



4LSAB Multi-Agency Guidance on Modern Slavery and Human Trafficking

June 2020

Contents

Page

1. Introduction	3
2. The Modern Slavery Act 2015	3
3. What is Modern Slavery?	3
4. What is Human Trafficking?	4
5. Common types of exploitation	5
6. Identifying potential victims of modern slavery	6
7. The duty of organisations	7
8. Role of Local Authorities	8
9. Role of Health Services	9
10. Role of the police	10
11. Role of Hampshire and IOW Modern Slavery Partnership	10
12. Reporting Human Trafficking	10
13. Making a Referral about Human Trafficking	11
14. Post referral about modern slavery	12
15. What Happens Next?	13
16. What if the Referred Person is not Found to be a Victim?	13
17. Appendix 1 - Hampshire Victim Pathway	14

1. Guidance on Modern Slavery and Human Trafficking - Introduction

Modern Slavery encompasses human trafficking, slavery, servitude and forced or 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.

2. 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.
- 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 guardians to support child victims. Independent Child Trafficking Guardian (ICTG) provides advocacy on behalf of child victims.

3. What is Modern Slavery?

Slavery is an umbrella term for activities involved when one person obtains or holds another person in compelled service. As such it is the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised (129 Convention; approved in defining Art 4 ECHR: *Siliadin v France* (ECHR, 2005). Someone is in slavery if they are:

- Forced to work through mental or physical threat.

- Owned or controlled by an 'employer', usually through mental or physical abuse or the threat of abuse.
- Dehumanised, treated as a commodity or bought and sold as 'property'.
- Physically constrained or have restrictions placed on his/her freedom.

The following definitions are encompassed within the term 'modern slavery' for the purposes of the Modern Slavery Act 2015.

These are:

- 'Slavery' is where ownership is exercised over a person.
- 'Servitude' involves the obligation to provide services imposed by coercion.
- 'Forced or compulsory labour' involves work or service extracted from any person under the menace of a penalty and for which the person has not offered himself voluntarily.
- 'Human trafficking' concerns arranging or facilitating the travel of another with a view to exploiting them.

Servitude can be defined as an obligation to provide one's services that is imposed by the use of coercion and is to be linked with the concept of 'slavery' described above (Siliadin v France, ECHR (2005)). Forced Labour refers to 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.

(Source- Unseenuk.org)

4. What is human trafficking?

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”.

Victims can be internally trafficked within the UK, again their transport arranged by exploiters and abused and controlled in a variety of forms. UK victims can also be trafficked outside the UK.

The third highest nationality amongst adult victims referred to the National Referral Mechanism in 2019 was British, behind Albanian and Chinese. It is important to note that victims can be internally trafficked too.

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. 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](#) ¹

5. Common types of exploitation

Often the person has been exploited in multiple ways over time and their account may seem complex. Nevertheless, the following are examples of exploitation:

- **Sexual exploitation** involving any non-consensual or abusive sexual acts performed without the victim's permission. This can include prostitution, escort work and pornography, and victims can be men, women and children.

¹ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/97845/human-trafficking-strategy.pdf

- **Domestic servitude** involving the victim being forced to work in private households with restricted movement, no or very low wages and no or minimal privacy and comfort.
- **Criminal exploitation** involving a victim being forced to partake in criminal activity such as begging, shoplifting, theft, cannabis cultivation and benefit fraud.
- **Organ harvesting** involving people being trafficked for the use of their internal organs for transplant.
- **Forced labour** involving victims being compelled to work against their will, often in conditions akin to slavery. Victims will work very long hours with very little pay, often in dangerous or unpleasant conditions. People can be forced to work in any industry, however the most common industries that victims are trafficked into in the UK include:
 - Agriculture
 - Factories
 - Tarmacking / paving
 - Construction
 - Food processing
 - Restaurants / hospitality
 - Nail bars and beauty salons
 - Car washes

In human trafficking cases, exploitation can take many forms, see [Types of exploitation](#) for further information.

6. Identifying potential victims of modern slavery

There is no typical victim and some victims do not understand they have been exploited and are entitled to help and support. Victims of trafficking may not identify themselves as victims. They may appear extremely closed, distrusting and scared to talk to you. Traffickers and exploiters often develop complex strategies to keep their victims dependent on them, making it especially difficult for victims to escape or disclose details, even if protection and support are offered. Show patience, empathy and a genuine concern for victims' welfare. It is vital that you reassure them that they are now safe.

While it is unlikely that victims will tell you their stories straight away there are several signs that may indicate that someone has been or is a victim of trafficking or forced labour. Some signs are common to all forms of trafficking. For signs more specific to different types of exploitation refer to - [Identifying potential victims of modern slavery](#).

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?

7. The duty of organisations

The Modern Slavery Act (2015) put statutory requirements onto all statutory bodies to work together to tackle modern slavery. 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.

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.

The 'duty to notify' is via the National Referral Mechanism (NRM) which is a framework for identifying victims of human trafficking or modern slavery and ensuring they receive the appropriate support. On 29 April 2019 the Home Office assumed responsibility for all areas of the NRM, including referrals, decision making and data collection.

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.

New measures were introduced to support and protect victims of modern slavery and human trafficking and give law enforcement the tools to ensure perpetrators are brought to justice. [Section 45 statutory defence](#) can be raised by those who, in the case of adults, have been compelled to commit an offence as a direct result of their being a victim of modern slavery, or in the case of a child, have committed an offence as a direct result of being the victim of modern slavery. This is a very important protection for victims of modern slavery and relies on the international principle of non-punishment.

Section 54 - Requires that organisations with a certain financial annual turnover produce an annual Modern Slavery Statement setting out what steps we have taken to ensure that modern slavery is not occurring in their supply chains, and in their own organisation, and must be published prominently on their website. This applies to contracting and procurement departments in the public sector to ensure that those services from which they contract or procure services have processes in place to assess their supply chains for the risk of Modern Slavery. Therefore, contracting departments and procurement services have a central role in ensuring that modern slavery is eradicated from supply chains.

8. Role of Local Authorities

Under [Section 52](#) of the Modern Slavery Act 2015, the Local Authority is a 'First Responder organisation' and have a statutory 'duty to notify' the Home Office when they come across potential victims of modern slavery. This is sets out in the guidance published in March 2020 [Modern Slavery Act 2015 – Statutory Guidance for England and Wales March 2020](#)

Local Authorities have a responsibility for identifying potential victims and making referrals into the NRM if consent has been obtained by the adult victim via the new digital process at [Report modern slavery](#) . If consent is not obtained to enter the NRM, the 'Duty to Notify' online submission is still required.

Where potential victims of modern slavery meet the definition of an adult at risk, the Local Authority have a statutory duty to safeguard under s42 of the Care Act 2014.

This important guide [Overview of the role of councils in tackling modern slavery](#) is of great help for councils to understand their role in addressing modern slavery.

As set out by the [Local Government Association \(LGA\)](#) , the Local authority have key roles to play, including:

- Identification and referral of victims,
- Supporting victims – this can be through safeguarding adults with care and support needs and through housing/homelessness services.
- Community safety services and disruption activities.
- Ensuring that the supply chains councils procure from are free from modern slavery.

Also include;

- 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.
- 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 modern slavery goes well beyond referral to the police. Relevant frontline staff – Adults Health and Care, 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 contact the Salvation Army if accommodation is needed at mst@salvationarmy.org.uk or 0300 303 8151. Pre-NRM Accommodation should also be considered. Until Salvation Army accepts the referral immediate safeguarding responsibility remains with the Local Authority.
- Local Authorities should also be sure they are not themselves employing or using contractors who employ trafficked labour (e.g. cleaners, building workers).
- All councils to have a Modern Slavery statement.
- Training frontline staff to spot possible victims of trafficking is key to prevention and early intervention.
- A mapping of services in the local area by Hampshire and IOW Modern Slavery Partnership is available at [Hampshire and the IOW Modern Slavery Partnership](#)
- The safety, protection and support of the potential victim must always be the first priority.

9. 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 slavery. Raising awareness through training and education is vital together with referral of concerns to their local Adult Health and Care department.
- The National Reporting Mechanism (NRM) is a framework for identifying and referring potential victims of modern slavery. Only organisations classed as a first responder can refer a potential victim of modern slavery into the National Referral Mechanism.
- The NHS however is not deemed to be a first responder. NHS staff must report concerns following the guidance of the *Hampshire, IOW, Portsmouth and Southampton, Modern Slavery Victim Pathway in [Appendix 1](#)*. CCGs have a duty to be alert to indicators and act in line with national guidance. The online submission form can be used voluntarily despite not being on list of required agencies.

10. Role of the Police

The role of the police is to identify, investigate and prosecute the offenders of Modern Slavery Human Trafficking (MSHT). To do this the police put the victims of crime at the centre of their investigations.

The Police are a first responder to these crimes and incidents.

- First and foremost, they protect the victims by using safeguarding methods and the National Referral Mechanism process.
- They pursue the perpetrators by way of criminal prosecutions and 'proceeds of crime' asset seizures.
- They prevent this by detailed analysis of the MSHT risk to identify trends and patterns of criminal behaviour.
- They work with their partners to prepare for this by the effective sharing of intelligence and information, the building of good working relationships and proficient joint working.

11. Role of Hampshire and IOW Modern Slavery Partnership

The Hampshire and IOW Modern Slavery Partnership was started in 2015 that is a multi-agency partnership facilitated by the Office of the Police and Crime Commissioner made up of statutory and non-statutory organisations and covering the whole of Hampshire as a county. The Partnership was developed alongside the National Strategy and has the following objectives:

- To raise awareness of Modern Slavery
- To combat Modern Slavery by working in Partnership
- To identify and support victims of Modern Slavery
- To pursue perpetrators of Modern Slavery

The Partnership website [Hampshire and the IOW Modern Slavery Partnership](#) contains useful resources such as a mapping tool of local provision that is included in the Modern Slavery Victim Pathway developed by the Partnership and signed off by all 4 LSAB's.

12. 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 an adult at risk, the police should be contacted straightaway, Vulnerable Adults at Risk form emailed to hampshire.mash.admin@hampshire.pnn.police.uk

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.

As of 29th April 2019 new Single Competent Authority (SCA) is responsible for all cases referred into the NRM, replacing the Modern Slavery Human Trafficking Unit and the current Home Office Competent Authorities (UK Visas and Immigration and the National Crime Agency)The SCA 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 modern slavery 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 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.

13. Making a referral about Modern Slavery

The National Referral Mechanism is the process by which an individual is identified as a victim of modern slavery. 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.

The First Responder should complete the referral online via [Report Modern Slavery](#) to pass the case to the Single Competent Authority (SCA).

Referral to the SCA is voluntary and can happen only if the potential victim gives their permission by signing the referral form. For an adult to provide their informed consent, you must explain:

- what the NRM is
- what support is available through the process
- what the possible outcomes are for an individual being referred

Referrals from Adult Social care - practitioners can make the referral to the Single Competent Authority (SCA). However, internal organisations (such as Trading Standards, etc.) would need to refer into Adult Social care anyone they suspected of being a victim of modern slavery. Staff in other organisations such as the NHS and the voluntary sector should also refer to Adult Social care using this mechanism. *Please refer to the Hampshire Victim Pathway in [Appendix 1](#).*

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. This process is now digital and can be accessed via [Report Modern Slavery](#)

14. Post referral about modern slavery

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 a minimum 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.
- 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 SCA 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 45 day period is a minimum term for recovery and reflection until such time as the Conclusive Grounds decision has been made. The potential victim should not be contacted directly within that time. The decision should be made as soon as possible after 45 calendar days, not within the 45 day period. Reference - [Victims of modern slavery – Competent Authority guidance](#)

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.

15. 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 cooperate fully in any police investigation and subsequent prosecution. The period of discretionary leave can be extended if required.

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.

It is good practice for the Local Authority to remain in contact with the victim during this period to support with an exit plan from the NRM as necessary.

Returning home

The Government-funded Voluntary Return Service is available to victims for non-EEA nationals at any time, and to victims who are EEA nationals with a positive Conclusive Grounds decision who hold no extant leave. More detailed information can be found at or [Get help to return home](#) by calling 0300 004 0202

16. 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.

- If the First Responder has reason to believe the decision should be reconsidered then a reconsideration request can be made to the SCA by contacting them at nrm@modernslavery.gov.uk
- Signposting of support services in the local area can be found here [Modern Slavery Partnership](#)

