



# Guidance on modern slavery and human trafficking

December 2016

Modern Slavery includes human trafficking, slavery, servitude and forced and compulsory labour. The Modern Slavery Act 2015 became law on 26 March 2015 and is designed to tackle slavery in the UK and consolidates previous offences relating to trafficking and slavery.

## What is human trafficking?

- Human trafficking is defined 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.
- Human trafficking is international organised crime, with the exploitation of human beings for profit at its heart. It is an abuse of basic rights, with organised criminals preying on vulnerable people to make money. In most cases, victims are brought to the UK from abroad, but trafficking also occurs within the UK and children in particular are increasingly vulnerable to falling victim to exploitation. The United Nations Convention against Transnational Organised Crime (the 'Palermo Protocol') describes 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. This includes 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. However, recent trends suggest that trafficking for labour exploitation could become more prevalent than other forms of trafficking. Child trafficking victims are brought to the UK for many purposes, including sexual exploitation, domestic servitude, benefit fraud, cannabis farming, street begging, theft and shoplifting".*
- The greatest numbers of adult victims come to the UK from China, South East Asia, and Eastern Europe; child victims are trafficked in the greatest numbers from Vietnam, Nigeria, China and Eastern Europe. However, this is a truly international crime, with potential victims from over 80 different countries referred to the National Referral Mechanism since its inception and 47 different countries identified as sources of child trafficking to the UK by the Child Exploitation and Online Protection Centre (CEOP).
- Victims may travel to the UK willingly, in the belief that they are destined for a better life, including paid work and may start their journey believing they are economic migrants, either legally or illegally. They may also believe that the people arranging their passage and papers are merely facilitators, helping with their journey, rather than people who aim to exploit them. In other cases, victims may start their journey independently and come to rely on facilitators along different stages of their journey to arrange papers and transportation.
- The ease of international travel has led to the opportunity for increased movement of people across borders, both legally and illegally, especially from poorer to wealthier countries such as the UK. This has created opportunities for traffickers who use poverty, war, crisis and ignorance to lure vulnerable migrants to the UK for exploitation.
- Traffickers use threats, force, coercion, abduction, fraud, deception, abuse of power and payment to control their victim. And most traffickers are organised criminals. It is estimated that 17% of organised criminal networks operating in the UK are involved in organised immigration crime, of which a small proportion is human trafficking. Some groups organise the trafficking process from

beginning to end, while others sub-contract aspects of the process, such as money laundering, or obtaining illegal passports and visas.

- The Government has produced a strategy on human trafficking and this forms part of its wider strategy on violence against women and girls. It focuses on victim care and sets out how efforts to prevent people from becoming trafficking victims in the first place must be strengthened. To view a copy of this strategy click here: [Home Office Strategy on Human Trafficking](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/97845/human-trafficking-strategy.pdf) <sup>27</sup>

## Identifying victims

There is no typical victim and some victims don't understand they have been exploited and are entitled to help and support. Victims are often trafficked to a foreign country where they cannot speak the language, have their travel and identity documents removed, and are told that if they try to attempt an escape, they or their families will be harmed. The following questions may be helpful in identifying potential victims of human trafficking:

- Is the victim in possession of a passport, identification or travel documents? Are these documents in possession of someone else?
- Does the victim act as if they were instructed or coached by someone else? Do they allow others to speak for them when spoken to directly?
- Was the victim recruited for one purpose and forced to engage in some other job? Was their transport paid for by facilitators, whom they must pay back through providing services?
- Does the victim receive little or no payment for their work? Is someone else in control of their earnings?
- Was the victim forced to perform sexual acts?
- Does the victim have freedom of movement?
- Has the victim or family been threatened with harm if the victim attempts to escape?
- Is the victim under the impression they are bonded by debt, or in a situation of dependence?
- Has the victim been harmed or deprived of food, water, sleep, medical care or other life necessities?
- Can the victim freely contact friends or family? Do they have limited social interaction or contact with people outside their immediate environment?

## Role of Local Authorities

Research work undertaken by the SOLACE Study Group on Human Trafficking in 2008 identified five key areas of competence for Local Authorities in responding to the crime of human trafficking:

- Prevention of human trafficking – Local Authorities may have a role to play in assisting the police in disrupting organised criminal networks and reducing demand for victims of trafficking in their area
- Victim identification – Local Authority staff need to be able to recognise the signs that indicate that someone may be a victim of trafficking
- Victim support – Local Authorities will need to attend to the immediate physical needs of victims, as well as the longer term social and psychological needs
- Assistance with the repatriation of victims – in some instances, Local Authorities will be involved in the return of a victim to their country of origin
- Working in partnership – Local Authorities will need to cooperate with other agencies such as Third Sector and community organisations, the Police and immigration services, as well as other levels of government

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<sup>27</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/97845/human-trafficking-strategy.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/97845/human-trafficking-strategy.pdf)

- This highlights the need for Local Authorities to work closely with other agencies if they are to successfully address the challenges of human trafficking. At a local level, co-operation between councils, the police, clinical commissioning groups, safeguarding boards and voluntary bodies is essential
- The role of Local Authorities in combating human trafficking of adults goes well beyond referral to the police. Relevant frontline staff - social services, environmental health, licensing and housing officers for example, are expected to be equipped to identify possible victims. Local Authorities are also expected to provide advice and where necessary refer possible victims to appropriate bodies for safe accommodation and support. Local Authorities should also be sure they are not themselves employing, or using contractors who employ trafficked labour (e.g. cleaners, building workers)
- Training frontline staff to spot possible victims of trafficking is key to prevention and early intervention. A trafficking toolkit has been developed for Local Authorities and provides a wide range of information on responding to human trafficking. Please use this link to access the [Trafficking Toolkit for Local Authorities](#)<sup>28</sup>

### The role of health services

- The NHS, both in the form of providers and commissioners, also has a critical role in understanding the agenda and in identifying potential victims of human trafficking and modern day slavery. Raising awareness through training and education is vital together with referral of concerns to their local Adult Services department.
- The second role for health providers is to provide a health response to any local operations led by the police, and commissioners have a role in ensuring that local NHS providers meet this obligation.

### Reporting human trafficking

- Any suspicion that someone is at risk of harm or exploitation due to trafficking should be referred to the police for investigation. If there is immediate danger to the suspected victim or if it is believed the suspected victim is under 18 or a vulnerable adult, the police should be contacted straightaway. If there is urgent information that requires an immediate response, dial 999. If general information is held that could lead to the identification, discovery and recovery of victims in the UK, the police should be contacted using the 101 number.
- The UK Human Trafficking Centre (UKHTC) is a multi-agency organisation led by the National Crime Agency. It can help with advice on whether someone may be a victim of trafficking UKHTC's tactical advisors can also help you in engaging the police and other agencies investigating human trafficking. The UKHTC manages the National Referral Mechanism which is the process by which an individual is identified as a victim of human trafficking.
- The Salvation Army under a contract with the Ministry of Justice has responsibility for overseeing and co-ordinating the provision of a diverse range of quality support services to all identified adult victims of human trafficking in England and Wales. In accordance with Article 12 (1) and (2) of the Council of Europe Convention on Action against Trafficking in Human Beings possible victims of trafficking are entitled to such support, from the moment they are referred into the National Referral Mechanism for a minimum recovery and reflection period of 45 days. The Salvation Army has a 24-hour confidential Referral Helpline on 0300 3038151 available 24 hours a day, seven days a week which

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<sup>28</sup> <http://webarchive.nationalarchives.gov.uk/20100920143917/http://frontline.cjsonline.gov.uk/guidance/victims-and-witnesses/trafficking-of-people/>

can be called not only by people who consider themselves a victim of trafficking and are in need of assistance but also nominated First Responders, other professionals or concerned individuals who have come into contact with someone they suspect may be a victim of trafficking and in need of assistance.

## Making a referral about human trafficking

- The National Referral Mechanism is the process by which an individual is identified as a victim of human trafficking. Anyone considered under the National Referral Mechanism to be a possible victim of human trafficking is entitled to support – provided centrally, not locally - for a minimum recovery and reflection period of 45 days, during which any action to remove them from the UK is halted.
- Referrals to the National Referral Mechanism can only be made by authorised agencies known as First Responders. Authorised agencies in the UK are the Police, UK Border Force, Home Office Immigration and Visas, adult and children’s social services and certain Non-Governmental Organisations.
- Regarding referrals from Adult Services, any social worker can make the referral to the UKHTC. However, internal organisations (such as Trading Standards, etc.) would need to refer into Adult Services anyone they suspected of being a victim of human trafficking. Staff in other organisations such as the NHS and the voluntary sector could also refer to Adult Services using this mechanism.
- The First Responder should complete a referral form to pass the case to the UK Human Trafficking Centre (UKHTC) which deals with referrals from the police, Local Authorities and Non-Governmental Organisations. The Home Office Immigration and Visas Service deals with referrals identified as part of the immigration process, for example where trafficking may be an issue as part of an asylum claim.

Referral to the UKHTC is voluntary and can happen only if the potential victim gives their permission by signing the referral form. In the case of children their consent is not required. Where an adult who is thought to be a potential victim of trafficking and may lack capacity, a best interest decision may be needed about making the referral. To download an adult or child referral form go to the [Gov.uk website](https://www.gov.uk/government/publications/human-trafficking-victims-referral-and-assessment-forms)<sup>29</sup>. Completed forms should be sent to the UKHTC Competent Authority via e-mail at [UKHTC@nca.x.gsi.gov.uk](mailto:UKHTC@nca.x.gsi.gov.uk) or by fax to 0870 496 5534.

## After a referral about human trafficking

### Stage one – “Reasonable grounds”

The National Referral Mechanism Team has a target date of 5 working days from receipt of referral in which to decide whether there are reasonable grounds to believe the individual is a potential victim of human trafficking. This may involve seeking additional information from the first responder or from specialist NGOs or social services. The threshold at the Reasonable Grounds stage for the case manager is “From the information available so far I believe but cannot prove” that the individual is a potential victim of trafficking.

If the decision is affirmative then the potential victim will be:

- Allocated a place within Government funded safe house accommodation, if required
- Granted a recovery and reflection period of 45 days. This allows the victim to begin to recover from their ordeal and to reflect on what they want to do next, for example, co-operate with police enquiries, return home

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<sup>29</sup> <https://www.gov.uk/government/publications/human-trafficking-victims-referral-and-assessment-forms>

- The referred person and the first responder are both notified of the decision by letter.

## Stage two – "Conclusive decision"

During the 45 day recovery and reflection period the UKHTC will gather further information relating to the referral from the first responder and other agencies. This additional information is used to make a conclusive decision on whether the referred person is a victim of human trafficking. The target for a conclusive decision is within the 45 recovery and reflection period. The case manager's threshold for a Conclusive Decision is that on the balance of probability "it is more likely than not" that the individual is a victim of human trafficking.

The First Responder and the potential victim will both be notified of the decision. If the referred person is conclusively identified as a victim of trafficking, what happens next will depend on their wishes.

## What happens next?

### Co-operating with police enquiries

The victim may be granted discretionary leave to remain in the UK for one year to allow them to co-operate fully in any police investigation and subsequent prosecution. The period of discretionary leave can be extended if required.

### Other circumstances

If a victim of trafficking is not involved in the criminal justice process, the Home Office may consider a grant of discretionary leave to remain in the UK, dependent on the victim's personal circumstances.

### Returning home

If they are from outside the European Economic Area, the victim can receive help and financial assistance to return home through the Home Office Assisted Voluntary Return of Irregular Migrants (AVRIM) process. If they are an EEA national, support organisations will put them in touch with their embassy and any relevant non government organisations who may be able to help.

## What if the referred person is not found to be a victim?

If at any stage the referred person is confirmed not to be a victim of trafficking then dependent on the circumstances they may be referred to the appropriate law enforcement agency – the relevant police force or the Home Office. If it is decided by the Home Office that the person was not trafficked, and there are no other circumstances that would give them a right to live in the UK, they will be offered support to voluntarily return to their country of origin. The person can also be offered support to return to their country if they have been trafficked and do not wish to stay in the UK.

## The Modern Slavery Act 2015

The legislation came into force in 2015 and strengthens the response of law enforcement and the courts by consolidating and simplifying existing modern slavery offences into one Act. Previously, modern slavery and trafficking offences were spread across a number of different Acts.

The legislation has introduced Slavery and Trafficking Prevention Orders and Slavery and Trafficking Risk Orders to restrict the activity of individuals where they pose a risk of causing harm.

The Modern Slavery Act has ensured victims receive protection and support by creating a statutory duty for public bodies including the police, Local Authorities and immigration personnel to notify the National Crime Agency about potential victims of modern slavery. Other measures to enhance the protection and support of victims of human trafficking include:

- Creation of a statutory defence for victims of modern slavery so that those who are compelled to commit an offence are not treated as criminals by the criminal justice system
- New powers for Courts to order perpetrators of slavery and trafficking to pay Reparation Orders to their victims
- Extension of special measures so that all victims of modern slavery can be supported through the criminal justice process
- Provision of statutory guidance on victim identification and victim services
- A power for child advocates to support child victims of trafficking.