism via completion of an [NRM referral](#) or a Duty to Notify notification if the victim does not consent. In both cases a Modern Slavery Act crime should be recorded for each victim.
- 12.35. When working with victims NCA staff should give regard to the [Authorised Professional Practice](#) guidance.

## Guidance for UK Visas and Immigration

- 12.36. Where staff screen asylum applicants, they may be the first to have contact with potential victims of modern slavery. The applicant might not identify themselves as a victim of modern slavery so it is important staff are aware of the [indicators](#) of modern slavery.
- 12.37. If appropriate, staff should use an individual screening room. Female asylum applicants may prefer to be interviewed by a female officer and interpreter. If possible, requests for the above must be met.
- 12.38. Asylum staff need to know how to engage with potential victims of modern slavery they may meet during an asylum interview, whether at the initial screening stage or the substantive stage. Such claimants may be

reluctant to go into much detail about the full facts of their case. See [Victims who are reluctant to self-identify](#) for more information.

- 12.39. Asylum interviewers' questions must be open and without assumptions to establish what happened. Asylum interviewers should be careful not to cause undue distress during interviews, see [Interviewing people who have experienced trauma](#) for more information. Interviewers should still aim to get as full an account as possible. For more information on how to take account of a victim's needs during interview see the [Trauma-informed practice](#) section.
- 12.40. The Asylum Screening Pro Forma provides for questions relating to modern slavery. It would not be appropriate to conduct a full interview at the screening stage. There are no minimum indicators required for making an NRM referral. At the substantive interview stage, interview questions must be open and without assumptions to establish what happened.
- 12.41. Each officer should engage their professional curiosity to understand the needs of the individual - identifying potential vulnerabilities early in the process will likely significantly influence how that person is managed, both in terms of the need of any immediate safeguarding steps but also in the longer term in respect of decisions around their application.
- 12.42. If staff consider the person is a potential victim of modern slavery they should act as the First Responder and follow the steps on handling potential victims of modern slavery including [referral](#) to the NRM. However, responding appropriately to discharge their duty of care could be as simple as alerting a line manager, speaking to a colleague for advice, or referring to a senior case worker, officer in charge or Vulnerability Champion in first instance.

## Guidance for the National Health Service (NHS)

- 12.43. Victims of modern slavery have been through trauma and should be treated with the same sensitivity as other vulnerable groups, such as victims of domestic violence and child sexual exploitation. Even where a victim has already been removed from a harmful situation, they are at significant risk of re-victimisation.

Potential victims of modern slavery may be taken to NHS providers by exploiters in the case of an injury, illness or pregnancy that impacts the perceived usefulness of the potential victim to their exploiter. Potential victims may also attend NHS providers independently. The NHS is a key setting in which potential victims of modern slavery may be detected, provided with autonomy, care, dignity and support.

- 12.44. However, potential victims often have poor access to physical and mental health care services despite their potentially significant and serious health concerns. There are several significant barriers to accessing healthcare which include:

- language and lack of “correct” documentation
- fear towards and a lack of trust in authority (which includes healthcare professionals)
- after years of being controlled, they may lack the autonomy to approach healthcare services
- disclosure may mean recounting a very traumatic history with the shame and risk of re-traumatisation that may occur
- other barriers described in the section on [Victims who are reluctant to self-identify](#)

12.45. Raising awareness in healthcare professionals can be key in helping to support this group of patients.

12.46. Safeguarding issues such as modern slavery should always be dealt with as a crucial safeguarding consideration after immediate clinical needs.

12.47. Health staff have a significant role when they suspect that a patient is a potential victim of modern slavery. As with cases of domestic abuse or sexual exploitation, potential victims will often not disclose on the first presentation but may after a relationship of trust is developed. However, healthcare staff must also be aware that a potential victim may not return to that healthcare setting and so addressing immediate clinical needs will be paramount.

12.48. It is vital that NHS health staff are aware of the indicators of modern slavery and understand what to do when encountering a potential victim, including trauma-informed care and following the statutory processes for safeguarding referrals where appropriate.

12.49. NHS health staff also have a role in responding to public health risks presented by individual trafficking victims, including the reporting and treatment of notifiable diseases such as tuberculosis.

12.50. If a healthcare professional is concerned that their patient is potentially a victim of modern slavery, they should take the following safeguarding principles into consideration and act on their concerns by following their local safeguarding procedures. Healthcare professionals must also be alert to their own safety in such consultations and should ensure they have appropriate support available. Health professionals should not offer the victim personal support outside of professional boundaries and referrals.

## Overall principles

12.51. Healthcare professionals should adhere to the following principles:

- Ensure your own safety at all times
- Then, prioritise the safety of the potential victim
- If there are immediate threats to the potential victim’s safety, try to encourage them to stay with you, remain calm and continue working in a trauma informed way and call 999 for the police

- Follow statutory safeguarding procedures for safeguarding children and Adults at Risk
- An adult with capacity must consent to any help and sharing of information beyond the immediate clinical team. Consider the potential victim's capacity according to the Mental Capacity Act 2005 and see the section on [Capacity](#) for more information. In Wales Capacity is explained in the [Social Services and Wellbeing \(Wales\) Act \(2014\)](#)
- Senior staff members must be made aware of your concerns that this patient is, or may be, a potential victim of modern slavery
- Due to the circumstances of modern slavery, the potential victim may not access healthcare again in the same service. It is therefore vital to attempt to address any emergency and urgent health needs whilst the patient is there
- Healthcare professionals should be trauma-informed when conducting the consultations, speaking with the patient and asking sensitive questions. The Helen Bamber Foundation Trauma Informed Code of Conduct can be accessed [here](#)

## Principles for the consultation

12.52. Healthcare professionals should adhere to the following principles during consultation:

- Ensure that it is safe to consult with the patient at the current time, in the current location and under the current circumstances
- Prioritise the safety of the potential victim
- Where possible, conduct the consultation in the most private space available, for example, a room with a door and not in a bay with curtains
- Do not raise any concerns with anyone accompanying the potential victim
- Attempt to separate from accompanying persons if safe to do so. If an accompanying person refuses to leave the room, work gradually and sensitively in order to see the potential victim separately
- Do not use any accompanying person as interpreter for the potential victim; if safe to do so, access an independent interpreter, see your local area protocol for access to interpreting services and this section on [Working with interpreters](#)
- If the potential victim is alone and it is safe to do so, consider asking relevant questions about living and working conditions
- Address health needs of the potential victim as thoroughly as possible, with investigations and treatment whilst the potential victim is there, rather than delayed options. For example, giving a full course of antibiotics now, rather than as delayed prescription or requesting specialists to review the potential victim in an Emergency Department rather than as an outpatient. In other healthcare settings similar principles apply but the healthcare professional should attempt to find reasons for encouraging the potential victim to return for follow up, for example, arrange blood tests the next day in general practice, or to collect results in a sexual health clinic



- Address the potential victim's wishes for help and support
- Always reiterate to them that healthcare settings are a safe and confidential place to come and disclose any concerns. They will be heard, believed and have access to independent support and help
- Arrange individual follow up with the potential victim, ideally without the knowledge of anyone accompanying
- Document the consultation thoroughly with objective reasons for your concerns that the patient is a potential victim of modern slavery and the actions taken

## Principles for referring a victim

12.53. The NHS is not a First Responder Organisation and healthcare professionals can not refer directly into the National Referral Mechanism (NRM). Instead the following procedures should be followed to refer a victim into the NRM:

- If there is an immediate, dangerous threat to the staff or patient's safety, try to encourage the patient to stay. Remain calm, and continue working in a trauma-informed way, and call 999 for the Police
- Safeguarding the victim must always be the first priority. Adult victims of modern slavery have experienced complex physical and/or emotional trauma and may be Adults at Risk. Even where an adult has already been removed from a harmful situation, they are at significant risk of re-victimisation
- If there is no immediate fear for welfare, discuss your concerns with your Designated Safeguarding Professional or Local Authority Safeguarding Adults Team and follow your local adult safeguarding policies and procedures. These procedures are governed by separate legislation in England and Wales
- If there is no immediate risk and the adult consents/requests police involvement call the police non-emergency number **101** - request to speak to the Anti-Slavery Unit for specialist input
- All victims, or suspected victims, of slavery under the age of 18 must be referred to the Child Safeguarding team and thus Children's Social Care urgently under child protection procedures. Children in these circumstances must not be allowed to leave the department. Police must be contacted if the child absconds or is removed
- The usual principles of consent apply to all referrals
- Usual principles of mental capacity apply as set out in the [Capacity](#) section; individuals should be presumed to have the capacity to make decisions, including about their care and decisions on whether to agree to, or refuse, an examination, investigation or treatment, unless it is established that they lack capacity
- Mental capacity is decision and time specific
- For more information on mental capacity and what may limit someone's capacity to make decisions, see the [Social Care and Support Guide](#) and the [Mental Capacity Code of Practice](#) or the [Social Services and Well-being \(Wales\) Act 2014](#) in Wales



- If there are questions about whether a victim has capacity to make a certain decision, advice must be sought from senior safeguarding leads
- The named safeguarding professional is responsible for discussions with the patient as to whether they should be referred onto a First Responder

## Public health notifications of infectious diseases

- 12.54. Potential victims of modern slavery, particularly human trafficking, may present with serious infections such as tuberculosis or tropical diseases which carry a public health risk. Healthcare professionals should complete a Notification of Infectious Diseases report form and follow disease-specific treatment protocols. Advice should be sought from hospital specialists in infectious disease, tropical medicine, medical microbiology and virology where appropriate.
- 12.55. A notification form should be completed immediately on diagnosis of a suspected notifiable disease without waiting for laboratory confirmation of a suspected infection or contamination first. A full list of UK Notifiable Diseases and notification form can be found [here](#).

## Guidance for Work Coaches and other staff at a Job Centre Plus

- 12.56. If DWP frontline staff believe an applicant is facing clear risks to their welfare or safety, they are explicitly empowered by DWP policy and relevant legislation to take reasonable steps to address these risks.
- 12.57. DWP frontline staff should refer any applicant they think may be a potential victim to an inbox monitored by DWP's Serious Organised Crime team for immediate assessment against the indicators of modern slavery.
- 12.58. Instructions on how to make this referral to the Serious Organised Crime team are housed on the Department's internal website, including a link to a self-populating email.
- 12.59. Where the Serious Organised Crime team suspect a person may be a victim of modern slavery this information will be passed on to police as a First Responder Organisation.
- 12.60. Benefit fraud often occurs alongside other types of exploitation. In some cases, jobs are found through legitimate recruitment agencies, but perpetrators will control the victims' bank accounts and take all or most of their wages. The control of bank accounts often overlaps with benefit fraud.
- 12.61. As such, it is important that frontline staff in job centres are familiar with the indicators of modern slavery set out here. In particular, staff may notice that victims are always accompanied to appointments and not given the opportunity to speak for themselves or may appear frightened or anxious

during the appointment. For a full list of indicators see [Identifying victims of modern slavery](#).

## NGOs (First Responder and Non-First Responder Organisations)

- 12.62. Non-Governmental Organisations often come across victims of modern slavery as part of a service that they provide. Organisations who may come across victims include advice services, legal representatives, homeless charities including drop-in services, outreach, day shelters and soup kitchens as well as counselling services, housing services and those providing wider support to migrants including asylum seekers, support services for sex workers, unions and self-help groups.
- 12.63. If these are not First Responder Organisations they should have an understanding of who the First Responders are in the local area and how to support a referral. This includes understanding informed consent and being in a position to explain to the possible victim what to expect, what a referral into the NRM means and the specialist modern slavery charities who may be able to provide advocacy and assistance to the victim.
- 12.64. Victims of modern slavery or trafficking will often not self-identify. Many will present with a different issue.
- 12.65. Many people who seek advice and support are not familiar with the concept of modern slavery and do not see their exploitation in these terms. It is only on further investigation that slavery is uncovered. Many indicators may not be seen as relevant by the victim and not mentioned. Others may not be disclosed for a [variety of reasons](#). For example, victims may present at homeless services and still be in their situation of exploitation, or they may have escaped their situation of exploitation and subsequently become homeless as they were reliant on their exploiter for accommodation.
- 12.66. Referrals often result from training a range of front line workers on issues of modern slavery, ensuring that they understand the indicators as well as referral pathways and are able to begin the process of obtaining informed consent with an initial explanation as to what a referral to the NRM means. Victims are more likely to consent to an NRM referral if they are informed and feel safe and supported and therefore partnership and collaboration between agencies is key.
- 12.67. Cultivating good links and collaboration with statutory and non-statutory First Responders at a local level, including referral pathways, can assist in victims being supported and safeguarded quickly, minimising trauma.
- 12.68. Best practice will always be that victims are spoken to by agencies, including First Responders, face-to-face and in a language they understand as this enables the building of rapport and trust with the agency.

## Other situations when victims may be identified

### Identified during criminal proceedings or in the prison system

12.69. Some victims of modern slavery are not identified at an early stage when coming into contact with law enforcement agencies. This may be because victims feel unable to reveal the details of their situation to authorities, or that indicators are not identified during proceedings, or that victims do not see themselves as victims, hindering identification.

12.70. As such, staff working in courts, prisons and the probation service should be alert to the signs of modern slavery and familiar with the indicators set out [here](#). Staff should contact a designated First Responder to make a referral into the NRM where appropriate.

### Through Fire Service enforcement actions

12.71. Fire Services are not First Responders but may encounter victims of modern slavery during enforcement actions undertaken independently or with police.

# Annex D – Working with vulnerable people

13. This Annex provides detailed information on working with people who have experienced trauma.

## The impact of trauma

13.1. Victims' early accounts may be affected by the impact of trauma. This can result in delayed disclosure, difficulty recalling facts, or symptoms of post-traumatic stress disorder. Victims may also be reluctant to self-identify for a number of other reasons that can make understanding their experiences challenging.

## Trauma-informed practice

13.2. Those working with victims should consider the fact that victims have been through traumatic events when approaching how they work with them. Trauma-informed methods of working are based upon an understanding of the harmful effects of traumatic experiences together with fundamental principles of compassion and respect. Any form of professional interaction with a person who has suffered human trafficking or slavery should be treated as an opportunity to help them to progress towards a long-term situation of safety, stability and well-being.

13.3. The [Trauma-Informed Code of Conduct for All Professionals Working with Survivors of Human Trafficking and Slavery \(TiCC\)](#) by Rachel Witkin and Dr Katy Robjant, published by the Helen Bamber Foundation is designed to enable professionals in all fields of discipline, and in any working context to:

- Establish and maintain a mutual relationship of trust with victims in any working context or environment
- Impart a consistent sense of calm, security and safety throughout the course of their work
- Increase the confidence of victims and minimise the risks of causing distress and re-traumatisation
- Remain safe and well in the course of their work, avoiding secondary traumatisation and professional 'burnout'

## The Trauma-Informed Code of Conduct contains advice on how professionals can:

- Understand victims' presentation
- Focus on current and future safety
- Establish a mutual relationship of trust and for sensitive personal information
- Communicate a sense of safety and provide a calm, consistent and welcoming environment, referring back to the 'here and now'
- Vet other people who accompany victims
- Explain professionals' identity, role and duties
- Work with interpreters
- Refer to instil calm
- Work with parents who are with children and babies
- Use names correctly
- Maintain Awareness of communication in all forms
- Set realistic goals and objectives
- Support victims in giving a full account of their trafficking or slavery background
- Work with victims to enable disclosure of instilled beliefs and fears about exploiters, including exploiters' use of existing belief systems and ritualised violence as a form of control

13.4. Annex 1 of the [Slavery and Trafficking Survivor Care Standards](#) offers practical guidance on working with victims and provides further guidance on good practice for working with people who have experienced traumatic events.

## Adults who are particularly susceptible to modern slavery

13.5. Some adults are more susceptible to becoming victims of modern slavery. The following people may be particularly susceptible to modern slavery:

- **young men and women**
- **pregnant women**
- **former victims of modern slavery** including people who don't consent to enter the NRM who may be at risk of being re-trafficked
- **people who are homeless or at risk of becoming homeless**
- **people with drug and alcohol dependency issues**
- **people with underlying health factors** such as learning difficulties, disability, communication difficulties, chronic developmental or mental health disorders
- **people who have previously experienced abuse**

- **people in particularly deprived/poor areas** where there are few employment opportunities are more likely to be recruited by traffickers posing as recruitment agencies/legitimate employers
- **people struggling with debt**
- **people who have lost family or suffered family breakdown** or have limited support networks
- **people with criminal records**
- **illegal immigrants with no source of income** and other people with insecure immigration status
- **older people experiencing loneliness and financial hardship**
- **people who speak no or very little English and/or are illiterate in their own language**
- **overseas domestic workers**

13.6. A common factor of trafficking is that the trafficker will present a scenario in which the potential victim can improve the quality of their life and that of their family. Vulnerable people are often targeted as they are seen to be easier to coerce into a situation where they can be manipulated.

13.7. Frontline staff should be particularly aware of the indicators of modern slavery when dealing with vulnerable people.

13.8. Many pregnant women who are victims of modern slavery have received no antenatal care prior to being identified. For many this means they do not receive antenatal care until their third trimester.

13.9. Ensuring access to antenatal care for pregnant women should be prioritised by support workers. There are charging exemptions for victims of modern slavery. More information can be found in the [Medical treatment, assessment and counselling](#) section.

## Victims who are reluctant to self-identify

13.10. Victims may not recognise themselves as a victim of modern slavery or be reluctant to be identified as such. It is important that First Responders and other frontline staff are aware of the indicators of modern slavery in order to help identify potential victims who are reluctant or unable to self-identify.

13.11. Victims of modern slavery may initially be unwilling to disclose details of their experience or identify themselves as a victim for a variety of reasons. These reasons include, but are not limited to, the following:

- **they may be in a situation of dependency** - this could be due to a large number of factors including age, debt, immigration status, employment status, threats to their person or family, or other forms of psychological and physical control. They may be dependent on their exploiter for shelter, food or employment.

- **there is stigma attached to trafficking** - knowledge and understanding of the concept is limited and most individuals will associate the term with prostitution
- **they may fear reprisals against them, their children, families or friends** - in most trafficking situations, agents know, or will attempt to find, personal information about the victim, their home, family and friends. It is very common for agents and traffickers to use threats against the victim's family, especially children, in order to manipulate and control the victim.
- **they may feel they are dishonouring their family or community by not continuing in their situation** - although it is also important to note that family members and communities can be involved or complicit in modern slavery
- **they may be distrustful of authorities** - given their experiences with authorities in other countries or as a result of indoctrination by traffickers or through fear of being accused of being complicit in the modern slavery situation; some exploited people may be viewed as 'colluding' with their 'employer' in their illegality, for example, accepting the 'cover' of the person exploiting them from the immigration authorities. They may also have been groomed into believing that they are complicit in the process.
- **they may fear being discovered as being in the UK illegally** - they may fear deportation.
- **they may suffer from Stockholm syndrome**, where due to unequal power, victims create a false emotional or psychological attachment to their controller.
- **they may be romantically 'involved' with their trafficker/exploiter** - such 'relationships' can add to the confusion when attempting to identify victims of modern slavery.<sup>5</sup>
- **they may be unable and/or unwilling to think of themselves as 'victims'** - they may not understand that they have been exploited, or may not be aware that aspects of their exploitation are relevant and are unaware their situation would constitute modern slavery.
- **they may see their current situation as temporary** and blame it on their lack of understanding of the culture and labour market in the UK
- **they may tolerate their situation because they see it as a 'stepping stone' to a better future** – victims may compare it favourably to experiences at home - in this situation those working with victims must consider objective indicators such as the seizure of identity documents or use of threats by the employer or exploiter; such indicators will help frontline staff identify if the person could be in a modern slavery situation
- **they may be unaware of the intentions of the trafficker or exploiter to exploit them**
- **they may not understand what modern slavery means** - this is particularly likely with child victims and adults with additional forms of vulnerability
- **they may not be aware of support structures and their entitlements**

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<sup>5</sup> See Chapter 2: Victims of loverboys of the [Annual report 2015 Trafficking and smuggling of human beings](#) by the Federal Migration Centre for more information.



- **children may not have the same cultural understanding of childhood as is held in the UK** and feel they are young adults responsible for earning money for their family - they may see an exploitative situation as a sacrifice to be made for their family

## Post-traumatic stress disorder

13.12. Victims may experience post-traumatic stress disorder, which can result in the following behaviours:

- **re-experiencing traumatic events** as intrusive thoughts, flashbacks and nightmares
- **avoidance of reminders or triggers of the trauma** – more extreme manifestations may include avoiding talking about the trauma they have experienced at all costs even when it would be in the victim’s ‘best interests’ to do so, such as in a police or asylum interview
- **negative alterations in cognition and mood** – this may lead a victim to have strong beliefs about self-blame, guilt, shame or fear of others, which may affect their ability to give an (accurate) account of their history.
- **alterations in arousal and reactivity** – this may contribute to victims being perceived as hypervigilant or ‘on edge’, or as irritable or aggressive. If people are interrupted during a flashback they are likely to be disorientated, confused or act as they did during the trauma.

13.13. Complex PTSD <sup>6</sup> is more likely to occur in the aftermath of multiple and repeated trauma over long periods, which is often the case for victims of modern slavery. It is also more likely to occur if trauma is experienced during childhood

## Interviewing people who have experienced trauma

13.14. Anyone interviewing a victim or potential victim of modern slavery should be aware of the impact of trauma on the interviewee.

13.15. Victims of modern slavery should be interviewed in an appropriate way to avoid re-traumatising victims. Interviewers and decision makers must not automatically draw negative assumptions if a victim cannot recount details of their experience when assessing credibility.

13.16. It is not uncommon for traffickers and exploiters to provide stories for victims to tell if approached by the authorities. Errors, omissions and inconsistencies may be because their initial stories are composed by others and they are acting under instruction. They can also arise due to the impact

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<sup>6</sup> Complex PTSD is conceptualised in the new [International Classification of Diseases \(ICD\) 11](#) diagnostic system as a separate diagnosis which consists of the key features of PTSD together with Disturbances in Self-Organization (DSO), three clusters of which are identified: (1) affective dysregulation, (2) negative self-concept, and (3) disturbances in relationships - which often includes prominent issues around trust

of trauma, which can, for example, lead to delayed disclosure or difficulty recalling facts.

- 13.17. Victims may have problems in dealing with direct interviewing, especially in contexts which seem to them to be adversarial.

## Barriers to disclosure

- 13.18. Victims' disclosures of historic events are often delayed. This may be due to an [unwillingness to self-identify](#), or due to the impact of trauma, particularly post-traumatic stress disorder. A key symptom of post-traumatic stress is avoidance of trauma triggers, or of those things that cause frightening memories, flashbacks or other unpleasant physical and psychological experiences. Because of these symptoms it is likely that a potential victim will not be able to fully explain their experience until they have achieved a minimum level of psychological stability. A delay in disclosing facts should not be viewed as manipulative or taken to mean these facts are untrue. The late disclosure of these facts may be the result of an effective Recovery Period and the establishment of trust with the person to whom they disclose the information. Disclosures often come slowly and in a piecemeal way, sometimes over years.

## Difficulty recalling facts

- 13.19. Research demonstrates that normal, autobiographical memory for everyday things such as dates or non-traumatic events is fallible and becomes less reliable with time.
- 13.20. Memories laid down during traumatic events are not processed or recalled in the same way as ordinary, everyday memories. As a result of the way trauma memories are processed trauma memories often have little narrative around them as peripheral contextual details are not stored. Instead memories are often vivid snapshots and are often of sensory details such as smells or sounds. As such, people with PTSD often have difficulty in recalling contextual details of their traumatic experiences and it can be very difficult for the individual to consciously access or narrate a detailed and coherent account of their traumatic experience.
- 13.21. Memories for traumatic events are not easily narrated on demand and victims might not be able to recall concrete dates and facts. Their initial account might contain inconsistencies, discrepancies or contradict their later statement.
- 13.22. Research also indicates that difficulties in recounting traumatic experiences may be particularly marked where the trauma had a major sexual component.

13.23. There are further factors that are prevalent in potential victims that can have an impact on their ability to recall facts, including:

- Other forms of mental ill health (such as depression, anxiety)
- Sleep deprivation
- Malnutrition and weight loss
- Stress (high cortisol levels)
- Brain injury following head injury or oxygen deprivation (i.e. suffocation)
- Chronic pain
- Medication
- Substance abuse

13.24. Those interviewing potential victims should be alert to these factors as they may impact on the credibility or consistency of the account.

## Good practice during interviews

13.25. The following good practice should be followed during interviews with potential victims where it is reasonably practicable to do so. In addition, interviewers should arrange the interview at a time when reasonable travel arrangements can be made to attend.

13.26. Where police are interviewing a potential victim or victim of modern slavery the interview should be carried out by a police officer who is [Achieving Best Evidence in Criminal Proceedings](#) trained (the national protocol for interviewing children and vulnerable adults who are part of a criminal investigation).

13.27. In criminal trials, evidence from witnesses must be given independently by the witness. Support offered via the NRM does not depend on co-operation in a criminal trial, and it is important that staff working with victims make this clear, and that the processes are separate. Any form of inducement might undermine the credibility of evidence obtained and adversely affect the prosecution's ability to bring cases to court.

## The presence of a support worker

13.28. Where the victim has a support worker, the interviewer should also discuss with a support worker any particular recommendations that should be taken into account when interviewing the potential victim. Where possible the interviewer should provide the option to have a support worker present during the interview. All parties present during the interview must be aware that the support worker is in attendance to ensure the potential victim's wellbeing. The support worker should not assist the potential victim in answering questions or providing answers on the potential victim's behalf.

## The presence of others in interviews

13.29. All reasonable steps need to be taken to ensure that if the potential victim or victim is to be interviewed, this is **not** done in the presence of someone who may be involved in their exploitation. If this is the case, the potential victim or victim may be inhibited in providing information about their personal circumstances.

13.30. If for whatever reason, there are other people present when the potential victim or victim is questioned initially, interviewers must be alert to the possibility that they are involved in their exploitation. Where other people are present, interviewers should look out for non-verbal communication and body language between the interviewee and others. Where possible, always try to separate the potential victim or victim for at least a part of the interview and ascertain the identity and credentials of any other individuals attending appointments.

## Working with interpreters

13.31. Interviewers must not use anyone who may be involved in the potential victim's exploitation as an interpreter. Ideally, only professional interpreters should be used to interview individuals. People claiming to be friends or supporters should not be used as formal interpreters. The following good practice applies:

- Where possible victims should be given a choice over the gender of their interpreter. If preferences aren't accommodated it is more likely that full disclosures will not be made.
- Interpreters should never be left alone with a victim, and those working with interpreters should ensure no unmonitored communication takes place
- Victims and interpreters should leave at different times
- Those working with interpreters should be wary of any interpreting activity that is out of the norm or not in keeping with what is being asked to be interpreted. If a victim appears distressed in the presence of an interpreter, the session should cease immediately

## The presence of children in interviews

13.32. The presence of children in an interview situation can hamper the ability and willingness of potential victims to disclose information about their experiences, especially when these have been of a violent or sexual nature. It can also be traumatic for children to be present during an account of traumatic events that have happened to their parents. The person designated to carry out the interview must make arrangements to allow for the interview to take place in private.

## Interviewing victims of sexual assault

13.33. Victims who have been sexually assaulted may suffer trauma which can affect how they respond during interviews. The symptoms of this may include:

- persistent fear
- a loss of self-confidence and self-esteem
- difficulty in concentration
- an attitude of self-blame
- shame
- anger
- hopelessness
- anxiety
- a pervasive loss of control and memory loss or distortion

13.34. Female victims may prefer to be interviewed by a female caseworker and interpreter. Male or transgender victims of sexual assault may also express a preference. Interviewers should accommodate this where it is both practical and possible to do so.

13.35. Research by the Nottingham Rights Lab has shown that men are more likely to be forcibly sexually exploited in conjunction with other forms of modern slavery, rather than as a primary form, and that they are less likely to reveal sexual assault.

13.36. It is important that services for those that are sexually abused and assaulted focus on individual needs, and recognise that there are different challenges depending on gender of the victim.

13.37. Self-blame, feelings of emasculation and shame are prominent for victims of sexual assault. Giving victims a choice over the gender of their interviewer will support victims to disclose. While both male and female victims will display a range of behaviours, research shows that men will in particular:

- show more hostility and aggression than tearfulness and fear
- may begin to question their own sexual identity or orientation
- act out in sexually suggestive ways
- downplay the impact of their experience

## Child victims as a vulnerable group

13.38. All children are at particular risk of modern slavery. This can include but is not limited to, unaccompanied, internally displaced children or children accompanied by an adult who is not their relative or legal guardian, orphans and children in the care system and children excluded from education. This section provides further information about child victims of modern slavery, and how to deal with cases of potential child victims.

- 13.39. Some children who are under the control of a trafficker may say they are unaccompanied when claiming asylum. They might have entered the UK with a trafficker who may or may not be a family member. In such cases the trafficker may have told the child that by doing so they will be granted permission to stay in the UK and be entitled to claim welfare benefits.
- 13.40. Most children are trafficked for financial gain. This can include payment from or to the child's parents. In most cases, the trafficker also receives payment from those wanting to exploit the child once in the UK.
- 13.41. Exploiters specifically target impoverished communities to exploit their vulnerability. Poor and displaced families may hand over care of their children to exploiters who promise to provide them with a source of income, education or skills training, but ultimately exploit them.
- 13.42. Children trafficked into the country may be registered at a school for a term or longer, before being moved to another part of the UK or abroad. This pattern of registration and de-registration may be an indicator that a child has been trafficked. It has been identified as a particular concern in schools situated near ports of entry, but individuals working with children should be alert to this possibility in all schools. However, those working with potential child victims must always bear in mind not all children who move between schools have been victims of trafficking. For example, there may be instances of children from communities that move around – Gypsy, Roma, traveller or migrant families – who collectively move school.
- 13.43. Parents and relatives may also be involved in the exploitation of the child. The children are likely to be very loyal to their parents or carers so those working with potential child victims must not expect them, of their own initiative, to seek protection against such people. For more information, see the [UNHCR Handbook for the protection of internally displaced persons](#).
- 13.44. In order to determine whether a child is a potential victim of modern slavery, those working with victims need knowledge and understanding about child victims of modern slavery as characteristics and issues may be different to adult victims, including their:
- added vulnerability
  - developmental stage
  - possible grooming by the perpetrator
- 13.45. Frontline staff must deal with children as a priority because of their vulnerability and must deal with the child with care to avoid them being alarmed or concerned.
- 13.46. The SCA should not make a negative decision on a child case without contacting the Local Authority children's services.
- 13.47. For information on determining whether someone is a child victim see the section on [Presumption of Age](#).

13.48. Like victims of other forms of child abuse, a child who is a victim of modern slavery will describe the behaviour that has to be assessed against indicators of child abuse and modern slavery. Children may not be familiar with the words 'slavery' or 'trafficking' or be able to label their experience as abuse.

13.49. Those working with children should be mindful of children who speak English as a second language or not at all. They should also be mindful of those with disabilities or learning difficulties. These factors may make it more difficult for the child to describe what has happened to them.

## Missing Children and Re-trafficking

13.50. Where a child is a potential victim of trafficking, there is an increased risk that they will go missing; this can include a number of repeat missing episodes or they may go permanently missing. As a result of these missing episodes, there is a heightened risk that they may return to their traffickers and be re-trafficked. The risk to the child will continue to remain high due to the experiences the child may have suffered at the hands of their traffickers and the hold the traffickers have on the child.

13.51. [Statutory guidance](#) on care of unaccompanied migrant children and child victims of modern slavery is available to support Local Authorities in their duties to protect and support these children. This guidance sets out that:

**In addition, whether a child is a potential victim of modern slavery or not, any child who has been groomed and coerced into sexual exploitation, including UK nationals, should be safeguarded under the measures outlined in [Child sexual exploitation: definition and guide for practitioners](#), published in 2017. This guidance should be read alongside [Working Together to Safeguard Children](#), revised in 2018, which provides statutory guidance covering the legislative requirements on services to safeguard and promote the welfare of children, including in relation to child sexual exploitation.**

13.52. Statutory guidance on [children who run away or go missing from home or care \(2014\)](#) should be referred to by all staff involved in the care and support of children.

## Further guidance on working with child victims

13.53. A child-centred approach should be taken when supporting child victims of modern slavery. This means keeping the child in focus when making decisions about their lives and working in partnership with them.

13.54. The **Child Trafficking Advice Centre (CTAC)**, part of the National Society for the Prevention of Cruelty to Children (NSPCC), operates a child trafficking advice and information line which offers direct assistance to professionals dealing with children who show signs of having been trafficked.



13.55. CTAC have a national remit and are staffed by qualified social workers and a police liaison officer. They can offer advice on how to address the child's needs and information on statutory duties in regard to safeguarding children from harm. It also offers guidance by telephone and a case consultancy service by appointment, in addition to free training on child trafficking. The advice line number is **0808 800 5000**.

## Further guidance on interviewing children

13.56. In addition to the guidance set out earlier in this section the following further guidance is relevant to anyone conducting interviews with children. Anyone interviewing a child should have had specific training on interviewing children.

13.57. Special provision should be put in place to support dialogue with children who are victims of modern slavery. Where possible, it is important to establish a trusted relationship with the child. Having built this trusted relationship it is best practice to discuss with the child the process involved and explain that the information they provide may be shared with other professionals as necessary.

13.58. However, the difficulties faced by adult victims described in this section can apply equally to child victims. In addition, child victims may be unable to disclose or give a consistent credible account due to additional factors such as:

- their developmental stage
- the on-going nature of abuse throughout childhood and/or grooming
- loyalty or perceived friendships with exploiters
- fear of traffickers or exploiters, violence, or witchcraft

13.59. It is also important to recognise that a child's developmental age may not match what may be expected for the child's chronological age. The interviewer should assess the child's needs and language abilities and adapt their approach accordingly.

13.60. Children cannot always provide as much detail as adults when they recall abusive experiences so, evidence from other agencies involved with the child (for example Local Authorities) should be sought before it is determined an interview is necessary.

13.61. If during an interview the interviewer believes the child is too traumatised to provide information, they must pause the interview and re-assess the situation. If the child is unable to continue, they must rearrange the interview for another date.

13.62. Staff at the SCA must avoid interviewing a child specifically for the purpose of reaching a decision under the NRM if:

- there are specialists in other agencies capable of doing so
- the modern slavery issues have already been clarified in other interviews, such as part of the asylum process

13.63. If the SCA needs more information to make a NRM decision, the SCA must request this information from the First Responder. If more information is still required, the SCA must consider asking the Local Authority or police to interview the child on its behalf.

Police should refer to [Achieving Best Evidence in Criminal Proceedings Guidance](#) on interviewing victims and witnesses, and guidance on using special measures when interviewing potential child victims.

# Annex E – Guidance for SCA staff on the NRM decision-making process

14. This Annex provides detailed guidance for staff at the SCA.

## Assessing credibility and other evidence during the decision-making process

- 14.1. SCA staff need to assess whether a potential victim's account of modern slavery is credible when making a Reasonable Grounds and Conclusive Grounds decision.
- 14.2. Good practice in working with victims who have experienced trauma should be observed. See the section on [Working with vulnerable people](#) for more information. However, the need to take into account the impact trauma is likely to have on the individual's ability to recall events does not remove the need to assess all information critically and objectively when considering the credibility of a case.

## Assessing credibility

- 14.3. The SCA is entitled to consider credibility as part of their decision-making process at both the Reasonable Grounds and Conclusive Grounds stages. When SCA staff are assessing the credibility of an account, they must consider both the external and internal credibility of the material facts.
- 14.4. If they fit the definition of human trafficking or slavery, servitude, and forced or compulsory labour, there is reliable supporting evidence and the account is credible to the required standard of proof, the SCA should recognise the person as being a victim of modern slavery.

## Mitigating circumstances

- 14.5. It is important for the SCA to assess all information critically and objectively when the SCA considers the credibility of a case, but it is also vital for decision makers to have an understanding of the mitigating reasons why a potential victim of modern slavery is incoherent, inconsistent or delays giving details of material facts.
- 14.6. Throughout this process it is important to remember that victims of modern slavery have been through trauma, and that this may impact on the information they provide. Due to the trauma of modern slavery, there may be valid reasons why a potential victim's account is inconsistent or lacks sufficient detail. Staff at the SCA should have account of any relevant factors set out in the [Working with vulnerable people](#) section when making a decision as this section outlines some of the challenges victims may face in providing

a clear and consistent account of their experiences. The SCA should take these reasons into account when considering the credibility of a claim.

14.7. In cases of child trafficking, the SCA must keep in mind the child's:

- added vulnerability
- developmental stage
- possible grooming by the traffickers and exploiters

## Materiality

14.8. In assessing credibility the SCA should assess the material facts of past and present events (material facts being those which are serious and significant in nature) which may indicate that a person is a victim of modern slavery. It is generally unnecessary, and sometimes counter-productive, to focus on minor or peripheral facts that are not material to the claim.

14.9. The SCA should assess the material facts based on the following:

- are they coherent and consistent with any past written or verbal statements?
- how well does the evidence submitted fit together and does it contradict itself?
- are they consistent with claims made by witnesses and with any documentary evidence submitted in support of the claim or gathered during the course of your investigations?

14.10. Where there is insufficient evidence to support a claim that the individual is a victim of modern slavery (for example where the case is lacking key details, such as who exploited them or where the exploitation took place) staff at the SCA are entitled to question whether the Reasonable Grounds or Conclusive Grounds threshold is met. However, they must also consider whether they need more information as set out in [When the SCA may need to make further enquiries at the Reasonable Grounds stage](#) and [When the SCA may need to make further enquiries at the Conclusive Grounds stage](#).

## Level of Detail

14.11. The level of detail with which a potential victim presents their claim is a factor when the SCA assesses credibility. It is reasonable to assume that a victim giving an account of their modern slavery experience will be more expressive and more likely to include sensory details (for example what they saw, heard, felt or thought about an event) than someone who has not had this experience. However, some traumatised individuals can struggle to verbally express distressing experiences, may appear numb or disconnected from their words or display other trauma-related responses.

- 14.12. Where there is insufficient evidence to support a claim that the individual is a victim of modern slavery the SCA is entitled to question whether the Reasonable Grounds or Conclusive Grounds threshold is met. However, they must also consider whether they need more information as set out in [When the SCA may need to make further enquiries at the Reasonable Grounds stage](#) and [When the SCA may need to make further enquiries at the Conclusive Grounds stage](#).

## Consistency

- 14.13. It is also reasonable to assume that a potential victim who has experienced an event will be able to recount the central elements in a broadly consistent manner. A potential victim's inability to remain consistent throughout their written and oral accounts of past and current events may lead the SCA to disbelieve their claim. However, before the SCA comes to a negative conclusion they must first refer back to the First Responder, support provider, other expert witnesses, or the potential victim themselves to clarify any inconsistencies in the claim.
- 14.14. Due to the trauma of modern slavery, there may be valid reasons why a potential victim's account is inconsistent or lacks sufficient detail. The SCA should take account of any evidence of mitigating circumstances that could explain the inconsistency.

## Considering gender and culture

- 14.15. SCA staff need to know how to consider gender and cultural issues in considering credibility.
- 14.16. It is important to understand that distress presents differently in different cultures and that cultural understanding of many situations is variable.
- 14.17. When making Reasonable Grounds and Conclusive Grounds decisions the SCA must take into account the individual position and personal circumstances of the person and consider culture and gender issues.
- 14.18. Men and women from the same country of origin may have different experiences due to their cultural, ethnic, gender and sexual identity. For example, women may be unable to disclose relevant details due to cultural and social norms.

## Relevance of potential prosecution of exploiters

- 14.19. SCA staff need to know about how prosecution of their exploiters could impact a victim of modern slavery's Reasonable Grounds and Conclusive Grounds decisions.

14.20. When the SCA is deciding whether there are Reasonable or Conclusive Grounds that a person is a victim of modern slavery, their decision may be influenced by whether the alleged exploiter is being prosecuted. However, the SCA's decision must not be dependent on:

- there being a criminal investigation
- whether the victim cooperates in any criminal proceedings

14.21. The victim identification process is independent of any criminal proceedings against those responsible for the modern slavery. The criminal standard of proof, that is 'beyond all reasonable doubt', is higher than that of the Reasonable or Conclusive Grounds test.

14.22. The SCA must be aware that any information recorded as part of a Reasonable or Conclusive Grounds decision could be disclosed during a prosecution. For information regarding disclosure during criminal investigations see [Record keeping and disclosure](#).

14.23. For more information on Information sharing between the SCA and the CPS and police, see [Annex B](#).

## View of experts during the NRM process

14.24. A Reasonable Grounds or Conclusive Grounds decision may be influenced by the views of experts during the decision-making process. Experts could include qualified medical experts, ICTGs or ICTG Regional Practice Coordinators, the police, social workers and other Local Authority experts, and support providers.

## Evidence from Local Authorities and support organisations

14.25. Although police and intelligence reports can provide objective evidence to strengthen a claim, the SCA must give due weight and regard to the reports and views of the:

- Local Authority children's services for child victims
- ICTG Direct Workers or ICTG Regional Practice Coordinator (where appointed) <sup>7</sup>
- Local Authority Adult Safeguarding Services where engaged
- the support provider under the Victim Care Contract or other agencies involved in support

14.26. These organisations may have spent the most time with the potential victim and established a degree of trust. Victims may not trust or be afraid of the police or immigration officials. They may therefore not be willing to provide statements to law enforcement. In such circumstances non-

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<sup>7</sup> Information on the ICTG Early Adopter Sites can be located [here](#).

governmental organisations may be able to provide more information on the individual's situation and the decision maker must consider any such supporting evidence. The SCA must also take into account any expert reports submitted, particularly those from qualified health practitioners.

- 14.27. When the SCA is deciding children's cases it is essential that they develop good working relations with the Local Authority social workers and other practitioners who have worked on the referral.

## Weight to give to expert reports

- 14.28. Potential victims of modern slavery may rely on documentary evidence to support their claim in the NRM.
- 14.29. The experience and qualifications of the individual providing the supporting evidence and the sources used will be relevant in considering what weight to attach to an expert report and every case must be considered on its merits.
- 14.30. Expert evidence is not determinative of whether the Reasonable or Conclusive Ground test is met but should be taken into account when reaching a conclusion on whether there are reasons why the Reasonable or Conclusive Grounds test is or is not met. There is no requirement to accept an assessment of an expert that a person is or is not a victim. Any expert assessment must be considered in the round with all other evidence.
- 14.31. The individual writing the report may not have access to the full range of information available to the SCA and all relevant evidence, including any documentary evidence, must be considered when making a Reasonable or Conclusive Grounds decision.
- 14.32. Where an expert report is considered when assessing a claim under the NRM, and other information is available, all the information and relevant reports should be considered. If there are several expert reports all must be taken into account. A decision should not rely on an expert report alone without considering all relevant information.
- 14.33. A decision should not rely on an expert report alone where there is other relevant information available. A decision should not rely on an expert report without the SCA making other independent enquiries into the potential victim's circumstances and credibility, and an expert report should be considered and weighted appropriately alongside other evidence.
- 14.34. Where a potential victim of modern slavery relies on medical evidence it should be from a medical professional who is qualified in the appropriate field including information such as the relevant physical or mental condition, when that condition has been diagnosed and why that condition or any treatment relating to it is relevant to modern slavery.



- 14.35. The SCA will not make a determination on a potential victim's nationality. The purpose of the NRM is to identify and support victims of modern slavery. However, the SCA will consider evidence from a range of sources and assess the credibility of a potential victim's case which may include consideration of the potential victim's claimed nationality for the purposes of their case and the claims they are a victim.
- 14.36. Any evidence supplied must be capable of being verified by the SCA where appropriate.

## Insufficient evidence

- 14.37. Where there is insufficient evidence to support a claim that the individual is a victim of modern slavery, staff at the SCA are entitled to question whether the Reasonable Grounds or Conclusive Grounds threshold is met. However, the SCA should attempt to gather more information before making a determination. Attempts to gather further information should be recorded, even when no further information has been obtained.

## Assessing victims who were exploited overseas or historic claims

- 14.38. While a victim must be physically in the UK in order to receive NRM related protection and assistance, the fact that a victim has been exploited outside of the UK does not preclude the SCA from making a determination.
- 14.39. A person who says they have been a victim of modern slavery overseas should be assessed on the same basis as a person who states they have been a victim of modern slavery in the UK.
- 14.40. Although they may be far removed from their situation of modern slavery, they may still have been subjected to exploitation and may therefore be considered a victim of modern slavery. They may also still be traumatised by their experience even in historic cases.
- 14.41. Similarly, a person may have been exploited some time ago and the situation of exploitation now over. These scenarios are often referred to as historic claims as they might be referred to the NRM long after the exploitation has ended. The SCA should still make a determination on whether the person is a victim of modern slavery if the case is referred in to the NRM as the NRM decisions are not an assessment of future harm but a finding of fact as to whether the individual is a victim of modern slavery.
- 14.42. The SCA must offer potential victims of historic claims the support and protection extended to victims of modern slavery while their modern slavery case is considered within the NRM.

14.43. With these cases the SCA must pass any details of the alleged trafficking or exploitation to the NRM Intelligence Hub so they can consider raising it with the authorities in the country where the offence was committed.

## How a referral is made

14.44. When a First Responder believes a person is a potential victim of modern slavery, and the victim is a child or an adult who has given informed consent, they will submit a referral to the SCA, who will log the referral. See [First Responder Organisations and First Responders](#) for more information on who is a First Responder and [Referring a potential adult victim](#) and [Referring a potential child victim](#) for more information on how referrals are made.

## Validating and acknowledging a referral

14.45. Staff at the SCA will validate a NRM referral. The process SCA staff will follow is:

- Check whether the referral is a duplicate or refers to an existing case.
- Check there is sufficient information contained in the referral. If not, the SCA staff will contact the First Responder Organisation for more information and any other agencies involved with details supplied as part of the referral.
- If the potential victim has any immigration history on the Home Office Case Information Database (CID), check that they have been identified as having a 'Potential Victim of Trafficking' special condition. If not, the SCA will add this to the record and raise a barrier to removal if this is not already in place.
- The SCA will acknowledge it has received the referral form by sending an acknowledgement notification to:
  - the **First Responder**
  - the **Salvation Army** for cases in England and Wales where the adult has consented to support, **Trafficking Awareness Raising Alliance (TARA) or Migrant Help** in Scotland, **or Migrant Help or Women's Aid** in Northern Ireland, where the adult has consented to support.
  - the **Social Worker** (in cases involving children or in adult cases where social services are involved). If there is no social worker listed on the referral form in a case involving a potential child victim the SCA should contact the relevant Local Authority Safeguarding Children Service.
  - The relevant **police force (or National Human Trafficking Unit in Scotland)**

- In England and Wales, the **Independent Child Trafficking Guardian** in cases involving children where ICTG provision is available and the SCA has been notified of their involvement.<sup>8</sup>
- The SCA will set-up the Reasonable Grounds case type with a start date consistent with the date of receipt.
- The SCA must make sure the responsible Local Authority is aware of a child referral from the First Responder.

14.46. Where an adult was a victim of modern slavery as a child, but only referred to the NRM in adulthood, they will be assessed against the child criteria for the purposes of determining whether they are a victim of modern slavery but as they are an adult at the time of the referral, they must consent to their case being referred to the NRM.

## Making a Reasonable Grounds decision

14.47. This section sets out the process the SCA will follow when making a Reasonable Grounds decision.

## Timescale for a Reasonable Grounds decision

14.48. The expectation is that the SCA will make a Reasonable Grounds decision within 5 working days, where possible, of the NRM referral being received.

## Standard of proof for Reasonable Grounds decision

14.49. When the SCA receives a referral, they must decide whether on the information available it is reasonable to believe that a person is a victim of human trafficking or slavery, servitude and forced or compulsory labour.

14.50. The test the SCA must apply is whether the statement:

**'I suspect but cannot prove' the person is a victim of modern slavery (human trafficking or slavery, servitude, or forced or compulsory labour)'**

- is true; or
- whether a reasonable person having regard to the information in the mind of the decision maker, would think there are Reasonable Grounds to believe the individual is a victim of modern slavery (human trafficking or slavery, servitude or forced or compulsory labour)

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<sup>8</sup> In Northern Ireland and Scotland see devolved legislation and guidance for information on similar services available.

- 14.51. It may not be initially clear to the SCA whether a potential victim has been subject to human trafficking or slavery, servitude, and forced or compulsory labour. To reach a positive Reasonable Grounds decision the SCA just needs to determine that, on the information available, it is reasonable to believe that a person is a victim of modern slavery; the SCA does not need to distinguish at the Reasonable Grounds stage which form of modern slavery they have experienced.
- 14.52. Reasonable suspicion would not normally be met on the basis of an unsubstantiated claim alone, without reliable, credible, precise and up to date:
- intelligence or information
  - evidence of some specific behaviour by the person concerned
- 14.53. Where reliable, credible, precise and up to date intelligence, information or evidence is present, it must be considered in reaching a Reasonable Grounds decision.

## Evidence gathering at the Reasonable Grounds stage

- 14.54. The Reasonable Grounds decision has significant consequences for the potential victim in terms of protection and support (and potential further stay in the UK if they are subject to immigration control). It is important that the SCA decision is of the highest possible standard and takes all available evidence into account when reaching the decision, including the expert views of those surrounding the individual.
- 14.55. Reasonable suspicion would not normally be met on the basis of an unsubstantiated claim alone, without reliable, credible, precise and up-to-date reference to some or all of the below:
- reference to the [indicators](#) of modern slavery in the referral
  - intelligence or information from law enforcement agencies, including objective country of origin evidence
  - information from First Responders, support organisations, social services and persons involved in assisting the victim
  - evidence of some specific behaviour by the person concerned
- 14.56. This is a non-exhaustive list and there may be additional information that is relevant. Where reliable, credible, precise and up-to-date intelligence, information or evidence is present and relevant, it must be considered in reaching a Reasonable Grounds decision.
- 14.57. It is unlikely that an interview will be conducted at the Reasonable Grounds stage given that the SCA aims to provide a decision within 5 working days wherever possible. In some cases, this period might also be an inappropriate time to carry out a formal interview.

- 14.58. If a person is a victim of modern slavery then they are a victim of a crime. It is not necessary for a victim to cooperate with a criminal case in order to obtain a Reasonable Grounds decision. The SCA can explore information about the alleged offence in consultation with law enforcement agencies, as part of the Reasonable Grounds assessment. The absence of such information should not be taken as an indication that someone is not a victim as there may be a range of reasons why information cannot be obtained from law enforcement agencies, for example, if exploitation occurred abroad.
- 14.59. It is not necessary to prove that an offence has taken place, or for there to be an ongoing criminal investigation to find that an individual is a victim of human trafficking and/or slavery, servitude, and forced or compulsory labour.
- 14.60. Where there is insufficient information to make a decision the SCA should request more information from parties involved in the case as far as it is reasonable to do so. This may include, but is not limited to, the First Responder Organisation, support providers, social services (where involved), ICTG (where one has been appointed) or other persons involved in assisting the victim. In some cases, it may also be appropriate to seek information from the potential victim. See [When the SCA may need to make further enquiries at the Reasonable Grounds stage](#).
- 14.61. For information on how to assess credibility during the NRM process please see [Assessing credibility](#). Where the assessment of credibility undermines an individual's account to the point that the Reasonable Grounds standard of proof can no longer be met, the SCA must conclude that the subject is not a victim of modern slavery.
- 14.62. If Decision Makers are unsure about their decision, they must seek assistance from a technical specialist.
- 14.63. The SCA may become aware of reference numbers that individuals have related to non-NRM cases, such as a Port Reference number or Home Office Reference number. The SCA should keep these details on the NRM record to assist with identification and information sharing.

## Making a positive Reasonable Grounds decision

- 14.64. If the SCA has sufficient evidence to make a positive decision it should do so immediately.
- 14.65. A referral may be able to provide information that meets or goes beyond the required standard of proof for the Reasonable Grounds test. In these circumstances the SCA must advise the First Responder that:
- the case meets the Reasonable Grounds test
  - any further information will be taken into account for the Conclusive Grounds decision

14.66. The SCA must make a positive decision as soon as they have sufficient information to decide there are Reasonable Grounds to believe the person is a victim of modern slavery, even if it is likely further information will be available at a later stage.

### **Making a Reasonable Grounds decision for a potential child victim**

14.67. To determine whether there are Reasonable Grounds to believe a child is a victim of modern slavery, SCA staff need knowledge and understanding about child victims of modern slavery, as characteristics and issues may be different to adult victims.

14.68. In cases of potential child victims, SCA staff must remember that it is not possible for a child to give informed consent to engage in criminal or other exploitative activity, and they cannot give consent to be abused or trafficked, and so decision makers do not need to consider the means used for the exploitation. SCA Staff must also keep in mind the child's:

- added vulnerability
- developmental stage
- possible grooming by the perpetrator

14.69. No child's case should be considered without contacting individuals who specialise in children from the Local Authority with responsibility for the area the child resides. For more information see the section on [child victims as a vulnerable group](#).

### **When the SCA may need to make further enquiries at the Reasonable Grounds stage**

14.70. Where it appears that the Reasonable Grounds test may be negative, the SCA must request more information from the following parties involved in the case as far as it is reasonable to do so and give them the opportunity to provide any further information before taking the decision:

- The First Responder Organisation
- Adult Safeguarding Services (where engaged in the case of adults)
- Child Social Services or the equivalent body in Northern Ireland (where engaged in the case of children)
- ICTG (where appointed)
- The VCC support provider (where appointed)
- The relevant police force or National Human Trafficking Unit in Scotland (where already engaged)

14.71. The SCA may also seek information from VCC support providers or other persons involved in assisting the victim where appropriate.

14.72. The SCA should make reasonable enquiries of agencies involved in the case in a collaborative manner. The SCA should bear in mind the

relatively low threshold of the Reasonable Grounds test as well as the limited 5 working days timescale when making these enquiries.

- 14.73. If after contacting the relevant parties there is insufficient information to conclude that the Reasonable Grounds test is met, the SCA is entitled to make a negative decision but should document what attempts have been made to gather further information in the NRM minute.

### Quality assuring a negative Reasonable Grounds decision “Second pair of eyes”

- 14.74. Any negative Reasonable Grounds decision will be reviewed by a second caseworker or manager/technical specialist to ensure the decision taken is in line with policy. Details of the officer responsible for the review must be kept on record.
- 14.75. The SCA may undertake a second pair of eyes review of positive NRM decisions if they wish, but they are not obliged to do so.

### Recording the Reasonable Grounds decision

- 14.76. As part of the SCA decision making process, staff at the SCA must keep a detailed consideration minute. See the section on [Actions for the Single Competent Authority following a National Referral Mechanism decision](#) for further information regarding this process.

### Making a Conclusive Grounds decision

#### Timescale for Conclusive Grounds decision

- 14.77. There is no target to make a Conclusive Grounds decision within a specific timeframe. A Conclusive Grounds decision should be made as soon as possible after the 45-calendar day Recovery Period has ended, unless the SCA has received a [Request to delay the decision](#). The 45 day period begins when the SCA makes a positive Reasonable Grounds decision. The SCA is responsible for making a Conclusive Grounds decision.

#### Timescale for Child Victims

- 14.78. As in cases involving an adult, for all cases where the potential victim is currently a child, a NRM decision should be made as soon as possible, providing there is sufficient information to make the decision and it is in the child’s best interest to make the decision at that time.
- 14.79. Where possible, the SCA should seek to make a decision about a child victim before the individual reaches the age of 18, but should not do so at the expense of the child’s best interests, for example, if the SCA requires more information and this will not be available until after the child turns 18.



14.80. As in cases involving an adult, if the child is subject to criminal proceedings, the SCA should consider the child's case as a matter of urgency and inform all interested parties as soon as the decision is made. A decision should only be made where there is sufficient information available to do so.

## Requests to delay making a Conclusive Grounds decision

14.81. The SCA may receive a request to delay making a Conclusive Grounds decision; for example, until an interested party can submit further information they deem relevant to a case.

14.82. The SCA must consider the circumstances of the request, whether the additional information is required for the decision, and as such whether it is appropriate to keep the individual in the Recovery Period rather than proceeding with a decision. The SCA must inform the victim of the outcome of the request to delay and provide reasons if the request is refused.

## Standard of proof for Conclusive Grounds decision

14.83. At the Conclusive Grounds decision stage, the SCA must consider whether, 'on the balance of probabilities', there is sufficient information to decide if the individual is a victim of modern slavery.

14.84. The 'balance of probabilities' essentially means that, based on the evidence available, modern slavery is more likely than not to have happened. This standard of proof does not require the SCA to be certain that the event occurred.

14.85. In reaching their decision the SCA must weigh the balance of probabilities by considering the whole modern slavery process and the different and interrelated actions that need to have taken place. To make their decision, they must weigh the strength of the evidence presented, including the credibility of the claim, and use common sense and logic based on the particular circumstances of each case.

## Evidence gathering at the Conclusive Grounds stage

14.86. There may be insufficient information in the NRM Referral Form in order to make a Conclusive Grounds decision.

14.87. The SCA must make every effort to request all available information that could prove useful in establishing if there are Conclusive Grounds.

14.88. If the SCA cannot make a Conclusive Grounds decision based on the evidence available, they must gather evidence or make further enquiries during the recovery and reflection period.

14.89. The SCA must request more information from the following parties involved in the case as far as it is reasonable to do so and give them the opportunity to provide any further information before taking the decision:

- The First Responder Organisation
- Adult Safeguarding Services (where engaged in the case of adults)
- Child Social Services or the equivalent body in Northern Ireland (where engaged in the case of children)
- ICTG (where appointed)
- The VCC support provider (where appointed)
- The relevant police force

14.90. The SCA may also seek information from other support providers or other persons involved in assisting the victim where appropriate. In cases where it is likely that the person will be issued a negative Conclusive Grounds decision, the SCA should ensure all relevant questions have been asked. This might include asking another frontline agency, the potential victim's legal representative or the support provider to obtain further information or answers to any outstanding questions on behalf of the SCA as appropriate.

14.91. Some of the indicators on the referral form may not be apparent on the initial encounter but may become clear later, for example during any subsequent interviews with an interpreter and/or at a safe location (for example in a police station). The SCA should be mindful of any ongoing process which may be able to provide additional information.

14.92. The SCA must also take into account any expert reports submitted, particularly those from qualified health practitioners. See [Views of experts during the NRM process](#).

14.93. The SCA should also take into account objective country of origin information and other published information from a trusted source relating to known or emerging patterns of modern slavery.

## Interviews relating to a Conclusive Grounds decision

14.94. There is no requirement for the SCA to interview a potential victim and in most NRM cases an interview will not be necessary. This is because there will generally be sufficient information available from other parties involved in the individual's case, such as the police and support workers, to enable a decision to be made fairly without the potential victim needing to be interviewed.

14.95. If the information available is limited however, for example because there are no other parties such as police or support providers involved in the individual's case; the First Responder can provide no further information, and the information received so far is insufficient to fairly make a decision, then

an interview conducted by the SCA may help the individual to provide further detail about their modern slavery experience.

- 14.96. Where there are questions that need to be put to a potential victim in order to gather further information about their case, the SCA must consider submitting questions in writing, either via the police, the support provider (in adult cases), or the local authority (particularly in cases involving children).
- 14.97. Where information is available but is contradictory the SCA must consider whether further information is required to permit a decision to be made fairly. If further information is required from the potential victim or if they need to be asked to account for inconsistencies then the SCA should consider whether the potential victim needs to be interviewed or whether they can fairly be asked to account for inconsistencies by other methods, such as in writing.
- 14.98. Before they proceed with an interview, the SCA must balance the benefits of an interview against any potential risks in terms of re-traumatising an individual and also any delay that organising and conducting an interview may cause to making a decision. The SCA must therefore always attempt to gather all available information from other sources before deciding that an interview is required.
- 14.99. The SCA must consider whether it would be more appropriate to submit questions in writing or through the support provider, police or local authority (in the case of children and Adults at Risk), or another professional involved in their support. The SCA should also consider whether it would be more appropriate to submit questions to another body to be asked during a different interview, for example, during an asylum or police interview. The decision should be made having regard to the victim's circumstances.
- 14.100. Where all other sources have been exhausted and there is still insufficient information available to make a decision fairly the SCA must note in the NRM case record that an interview is required.
- 14.101. An interview is more likely to be appropriate at the conclusive grounds stage than at the reasonable grounds stage. At the reasonable grounds stage the standard of proof, timescales for decision-making and point in the process for the victim mean that an interview will rarely be appropriate.
- 14.102. The SCA should carefully consider the timing of an interview including whether any interview during the first 45 days of the Recovery Period is appropriate based on the facts of the individual case, balanced with the need to not unduly delay decision-making.
- 14.103. Some victims may have been traumatised by their experiences and there may be circumstances in which it would be right to delay the interview. If a victim is unable to attend an interview due to their psychological instability or other compassionate circumstance, then their legal representative or support provider should write to the SCA to explain the reasons for this and

provide a realistic timescale as to when they can be interviewed, and documentary evidence should be provided from a qualified practitioner in all cases. It is the SCA's discretion as to whether the interview is delayed or not.

14.104. Where the SCA does seek to arrange an interview the SCA will determine who is best placed to carry out the interview of the potential victim, and whether it would be beneficial for the support provider to be present during the interview. The SCA will expect the person designated to carry out the interview to look at whether any other arrangements need to be considered, for example in respect of whether the potential victim has a preference regarding the gender of the interviewer and interpreter.

14.105. See [this section](#) for more information on interviewing people who have experienced trauma should the SCA determine an interview is necessary.

## Making a positive Conclusive Grounds decision

14.106. If the SCA has sufficient evidence to make a positive Conclusive Grounds decision it should do so immediately. However, the victim may not be notified of the decision before the 45-calendar day Recovery Period is complete.

14.107. Where there is insufficient information to make a Conclusive Grounds decision on the balance of probabilities, the SCA should gather additional information until it is able to make a decision.

## Making a Conclusive Grounds decision for a potential child victim

14.108. To determine whether there are Conclusive Grounds to believe a child is a victim of modern slavery, SCA staff need knowledge and understanding about child victims of modern slavery, as characteristics and issues may be different to adult victims.

14.109. In cases of potential child victims, SCA staff must remember that it is not possible for a child to give informed consent to engage in criminal or other exploitative activity, and they cannot give consent to be abused or trafficked, so decision makers do not need to consider the means used for the exploitation. SCA staff must also keep in mind the child's:

- added vulnerability
- developmental stage
- possible grooming by the perpetrator

14.110. No child's case should be considered without contacting individuals who specialise in children from the Local Authority with responsibility for the area the child resides. For more information see the section on [child victims as a vulnerable group](#).

## When the SCA may need to make further enquiries at the Conclusive Grounds stage

- 14.111. Where it appears that the Conclusive Grounds decision may be negative on the balance of probabilities, the SCA should contact the First Responder, support providers, police and Local Authority as appropriate (and ICTG where available) to discuss their decision and give them the opportunity to provide any further information before taking the decision.
- 14.112. If the decision is still negative, it will then proceed to a 'second pair of eyes' review and then be considered by [Multi Agency Assurance Panels](#).

## Quality assuring the Conclusive Grounds decision (Second pair of eyes)

- 14.113. As with a negative Reasonable Grounds decision, a negative Conclusive Grounds decision must also be reviewed by a second caseworker or manager. See Quality assuring the Reasonable Grounds (or Conclusive Grounds) decision (second pair of eyes).

## Recording the Conclusive Grounds decision

- 14.114. At the Conclusive Grounds stage there are three potential outcomes on the case:
- the individual is recognised as a victim of modern slavery (human trafficking)
  - the individual is recognised as a victim of modern slavery (slavery, servitude and forced or compulsory labour)
  - there is insufficient evidence to recognise the individual as a victim of modern slavery<sup>9</sup>
- 14.115. As part of the SCA decision making process, staff at the SCA must keep a detailed consideration minute. See [Actions for the Single Competent Authority following a National Referral Mechanism decision](#) for more information.
- 14.116. Where the assessment of credibility undermines an individual's account to the point that the Conclusive Grounds standard of proof can no longer be met, the SCA must conclude that the subject is not a victim of modern slavery.
- 14.117. When the SCA comes to a decision they must consider that victim service providers need to prepare the person for the outcome and that the decision may directly impact on any criminal investigation.

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<sup>9</sup> Where someone has not been found to have been a victim of modern slavery at this time but has been a victim of labour exploitation they will be entitled to the usual protections granted in UK law.

## Multi-Agency Assurance Panels (MAAPs)

- 14.118. The MAAPs form part of the revised decision-making process within the SCA. The main aim and purpose of introducing MAAPs is to help ensure robust and consistent decision-making processes are undertaken within the NRM, as well as to improve victim and stakeholder confidence in NRM decisions.
- 14.119. MAAPs are required to review all negative Conclusive Grounds decisions made by the SCA across England, Wales, Scotland and Northern Ireland for all cases submitted to the SCA. MAAPs do not review negative Reasonable Grounds decisions or decisions that were taken prior to the existence of the SCA.
- 14.120. MAAPs add a further level of scrutiny into the decision-making process, meaning that all negative Conclusive Grounds decisions on referrals made to the SCA are considered by three separate individuals or groups (the SCA decision maker, the SCA technical specialist, and the MAAP).
- 14.121. MAAPs do not hold a decision-making role. Their role is to consider all negative Conclusive Grounds decisions, assessing the information available to the decision maker at the time they made the decision, confirm whether they agree that the decision maker has made the decision in line with guidance, and that the evidence provided and used in the decision-making process has been appropriately weighed and considered. The MAAP chair records and documents the outcome of the discussion, detailing the reasons why there may be a disagreement with the decision made by the SCA. This is then emailed back to the SCA.
- 14.122. To enable the MAAP to reach a conclusion on each case referred to them, they have access to the same evidence that the SCA decision maker has made their decision upon.
- 14.123. The final decision regarding the Conclusive Grounds decision remains the responsibility of the SCA. MAAPs do not have the ability to overturn negative Conclusive Grounds decisions made by the SCA.
- 14.124. The MAAPs have the ability to ask the SCA to review a case, where they consider that the decision has not been made in line with the existing Competent Authority guidance; that, in the MAAPs view, evidence that would add value and clarity has not been sought; or that the evidence that has been provided and used in the decision-making process was not appropriately weighed and considered. The SCA will review this feedback; however, the final decision whether further consideration is required, and if so whether the outcome should be different ultimately lies with the SCA.
- 14.125. Questions the MAAPs may pose to reach their conclusions, may include:

- were all the required parties contacted to obtain information?
- were the people contacted given sufficient time to respond?
- was the evidence provided used in the decision-making process?
- was the evidence appropriately weighed and considered?

14.126. The SCA must give consideration to the MAAPs review of the negative Conclusive Grounds decisions. However, it is not obliged to consider a case further even if the MAAP agrees to recommend for this to happen. If the SCA proceeds with issuing the negative Conclusive Grounds decision it must feed back to the MAAP the reasons for doing so.

14.127. Further information regarding the process is detailed in the '[MAAP Process](#)' section.

### **Role: Chair of MAAP**

14.128. The chair is required to review the information on each case assigned to them in advance of attending the MAAP. The chair is required to listen to the views of the panel members and share their own views regarding whether the negative Conclusive Grounds decision was made in line with guidance, and whether the evidence provided and used in the decision-making process was appropriately weighed and considered.

14.129. The chair should enable each of the panel members to be responsible for leading on specific cases that are to be discussed during the MAAP. This will ensure an informed discussion across all MAAP members takes place, sharing knowledge and perspectives. The chairs and the panel members will be made aware of the allocation of cases within the originating email that contains the case files, to avoid confusion or duplication of effort.

14.130. The chair of the MAAP will be responsible for achieving a consensus among MAAP panel members in its review of all negative Conclusive Grounds decisions referred to them by the SCA. If reaching a consensus is not achievable, then a majority decision of the MAAP will be suitable, with the chair holding any casting vote, if required.

14.131. Chairs will be able to chair MAAPs considering both adult and child cases.

14.132. The chair is required to record and document the outcome of the discussion the MAAP has had on each negative Conclusive Grounds decision, be that an agreement or disagreement, and will own this document. This information will be contained in the email the chair will send back to the SCA. If the MAAP disagrees with the negative Conclusive Grounds decision, the chair will be required to provide reasons as to why there was disagreement with the decision made by the SCA, along with any significant discussion points made during the MAAP. All this information should be emailed back to the SCA. See '[MAAP Process](#)' section for further information.



- 14.133. Quarterly meetings will be held between MAAP chairs, the SCA, and Modern Slavery Unit NRM policy team, to maintain regular feedback. The meeting will provide all parties with the opportunity to meet, share lessons learned and best practice as well as highlighting issues, trends and themes that may have arisen during the process.
- 14.134. Similarly, it will provide the opportunity for the SCA to highlight areas that may require discussion and investigation. The meeting will ensure ongoing consistency across MAAPs and enable the SCA to reflect and act on issues raised, where possible and appropriate.
- 14.135. Outside of the quarterly meetings, if there are specific issues that a chair is facing or may have experienced, and they wish to discuss these with the SCA or Modern Slavery Unit, they should contact the SCA and a conversation or meeting will be arranged accordingly.
- 14.136. The chairs will be required to undertake annual performance appraisals as detailed in their Terms of Appointment. The performance appraisals will be undertaken by a senior member of the Home Office.

## **Role: Panel Members**

- 14.137. MAAP panel members will comprise a range of representatives from relevant agencies, organisations and partners, including NGOs, with a background or relevant interest in modern slavery issues and in protecting vulnerable individuals. MAAP panel members will consist of individuals from the following areas:
- Police / Law Enforcement
  - Local Authority (adult/child respectively)
  - NGO (adult/child respectively)
- 14.138. The knowledge and experience that panel members bring to the discussion of the cases must be recognised by all attendees, including the chair. To ensure all views are respected and appreciated, it is of paramount importance that an equivalence of contribution is fostered across MAAPs and by all attendees. Training which reflects the SCA decision-makers' training is provided to support the MAAP role. The training is provided to all MAAP chairs and panel members in advance of undertaking the role.
- 14.139. It is recognised that there will be times when a full complement of agencies attending each MAAP will not be possible. In these circumstances, the MAAP would be quorate if there is a chair and two panel members (from the three areas detailed above) in attendance.
- 14.140. The role of panel members will be to review every case assigned to the panel. Panel members will be required to lead on one or two cases during each MAAP. These cases will be allocated randomly to the panel members. Panel members will be made aware of the allocation of cases within the originating email that contains the case files.

14.141. At the MAAP, panel members will be invited by the chair to introduce and initiate the discussion about the cases they are leading on. All panel members will be required to share their views on cases being discussed, indicating whether they believe the negative Conclusive Grounds decisions were made in line with guidance, and whether the evidence provided and used in the decision-making process was appropriately weighed and considered.

## MAAP meetings and availability

14.142. It is the expectation that MAAP chairs and panel members will attend two or three MAAPs a month depending on availability and volume of cases.

## Terms of Appointment

14.143. Both MAAP chairs and panel members will be required to complete 'Terms of Appointment' which will include the need for confidentiality and recognition of data protection and sharing agreements, as well as the requirement to declare potential conflict of interests with cases being reviewed.

14.144. To ensure the independence of the MAAPs, where conflicts of interest are declared, the SCA would transfer the case to a different MAAP or require the panel member with the conflict of interest to remove themselves for the discussion of that case, or for the case to be referred to an alternate panel.

14.145. Prior to attending a MAAP, both chairs and panel members must be security cleared due to the information they will be reviewing.

## MAAP Process

14.146. The MAAP forms part of the revised decision-making process within the SCA. The MAAPs only review negative Conclusive Grounds decisions on cases which have been referred to the SCA.

14.147. Once a negative Conclusive Grounds decision has been made by the SCA decision maker, a technical specialist within the SCA who has appropriate experience in modern slavery work must review the negative decision to make sure it is in line with the existing policy. If the technical specialist agrees that the decision should remain a negative Conclusive Grounds decision, they will refer it to the MAAP for further assurance.

14.148. This process will all take place in advance of the individual being advised of their NRM decision. The MAAP will add a further level of scrutiny into the decision-making process, meaning that all negative Conclusive Grounds decisions will be considered by three separate individuals or groups (the SCA decision maker, the SCA technical specialist, and the MAAP).

- 14.149. Using the email provided by the MAAP members, each case file will be emailed individually by the SCA to the members of the MAAP who will be attending the panel, thereby ensuring all the MAAP have access to the same documents. Each email will contain a single negative Conclusive Grounds decision along with all the relevant information used by the SCA decision maker to make the original decision. In line with General Data Protection Regulations (GDPR) requirements, some of the information that relates to the potential victim may be redacted. This information may include biographical information to protect the individual's identity; or information that is not of relevance or has not been used in the decision-making process. If any technical issues are experienced with opening the case files, the SCA should be contacted to resolve this.
- 14.150. Decisions for consideration will be issued to MAAP members by the SCA three working days in advance of the MAAP sitting. This will provide time for the negative Conclusive Grounds decisions to be reviewed by MAAP members at their convenience, but in advance of the MAAP taking place.
- 14.151. The MAAP meeting should be undertaken in a courteous manner with all members being respectful of other members' views. The chair will be responsible for the chairing of each MAAP and ensuring the meeting runs to schedule.
- 14.152. When reviewing each negative Conclusive Grounds decision, it is important to reflect on the role of the MAAP. The MAAP's role is to consider whether the negative Conclusive Grounds decision was made in line with current guidance (i.e. were all the required parties contacted to obtain information; were they given sufficient time to respond; was all appropriate evidence obtained; and was the evidence that was provided and used in the decision-making process, appropriately weighed and considered).
- 14.153. It may be that questions arise during the MAAP regarding the processes adopted by the SCA in reaching their original negative Conclusive Grounds decision. To enable the MAAP to continue with its discussions in a timely fashion, the SCA will make a technical specialist available to them for the duration of each MAAP. The technical specialist will be able to respond to any technical or procedural questions regarding the SCA, that may arise. The chair will be responsible for contacting the technical specialist to raise these questions. The number to contact the technical specialist on will be provided on the initial email containing the case files. The technical specialist will not be present on the tele-conference when cases are being discussed and will not take part in the review of the negative Conclusive Grounds decisions.
- 14.154. The technical specialist may not be the same individual who reviewed the negative Conclusive Grounds decision earlier in the process. However, similar to the MAAPs themselves, it would be a requirement for the technical specialist that is 'on call' to the MAAP, to have reviewed and familiarised themselves with all the negative Conclusive Grounds decisions being discussed by the MAAPs, in order to provide effective and efficient support to the MAAP.

- 14.155. Having reviewed each negative Conclusive Grounds decision, a consensus would need to be reached on whether the negative Conclusive Grounds decision should remain, or whether it is the consensus of the MAAP that the negative Conclusive Grounds decision is disagreed with. If reaching a consensus is not achievable, then a majority decision of the MAAP will be suitable and should be agreed upon. Where the decision is tied, the chair will have the casting vote.
- 14.156. Following the conclusion of the MAAP, the chair will be required to update the SCA on the conclusion of the MAAP for each negative Conclusive Grounds decision that it reviewed - whether the MAAP agreed or disagreed with the negative Conclusive Grounds decision made by the SCA. If it is the latter, the chair will provide reasons for the disagreement along with any significant discussion points made during the MAAP.
- 14.157. There is no template provided by the SCA to draft the chair's report. An email response on each specific case is sufficient, as this will enable the chair to use their independence to draft and own the response on behalf of the MAAP.
- 14.158. However, each report must contain the names of the panel members that reviewed the case and must state whether the original negative Conclusive Grounds decision has been agreed or disagreed with. If the decision is disagreed with, then the key issues as to why the decision was disagreed with should be detailed, along with any significant points that were raised throughout the discussion to support this conclusion. This will enable the SCA to understand the MAAPs reasoning for disagreeing with the negative Conclusive Grounds decision and allow for proper reflection.

## **MAAP Process: Updating the SCA**

- 14.159. MAAP chairs are required to email outcomes back to the SCA within 2 working days following the MAAP, to ensure the decision-making process continues in a timely way.
- 14.160. The SCA will review the chair's email and update each case.
- 14.161. If the MAAP has agreed with the SCA's negative Conclusive Grounds decision, a notification will be generated and issued to the individual accordingly.
- 14.162. If the MAAP has disagreed with the SCA's negative Conclusive Grounds decision, it will be referred to a technical lead within the SCA for an additional review and the case notes updated accordingly.
- 14.163. The technical lead will consider the reasons provided by the MAAP in respect of their disagreement with the original negative Conclusive Grounds decision.

- 14.164. If the technical lead disagrees with the MAAP's conclusions and agrees that the negative Conclusive Grounds decision should remain, they will forward the case to a decision maker to generate a notification which will be issued to the individual.
- 14.165. If the technical lead agrees with the reasons provided by the MAAP, the negative Conclusive Grounds decision would be referred back to a SCA decision maker.
- 14.166. In this circumstance, the technical lead may request that the decision be amended to a positive Conclusive Grounds decision; or require the SCA decision maker to undertake further investigations in line with the views of the MAAP.
- 14.167. In all cases and at any point where feedback is required throughout the process, the technical lead will update the individual's case notes for audit purposes and update the MAAP chair to advise them on the next steps or approach. This could also include a conversation with the chair to help clarify the reasoning behind the chosen approach. This will ensure the chair is made aware of the subsequent actions and ensure the two-way communication continues. It will be the responsibility of the chair to provide any feedback received from the SCA throughout the process to the panel members if required or, if it has been requested, during the original MAAP.
- 14.168. If the technical lead agrees with the MAAP that the negative Conclusive Grounds decision should be amended to a positive Conclusive Grounds decision, the decision would be revised by the SCA decision maker. The decision maker would update the case notes and generate a notification to be issued to the individual accordingly. The technical lead will advise the chair of the new outcome to complete the 'feedback loop'.
- 14.169. If, following the MAAPs conclusion, the technical lead decides that the decision should be further investigated, then the SCA decision maker will undertake these investigations. These investigations may lead to either a positive Conclusive Grounds decision or a negative Conclusive Grounds decision being made.
- 14.170. If these investigations result in a positive Conclusive Grounds decision, the technical lead will advise the chair of the new outcome to complete the 'feedback loop'; and the SCA decision maker will update the case notes accordingly and generate a notification which will be issued to the individual which details the decision.
- 14.171. If, following the further investigations, the decision remains a negative Conclusive Grounds decision, the technical lead will advise the chair of the outcome and explain how it was arrived at. This will close the 'feedback loop' and the SCA decision maker will update the case notes accordingly and generate a notification which will be issued to the individual which details the decision.

14.172. If, following the further investigations, additional evidence or information becomes available but a negative Conclusive Grounds decision is again made on the case, the case will be referred to a new MAAP for consideration under the existing procedures. However, in these circumstances, the original chair will be made aware of this, in order to complete the feedback loop.

## Reconsiderations and the MAAP panel

14.173. MAAPs will not impact on the [reconsideration process](#) for NRM decisions. If, following a reconsideration, a negative Conclusive Grounds decision is again made, this decision will be referred back to the MAAP for consideration under the existing procedures.

## Actions for the Single Competent Authority following a National Referral Mechanism decision (Reasonable and Conclusive Grounds)

14.174. This section sets out the actions the SCA will need to take following a Reasonable Grounds and/or Conclusive Grounds decision. In all NRM cases, when a decision is made the SCA must take the following actions:

### Action 1: Record the decision

14.175. The SCA must update the SCA records when any of the following occurs:

- Positive Reasonable Grounds decision made
- Negative Reasonable Grounds decision made
- Positive Conclusive Grounds decision made
- Negative Conclusive Grounds decision made
- A Second Pair of Eyes Review has taken place after a Negative decision
- A MAAP panel has reviewed a Negative Conclusive Grounds decision
- A reconsideration is requested

### Consideration minute

14.176. In all cases the SCA must record how the case progresses and keep detailed notes of their decisions. It is essential that they make a comprehensive written assessment of how the person's situation meets or does not meet the definition of a modern slavery victim. In their assessment they must refer to the documents submitted in support of the referral (for example those submitted by non-governmental organisations) and show the weight they have given to the information.

14.177. The SCA must also make sure that relevant databases are updated at each stage of the case, for example SCA systems and any local spreadsheets.

14.178. This consideration minute will be used as the basis for dealing with the key points in their decision.

14.179. When issuing a positive decision, the SCA will notify the potential victim, and/or their representative where appropriate, of the case outcome. The SCA will not send a copy of the decision minute explaining the decision rationale; this is kept on the case file.

14.180. When issuing a negative decision, the SCA will notify the potential victim, and/or their representative where appropriate, of the case outcome. In addition, a copy of the decision minute will also be sent explaining the rationale for the negative decision.

14.181. The consideration minute must include all of the following:

- **case summary**
- **objective information on country/countries in question**
- **findings of fact with detailed reasoning** – clear credibility findings including reference to which events the SCA accepts took place and which events the SCA does not accept took place
- **why the definition of human trafficking and/or slavery, servitude, and forced or compulsory labour is or is not met in respect of a Reasonable Grounds or Conclusive Grounds test**
- **decision outcome**
- **date of decision**

## Action 2: Notify the individual of the decision

14.182. The SCA should complete the appropriate decision letter for the case outcome.

14.183. For a negative decision, the SCA must include a copy of the consideration minute providing full details of what they have considered and explaining their decision.

14.184. The SCA should issue the decision letter to the adult concerned or through their appointed representative, where applicable. Where a notification of a decision is sent to a potential victim the SCA should not send this to an address where the victim was known to have been exploited. Notification of a decision must always be sent to a potential victim at a safe address.

14.185. In the case of child victims, the letter should be issued to the relevant support worker in the Local Authority, and ICTG where available.<sup>10</sup>

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<sup>10</sup> In Northern Ireland this should also including the child's Independent Guardian under s21 of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act or guardians in Scotland.



14.186. The SCA must not serve a decision letter or other modern slavery papers on a child under any circumstances. All modern slavery papers must be served on the child's appointed representative or the Local Authority and ICTG where available.

### Action 3: Notify other relevant agencies of the decision

14.187. The SCA must notify the following of their decision:

- the First Responder and/or First Responder Organisation (in all cases)
- the support provider (all supported adult cases and family cases; the Salvation Army if supported in England and Wales, the Trafficking Awareness Raising Alliance or Migrant Help if the adult is being supported in Scotland or Migrant Help or Women's Aid if the adult is being supported in Northern Ireland)
- the Local Authority (in the case of children or where engaged in adult cases)
- the ICTG (where appointed in the case of child victims) <sup>11</sup>

14.188. The SCA should update the Home Office database (CID) as appropriate (NRM Referral case type, special condition, removal barrier).

14.189. The SCA should update police following a Reasonable Grounds decision or Conclusive Grounds decision. For more information see [Information sharing between the SCA and the police](#).

### Action 4: Notify law enforcement (where criminal proceedings are involved)

14.190. If the individual is the subject of criminal proceedings the SCA must contact the police as soon as the NRM decision is made.

14.191. The SCA must ensure that the police (or the National Human Trafficking Unit in Scotland) are notified of the NRM decision as soon as they make it. This is done by sending the police a copy of the notification letter or contacting them by email or telephone as appropriate.

14.192. Generally, the SCA must ask the police to notify any relevant prosecutors (the Crown Prosecution Service, the Crown Office and Procurator Fiscal Service in Scotland, or Prosecution Service in Northern Ireland) of the NRM decision as soon as they make it.

14.193. For more information see the section 45 defence ([Annex H](#)).

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<sup>11</sup> Details on the availability of ICTGs can be found [here](#).

## Actions for the Single Competent Authority when a National Referral Mechanism decision is suspended

14.194. In a small proportion of cases people who are being processed through the NRM will go missing. SCA staff must, however, still make a decision on the case and copy it to all relevant parties as described above if sufficient information is available to make the decision.

14.195. If someone who has claimed asylum goes missing it may be appropriate to treat their asylum claim as withdrawn. The SCA must inform the appropriate Home Office immigration team dealing with the asylum case so they can consider whether to take this action.

14.196. In cases where modern slavery indicators are present but are insufficient to reach the appropriate standard of proof at the Reasonable Grounds or the Conclusive Grounds stage, and it is not possible to gather more information because the individual is missing, the SCA must take the following actions:

### Action 1: Report the potential victim as a vulnerable missing person

14.197. This report should be made to the police. The police should arrange for a missing person marker to be added to the Police National Computer (PNC).

14.198. The decision maker should also confirm that the Local Authority Safeguarding Children Service in the case of missing children, or the Local Authority Adult Safeguarding Service in the case of an adult victim, have been informed.

### Action 2: Notify the following that the case has been suspended

- the First Responder (in all cases)
- the support provider (all supported adult cases and family cases; the Salvation Army if supported in England and Wales, the Trafficking Awareness Raising Alliance or Migrant Help if the adult is being supported in Scotland or Migrant Help or Women's Aid if the adult is being supported in Northern Ireland)
- the Local Authority (in the case of children or where engaged in adult cases)
- the ICTG (where appointed in the case of child victims)<sup>12</sup>
- the relevant Home Office immigration casework team (where they are involved) so that the victim is recognised as potentially at risk if they are encountered again

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<sup>12</sup> Details on the availability of ICTGs can be found [here](#).

### Action 3: Notify law enforcement (where criminal proceedings are involved)

- 14.199. If the potential victim is the subject of criminal proceedings, several agencies need to be notified as soon as the NRM decision is suspended.
- 14.200. If the individual is the subject of criminal proceedings the SCA must contact the police as soon as the NRM decision is made.
- 14.201. The SCA must ensure that the police (National Human Trafficking Unit in Scotland) are notified by sending the police a copy of the notification letter or contacting them by email or telephone as appropriate.
- 14.202. Generally, the SCA must ask the police to notify any relevant prosecutors (the Crown Prosecution Service, the Crown Office and Procurator Fiscal Service in Scotland, or Prosecution Service in Northern Ireland) of the NRM decision as soon as they make it.

### Action 4: Record the case as suspended

- 14.203. SCA staff must record the case as 'Suspended'. SCA staff should also record in the case notes whether it is 'Suspended pre-Reasonable Grounds' or 'Suspended pre-Conclusive Grounds' as appropriate.
- 14.204. Where appropriate, SCA staff should ensure that Home Office immigration casework teams are aware of the issue of modern slavery so the person is recognised as potentially at risk if they are encountered again.

### Actions for the Single Competent Authority in live immigration cases following a National Referral Mechanism decision

- 14.205. Where an immigration case is present, the SCA must notify the appropriate Home Office immigration casework teams of an NRM decision in order for them to consider necessary next steps in live immigration cases.
- 14.206. The SCA is not responsible for considering any steps in live immigration cases. Appropriate teams will be informed so that they can consider immigration related issues and cases, including but not limited to immigration detention, immigration bail, and asylum case progression and decision.
- 14.207. A positive Conclusive Grounds decision does not result in an automatic grant of immigration leave. However, the SCA is able to consider whether a grant of [Discretionary Leave to remain](#) is appropriate following a positive Conclusive Grounds decision. Non-EEA nationals will automatically be considered for a grant of Discretionary Leave.

14.208. Only those with a positive Conclusive Grounds decision may go on to be considered for Discretionary Leave as a victim. Those with a negative Conclusive Grounds decision will not receive a consideration based on this criterion.

14.209. Appropriate immigration teams should consider any outstanding immigration cases, such as an outstanding asylum application, following a negative Reasonable Grounds decision or any Conclusive Grounds decision.

## Single Competent Authority case record

14.210. An SCA case record must be kept by SCA staff.

14.211. When modern slavery cases are concluded, all SCA case records must, at a minimum, contain:

- First Responder referral form
- Reasonable Grounds decision letter
- Reasonable Grounds decision consideration minute
  - **[where Reasonable Grounds decision is negative]** confirmation that a negative decision has been checked and signed off by a second pair of eyes
  - **[where Reasonable Grounds decision is positive]** confirmation that potential victim's details have been passed to the VCC support provider where consent has been given to enter VCC support

Where the case has progressed to Conclusive Grounds:

- Conclusive Grounds decision letter
- Conclusive Grounds decision consideration minute
  - **[where Conclusive Grounds decision is negative]** confirmation that a negative decision has been checked and signed off by a second pair of eyes and any record of the MAAP decision
- notices to the support provider or Local Authority
- details of police or criminal and financial investigations team referral
- details of requests for information made by SCA staff in preparing the case for a Conclusive Grounds decision – it may contain further details in case notes e.g. calls taken, security checks undertaken, even when no further information has been obtained.

## Disclosure of information to the victim and right of access requests

14.212. The outcome of Reasonable Grounds and Conclusive Grounds decisions will always be disclosed to victims as a matter of course.

14.213. Victims can request access to the information held about them by the SCA in accordance with Article 15 of the GDPR. Requests for information

should be submitted in writing. Templates to assist with requesting this information are available from the Information Commissioner's Office [here](#).

14.214. Section 15 of the Data Protection Act (DPA) 2015 allows for exemptions from right of access requests as set out in Schedule 2 of the DPA 2015. These exemptions include for 2(1)(a) the prevention of a crime, and 2(1)(b) the apprehension or prosecution of offenders. As such, where there is sensitive information in the referral form or decision minute, this should be redacted before the records are released. Examples of sensitive information that may not be released, include:

- Information about police or other law enforcement investigations
- Information regarding other victims

## Tribunal Requests

14.215. Rule 4 of the tribunal procedure rules enables the tribunal to give directions to the parties relating to the conduct of any appeal or application. This may include directions providing for a party to provide further details of his case or any other information which appears to be necessary to the determination of the appeal.

14.216. Even where it is the view of the SCA that the content of the minute will not add anything in terms of merits of this individual's asylum claim, the fact that the decision letter is complemented by a fuller record of the decision-making process, and the evidence relied on which underpins that and has not been disclosed, may be sufficient for someone to argue that its content 'appears to be necessary to the determination of the appeal'.

14.217. In addition, Rule 15 of the tribunal procedures rules provides tribunals with the ability to issue a summons requiring a witness to attend and answer any questions, or produce any documents in their custody or under their control, relating to any matter in issue in an appeal.

14.218. As such, the SCA should provide copies of decision minutes to the Tribunal where instructed to do so.

14.219. Those minutes should be carefully examined and, where appropriate, redacted accordingly in line with Home Office guidance on redaction.

## Reconsideration of Reasonable Grounds or Conclusive Grounds decision

14.220. An individual, or someone acting on their behalf, may request reconsideration of a negative RG or CG decision by the SCA if additional evidence becomes available that would be material to the outcome of a case, or there are specific concerns that a decision made is not in line with this guidance. The SCA must review whether there are sufficient grounds to

reconsider the negative decision, and in turn reconsider the decision where it has determined there are grounds to do so.

- 14.221. Where the above applies, individuals are encouraged to approach someone involved in their case, for example their Support Provider or First Responder to submit a request for reconsideration to the SCA.
- 14.222. Whoever submits a request for reconsideration, the SCA may gather further information from Support Providers and First Responders to help determine if it should accept a request for reconsideration.
- 14.223. The SCA will not reject any request for reconsideration on the basis of who has submitted the request.
- 14.224. It should be noted that if a First Responder or Support Provider has decided not to make such a request for an individual, they must gain SCA approval for rejecting a request for reconsideration. The First Responder or Support Provider should in turn notify the individual of the reasons for that rejection in writing (see below).
- 14.225. Reconsiderations requests made on the basis of specific concerns that a decision is not in line with guidance should be brought within three months of a decision notice being issued by the SCA subject to exceptional circumstances that may have caused reasonable delay. This is in line with the time limit on judicial review claims. No more than one 'not in line with guidance' request should be submitted, where the part of guidance at issue has already been reconsidered in relation to that case.
- 14.226. There are no time limits on requests for reconsideration on the basis of new available evidence. Where further evidence is provided to the SCA, the SCA will consider whether the evidence is material to the outcome of the case in determining whether to reconsider. Examples of evidence likely to be material to a case includes, but is not limited to, the following:
- Evidence from the police that the individual has been the victim of a crime of modern slavery
  - A successful use of the section 45 defence in court (see [Annex H](#))
  - Evidence that mitigates for inconsistencies in a potential victim's story, e.g. a medical report detailing inability to provide a coherent account
  - Factual evidence that demonstrates that one of the conclusions drawn by the SCA is incorrect
- 14.227. The SCA must notify the requestor in writing whether the decision is to be reconsidered or not. Where it is not, the SCA must inform the requestor of the reasons for this. The SCA should notify the requestor within nine days, where possible, whether it will reconsider the decision or not. Where a decision is to be reconsidered, a new decision should be made as soon as possible when there is sufficient information available to do so.

- 14.228. Where a case originally referred to the SCA is given a negative Conclusive Grounds decision, it will be subject to review by the Multi-Agency Assurance Panels (MAAPs). Where such cases are later reconsidered on the basis of new available evidence, and they again receive a negative Conclusive Grounds, they will once more be subject to review by the MAAPs.
- 14.229. Once the SCA has decided to reconsider a negative Conclusive Grounds decision, the individual in question will again be considered a potential victim in the NRM and they will be able to access support accordingly. Where the potential victim has already left support, they will be able to re-enter support when the SCA agrees to reconsider their negative decision.
- 14.230. Where an individual is expected to exit support following a negative Conclusive Grounds decision, the SCA has not yet informed the requestor that they have accepted a request for reconsideration, and the support provider believes the individual should remain in support, an [extension request](#) should be submitted by the support provider.

## Requesting a reconsideration

- 14.231. A request for reconsideration may be made to the SCA by emailing [nationalreferralmechanism@homeoffice.gov.uk](mailto:nationalreferralmechanism@homeoffice.gov.uk)
- 14.232. A request for reconsideration should include the following information:
1. Name of the individual in receipt of a negative decision
  2. Date of birth
  3. Nationality of the individual
  4. NRM reference number
  5. Basis of request i.e. 'not in line with guidance' or 'available evidence'
  6. Reasons for the reconsideration request, including new available evidence where applicable

## If a First Responder or Support Provider wishes to reject a request made to them

- 14.233. If a First Responder or Support Provider has been approached by an individual to make a request for a reconsideration of a negative NRM decision, and said Support Provider or First Responder decide not to make a request for reconsideration, it must get approval from the SCA by emailing [nationalreferralmechanism@homeoffice.gov.uk](mailto:nationalreferralmechanism@homeoffice.gov.uk) with the following information:
1. Name of the individual in receipt of a negative decision
  2. Date of birth
  3. Nationality of the individual
  4. NRM reference number
  5. Summary of reconsideration request



## 6. Reason for proposed rejection of request

14.234. If the SCA approves the reason for rejection, the individual concerned should be informed by the First Responder or Support Provider in question of the rejection and accompanying reason.

14.235. If the SCA declines the reason for rejection, the First Responder or Support Provider should submit a reconsideration request in the usual manner.

## Improper claims and public order

14.236. The Recovery Period will not be observed if either:

- grounds of public order prevent it
- it is found that victim status was claimed improperly

14.237. Where there is firm, objective evidence that an improper claim has been made, as soon as this becomes known, the SCA must:

- issue a negative Conclusive Grounds decision
- curtail any remaining Recovery Period by contacting the support provider
- where relevant, notify the appropriate immigration unit for them to consider taking action as appropriate (if the person has any outstanding leave due to another immigration application this may continue to run unless found to have been claimed improperly also).

14.238. If the evidence of an improper claim is not firm and objective, the SCA must follow standard processes and observe the full Recovery Period.

14.239. It is also possible that an individual who initially claimed to be a victim of modern slavery could be involved in the modern slavery of others. These cases must immediately be referred to the police or the Home Office criminal investigation team of Immigration Enforcement for appropriate action.

## Revocation of Conclusive Grounds decision

14.240. Where the SCA has made a positive Conclusive Grounds decision, but information later comes to light which suggests that the decision was flawed, the SCA should consider whether revocation is appropriate. If it is determined that it is appropriate to revoke the Conclusive Grounds decision, the SCA caseworker must write to the individual concerned. If it is not possible to make contact directly with the individual concerned, the SCA should contact their legal representative (where known) and/or their most recent support provider under the Victim Care Contract (where engaged) to seek to regain contact.

14.241. If the individual has been issued a period of Discretionary Leave, the SCA must notify the appropriate immigration team for them to consider whether curtailment of this leave is appropriate.

## Monitoring case progress during the Recovery Period

14.242. While a Conclusive Grounds decision will not be served in the Recovery Period, the SCA will continue to monitor cases.

### 30-day review

14.243. To make sure that a Conclusive Grounds decision can be made as near as possible to day 45 (although that may not be possible in every case), a review date for day 30 should be set to:

- monitor progress on the case
- check it is on target for a conclusive decision

14.244. Up to day 30 (and beyond where appropriate) the SCA must be gathering information to make the Conclusive Grounds decision. As part of this, they must contact as appropriate:

- The First Responder Organisation
- Adult Safeguarding Services (where engaged in the case of adults)
- Child Social Services or the equivalent body in Northern Ireland (where engaged in the case of children)
- ICTG (where appointed) <sup>13</sup>
- The VCC support provider (where appointed)
- The relevant police force (or National Human Trafficking Unit in Scotland)

14.245. This review should be recorded in the case notes.

## Withdrawing from the National Referral Mechanism

14.246. An adult may decide they want to leave the NRM before they receive a Reasonable Grounds or Conclusive Grounds decision. Sometimes those adults are leaving the UK via a [voluntary return](#), or sometimes adults choose to withdraw consent for other reasons.

14.247. If an adult leaves the UK prior to receiving a Reasonable Grounds decision from the NRM the SCA may treat this as a withdrawn case. The SCA should notify the following organisations that the individual has withdrawn:

- First Responder
- The VCC support provider (where the victim is in VCC support)

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<sup>13</sup> [Interim guidance for Independent Child Trafficking Guardians early adopter sites](#)

- investigating police force where relevant (or National Human Trafficking Unit in Scotland)
- Adult Safeguarding Services (where engaged in the case of adults)

14.248. If an adult wishes to withdraw from the NRM after they receive a positive Reasonable Grounds decision (or if they are in the UK and wish to withdraw prior to receiving this decision) they should write to the SCA expressing their wish to withdraw or use a consent to withdraw from the NRM template form.

14.249. The SCA should notify the organisations listed above of the decision to withdraw. A person who withdraws from the NRM will not receive any further decisions or support from the NRM and their case will be regarded as concluded. This does not prevent a person being re-referred to the NRM in the future.

14.250. Children may not withdraw themselves from the NRM. A child may not be withdrawn from the NRM unless it is in the best interests of the child as determined by the responsible Local Authority Child Safeguarding Services. If the SCA receives a request from a Local Authority or embassy, for example, seeking that a child be withdrawn from the NRM, the case should be referred to the Modern Slavery Unit for advice.

14.251. Sometimes an adult has not withdrawn from the NRM and has not notified the SCA that they have left the UK but the SCA has strong evidence that an adult has left the UK and there is no evidence they plan to return at this time. They may for example be notified by a support provider that the adult has left the UK with no evidence they plan to return.

14.252. In this situation the SCA should proceed to take any outstanding NRM decisions in the case unless there is insufficient evidence to do so. Even though the victim may no longer be seeking support from the NRM, taking a decision will allow statistics to be captured on the extent of modern slavery in the UK and may assist in ongoing criminal prosecutions as well as civil claims that might be brought by the victim in the future. If the victim cannot be notified of their decision as they are no longer in the UK, the SCA should notify the organisations listed above and any other relevant parties where appropriate.

# Annex F – Detail of support available for adults in England and Wales

15. This Annex details the support available to adult victims of modern slavery.

## Emergency Accommodation

- 15.1. In the case of victims who are British citizens, or victims who have leave to remain on a condition which gives them eligibility for homelessness assistance, [section 188\(1\) of the Housing Act \(1996\)](#) requires housing authorities to secure accommodation for an applicant if they have reason to believe that the applicant may be homeless, eligible for assistance and have a priority need. The accommodation provided must be suitable and based upon an assessment of the applicant's circumstances and needs.
- 15.2. If housing authorities believe an individual with recourse to public funds would be homeless as a result of being a victim of modern slavery, safe accommodation should be provided between referral to the NRM and a Reasonable Grounds decision.
- 15.3. When assessing applications for homelessness assistance Local Authorities will need to carefully consider the circumstances of a potential victim leaving accommodation where they have been or are at risk of exploitation. It should not be considered reasonable for a victim to remain in such circumstances, or to consider an applicant to be 'intentionally homeless' when they have left accommodation because of violence or threats of violence that are likely to be carried out.
- 15.4. Housing is devolved in Wales and the [Housing \(Wales\) Act 2014](#) applies. Further information is available [here](#). Emergency accommodation is still available under the Victim Care Contract as described below in situations where potential victims are ineligible for other housing or that housing is unsafe or unsuitable.
- 15.5. The First Responder should request Emergency Accommodation for the potential victim under the Victim Care Contract in cases where an individual is destitute or at risk of becoming destitute, is not eligible for Local Authority support, or where the available Local Authority support is not suitable.
- 15.6. Emergency Accommodation will also be provided under the Victim Care Contract for potential victims where there is reason to believe other accommodation available to them may be unsafe or unsuitable.
- 15.7. The First Responder should ensure the potential victim consents to enter the VCC support before requesting Emergency Accommodation. Safe Accommodation can be provided from the day the First Responder makes

the referral into the NRM, under the Victim Care Contract by contacting The Salvation Army referral helpline on **0300 303 8151**.

## Accommodation provided through the Victim Care Contract

- 15.8. Where a potential victim is already in appropriate accommodation, such as Local Authority accommodation, asylum accommodation or other safe, secure and adequately furnished accommodation, and there is no risk to them in remaining at their current location, they will usually continue to remain in that accommodation unless a [needs-based assessment](#) reveals a need for Victim Care Contract accommodation.
- 15.9. The views of the victim and the needs-based assessment will be taken into account when determining whether or not to enter VCC accommodation. Individuals will not be accommodated in areas where an initial needs-based assessment judges them to be at risk. This is for their own safety and to protect the security of Victim Care Contract accommodation. The victim may need to relocate to an area where they are judged not to be at risk to enter Victim Care Contract accommodation. It should be explained to the potential victim that entering VCC accommodation may mean a move out of area and that this may result in them losing a local connection and access to Local Authority support in that area in the future.
- 15.10. Support providers should keep the potential victim or victim's accommodation needs under review throughout their time in VCC support.
- 15.11. Initial transport to Victim Care Contract accommodation will be provided under the Victim Care Contract.

## Accommodation provided through the asylum system

- 15.12. Asylum seekers who would otherwise be destitute can obtain support under section 95 of the [Immigration and Asylum Act 1999](#) from the time they arrive in the UK until their claim is fully determined and they have exhausted their appeal rights. Usually potential victims and victims with an active asylum claim will continue to be supported through asylum accommodation unless they have specific needs over and above asylum accommodation provision that require them to be accommodated through the Victim Care Contract, for example a need for safehouse accommodation, as identified in an [initial needs assessment](#). The support package for asylum seekers usually consists of free, furnished accommodation (with utility bills and council tax paid) and a weekly cash allowance to meet other essential living needs.
- 15.13. Outreach support and financial support payments provided through the Victim Care Contract are available for potential victims and victims in Asylum accommodation during their time in the NRM.

## Accommodation provided through Local Authority services

- 15.14. Housing may be available to victims through Local Authority services. This will usually be because they meet one or more of the criteria by which housing will usually be provided by a Local Authority as part of mainstream support.

### Local Authority allocated social housing

- 15.15. Victims may be able to apply for Local Authority-allocated social housing. [The Allocation of Housing and Homelessness \(Eligibility\) \(England\) Regulations 2006](#) specify which categories of persons from abroad are eligible to be allocated social housing.
- 15.16. In addition, victims will need to meet the qualification criteria set by the relevant Local Authority and have sufficient priority under the Local Authority's allocation scheme.
- 15.17. In relation to priorities, 2012 statutory guidance for local housing authorities on the allocation of social housing [Allocation of accommodation: guidance for local housing authorities in England](#) makes clear that they should consider giving additional preference (high priority) within their allocation scheme to people who are homeless and require urgent re-housing as a result of violence or threats of violence.
- 15.18. Where local housing authorities apply a residency test as part of their qualification criteria, [Providing social housing for local people](#) statutory guidance encourages them to provide for appropriate exceptions to take proper account of special circumstances, include providing protection to people who need to move away from another area to escape violence or harm.
- 15.19. Outreach support and financial support payments provided through the VCC are available for potential victims and victims in Local Authority accommodation during their time in the NRM.

### Housing available to victims of modern slavery

- 15.20. Local Housing Authorities have statutory duties to assist people who are homeless or threatened with homelessness and eligible for assistance. They are required to take reasonable steps to try and prevent homelessness or to help households who are homeless to secure accommodation. Local Authorities must offer temporary accommodation to people who they have reason to believe **may** have 'priority need' whilst assessing their needs and helping them to secure accommodation. If a Local Authority is unable to prevent or relieve homelessness for a household that has priority need, which would include single adults who are vulnerable as a result of having fled violence or abuse, they must provide temporary accommodation until more settled housing can be offered.
- 15.21. The [Homelessness code of guidance for Local Authorities](#), Chapter 25: Modern slavery and trafficking, provides that

**‘In assessing whether they are vulnerable a housing authority should take into account advice from specialist agencies providing services to the applicant, such as their assigned support provider under the NRM. Many victims of modern slavery suffer from poor mental health and often lack support structures in the area they are residing. If a victim of modern slavery is threatened with homelessness or is homeless this significantly increases their risk to being re-trafficked or exposed to further exploitation’.**

- 15.22. As such where a victim is not in accommodation and is not being supported through the asylum system the Local Authority may have a responsibility to house them if they are assessed as homeless and in priority need according to [section 189\(1\)\(c\) of the Housing Act \(1996\)](#).
- 15.23. Housing authorities should consider what accommodation options are most appropriate for each person on a case by case basis taking into account their specific circumstances and needs. Further guidance is provided in the [Homelessness code of guidance for Local Authorities](#).
- 15.24. The [allocation of accommodation: guidance for local housing authorities in England](#) statutory guidance encourages Local Authorities to apply a residency test to social housing of at least 2 years. However, it also encourages Local Authorities to make provision for appropriate exceptions including to provide protection to ‘people who need to move away from another area, to escape violence or harm’.
- 15.25. Outreach services and financial support payments provided through the VCC are available for victims who are accommodated in Local Authority accommodation during their time in the NRM.

## Self-supported accommodation

- 15.26. Victims of modern slavery and human trafficking with the right to remain in the UK may prefer to be housed in private accommodation they own, rent, or stay with family or friends.
- 15.27. Outreach services and financial support payments provided through the VCC are available for victims who remain in accommodation they own, rent, or stay free of charge, during their time in the NRM.

## Other accommodation

- 15.28. In certain cases, accommodation may be provided in another form providing it is suitable and a victim could reasonably access other elements of support in this accommodation.
- 15.29. In cases where individuals are being held in detention, a positive Reasonable Grounds decision does not require the individual to be released



where there are reasons of public order not to do so. Detention may constitute appropriate accommodation, in accordance with the terms set out in the paragraph above, depending on the circumstances.

## Outreach support

15.30. Outreach support refers to the services provided to victims who enter VCC support but who are not in VCC accommodation. This support includes access to all support usually available to victims in VCC accommodation, except for the accommodation-related elements.

## Victims with dependent children

15.31. Where a victim of modern slavery has dependent children, all efforts should be made to keep the family unit together. However, Local Authorities have additional obligations in relation to child protection and may need to make decisions in relation to the best interests of a child or children that requires children to be accommodated in a different location to their parents or guardians.

15.32. All children should receive the same access to educational provision regardless of their immigration status. For children who do not speak English or have communication difficulties this should include access to language and communication support and schools will respond to each child according to their educational needs.

15.33. Where victims and their dependents are to be accommodated through the VCC and are accessing local schools and other services, and it is safe to do so, reasonable efforts will be made to allow the victim and their children to remain in the area.

15.34. For information on access to education for looked-after children [see this section](#).

## Financial Support

15.35. Potential victims and victims of modern slavery who have entered the NRM, received a positive Reasonable Grounds decision and are in VCC accommodation or outreach support, will be paid financial support. This payment will continue while they remain in VCC support for as long as they are assessed to have a recovery need for this assistance. Financial support is intended to meet the potential victim's essential living needs during this period and assist with their social, psychological and physical recovery.

15.36. The current rate of financial support payable by the Home Office to potential victims or victims of modern slavery receiving VCC support depends on the accommodation they are in. The rates are as follows:

- £65 per week for those in self-catered VCC accommodation

- £35 per week for those in catered VCC accommodation
- £35 per week for those receiving outreach support in other accommodation
- Subject to 15.38 below, child dependents of potential victims will also receive financial support from the VCC:
  - £20.50 for the first child dependent
  - £13.55 for all subsequent child dependents

## Financial support for potential victims who are also receiving asylum support

15.37. The payment rates will be adjusted if the potential victim or victim of modern slavery receiving VCC support is also an asylum seeker or failed asylum seeker receiving financial support under sections 95, 98 or section 4 of the Immigration and Asylum Act 1999 (“asylum support”). In these circumstances, the individual will receive £65 per week, made up of payments from asylum support and a further payment from the VCC to take the total payment to £65 per week.

15.38. Potential victims or victims of modern slavery receiving NRM support who are receiving asylum support will not receive any financial support through the VCC in respect of any dependents, as dependents’ needs will be met through the asylum support system.

## Financial support for those in VCC Emergency Accommodation

15.39. Individuals in emergency pre-RG accommodation in the VCC will also receive financial support (at the rates outlined above) from the day that they are registered and accommodated within the VCC. This payment should be made as soon as possible, and will be backdated from the date they entered support.

## Material Assistance

15.40. Potential victims and victims of modern slavery (and their dependents) are provided with appropriate material assistance in the form of a “welcome pack” when entering VCC accommodation. The welcome pack will be age appropriate and shall include the following items:

- Toothbrush and toothpaste
- Soap
- Shampoo
- Feminine hygiene products (if appropriate)
- Suitable undergarments

15.41. If required, under the Victim Care Contract the support provider will provide the victim and their dependents with necessary items of clothing to provide for three sets of suitable clothing, including those they already own,

until they receive their first financial support payment, after which victims will be expected to obtain their own clothing. Other material assistance may be available under the Victim Care Contract depending on the victim's circumstances.

## Translation and interpretation services

15.42. Translation and interpretation services are provided through the Victim Care Contract. Situations in which interpretation or translation services may be provided under the VCC include, but are not limited to:

- Needs-based assessments
- To access all services provided through the Victim Care Contract that the potential victim or victim would be otherwise unable to access

15.43. In certain situations, interpretation may be offered by a provider outside of the Victim Care Contract. For example, a separate interpretation service will usually be used in:

- Court proceedings
- Home Office interviews
- Some appointments with the NHS

## Information on rights and services

15.44. Support workers providing support in VCC accommodation and via outreach support should be able to provide potential victims and victims with information on the rights and services available to them. These areas may include, where appropriate:

- Medical treatment, assistance and counselling (including registering with a GP)
- Access to legal aid, legal representatives and legal advice
- Assistance during criminal proceedings (including Special Measures available under the Victim's Code should they wish to support the police in criminal investigations)
- Access to the labour market, vocational training and education and how to apply for a National Insurance number
- Access to immigration advice
- Access to benefits and financial support
- Bank Accounts
- Budgeting
- Pre/Post-natal support groups

15.45. Where required for the individual's recovery, the VCC support workers should facilitate access to the following services as appropriate:

- Mental health services

- Substance dependency services
- Sexual health services
- Specialist counselling
- Birthing partners
- Access to ESOL classes
- Preparation for work
- Support with submitting claims e.g. asylum, benefits, or legal

15.46. This information should be made available orally in a language the potential victim or victim can understand, and where possible, also in writing. Further information on available support services can be found [here](#).

## Medical treatment, assistance and counselling

15.47. Adult victims of modern slavery have been through traumatic experiences and medical staff working with them should have regard to the [Trauma-Informed Code of Conduct \(TICC\)](#) when they believe someone may be a victim of modern slavery.

15.48. In all cases professionals working with potential victims and victims should support victims to self-refer to appropriate NHS health services as necessary. Health and wellbeing should be an immediate primary concern for all professionals working with victims.

15.49. Support providers should clearly explain to victims what medical support is available to them and how this is accessed, including as a minimum:

- What may constitute a medical emergency and how to access emergency medical assistance
- Registering with a GP and the services provided by GPs, including providing access to mental health services, such as counselling, Community Mental Health Teams (CMHTs) and Improving Access to Psychological Therapies (IAPT).
- Eligibility for exemptions from [surcharges](#)

15.50. The support detailed in this section is available to victims throughout their time in the NRM.

## Emergency medical assistance

15.51. Adult victims at any stage of the NRM process; before a Reasonable Grounds decision, during the Recovery Period, and after a Conclusive Grounds decision, can receive emergency medical treatment through the NHS.

15.52. Victims should be given a full explanation and adequate time to make informed decisions and provide consent. Exceptions to this are limited to cases in which the person is at risk of harm or in an emergency situation.

## GP registration and health screening

- 15.53. Regardless of immigration status, all adults and children can register with an NHS registered GP. The Guidance for vulnerable patients and those detained (available [here](#)) makes provision for situations where patients are unable to provide the relevant documentation.
- 15.54. Victims living or staying temporarily in the vicinity of a GP practice, including those in safehouse or other VCC accommodation, are able to register without 'proof of address' providing the GP practice has space for new patients.
- 15.55. Adult victims who enter the NRM should receive relevant health screening to assess any unmet physical or psychological medical needs. This screening should be provided by an NHS registered GP.

## Psychological health and counselling

- 15.56. For adult victims, Community Mental Health Teams (CMHTs) support people living in the community with serious mental health problems. There are also services such as Improving Access to Psychological Therapies (IAPT) that provide evidence-based psychological treatments for adults with mental health problems including anxiety and depression. These services are accessed through a GP or relevant health agency and may include:
- Having someone to talk to during a mental health crisis
  - Support with drug and alcohol addiction issues

## Access to support and charging (fees)

- 15.57. Chapter 7 of the [Guidance on implementing the overseas visitor charging regulations](#) sets out the DHSC guidelines for vulnerable patients. This guidance provides that

**“Individuals given a Reasonable Grounds decision are suspected victims of modern slavery and are exempt from charge until a final determination is given by one of the CAs (unless a final determination is not required, which would be highly unusual). They will continue to be exempt from charge if the CA confirms them as being a victim of modern slavery with a ‘Conclusive Grounds’ decision.”**

The guidance also provides that:

**“The spouse/civil partner and dependent children of those exempt under this regulation are also exempt from charges in their own right, as long as they are here lawfully.”**

15.58. Those whom the SCA confirm not to be victims of modern slavery are no longer exempt from charge, other than for courses of treatment already under way, which remain free of charge until complete or until the person leaves the country.

15.59. Some services or treatments are exempt from charges and available on the NHS to all people, including potential victims of trafficking or modern slavery, regardless of immigration status. These are set out in the [NHS Entitlements: migrant health guide](#) and include:

- accident and emergency services (not including emergency treatment if admitted to hospital)
- family planning services (this does not include termination of pregnancy)
- treatment for most infectious diseases and sexually transmitted infections where specified
- treatment required for a physical or mental condition caused by torture, female genital mutilation, domestic violence or sexual violence

## Surcharges

15.60. Usually, there is a surcharge for some NHS services. However, victims may be entitled to exemptions including:

- free NHS prescriptions
- free NHS dental treatment
- free NHS sight tests
- help with the cost of glasses or contact lenses
- help with the cost of travelling to receive NHS treatment
- free NHS wigs and fabric supports

15.61. This help is provided to people who meet specific exemption criteria, including adults over the age of 60 and pregnant women.

15.62. Victims of modern slavery who do not meet these exemption criteria may be able to apply for a NHS Low Income Scheme certificate if they have capital of less than £16,000. They may be eligible for either:

- HC2 certificate (full help with health costs)
- HC3 certificate (limited help with health costs).

Applications for both an HC2 and HC3 certificate are made by completing a HC1 form. Victims can get a HC1 form in the following ways:

- HC1 forms are available at Jobcentre Plus offices and NHS facilities or available online [here](#).
- In England, a HC1 form can be ordered for postal delivery [here](#)
- In Wales, a HC1 form can be ordered by calling **0845 6031108**

15.63. Victims who are asylum seekers are able to apply for a HC2 certificate for full help with health costs. Partners/spouses and dependent children of victims who complete the form will also be able to receive the same support.

## Assistance during criminal proceedings (Victims' Code)

15.64. Victims of modern slavery can access information and support under the [Victims' Code](#). They are entitled to receive services under the Code regardless of their resident status or whether they have reported the crime to the police, anyone has been charged or convicted of a criminal offence or they decided they do not want to co-operate with the investigation.

15.65. The Victims' Code sets out the services and a minimum standard for these services that must be provided to victims of crime by organisations in England and Wales, including the police, Crown Prosecution Service and HM Courts and Tribunals Service.

15.66. Under the Victims' Code, victims have the right to be able to understand and to be understood, including where necessary, to have access to interpretation and translation services.

## Special measures during criminal proceedings

15.67. The Youth Justice and Criminal Evidence Act 1999 introduced a range of measures that can provide support for vulnerable and intimidated witnesses. The measures are collectively known as "special measures". Victims of modern slavery are vulnerable witnesses.

15.68. In all cases of modern slavery, witnesses in criminal proceedings may be eligible for special measures (section 46 Modern Slavery Act 2015 amends the Youth Justice and Criminal Evidence Act 1999 to make provision for victims of modern slavery). It will be for the prosecutor to make an application to the court for special measures, but the court will decide on whether these will be granted. In all cases of modern slavery, the investigating officer and prosecutor must discuss with the victim where any special measures should be applied for.

15.69. Special measures may include:

- Giving evidence through a TV link
- Video recorded evidence
- Screens around the witness box
- Removal of wigs and gowns
- Evidence given in private (no public members in court)
- Use of communication aids
- Examination through an intermediary

Further information on special measures can be found [here](#).



## Other assistance

15.70. Victims may be eligible for other assistance including:

- **TV Links for witnesses outside the United Kingdom:** where victims are giving their evidence from outside the UK, the prosecutor will make an application to the court under section 32 of the Criminal Justice Act 1988. Further information is provided [here](#).
- **Communication needs:** In the case of a vulnerable witness who has a communication need an intermediary may be used to enable them to give their best evidence. A Ground Rules Hearing should always take place when an intermediary is to be used, in which the methods by which they will facilitate communication between the witness and the court will be agreed. Further information is provided [here](#).
- **Reporting restrictions:** can be applied for under section 46 of the Youth Justice and Criminal Evidence Act 1999 to protect the identity of the witness
- **Anonymity:** Where there may be safety concerns for the victim, pseudonyms can be used for witness statements if desired. Further information is provided [here](#).

## Interpretation during proceedings

15.71. A victim acting as a witness who has difficulty in speaking or understanding English is entitled to an interpreter. If a witness requires an interpreter for interview or the taking of a statement, the police must arrange for one to be present.

15.72. For witnesses who are giving evidence at court, it is the responsibility of the prosecution to arrange interpreters at court. The CPS is also responsible for ensuring that the interpreter is appropriately qualified to carry out the assignment. In practice, the Victim Liaison Units (VLUs) will arrange relevant interpretation services for witnesses at court when the prosecution has identified need and language.

## Discretionary Leave for those helping the police with enquiries

15.73. If a victim has a positive Conclusive Grounds decision from the SCA they may qualify for Discretionary Leave under the criteria of helping police with enquires. See the section on [Discretionary Leave to remain](#) for more information.

## Access to the labour market, vocational training and education

15.74. Adult victims are able to access the labour market, education and vocational training providing they have an immigration status that allows them to do so.

- 15.75. If there is any reason why a support worker believes that the victim working would be inappropriate, it should be clearly explained to the victim in a language they understand. However, adult victims with the [right to work](#) are eligible to work while in the NRM. Victims with the right to work should be allowed to seek employment.
- 15.76. Victims may pursue any training or education that is lawfully available to them.
- 15.77. Where appropriate, support providers should provide signposting to information regarding education, training, or accessing the labour market providing the victim has the right to work. Local Anti-Slavery partnerships will have up to date information and advice on pathways in to work.

## Applying for National Insurance Numbers

- 15.78. Victims are able to [apply for a National Insurance Number](#) if all of the following criteria are met:
- They have received a positive Reasonable Grounds decision, **and**,
  - They are not already in possession of a National Insurance Number, **and**,
  - They have the right to work in the UK or have recourse to public funds
- 15.79. Victims of modern slavery, who have been granted Discretionary Leave to remain in the UK, receive their National Insurance Number via an agreement with DWP, who either trace or allocate a National Insurance Number from the details provided to them by the Home Office. The Home Office are then advised of the National Insurance Number and notify the individual. This allows a victim of modern slavery to receive a National Insurance Number at the earliest opportunity to enable them to move seamlessly from existing support into benefits.
- 15.80. Where the victim has not been granted Discretionary Leave to remain but has a right to work or claim benefits in the UK and a positive Reasonable Grounds decision, the individual must make an application to DWP directly.
- 15.81. Each case will be examined on its own merits and assessed against current policy for allocating a National Insurance Number. If the individual has the right to work in the UK an employment inspired number will be allocated.
- 15.82. If they do not have the right to work but have recourse to public funds, DWP will need to await the outcome of their claim to benefit. If benefit entitlement is established, a benefit inspired National Insurance Number can be allocated.
- 15.83. If a National Insurance Number has been used fraudulently, DWP will not issue a victim with a new number. Instead, HMRC will cleanse the record to ensure that the information held on their account is relevant to them only. This can be requested by emailing [ni-act.centralmailbox@hmrc.gov.uk](mailto:ni-act.centralmailbox@hmrc.gov.uk).

## Job seeking and welfare benefits

- 15.84. Each Jobcentre Plus District Manager is empowered to use their staff resources flexibly to deliver an effective level of service in their local area as the prevalence of victims varies from area to area.
- 15.85. In those areas where it is known that victims are being supported, each Jobcentre Plus district has identified a lead officer on modern slavery issues. That lead officer should work closely with VCC support providers to establish effective working relationships, particularly for the purposes of accessing DWP benefits and services. This can include a 'warm handover' for those victims needing additional help to make a claim to benefits.
- 15.86. Jobcentre staff should be sensitive to the challenges faced by victims. DWP provides specific information to jobcentre staff on working with claimants who are possible or confirmed victims of modern slavery.
- 15.87. Where a claimant indicates that they are a victim of crime (including modern slavery) and they feel that this will adversely affect their ability to meet the conditions of entitlement to benefits, they should be supported by the same work coach for each appointment to ensure consistency.
- 15.88. As each victim will be affected in a different way, work coaches should use their discretion to tailor support based on individual conversations they have had with the claimant. These discussions will help the work coach to understand the main barriers to the victim finding work and how these can be overcome.
- 15.89. They can also provide the victim with greater flexibility around certain requirements such as when appointments need to be attended at the job centre, when the claimant is available for work and the types of jobs for which they would be expected to look.
- 15.90. The claimant will usually learn what support is available from discussions with their adviser or work coach as the support provided will depend on the individual needs of the claimant.

## Access to welfare benefits

- 15.91. DWP provides support for victims of modern slavery through the benefit system if they satisfy the qualifying conditions set out in the Habitual Residence test. The Habitual Residence Test has two elements:
- a legal right to reside; **and**
  - an objective assessment of factual evidence of habitual residence
- 15.92. Victims of modern slavery, who are not UK nationals, have access to benefits on the same basis as any other migrant coming to this country. In

line with the existing rules governing migrants' access to benefits, modern slavery victims can access income-related benefits if they satisfy the Habitual Residence Test.

## Right to reside

15.93. A victim can satisfy the legal right to reside if they can demonstrate they have a legal right to be in this country. A victim may have the right to reside if they are:

- A UK or Irish citizen; **or**
- An EEA or Swiss citizen and are employed or self-employed in the UK; **or**
- A citizen of a country outside the EEA or Switzerland and have leave to remain in the UK with recourse to public funds.

15.94. Further information on the right to reside can be found [here](#).

## Habitual residence

15.95. Decision makers assess a wide variety of factors to determine whether someone is factually habitually resident. These include evidence of intention to remain and attachment to the UK. Each case is treated on its own merits, in the light of the person's individual circumstances.

## Easements

15.96. For claimants that have been identified as victims of modern slavery, an easement may be applied. Applying an automatic easement may not be in the best interest of the victim in every case, and work coaches should consider whether victims would benefit more from tailoring their work-related activities and helping them into work. This can include, where appropriate, access to a range of support such as English language courses, pre-employment support and work experience.

15.97. Where appropriate to victims of modern slavery, work coaches can use the Domestic Emergency provision to "switch off" work related requirements for a period of up to a month at a time. Consideration to individual needs is paramount and work coaches will need to be flexible and ensure that requirements that are set are reasonable in light of the claimant's circumstances.

15.98. Where there are other circumstances that would prevent a person from working such as a health condition, disability or attending court as a witness or defendant, work related activities can be tailored.

## Access to legal representation

15.99. Any victim of modern slavery can appoint their own legal representative where they can afford to do so. It is advised to use a solicitor registered with or regulated by an officially accredited body such as the Law Society, Solicitors Regulation Authority or the Office of the Immigration Services Commissioner (OISC).

15.100. If a victim cannot afford a legal representative, they may be eligible for legal aid (see below) or they can try and find a *pro bono* legal representative. As with paid representatives, it is advised to use a solicitor regulated with an officially accredited body.

## Access to legal aid

15.101. Victims can receive legally aided representation in criminal proceedings against them.

15.102. All victims of modern slavery with a positive Reasonable Grounds decision can apply for legal aid. Section 47 of the Modern Slavery Act 2015 amended the Legal Aid, Sentencing and Punishment of Offenders (LASPO) Act 2012 to allow victims of 'slavery, servitude and forced or compulsory labour' to apply for legal aid for the same types of cases as human trafficking victims.'

15.103. The following sections set out the areas where, subject to the relevant criteria being met (such as means and merits tests), legal aid may be available.

## Legal aid for immigration advice on leave to enter or remain

15.104. Potential victims or victims of modern slavery with a positive Reasonable Grounds or a positive Conclusive Grounds decision can access legal aid for advice on an application for leave to enter or remain.

## Legal aid for advice on an asylum claim

15.105. Potential victims and victims of modern slavery may apply for legal aid in relation to an asylum claim at any point. Legal aid for asylum advice is not tied to the NRM decision making process.

## Legal aid for employment law advice

15.106. Potential victims and victims of modern slavery may apply for legal aid in relation to employment law advice for claims under employment law arising in connection with their exploitation.

## Legal aid for a civil claim of damages

15.107. Potential victims and victims of modern slavery can apply for legal aid for advice on a claim for damages arising as a result of their being a victim of modern slavery.

## Other legal aid

15.108. Victims of modern slavery are also able to access legal aid for other issues in the same manner as any other legal aid applicant, subject to the scope and criteria of LASPO 2012. Victims and support providers can check the eligibility to access other legal aid [here](#).

## Exceptional Case Funding

15.109. Legal aid is available via the Exceptional Case Funding (ECF) scheme in any matter where failure to provide it would breach, or risk breaching, the European Convention on Human Rights or enforceable EU law, subject to the statutory 'means and merits' test. For more information see [Legal aid: exceptional case funding form and guidance](#).

## Pursuing a civil claim for compensation

15.110. Victims may be able bring a civil claim against a perpetrator where they have suffered damages.

15.111. While being a victim of modern slavery is not its own grounds for compensation, victims can be compensated for a range of damages, such as:

- personal injury
- losses from theft or damage to property
- losses from fraud
- being off work
- medical expenses
- travel expenses
- pain and suffering
- loss, damage or injury caused to or by a stolen vehicle

15.112. Victims may be able to apply for legal aid to pursue a compensation claim against their exploiter where they meet the relevant legal aid criteria.

## Making a claim for publicly funded compensation

15.113. Victims of violent crime are able to apply for compensation under the Criminal Injuries Compensation Scheme (the Scheme). Under the Victims' Code, victims will be told how to apply for the Scheme by the police when such crimes are reported.

15.114. The Scheme is government funded and exists to compensate victims who suffer serious physical or mental injury as a direct result of a violent

crime. The Scheme is for those injured in England, Scotland and Wales. Northern Ireland has its own scheme.

- 15.115. The rules of the Scheme and the value of the awards paid are approved by Parliament, and the Scheme is administered by the Criminal Injuries Compensation Authority independently of Government, as an Executive Agency of the Ministry of Justice.
- 15.116. The Scheme is intended to be one of last resort and where the opportunity exists to pursue compensation elsewhere, applicants should do so. As a result, the Criminal Injuries Compensation Authority may defer making a decision on a claim until an applicant takes all reasonable steps to obtain other compensation. An award under the Scheme will take account of other compensatory payments to the applicant, such as a criminal compensation order or damages from a civil court.
- 15.117. There are strict eligibility criteria and an applicant must apply as soon as it is reasonably practicable to do so. This should normally not be later than two years after the incident occurred. The rules of the Scheme state that no award can be made unless an applicant has been the victim of a crime of violence and the incident has been reported to the police.
- 15.118. Whilst applicants to the Scheme must demonstrate that they were ordinarily resident in the UK at the time of the incident, the Scheme includes a list of exceptions to this rule, including recognised victims of human trafficking (those with a positive Conclusive Grounds decision) and those granted asylum. Victims of modern slavery can request that their claim be deferred to await a Positive Conclusive Grounds decision via the National Referral Mechanism.
- 15.119. Under the Scheme victims of modern slavery who have suffered an injury as a result of a crime of violence can apply for compensation. Compensation is based on the injuries sustained rather than the offence the injuries resulted from, or, in cases of sexual assault or abuse, may be based on the duration and nature of the abuse/assault. The Scheme is designed to compensate the most serious injuries and minor injuries may not be eligible.
- 15.120. Support providers should make victims aware that where they have suffered an injury as a result of a crime of violence, and meet the criteria, they may be eligible for compensation through the Scheme.
- 15.121. If a victim or support worker needs help to complete an application, they can contact the CICA's Customer Service Centre advisors on **0300 003 3601**. The helpline is available Monday to Friday from 08:30 to 17:00 except Wednesday when they are open from 10:00 to 17:00. Information about the Scheme can also be found at the following link:  
<https://www.gov.uk/guidance/criminal-injuries-compensation-a-guide>

## Travel to appointments



- 15.122. Victims with a positive Reasonable Grounds decision are provided with assistance for *ad hoc* and scheduled travel for journeys to appointments to facilitate their recovery.
- 15.123. Victims may be expected to walk to appointments that are within a reasonable, safe walking distance. Where the potential victim or victim is unable to walk that distance, or it is unsafe for them to do so, transport assistance will be provided.
- 15.124. The following list is non-exhaustive - travel assistance may be provided from allocated accommodation to:
- Law Enforcement Agencies
  - Solicitors
  - Courts
  - Asylum interviews
  - Medical Institutions (for appointments) – these costs may be met by the NHS if a HC2 or HC3 certificate has been granted
  - School (for dependent school age minors) where the school is outside of appropriate walking distance (as set out in [Department for Education Home-to-school travel and transport statutory guidance](#)) or when it is unsafe for them to walk to school
- 15.125. The Home Office may fund, or part fund, travel for other journeys through the VCC as necessary to support the victim's recovery.

## Support in transitioning to alternative support services

- 15.126. Support providers should work with the potential victim during the Recovery Period, as early as it is appropriate to do so, to consider their options for when they leave VCC support.
- 15.127. Following a Conclusive Grounds decision, adults are provided with a further period of move-on support to allow victims time to transition out of VCC support.
- 15.128. Victims with a positive Conclusive Grounds decision are provided with at least 45 calendar days of move-on support. Victims with a negative Conclusive Grounds decision are provided with 9 working days of move-on support. Guidance on determining what, if any, ongoing recovery needs a victim has, and whether VCC support continues to be necessary, is set out in the [Recovery Needs Assessment guidance](#).
- 15.129. Victims may apply for some form of leave if they do not have leave to remain in the UK, and it is appropriate to do so. Non-EEA nationals with a positive Conclusive Grounds decision are automatically considered for [Discretionary Leave to remain](#).

15.130. Where victims do not have leave to remain in the UK, they may be eligible for support to voluntarily return to their country of origin.

## Extension requests

15.131. In some cases, individuals who have received a negative Reasonable Grounds or Conclusive Grounds Decision receiving support through the VCC require a longer period to exit support. The Home Office recognises that there are circumstances in which some adults are not able to leave VCC support safely and securely at the end of their move-on support period after they receive their Conclusive Grounds decision. The Home Office considers extension requests from support providers on a case-by-case basis.

15.132. There are occasions where a support provider may consider it not to be appropriate for an individual to leave VCC support in the usual period after a negative Reasonable Grounds or Conclusive Grounds decision. In such circumstances a support provider should make an extension request.

15.133. Only a support provider under the VCC can make an extension request. Legal representatives cannot make extension requests directly and should contact the support provider if they believe an extension request is necessary.

15.134. Where individuals think they would benefit from an extension before exiting the service, they should discuss the possibility with their support provider who may decide to put in an extension request on their behalf.

15.135. If an individual believes an extension request should be made but the support provider is not willing to make the request, the individual should raise a complaint through the official VCC complaints procedure. An individual can begin this procedure by informing their support provider they would like to make a complaint.

15.136. In all instances, support providers should ensure that they have explored all options for assisting an individual in transitioning to alternative support services before making an extension request. Where appropriate this will include referral to a legal representative for immigration advice as soon as possible to discuss [voluntary returns](#), [asylum](#) and [Discretionary Leave to remain](#).

## Making an extension request

15.137. All extension requests must be made in writing and sent to the VCC Prime Contractor.

15.138. When making an extension request, support providers should:

- Clearly state the facts of the case including how many previous extension requests have been made

- State the period the request is for
- Provide all relevant background information regarding the case and the individual
- Explain why it is not appropriate for the individual to transition to other services at this time
- Explain any planned actions and interventions, and realistic timescales for completing these
- Where interventions to help the individual move-on have not started the support provider must give reasons as to why such action has not already commenced or been undertaken
- Attach any relevant, additional documentation relating to the request, e.g. a request from police or bail conditions

15.139. All extension requests should be submitted before the individual is expected to leave NRM-support. Subsequent extension requests should be submitted prior to the end of the agreed date from the previous extension request.

15.140. Where an extension request has not been made within these timescales an extension request may still be granted. Retrospective extension requests will need to clearly explain the reasons why the timescales set out above could not be met.

15.141. The Home Office will aim to provide a response to an extension request within three working days, where possible.

## Circumstances in which the Home Office may grant an extension request

15.142. Where an extension request is granted, it will be to provide a further period of support to allow the individual to transition to alternative support services. Each extension request will be considered on a case-by-case basis. Possible reasons for extension requests include, but are not limited to, the following:

- The individual has the right to remain in the UK and has applied for and is awaiting key documentation to enable them to access services necessary for transitioning to alternative support services (such as ID documentation or a biometrics card)
- The individual has the right to remain in the UK and is waiting for confirmation of state support
- The individual has the right to remain in the UK and is waiting for move-on accommodation to be made available for example, accommodation provided by a Local Authority
- The individual is returning to their country of origin, but is awaiting key documents or appropriate travel arrangements to enable this
- The individual has a formal application for Discretionary Leave under consideration

- The individual has physical or mental health needs that mean they require ongoing support beyond the move-on period
- The individual is waiting for the SCA to determine if it will reconsider a decision

15.143. The support provider should not wait until the extension date to exit an individual from support when their circumstances change in such a way as to enable them to transition to alternative support services. For example, the individual receives the ID documentation necessary to transition to alternative support services.

## Circumstances in which Home Office is unlikely to grant extension requests

15.144. Each extension request will be considered on a case-by-case basis. However, extension requests will not usually be granted where they are requests for support that could be provided through another service, for example, an application for outreach support for an individual in asylum accommodation would need to clearly set out what support cannot be provided through the asylum system. Requests for a period of more than 28 calendar days at a time will only be granted in exceptional circumstances.

## Continued support during reconsideration of a Reasonable Grounds or Conclusive Grounds decision

15.145. When an individual has received a negative decision, they will be expected to exit support. If they have submitted a reconsideration request, they will still be expected to exit support unless an extension request is also made and approved.

15.146. If the SCA agrees to reconsider, and the individual is still in support, they will not be expected to exit support while the reconsideration is being decided.

## Reconsideration of an extension request

15.147. The support provider may request reconsideration of a decision refusing an extension request in writing sent to the VCC Prime Contractor. The support provider will need to explain the reasons and provide supporting evidence as to why the Home Office should reconsider their original decision.

15.148. The Home Office will attempt to provide a response to an extension request reconsideration within three working days.

## Decision Making

15.149. The decision to grant or not grant the extension will be recorded by the Home Office and the decision and rationale will be shared with the VCC

Prime Contractor who will notify the support provider about the outcome of the extension request.

## Transitioning to asylum support for victims with an active asylum claim

- 15.150. Where victims do not have an active asylum claim they may be eligible to claim asylum. Further information on how to make an asylum claim is available [here](#).
- 15.151. Victims with an active asylum claim will transition into asylum accommodation if they would otherwise be destitute and their needs can be met in asylum accommodation.
- 15.152. When someone is entering asylum accommodation from VCC accommodation the support provider is required to conduct a [needs assessment](#).
- 15.153. If the victim is already in asylum support, they will continue to remain in asylum accommodation and receive the support provided to asylum seekers until a decision is made on their asylum case. See [asylum accommodation](#) for more information.

## Discretionary Leave to remain

- 15.154. Non-EEA nationals will automatically be considered for a grant of Discretionary Leave if they do not already have the right to remain. EEA nationals may apply for discretionary leave. Victims will need a positive Conclusive Grounds decision to be considered for Discretionary Leave.
- 15.155. Discretionary Leave to remain may be available where a victim is assisting as a witness in a criminal investigation.
- 15.156. Full guidance on when Discretionary Leave will be granted to victims of modern slavery is contained in [Discretionary Leave considerations for victims of modern slavery](#).
- 15.157. The guidance explains the circumstances in which it may be appropriate to grant Discretionary Leave to individuals confirmed as victims of modern slavery by the NRM, and the considerations that must be made before such a decision is made. It also deals with extending Discretionary Leave or curtailing leave as necessary.

## Voluntary returns

- 15.158. Non-British nationals referred into the NRM may wish to return home. This is known as 'voluntary return'. Ensuring that victims can return safely helps to reduce the risk of future exploitation.

15.159. A desire to return home is **not** a barrier to entering the NRM. Where victims express a desire to return, they should still be informed about the NRM and the immediate support available through it, including the option of a voluntary return.

15.160. Support providers are encouraged to discuss the option of voluntary return with all victims who do not have British nationality:

- The Government-funded Voluntary Return Service is available to victims who are non-EEA nationals at any time, and to victims who are EEA nationals with a positive Conclusive Grounds decision who hold no extant leave. It can provide assistance to return home such as flights or travel documents. In addition, all victims with a positive Conclusive Grounds decision, who do not have leave to remain, can apply for financial help of up to £2,000 which can be used to find somewhere to live, find a job or start a business in their country of origin. More detailed information on who is eligible for assistance to return home and/or financial support can be found at [www.gov.uk/return-home-voluntarily/who](http://www.gov.uk/return-home-voluntarily/who) or by calling **0300 004 0202**
- The Voluntary Returns Service will be able to provide help with regards to the exact voluntary return options available to each individual and the implications of taking any support, which will vary depending on a victim's personal circumstances.

15.161. For more information on voluntary returns see [Voluntary and assisted returns guidance](#).

## Other support for individuals following a negative Conclusive Grounds decision

15.162. Individuals with a negative Conclusive Grounds decision may still be eligible for support from other organisations. The support provider should signpost these individuals to other organisations who can meet their needs, including:

- Local Authority support
- Asylum support through a new or existing asylum claim
- Non-EEA nationals may be eligible for the Home Office Voluntary Returns Scheme even if they have not been recognised as a victim of modern slavery.

15.163. Support providers should also make victims aware of the reconsideration request and extension request processes.

15.164. If a reconsideration request has not been made and no extension request has been submitted, the individual must leave support provided under the Victim Care Contract within 9 working days. The timeline to exit someone from support following a negative decision begins only once the potential victim or nominated legal representative has received the letter.

15.165. If an individual believes the negative decision made by the SCA is incorrect, they can submit a reconsideration request. Reconsideration requests should be submitted as soon as possible to the SCA. For more information see [Reconsiderations](#).

If their support provider under the Victim Care Contract, First Responder or ICTG, where appointed, believes that exiting the individual from support under the Victim Care Contract cannot be done in a safe and secure way, a request for extension of support can be made. For more information see [Extension Requests](#).



# Annex G – Detail of support available to children in England and Wales

16. This Annex sets out details of the type of support available to child victims.

## Local authority support

- 16.1. The support Local Authorities provide to child victims is not dependent on a child remaining in the NRM. As such, children will continue to be supported in their existing situation by Local Authorities under their statutory duty to safeguard and promote the welfare of looked after children in their area.
- 16.2. Support may continue until children reach the age of 25 where the child was looked after, or until the age of 18 otherwise.
- 16.3. Where children have access to an ICTG, this support may end in line with the exiting/transition from ICTG provision set out in the [ICTG guidance](#).

## Standards of living

- 16.4. Where the child victim's standards of living lead to concern that a child is in need of help they should be referred to children's social care who, following an assessment, may decide support is necessary. Requests for support must always be made to the Local Authority children's services at the earliest opportunity. These will usually be made by the First Responder. See [Referring a Child Victim into the NRM](#) for more information.
- 16.5. Any child who is unaccompanied, who is separated from both parents and is not being cared for by an adult who by law has responsibility to do so must, by law, be accommodated by the Local Authority and will become "looked-after" 24 hours later by the Local Authority where their needs have been identified. This means the authority is required to provide them with care, accommodation and support (which will include making arrangements for education and healthcare) in the same way as any other child who is in the authority's care.
- 16.6. Local Authorities must allocate a social worker who will assess the child's needs and draw up a care plan which sets out how the authority intends to respond to the full range of the child's needs. This includes ensuring they have all the necessary legal and other support they need, including access to health, education and appropriate and safe accommodation, whether via a foster care arrangement, children's home or supported accommodation. If there is reason to believe that the child is a victim of modern slavery, including trafficking, this must be recorded in their care plan. The social worker has responsibility for linking the child in with the right services including GP, school and mental health services if appropriate.

An Independent Reviewing Officer must be appointed for each looked after child, to provide independent oversight of the child's case and hold Local Authorities to account for the child's progress. The care plan must include health and education plans. All looked after children in care have an automatic right to an Independent Advocate provided by the Local Authority as a statutory provision for all looked after children. Child victims of modern slavery who are in care may particularly benefit from this advocacy.

- 16.7. Local Authorities must undertake regular reviews, chaired by the Independent Reviewing Officer. A review must take place no more than 20 days after the child becomes looked after; no more than 3 months after the first review; and then at intervals of not more than six months; and conclude with any revision to the care plan.

## Medical support

- 16.8. For child victims who are looked after Local Authorities are responsible for making sure an assessment of physical, emotional and mental health needs is carried out for every child who is looked-after. The statutory health assessment should address the areas specified in the [Care Planning, Placement and Case Review \(England\) Regulations 2010](#). These include the child's physical, emotional and mental health. Before the first statutory review of the child's care plan, a medical practitioner must carry out an assessment of the child's state of health and provide a written report. After that, the child's state of health must be reviewed at least once every six months before a child's fifth birthday and at least once every 12 months after the child's fifth birthday. For more information see [Promoting the health and wellbeing of looked after children](#) statutory guidance for Local Authorities, Clinical Commissioning Groups and NHS England. For more information see [Promoting the health and wellbeing of looked after children](#) statutory guidance for Local Authorities, Clinical Commissioning Groups and NHS England.

- 16.9. The statutory guidance for Local Authorities in England to support care of unaccompanied migrant children and child victims of modern slavery states that a looked after child's health plan should set out the objectives, actions, timescales and responsibilities arising from the health assessment. The health plan should cover the child's state of health, including their physical, sexual, emotional and mental health. This should include detail of how any psychological issues will be addressed. For example, these may result from the child's experiences at the hands of traffickers overseas or in the UK. Unaccompanied children may also require specialist mental health support to help them deal with the impact of loss and trauma. This may require referral to specialist mental health assessment and treatment.

## Child mental health

- 16.10. For child victims Child and Adolescent Mental Health Services (CAMHS) will provide child or adolescent specific services. It operates in a similar way to adult mental health services but has access to a different group of professionals. These services focus more on psychological than pharmacological therapies. GPs and social workers will be able to facilitate access to counselling.

## Translation and interpretation services for child victims

- 16.11. Local Authorities should have a clear policy on how they can obtain a suitable interpreter for a child who needs one. Local Authorities should ensure that reasonable endeavours are made to find an interpreter who speaks both the correct language and dialect of the child. Interpreters should be appropriately trained to understand the particular issues the child may face. For example, 'slavery' and 'trafficking' may not translate literally or easily and may need to be expressed in a different way to ensure the child fully understands the situation.

## Information on rights and services for child victims

- 16.12. Access to information on rights and services should be provided to the child by the Local Authority children's service. Where an Independent Advocate is made available to look after a child victim of modern slavery, they can help provide clear information to the child and make sure their legal rights are upheld and that they are fairly treated. Where available, an ICTG may also be able to provide information, signposting and advocacy on behalf of the rights of the child.

- 16.13. Where possible, children should have the NRM process explained to them in a language they can understand and in age-appropriate terms. The Safeguarding strategy for [unaccompanied asylum seeking and Refugee children](#) is a joint strategy between the Home Office and the Department for Education, published in November 2017. It sets out additional actions by Government to safeguard and promote the welfare of unaccompanied asylum seeking children. In particular, Section 4 provides additional information on rights and entitlements, and states:

**“Unaccompanied children may be unfamiliar with systems in the UK and may be mistrustful of officials depending on their treatment in their country of origin and in transit to the UK. Whatever their entry route into the UK, children may need help to understand where they are, what their rights and entitlements are, and support to understand what will happen to them next.”**

- 16.14. Local Authorities should aim to keep children informed their rights, entitlements and what is happening to them throughout the NRM process.

## Support in criminal proceedings

- 16.15. Child Victims are automatically eligible to apply for Special Measures as set out in the Victims' Code. The prosecutor will discuss with the investigating officer, who must have discussed with the witness, which Special Measure, if any, would be most appropriate.

## Access to education for child victims

- 16.16. All children should receive the same access to educational provision regardless of their immigration status. For children who do not speak English or have communication difficulties this should include access to language and communication support and schools will respond to each child according to their educational needs.
- 16.17. Under section 22 of the [Children Act 1989](#) all Local Authorities in England are under a duty to promote the educational achievement of the children they look after, wherever they are placed. The authority must therefore give particular attention to the educational implications of any decision about the welfare of those children.
- 16.18. The [Children and Families Act 2014](#) amended the Children Act 1989 to require Local Authorities in England to appoint at least one person for the purpose of discharging the Local Authority's duty to promote the educational achievement of its looked-after children wherever they live or are educated. That person (commonly known as the Virtual School Head) must be an officer employed by the authority or another Local Authority in England.
- 16.19. All maintained schools and academies must appoint a designated teacher for looked-after children. They act as a source of advice and expertise about the needs of looked-after children generally and those on the school's role in particular. The designated teacher and the Virtual School Head have a role in making sure the child's Personal Education Plan (PEP), which is part of the child's overall care plan, is SMART and meets the child's needs. They should review the PEP on a termly basis and that information feeds into the wider care plan formal view.
- 16.20. Looked-after children, with limited exceptions, have top priority in school admissions. Local Authorities can direct an admission authority of a maintained school to admit a looked-after child even if the school is full. They must admit the child, or if it believes to do so would prejudice the efficient delivery of education, appeal to the Schools Adjudicator. For academies, the Local Authority would have to ask the Secretary of State for Education to consider a direction.
- 16.21. It is helpful to involve the child's education provider in discussions about risk assessment and planning and to make them aware that the child is, or may be, at risk of being a victim of modern slavery. The school, academy or other education provider should ensure that any inappropriate contact from adults or other children, as well as if a child is missing from education, is reported to the Local Authority in order to protect the child from further harm. The Department for Education statutory schools safeguarding

guidance [Keeping Children Safe in Education](#) is what schools and colleges must have regard to when carrying out their duties to safeguard and promote the welfare of children.

# Annex H – The section 45 defence (the statutory defence)

17. This Annex provides details of the Section 45 Defence (the statutory defence)

17.1. Potential victims of modern slavery may be suspected or accused of committing criminal offences. [Section 45](#) of the Modern Slavery Act 2015 provides for a statutory defence for adult and child victims who have been forced, threatened or deceived into committing certain crimes by their exploiters. This provision is intended to strengthen prosecutorial discretion as to whether it is in the public interest to prosecute an individual in these circumstances and prevent victims of slavery from being punished for crimes they were forced to commit, such as being forced, threatened or deceived into producing or selling illegal drugs.

17.2. The defence does not apply to the most serious crimes, such as sexual offences or offences involving serious violence. The full list of excluded offences is provided in [Schedule 4 of the Act](#). The defence does not provide for blanket immunity from prosecution for criminal acts committed by victims of modern slavery: a nexus must be established between the circumstances of the exploitation and the crimes committed and there are a number of other conditions which must be established which are set out in the Act.

17.3. The section 45 defence is only available in England and Wales. For more information on the statutory defence in Northern Ireland see [section 22](#) of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015. In Scotland, the Crown Office and Procurator Fiscal Service continues to apply the [Lord Advocate's instructions](#) to ensure that victims of modern slavery are not prosecuted in relation to offences committed as a consequence of their exploitation.

17.4. The defence, or an allegation of forced-criminality, may be raised by the suspect/defendant at any point in the criminal justice process from the point of arrest; including during trial proceedings.

17.5. It is important to note that the decisions made by the SCA for the purposes of the NRM (Reasonable Grounds and Conclusive Grounds decisions) are civil decisions, and the standard of proof required in criminal cases to establish the section 45 defence applies is different.

17.6. The decision of the SCA as to whether a person had been trafficked for the purposes of exploitation is not binding on the Crown Court or the CPS. Unless there was evidence to contradict it or significant evidence that had not been considered, it is likely that the criminal courts will abide by the decision; see *R v L(C)* [2014] 1 All ER 113 at 28 and *R v VSJ* [2017] 1 WLR 3153 at sect; 20(viii). The decision should be scrutinised by the prosecutor to see the evidence that was available to the SCA, to what extent the evidence has

been analysed, weighed and tested by the SCA and to assess the quality of any expert evidence relied upon.

17.7. A positive Reasonable Grounds or Conclusive Grounds decision may support the suspect/defendant's argument that they have been forced, threatened or deceived into committing the crime(s) for which they are accused. However, a positive decision does not automatically establish the statutory defence is applicable. The other criteria provided by the Act must still be met and, given the different standards of proof required in criminal proceedings, courts are not bound to accept NRM decisions.

17.8. Conversely, a section 45 defence may be established even if a suspect/defendant has not been referred into the NRM or has had a negative decision.

17.9. Whilst the NRM and the criminal justice system are distinct and separate processes, a decision by the SCA to recognise a suspect/defendant as a victim of modern slavery may still have a bearing on a criminal case. As such the SCA must update the police, Crown Prosecution Service and the Court hearing the case (if relevant) at the Reasonable Grounds and the Conclusive Grounds stages as soon as a decision is made.

## The section 45 defence for adults

17.10. The adult defence can be considered where the individual was over the age of 18 at the time the offence was committed. This defence is set out in section 45(1) of the Act.

17.11. Adults who raise the defence must meet all of the following criteria:

- the person does that act because the person is compelled to do it; **and**
- the compulsion is attributable to slavery or to relevant exploitation, as a direct consequence of being a victim of slavery; **and**
- a reasonable person in the same situation as the person and having the person's relevant characteristics would have no realistic alternative to doing that act.<sup>14</sup>

## The section 45 defence for child victims

17.12. For those under the age of 18 at the time an offence was committed, the child defence can be considered under section 45(4) of the Act.

- the person commits the act as a direct consequence of their being, or having been, a victim of slavery; **and**

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<sup>14</sup> Relevant characteristics' mean age, sex and any physical or mental illness or disability.



- a reasonable person in the same situation as the person and having the person's relevant characteristics would do that act.<sup>15</sup>

## Further information

17.13. The CPS has issued detailed guidance on the circumstances prosecutors must consider when defendants charged with criminal offences might be victims of trafficking or slavery. For more information, see:

- [CPS guidance on human trafficking and smuggling](#)
- [COPFS guidance on human trafficking](#)

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<sup>15</sup> Relevant characteristics' mean age, sex and any physical or mental illness or disability.