

# Modern Slavery: guidance for staff working with children and adults

## 1. Introduction

Modern slavery is a broad concept encapsulating different, yet overlapping, offences of slavery, forced or compulsory labour, sexual exploitation, criminal exploitation, domestic servitude and human trafficking. It involves some of the worst forms of exploitation that can occur. In November 2014, the UK Government published its [Modern Slavery Strategy](#), which outlines a cross-Government approach to tackling the issue.

Protecting children, young people and adults who are subjected to or are at risk of modern slavery requires a multi-agency response that includes working in partnership with the non-statutory sector. Additionally, professionals must have an understanding of how to identify, refer and support victims and potential victims. It is also imperative that safeguarding leads within organisations take responsibility for being a source of information and advice and increasing awareness of the issue amongst their colleagues.

It is important to note that victims may be unwilling to come forward to law enforcement or public protection agencies, not seeing themselves as victims, or fearing further reprisals from their abusers. Victims may also not always be recognised as such by those who come into contact with them.

This document provides guidance for professionals who work with children and adults who have been or are at risk of modern slavery. It supports staff to identify, refer, assess and support children and adults. It also sets out the steps to take where concerns about a child and adult have been identified as being at risk. The intention of this guidance is to develop a robust local response to children and adults at risk or potentially at risk of modern slavery and is not intended to replace statutory guidance, the London Child Protection Procedures or the London Multi-Agency Adult Safeguarding Policy and Procedures. This is a Standard Operation Procedure specific to the City of London and it is expected that all agencies working with children and adults will implement this guidance, ensuring that their staff are aware of it and understand it.

## 2. Policy & Legislative framework

This guidance is published by the City & Hackney Safeguarding Children Board (CHSCB) and City and Hackney Safeguarding Adults Board and is based on the following policy & legislative guidance:

- Modern Slavery Act 2015
- Children Act 1989
- The Children Act 2004
- Working Together to Safeguard Children 2015

- London Child Protection Procedures
- Safeguarding Children Who May Have Been Trafficked 2011
- The Care Act 2014
- The London Multi –Agency Adult Safeguarding Policy and Procedures

### 3. Definitions

Modern slavery includes:

- victims of trafficking
- victims of slavery;
- victims of servitude; and
- victims of forced or compulsory labour.

**Human Trafficking:** Trafficking in persons shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of 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 purposes of exploitation.” *The UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (Palermo Protocol).*

Slavery, servitude and forced or compulsory labour may also be present in trafficking cases. However, not every person who is exploited through slavery, servitude and forced or compulsory labour has been trafficked.

**How is child slavery and trafficking different to that of adults?** The crucial difference is that it is not necessary to demonstrate the means to show that a child has been trafficked or held in slavery. This is because children cannot give informed consent, so it is not necessary to show that they were forced, coerced or deceived into being exploited. If they are being exploited, or held in slavery, that is sufficient to demonstrate that a slavery or trafficking offence is likely to have taken place.

- A child is defined as any person under the age of 18
- Even when a child appears to have submitted willingly to be the will of their parents or accompanying adults, it is not considered possible for a child to give informed consent

### **International Labour Office definition of child labour:**

'The term "child labour" is often defined as work that deprives children of their childhood, their potential and their dignity, and that is harmful to physical and mental development. It refers to work that:

- is mentally, physically, socially or morally dangerous and harmful to children; and
- interferes with their schooling by:
  - depriving them of the opportunity to attend school;
  - obliging them to leave school prematurely; or
  - requiring them to attempt to combine school attendance with excessively long and heavy work.

### **4. National Referral Mechanism**

The National Referral Mechanism (NRM) is the process by which people who may have been trafficked are identified, referred, assessed and supported by the UK government. In modern slavery cases a number of organisations will be working together to safeguard potential victims, so the NRM facilitates a better multi-agency response. The support available may include access to advice, accommodation, protection, emotional and practical help. The NRM applies to all victims of modern slavery.

Referrals to the NRM can only be made by agencies classed as first responders, to be considered by one of the UK's two competent authorities (CA). First responders are: police, local authorities, UK Border Force, NSPCC, The Salvation Army and other specialist NGOs. Trained specialists within the competent authorities are the only ones, who can decide who are actually victims of modern slavery or trafficking.

The two CA are:

- The UK Human Trafficking Centre (UKHTC), which deals with referrals from the police, local authorities, and NGO's
- The Home Office Immigration and Visas (UKVI), which deals with referrals identified as part of the immigration process, for example where trafficking or modern slavery may be an issue as part of an asylum claim

The Government's NRM team have a target of five working days from receipt of a referral by a first responder to decide whether there are reasonable grounds to believe that a person is a potential victim of modern slavery. This deadline is set by the Government.

If it is decided that there are reasonable grounds to believe that the person is a potential victim of modern slavery, the person will be offered a reflection and recovery period of 45 days and in the case of adults they can be provided with a place at a safe house, subsistence and access to relevant medical and legal services, and potential eligibility for discretionary leave if they are recognised as a victim. This can be extended if the victim needs this kind of support for a longer period or if making the decision takes longer. During this time further information is gathered relating to the referral from the first responder and other agencies.

They will then decide whether the person is indeed a victim of modern slavery. The target for this decision is within the 45-day recovery period.

During the minimum 45-day recovery and reflection period, the CA gathers additional information relating to the referral from the first responder and other sources. Close collaboration between the police and the CA is required.

This additional information is used to make a conclusive grounds decision on whether or not the referred person is a victim of modern slavery. The expectation is that a conclusive grounds decision will be made as soon as possible following day 45 of the recovery and reflection period. There is no target to make a conclusive grounds decision within 45 days – the timescale will be based on all the circumstances of the case.

The case manager works to the following conclusive grounds threshold: on the balance of probability, it is more likely than not that the individual is a victim of modern slavery.

### **Extensions**

Extensions to the 45 days can be granted where necessary. Reasons for an extension can include the victim suffering from serious health issues; severe mental health or psychological issues (including post-traumatic stress disorder) requiring a longer period of recovery and reflection; or high levels of victim intimidation.

The length of the extension will be considered on a case by case basis depending on the facts of the individual case.

If the 45 day recovery and reflection period has been extended, the CA, first responder and support provider must keep the extension under review. An extension review must occur every 28 calendar days or when there is a change in the victim's circumstances.

### **Positive conclusive grounds decision**

Both the first responder and the victim are notified of this decision.

When a person is found conclusively to be a victim and has agreed to assist the police with formal enquiries in the UK, the police may make a formal request to the Home Office for them to be granted a period of discretionary leave to remain (DLR) on this basis. The period must not be less than 12 months and one day, and no more than 30 months. This may be extended where necessary, for example, when a criminal prosecution takes longer than expected and the police have confirmed or requested an extension. Both EEA and non-EEA nationals can apply.

#### Requests for discretionary leave to remain

Any requests for discretionary leave to remain (DLR) of a modern slavery victim should be sent to:

- the NRM team in the Home Office (UK Visas and Immigration or Immigration Enforcement) who made the positive conclusive grounds decision, for non-EEA cases
- neyh.ukba.nrm@homeoffice.gsi.gov.uk for police requests in England, Scotland and Northern Ireland, for EEA cases
- UKBAW@SWTraffickingInbox@homeoffice.gsi.gov.uk for police requests in Wales, for EEA cases.

After the request is made, the CA may seek further information from the confirmed victim such as asking them to complete an application form (FLR(O) or FLR(DL) as appropriate) and return it to the CA. No decision on whether to grant discretionary leave will be taken before a conclusive grounds decision is made. A victim cannot be prevented from leaving the UK if they so wish.

#### **Negative conclusive grounds decision**

If the CA decides that the referred person was not enslaved, the criminal investigation should still continue. If there are no other circumstances that would allow the referred person the right to live in the UK, they are supported by the government to return voluntarily to their country of origin.

Alternatively, a limited number of rescue and rehabilitation centres are provided by charities and non-governmental organisations for those who fall outside the NRM or who refuse consent for referral. Those who initially refuse consent may change their decision following their stay, and can then be referred to the UKHTC. Temporary accommodation providers include:

- Eaves' Poppy Project

- Unseen UK
- Palm Cove Society
- BCHA
- Black Association of Women Step Out (Bawso)
- The Medaille Trust
- The Children's Society
- Ashiana Sheffield
- City Hearts
- Housing for Women
- Hope for Justice.

A victim claiming asylum may also be entitled to accommodation provided by the National Asylum Support Service (NASS).

There is no statutory right of appeal for potential victims against an NRM decision. However if a person can provide further details in ongoing assessments, others can on their behalf, or new substantive evidence emerges, the CA can be requested to reconsider their decision. Decisions can only be challenged through judicial review.

## 5. Reporting modern slavery to the police

A potential victim of modern slavery is a potential victim of a crime. The Modern Slavery Act 2015 contains 2 main modern slavery offences, punishable by up to life imprisonment:

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

The competent authority will normally handle referral of cases to the police. However, you must report a case to the police if the potential victim or others appear to be in immediate danger. **This must be done by calling 999.**

When completing the NRM form, you should explain to the victim that their case will be passed on to the police (either by the first responder themselves or a competent authority), as they are a potential victim of crime.

It is important to note that the victim is under no obligation to cooperate with the police to receive support through the NRM. In the case of adults the NRM form includes a section to indicate whether the potential victim is willing to cooperate with the police. If the potential victim indicates they will cooperate, then the police will contact them regarding the allegation, otherwise communication from the police will be with the person who made the third party referral.

Where the first responder is not making the police referral in relation to an adult potential victim, they should take note that the competent authority will need to know where the exploitation took place. If this is unavailable they will need to know where the potential victim currently lives. This information must be included on the NRM referral form.

In the case of adults, all NRM cases should be referred to the police provided this can be done in a way which is compliant with the Data Protection Act 1998 and does not breach any duty of confidentiality to the individual concerned. This should be done either on the victim's behalf where they consent to this information being provided to the police, or as a third party referral where they do not (where the individual's details are not disclosed and the individual can indicate that they do not wish to be contacted).

The NRM process is already a multi-agency process and when a potential victim consents to enter the NRM, they should be aware that information will be passed on by frontline staff that they are speaking to in order to access the NRM. It is therefore unlikely that an obligation of confidence would prevent referring this information to the police.

If first responders are unsure whether this information can be disclosed to the police in a way which is consistent with the Data Protection Act 1998 and without breaching any duty of confidentiality, you should contact your organisation's legal advisor for further guidance.

## **6. What to do if you are concerned about modern slavery**

Children: Modern slavery and child trafficking is child abuse and involves human rights violations. In many cases identified potential child victims may go missing so it is vital that you act quickly to protect them. Additionally, as part of their exploitation they may be forced into criminality and due to their vulnerability, they are least likely to engage with professionals due to threats to them and their family. Threats may include physical violence, sexual and emotional abuse and rituals designed to instill fear (e.g. [juju](#)/black magic).

Safeguarding is everyone's responsibility and this means that you have a duty to identify and safeguard the welfare of anyone who may be a victim of modern slavery and refer them to the designated organisations responsible for protecting and supporting them.

Anyone who encounters a potential victim must report it to a ‘first responder’. Referrals must therefore be made to the **City of London Children and Families Team on 0207 332 3621/1620/33940 or the City of London Police 0207 601 2115**

The Children and Families Team in the City will be responsible for the care and protection of potential child victims and this will take precedence over anything else, as many children go missing within 48 hours. This demands that social workers are aware of the importance of placing children in safe accommodation. Guidance on the principles of safe accommodation can be found [here](#).

The Children and Families Team will undertake an assessment of the child’s needs and risks presented to them and as a first responder will be required to refer the child to the NRM (if not done by another first responder). The allocated social worker will do this by completing a [NRM child referral form](#) and submit it to the National Crime Agency’s UK Human Trafficking Centre. The referral form contains information on where the form should be sent. In relation to children the first responder does not require their consent to be referred to the NRM. Further guidance for first responders can be found [here](#) and should be referred to before completing the referral.

Once a referral is made to the NRM then this will satisfy the ‘duty to notify’ outlined in section 11 below, so it is very important that all child potential victims are referred to the NRM by first responders. **See Appendix 1 for the referral process in relation to children.**

Where the age of a potential victim is uncertain and there are reasons to believe that the person is a child, they should be presumed to be a child and receive immediate access to protection, support, accommodation and advice, as stipulated by [section 51\(2\)](#) of the [Modern Slavery Act 2015](#). If there are concerns that they potential victim is not a child an age assessment will be undertaken by children’s social care. During this time the potential victim will still be provided with accommodation and support from children’s social care.

**Historical child victims: Where an adult is referred to the NRM on the basis of modern slavery that took place when they were a child, then the episode should be assessed against the children’s definitions (so means is not relevant).**

Staff must remember to follow [statutory guidance](#) and the [London child protection procedures](#).

Since a potential crime may have been committed the allocated social worker must make an immediate referral to the police. Referrals must be sent to **the City of London Police 0207 601 2115** and emails referrals must be sent to [ControlCentreInsp@city-of-london.pnn.police.uk](mailto:ControlCentreInsp@city-of-london.pnn.police.uk)

Adults: Safeguarding is everyone's responsibility and this means that you have a duty to identify and safeguard the welfare of anyone who may be a victim of modern slavery and refer them to the designated organisations responsible for protecting and supporting them.

Anyone who encounters a potential victim must report it to a 'first responder'. As a first responder, referrals can be made to Adult Social Care by either contacting the Information and Assessment team on 02073321234 or [adultsduty@cityoflondon.gov.uk](mailto:adultsduty@cityoflondon.gov.uk).

Adult social care must then follow the steps outlined above in terms of referring to the NRM if the adult has consented. If they refuse consent then the MS1 form must be completed. Reports to the police must be made following the same process outlined above i.e. **in the case of an emergency dial 999 and for non-urgent cases contact City of London Police.**

## 7. Common types of exploitation of children and adults

- Sexual exploitation – The use of another person in non-consensual sex.
- Child sexual exploitation - young people (or a third party) receive 'something' as a result of them performing, and/or another or others performing on them, sexual activities.
- Forced Labour – Where work is performed under the threat of violence or other penalties, for little or no pay.
- Domestic servitude – Victims are forced to carry out housework and domestic chores in private households with little or no pay, restricted movement, very limited or no free time.
- Financial exploitation – Illegal or improper use of an individual's funds, property, or assets by another person
- Illegal adoption – children are bought or kidnapped to be sold to prospective parents
- Criminal exploitation – Often controlled and maltreated, victims are forced into crimes such as cannabis cultivation, selling pirated DVDs, bag theft or pick pocketing against their will.

## 8. General indicators of modern slavery (children and adults)

- Distrustful of authorities*
- Expression of fear or anxiety*
- Signs of psychological trauma*
- Acts as if instructed by another*
- Injuries apparently a result of assault or controlling measures*
- Evidence of control over movement, either as an individual or as a group*
- Found in or connected to a type of location likely to be used for exploitation*
- Restriction of movement and confinement to the workplace or to a limited area*
- Passport or documents held by someone else*
- Limited social contact and contact with family*
- Unable, or reluctant to give details of accommodation or details such as work address*
- Perception of being bonded by debt*
- Money is deducted from salary for food or accommodation*
- Threat of being handed over to authorities*
- Threats against the individual or their family members*
- Being placed in a dependency situation*
- No or limited access to bathroom or hygiene facilities or medical care*

For specific indicators in relation to adults refer to the [National referral mechanism form: adults- England and Wales](#).

## 9. Indicators in relation to children

This is not intended to be an exhaustive list of indicators. For additional indicators please see page 5 of the [National referral mechanism form: child- England and Wales](#).

- Entered the country illegally*
- No passport or id, or false documentation*
- Possesses money or goods not accounted for*
- Malnourished*
- Accompanied by an adult who insists remaining with the child at all time*
- Has a prepared story very similar to those that other children have given*
- Exhibits maturity not expected in a child of such age*
- Shows signs of physical or sexual abuse, and/or has contracted a sexually transmitted infection or has an unwanted pregnancy*
- Has a history with missing links and unexplained moves*
- Among a number of unrelated children found at one address*
- Known to beg for money*
- Performs excessive housework chores and rarely leaves the residence*
- Quality of the relationship between the child and their adult carers is not good*
- Not been registered with or attended a GP practice, or enrolled in school*
- Excessively afraid of being deported*
- Accompanied by adult where relationship is unclear*
- Has adult boyfriend/girlfriend who provides money or gifts*
- Known to frequent various locations where CSE is a risk and/or moves between various locations with adults*

## 10. Meeting urgent health needs

Some services or treatments are exempt from charges and available on the National Health Service (NHS) to all people, regardless of immigration status including:

- 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 in the NHS Charging Regulations which apply in England, Wales, Scotland and Northern Ireland
- (England only) treatment required for a physical or mental condition caused by torture, female genital mutilation, domestic violence or sexual violence (this does not apply if the patient has come to the UK for the purpose of seeking that treatment).

## 11. Duty to Notify

From 1 November 2015, specified public authorities have a '[duty to notify](#)' the Secretary of State of any individual encountered in England and Wales who they believe is a suspected victim of slavery or human trafficking. The 'duty to notify' is set out in [Section 52 of the Modern Slavery Act 2015](#). This 'duty to notify' applies to the police, Local Authorities, the National Crime Agency and the Gang Masters Licensing Authority.

Other public authorities and non-government organisations are also being encouraged to make a voluntary notification despite not being bound by the duty. This duty is intended to gather statistics and help build a better understanding of the nature and extent of modern slavery.

### What does the duty to notify mean in practice?

There are 2 ways to satisfy the duty to notify depending on whether a case has been referred to the NRM or not:

#### a. Sending an NRM referral form to UKHTC

When you refer a potential victim to the NRM you will send an NRM referral form to UKHTC and this will satisfy the duty to notify. **As children do not need to consent to be referred to the NRM you must always use this method to satisfy the duty to notify in cases involving children.** Once you have referred a case to the NRM in the normal way you **do not** need to send a copy of the form to the duty to notify mailbox.

A duty to notify referral should not be relied upon to safeguard victims. Existing safeguarding processes should still be followed in tandem with a notification.

## **b. Sending an MS1 form to a dedicated mailbox**

You should not refer a potential victim of modern slavery to the NRM where an adult does not consent to the referral. In those cases you must complete an [MS1 form](#) and send it to the duty to notify inbox to satisfy the duty to notify. The MS1 form should be completely anonymous if the potential victim does not consent to their details being shared.

A duty to notify referral should not be relied upon to safeguard victims. Existing safeguarding processes should still be followed in tandem with a notification.

Timescales for satisfying the duty to notify: If you are using the NRM Referral form you should send this to UKHTC as soon as practicable. If you are sending the MS1 form to the duty to notify mailbox you should do this as soon as practicable. Unless there are exceptional circumstances, this should be within a month of encountering a victim.

## **12. Arrange accommodation (adults)**

In England and Wales potential victims of human trafficking, slavery, servitude and forced or compulsory labour will also have access to support. First responders need to contact support providers to arrange accommodation. If an adult victim requires support or safe accommodation the first responder must contact the [Salvation Army's](#) 24 hour referral line on 0300 303 8151.

Victim safety comes first so first responder must make provisions, as soon as, they identify a potential victim. Once their situation is disclosed, they may be at serious risk from their traffickers or modern slavery facilitators.

Arranging accommodation may be done either:

- from the day of referral to the NRM where the individual is destitute
- from the day the competent authority makes a positive reasonable grounds decision in other cases

**For adults if the Salvation Army is unable to respond immediately then City of London Police should be contacted who would liaise with other agencies who have access to short term accommodation.**

### 13. Useful contacts

**[NSPCC Children Trafficking Advice Centre](#)**

**Helpnspcc.org.uk**  
**08088005000**

**[Modern Slavery Helpline](#)**

[Spot the signs](#)

Tel: 0800 0121 700

[Online form](#)

**United Kingdom Human Trafficking Centre**

Tel: 08447 782 486

[UKHTC@soca.x.gsi.gov.uk](mailto:UKHTC@soca.x.gsi.gov.uk)

[v.uk](http://v.uk)

**[Metropolitan Police, Trafficking & Kidnap Unit \(SCO7\)](#)**

Tel:0207230(6)8934

**[Helen Bamber Foundation](#)**

Bruges Place,  
15-20 Baynes Street,  
London NW1 0TF

**[Email:](#)**

[reception@helenbamber.org](mailto:reception@helenbamber.org)

[Tel: 0203 058 2020](tel:02030582020)

[Fax: 0203 058 2050](tel:02030582050)

**Child Exploitation and Online Protection**

33 Vauxhall Bridge Road,  
London SW1V 2WG

Tel: 020 7238

2320/2307

[www.ceop.police.uk](http://www.ceop.police.uk)

**AFRUCA (Africans Unite Against Child Abuse)**

Unit 3D/F Leroy House

436 Essex Road

London N1 3QP

Tel: 0844 660 8607

[www.afruca.org](http://www.afruca.org)

**ECPAT UK**

Grosvenor Gardens House

35-37 Grosvenor Gardens

London SW1W 0BS

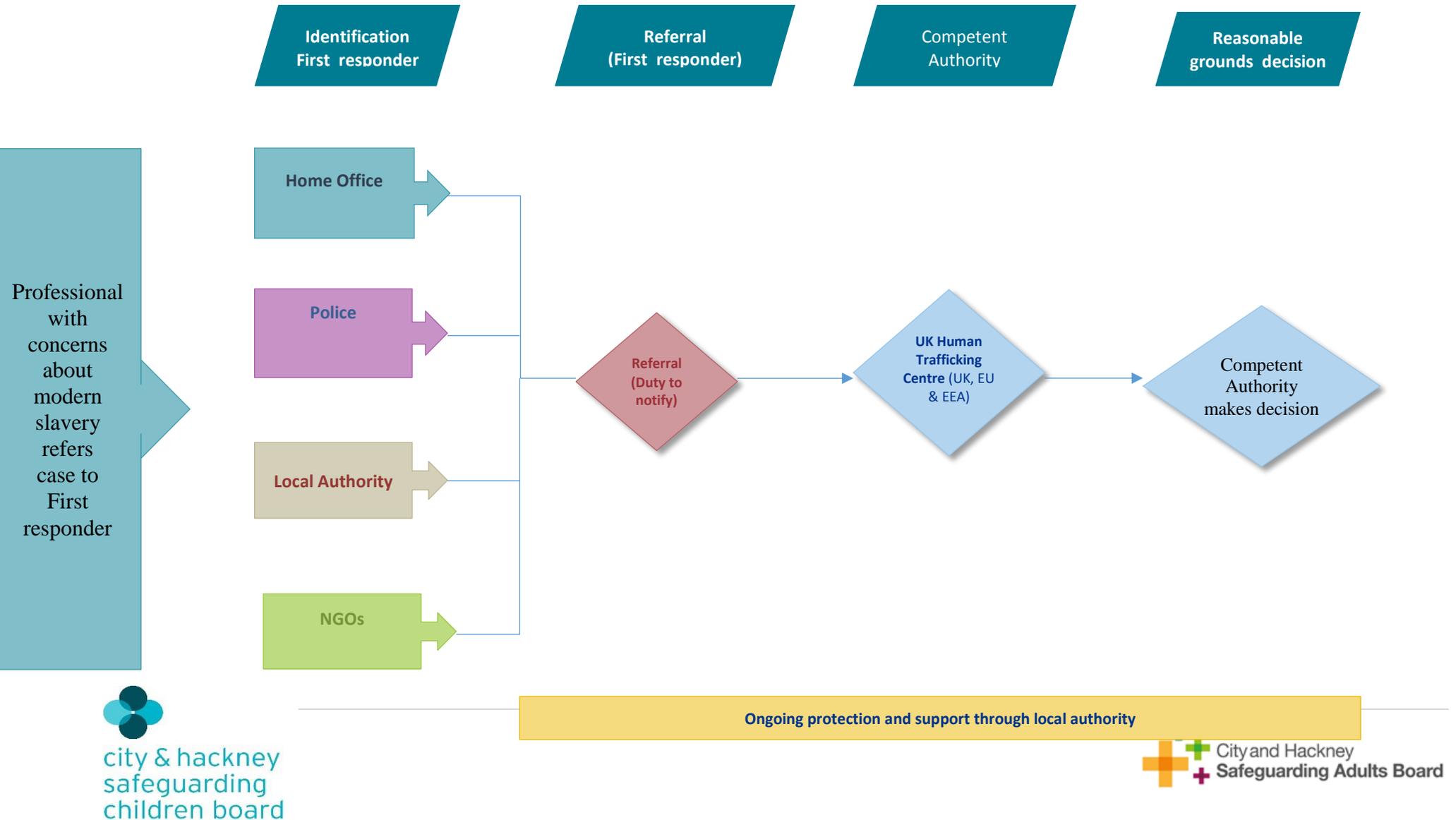
Tel: 020 7233 9887

[info@ecpat.org.uk](mailto:info@ecpat.org.uk)

[www.ecpat.org.uk](http://www.ecpat.org.uk)



# Referral process (children)



Appendix 2

# Existing NRM process (adults)

Professional with concerns about modern slavery refers case to First responder

