

# ADULT MODERN SLAVERY PROTOCOL FOR LOCAL AUTHORITIES

## **NRM Process Guide for Local Authorities** Steps 1-12

This guide accompanies the Local Authorities' Referral Process Pathway for Adult Victims of Modern Slavery.

This guide provides non-prescriptive steps to follow when a potential victim of human trafficking or modern slavery is identified. It should be adapted to each local authority's internal structures.

# A PROFESSIONAL IDENTIFIES OR IS MADE AWARE OF POTENTIAL VICTIM(S) OF HUMAN TRAFFICKING/SLAVERY

Note that this and certain other sections draw upon the UK Trafficking Survivor Care Standards (TSCS<sup>1</sup>) which is recommended for further reading.

There are indicators to suggest that human trafficking or modern slavery may be taking place within a house/ place of employment / religious centre/ homeless shelter; or an individual person or group of people present trafficking or slavery indicators suggesting they may be a potential victim of trafficking or slavery (PV).<sup>2</sup>

## GUIDANCE FOR FIRST CONTACT WITH AN IDENTIFIED PV:



### Put PV at ease:

Front line practitioners have a responsibility to put the PV at ease. All professionals communicating with the PV must take care with the verbal and body language they use. A few simple words or expressions of positivity, kindness and recognition of what a PV has been through can help to establish trust.



### Immediate physical needs:

The PV may be scared, hungry and exhausted. They may be suffering from headaches, general pain, disability or mental health problems, making it hard for them to concentrate. They may be more receptive to questions if they have eaten or slept and received some reassurance that they are safe.



### Confidentiality:

Ensure that PVs are made aware at the outset of your duty of confidentiality. Any personal information shared by PVs should not be disclosed to any third party or agency without their prior informed consent, unless there is a clear risk of immediate serious harm. This is crucial to initiating a working relationship of trust.



### Understand the process:

At every stage you must help the PV to understand the process. It is important to remember that survivors of slavery are used to pleasing others and sometimes their survival has depended on this. They may be reluctant to assert needs or raise queries in case this implies criticism or ingratitude. If someone nods and smiles gently check they actually understand what you are saying. Actively ask if they need or are worried about anything, giving multiple chances to voice needs.

<sup>1</sup> To access the Trafficking Survivor Care Standards visit [www.humantraffickingfoundation.org/ourwork/](http://www.humantraffickingfoundation.org/ourwork/)

<sup>2</sup> We respect the dignity of all victims of slavery and human trafficking and recognise that each survivor is an individual who requires humanity and a response tailored to their individual needs. However for the sake of brevity we will use the shorthand PV in reference to this cohort.



### Attentiveness:

Demonstrate attentiveness to the PV's specific, individual needs. This is especially reassuring for people who have been subjugated and forced to obey others. It is helpful to encourage the PV to make small choices for themselves to meet their needs, for example where they prefer to sit, or whether they would like to have the window open or the heating on. This shows immediate respect for their needs and may help them to make further choices and assertions as mutual trust is gradually established.



### Agency:

At every stage you must encourage the PV to feel agency over what is taking place.



### Trust issues:

Note that on initial contact the PV may not trust authorities and may appear unwilling to co-operate, especially if they are in the presence of their controller or around other victims. This can also be due to their previous experiences with the authorities in the UK or in their country of origin, or their traffickers' use of the actions of the authorities as an effective threat to maintain control over them. In addition to feelings of fear and intimidation, they may feel psychologically or financially dependent on their controllers. It is possible they may not understand the concept of trafficking or identify themselves as a victim.

The PV may repeat a coached story about their circumstances and may not feel in a position to speak freely until they feel safe and comfortable and have had time to build trust. Some aspects of abuse may take years to disclose. This may be for a variety of reasons. For example, PVs from West Africa may have suffered Juju<sup>3</sup> ceremonies so have additional fears that they or loved ones will fall ill if they reveal their ordeal.

<sup>3</sup>. A spiritual belief system incorporating spells used in religious practice, as part of witchcraft in West Africa – used incorrectly as a form of control to reinforce contractual obligations in some human trafficking cases involving West African PVs which binds them to their trafficker, with fear of being struck down or their families dying etc., if they disobey.

# A CRISIS RISK ASSESSMENT MUST BE CARRIED OUT



## CONTACT:

Safety should be prioritised. If you feel it is an emergency and the individual, or other individuals linked to the PV, are in a life threatening situation, or still in a place of exploitation, you should call the police on 999. Or if you feel there is an adult or child at risk of harm, please follow your safeguarding procedures. For urgent queries, ring the Modern Slavery Helpline (0800 0121 700) or the National Crime Agency (NCA, 0844 778 2406). Ensure appropriate child protection and safeguarding policies are in place when working with adult survivors who have children or young dependants.

If the PV is not at immediate risk of physical harm but is still in the exploitative situation, and unable to be safeguarded at this point, contact the police or your local police Modern Slavery Single Point of Contact (SPOC)<sup>6</sup> / Ambassador.



## NATIONAL CRIME AGENCY (NCA) LINE:

The NCA's Modern Slavery and Human Trafficking Unit (MSHTU) offers tactical advice and support on a 24/7 basis. Advice includes: establishing whether the situation presented is modern slavery or human trafficking; advice on investigative strategies and obligations; management of risk; victim care considerations including the use of the National Referral Mechanism (NRM). A tactical advisor can be contacted on 0844 778 2406. When calling, please ask to speak to an MSHTU tactical advisor.



## HEALTH:

Some victims will require immediate counselling or medical attention for example for infectious diseases (e.g. TB) but not all signs of distress or physical injury will be obvious. There could also be drug/alcohol misuse and associated behaviours.



## INTERPRETER:

An interpreter who can work face-to-face with the PV should ideally be provided if they are not from the UK. If you are unable to provide this quickly, a telephone interpreter should be made available to allow your Council's translation services (e.g. Big Word or 'Language Line'<sup>4</sup>) to be used to assist with communication. Check the interpreter speaks the right dialect and is from the national register and is the gender desired by the PV. Refer to the information on the correct use of translators in the [Trafficking Survivor Care Standards](#).<sup>5</sup> Do not use an interpreter who is apparently a friend, associate or family member of the PV. Regardless of appearances, they may be linked to the person exploiting them.

## NON-ENGAGEMENT:

- If the PV is unwilling at this point to engage with you or any services, do not end engagement as some PVs may come forward at a later stage.
- Contact the NCA line (0844 778 2406) or Modern Slavery helpline (0800 012 1700) for advice.
- Provide the PV with information of what support is available within and outside the NRM.
- Provide them with the Modern Slavery Helpline contact details as well as numbers for NGOs which can provide support (e.g. diaspora related or a refuge).
- Contact a safeguarding lead or your Modern Slavery SPoC<sup>6</sup> in the council who should aim to keep in regular touch with the PV to see if they change their mind or circumstances change.

<sup>4</sup> Language line 0845 3109900

<sup>5</sup> To access the Trafficking Survivor Care Standards visit [www.humantraffickingfoundation.org/ourwork/](http://www.humantraffickingfoundation.org/ourwork/)

<sup>6</sup> To check who your SPoC is, please contact the Human Trafficking Foundation (020 3773 2040) or Modern Slavery Helpline.

## STEP 03

# CONTACT YOUR MODERN SLAVERY SPOC OR SAFEGUARDING LEAD

Contact your local authority's Modern Slavery Single Point of Contact (SPoC)<sup>7</sup> as soon as possible or Safeguarding Lead so that they can proceed with managing all further processes to safeguard the PV.

The SPoC/Safeguarding Lead should clarify with the initial referrer what the indicators and concerns were regarding the PV and ask them to put their concerns in writing to ensure a clear and accurate audit trail is maintained.

End of process for initial referrer. The SPoC/safeguarding lead should organise the next step.



## ALERT THE SALVATION ARMY (TSA):

It is good practice for the SPoC to immediately alert the Salvation Army (0300 303 8151) to the fact they have identified a PV and may be in touch at a later date if the PV agrees to be referred into the NRM. This helps TSA to prepare their services as effectively as possible.

## STEP 04

# ALLOCATE THE PV AN INDIVIDUAL ADVOCATE OR SOCIAL WORKER WITH A CASE WORK FUNCTION

The **NCA**<sup>8</sup> recommends:

*“Avoid any change of personnel in order to establish and maintain a rapport and help the victim to build confidence.”*

The key principle is to be able to provide continuity of support.

Allocate one fixed point of contact to act as the PV's advocate throughout. This may be a social worker with a case work function or role created specifically within the council trained to recognise indicators, the PV's needs and fill in the NRM forms, or an independent advocate such as an ISVA/IDVA (Independent Sexual/Domestic Violence Advisers) equivalent, who would work with the local authority (as the first responder) to identify and support the PV. If possible, the PV should be offered a choice as to the gender of their individual advocate and be permitted to make other specifications if they feel fearful.

The PV may be moved to a safe house in a different council area. If this move must take place urgently, it may be that Step 4 may have to take place after Step 5, or at a later stage, or be carried out by the council where the safe house is located.

<sup>7</sup> Ibid

<sup>8</sup> <http://www.nationalcrimeagency.gov.uk/about-us/what-we-do/specialist-capabilities/uk-human-trafficking-centre/best-practice-guide>

# CARRY OUT AN INITIAL NEEDS AND RISK ASSESSMENT STRATEGY MEETING WITHIN 24HRS TO IDENTIFY THE PV'S RANGE OF OPTIONS

Consider what steps are needed to stabilise the individual's circumstances. Immediate needs must be addressed (food, clothing, rest, etc.) so they feel safe and comfortable. This should take place in the first 24 hours. See Step 1 for how to make first contact.



## VICTIM FOCUSED:

Recognise that survivors are, despite their vulnerability, individuals with goals, dreams and aspirations, though they may struggle with decision-making initially since this was restricted/controlled during their exploitation. The survivor should be placed at the centre of any decision-making regarding their support. Ensure that the PV knows the professional role and responsibilities of each person who is working with them, and that they are given enough time to respond and ask questions when they need to.



## CULTURAL SENSITIVITY:

Research the cultural background of the victim in terms of gender, religion and ethnicity to ensure you conduct the assessment in a culturally sensitive and tactful way with a view to minimising any potential distress for survivors. This could also influence the survivor's choice of interpreter and advocate.



## GATHER INFORMATION:

Draw relevant information from the referral agency or other agencies involved with the PV, by checking any existing risk assessments or disclosures made to other organisations.



## IDENTIFY RISKS:

### Three key immediate questions:

- Are they housed? Do they have an income? Are they still being or likely to be targeted/contacted by their trafficker?

### Immediate risks and responses can include:

- Proximity to the area of exploitation; Mental Health; Suicide ideation; Substance misuse; Physical health; Contact with perpetrators.
- Aim to visit the premises that they are living in to identify any risks around current accommodation.
- Aim to contact any support agency which is already in touch with the PV.
- Is the PV pregnant or does the PV have children in the UK? If so where are they now and are there any child protection risks? The children of PVs may not themselves be potential victims but must be included in any risk assessments and their wellbeing and best interests must also be considered at all times.

See Trafficking Survivor Care Standards (TSCS)<sup>9</sup> section on Risk and Needs Assessments.

**OPTION 1<sup>10</sup>****RISK ASSESSMENT:**

- The immediate assessment should take place within three hours.
- If they are at immediate risk and need to be moved from the area as soon as possible, or their circumstances are such that they definitely cannot be housed for that night by the local authority (See Statutory Duties & Powers in the Local Authorities Protocol)<sup>11</sup> or by NGOs (See [directory](#))<sup>12</sup> and risk homelessness then you may need to see if they are willing to consent to go into the NRM immediately (See Step 6).
- If this is the case, it is important to write on the NRM form that it has been carried out in haste, that this should not prejudice the decision, that there are more likely to be inconsistencies as a result, and that further information should ideally be added at a later stage once trust has been built.
- If this form has to be done quickly then mention basic information to identify them as a PV, but it may be best not to mention overly complex issues that require more time such as parts of the PV's story that may require legal advice e.g. those facts relating to immigration status. The main priority at this point should be to list indicators of trafficking, slavery and exploitation.
- In this case, if the PV must immediately be moved out of borough, it is also best for the local authority where the safe house is based to allocate a social worker or advocate for the PV, rather than the local authority where the PV was found.

**OPTION 2****RISK AND NEEDS ASSESSMENT:**

- If the PV has been assessed to not be at immediate risk from traffickers and they may be able to be housed, then a needs assessment can take place, with information provided to the PV on the range of options that they are eligible for.
- In partnership with the PV, identify their key areas of concern and put in place a survivor safety plan which can identify and mitigate the following risks: Risk from traffickers; Any physical, sexual or mental health issues; Risk of self-neglect; Risk of suicide; Risk of self-harm; Any substance misuse; Any risk-taking behaviours; Risk of harm to others; Any spiritual/ritualised abuse; Risk of the victim leaving/absconding from accommodation without notifying staff; Risk on return of re-trafficking or exploitation.
- Getting disclosure and appropriate medical information takes time and may not be ascertained in one interview or assessment.
- Look into immediate possible high risk health issues, for example:
  - The risk of the PV having TB. The risk to the PV, as well as any individuals they may or will be in contact with, needs to be assessed.
  - If the PV has been malnourished for some time, their eating will need to be managed i.e. it will not be safe for them to immediately consume large amounts of food.
- Consider which NGOs may be useful to assist in supporting the PV at this stage.
- Bear in mind that risks can change. You should periodically review the risk assessment to ensure that all safety needs are met at any given time, aware that fears of destitution or inappropriate accommodation can create a climate for re-exploitation. Ensure that the PV understands that they can raise any risks they are facing at any time.

For information on questions to ask on risk see the [Trafficking Survivor Care Standards \(TSCS\)](#).<sup>13</sup>

<sup>10</sup> Note that the Government announced that survivors will, date to be confirmed, be receiving three days statutory support prior to the NRM; so Option 2 may then become in most cases the default option.

<sup>11</sup> To access other parts of the protocol and directory visit [www.humantraffickingfoundation.org/london](http://www.humantraffickingfoundation.org/london)

<sup>12</sup> Ibid

<sup>13</sup> To access the Trafficking Survivor Care Standards visit [www.humantraffickingfoundation.org/ourwork/](http://www.humantraffickingfoundation.org/ourwork/)

**IDENTIFY NEEDS:**

- Do they need legal advice and support to deal with any immigration/asylum issues; access compensation, welfare benefits, community care, housing and/or criminal law advice on non-prosecution; or advice relating to debts taken out by exploiters?
- In most cases a PV will need professional legal advice. An introduction to a PV's legal rights, produced by FLEX, can be found [here](#)<sup>14</sup>.
- In some situations, PVs may require advice from a public lawyer - for instance, where a public authority has made a decision which is unfair or unlawful, while most victims who are not British are likely to require immigration advice.
- Choose a firm/ lawyer and/or accredited advisor that specialises in cases involving trafficking or modern slavery (see [directory](#)<sup>15</sup>).
- Do not presume a PV's legal needs for them. For example, never automatically refer a foreign national PV into asylum, which in many cases may not be appropriate. And [note](#)<sup>16</sup> that only OISC registered immigration advisers/lawyers are legally able to provide immigration and asylum advice and services to the public. It is illegal for anyone else to do so.
- Where will the PV stay until the NRM Reasonable Grounds decision? Are they eligible to access welfare entitlements, including housing and benefits? Do they need help in accessing their entitlements in terms of language provisions etc.?
- If not, are there non-statutory options (see [Directory](#))? Or if they have already agreed to enter the NRM, will the Salvation Army consider housing them prior to the RG decision?
- If they have no other option other than being placed in National Asylum Support Service's accommodation, having lodged an asylum claim, do they have any concerns with their circumstances (i.e. language, the support they receive or accommodation)?
- Are they at risk of becoming homeless and/or destitute at any point in the future? Do they find it difficult to manage their finances/budgeting? Do they have any debts that they may need help with, including those they may be unaware of, created in their name by their exploiter?
- Are they equipped with all the skills they need to live independently?
- Note that language skills coupled with employability may reduce the risk of re-exploitation. Consider if there are any appropriate referrals you can make or if this should be flagged for when the PV is more settled.
- A conversation is required about a referral to the NRM as a standalone step, outlining the advantages and limitations (see Step 6).

<sup>14</sup> [www.labourexploitation.org/sites/default/files/publications/FLEX%20Legal%20Rights\\_Options%20Pamphlet%20A5-English.pdf](http://www.labourexploitation.org/sites/default/files/publications/FLEX%20Legal%20Rights_Options%20Pamphlet%20A5-English.pdf)

<sup>15</sup> To access other parts of the protocol and directory visit [www.humantraffickingfoundation.org/london](http://www.humantraffickingfoundation.org/london)

<sup>16</sup> <https://www.gov.uk/government/publications/risks-of-receiving-immigration-advice-from-an-unregulated-person/risks-of-unregulated-immigration-advice>





### NON-CONSENT:

- Some victims of trafficking/slavery at this stage will be unwilling to be referred into the NRM. This could be due to fear of the authorities or not considering a referral to be in their interest. There needs to be scope in the initial assessment for a PV to consent at a later stage.
- Those who do not consent can be extremely vulnerable and still need to be protected and supported.
- Note that almost three fifths of women who were placed in one non-statutory safe house operating independently of the NRM agreed to be referred into the NRM after approximately six weeks of information, support and reassurance that they were safe.<sup>17</sup>
- Note that not all PVs will self-identify as having been trafficked although they would meet the Modern Slavery Act definition.
- European PVs may be assumed to be eligible for public funds as EEA nationals but they cannot access benefits if they cannot show that they have exercised treaty rights (worked in UK etc.). Often they've been deliberately prevented from accumulating documentation such as contracts, rental agreements, utilities or bank accounts in their own name. This must be considered when considering what access to benefits they may have even if they do not consent to enter the NRM.



### ACCOMMODATION:

#### ACCOMMODATION OPTIONS:

- **Your local authority must adhere to appropriate safeguarding and duty of care processes to ensure the PV is housed and cared for.**
- When identifying accommodation for victims who have agreed to go into the NRM, officers should consult with NGOs who can provide support services as well as The Salvation Army to decide whether it would be best for victims to be housed locally or elsewhere. Housing victims locally may expose them to risk from the perpetrators, while accommodation elsewhere may hamper the effectiveness of an investigation or remove them from vital services or communities that were providing them with support.
- The housing teams need to be aware that they will need to expedite appointments as a PV is not in a position to wait several weeks or even days in many cases for accommodation. In many cases, destitution or even the risk of destitution places a PV at risk from those who have exploited them or to returning to their exploitation.
- If a PV is moved far from the services they use, costs for travel or linking in with new services, including legal representation, need to be managed, alongside transferring the PV's information to ensure continuity.
- If a PV is not living in an NRM safe house, an assessment on accommodation should take place around safety and need e.g. understanding that shared accommodation is usually not suitable. See Safe Accommodation, in the [TSCS](#)<sup>18</sup>.

<sup>17</sup>. Source – A refuge working outside the NRM who is a member of the LWG

<sup>18</sup>. To access the Trafficking Survivor Care Standards visit [www.humantraffickingfoundation.org/ourwork/](http://www.humantraffickingfoundation.org/ourwork/)



### PLACE OF SAFETY FOR POTENTIAL VICTIMS:

- A PV may need to be found accommodation by the local authority even if they consent to entering the NRM and into Salvation Army housing. This is because it can take on average 14 days for an RG decision to be made and the Salvation Army (TSA) are not obliged to provide accommodation before then.
- Despite the NRM's lack of obligation for TSA to house a PV before an RG decision is made, the TSA can provide accommodation if the PV is destitute or is in urgent need, subject to an assessment by TSA who should be made aware if this is the case.
- A vulnerable person should not be left in a dangerous or uncontrolled situation during this period (for example if they are street homeless or residing in a place where they might be at risk from their traffickers).
- If there is an assessed risk of serious, immediate harm to the life of the adult, it is necessary to ensure that the PV is offered a safe place to stay, with support provided. The placement should be kept confidential.
- Victims may use mobile telephones given to them by their exploiters, and reveal the address of their safe accommodation potentially putting other victims at risk. This must be carefully managed and prevented.
- The Council of Europe Convention highlights the need for victim-centred, gender specific services. Women, if desired, should be housed in accommodation that only houses women.
- Those with children should similarly have their needs around child protection and safeguarding met.



### THE SALVATION ARMY (TSA):

- NRM accommodation is overseen by the Salvation Army who subcontracts this service to several other NGOs. If a PV indicates they require support or safe accommodation within the NRM you must indicate this on the referral form and contact the Salvation Army's 24 hour referral line on 0300 303 8151.
- The Salvation Army coordinates the specialist support for adult victims of modern slavery who:
  - (a) consent to being referred into the National Referral Mechanism and
  - (b) receive a positive 'reasonable grounds' decision, or
  - (c) are awaiting a 'reasonable grounds' decision but are destitute and in immediate need of support
- TSA should also conduct a risk assessment at the RG decision prior to housing them.



### RECOURSE AND NO RECOURSE TO PUBLIC FUNDS:

- Note the council's safeguarding duty under S42 of the Care Act 2014 and that irrespective of eligibility for care and support under the Care Act this should be initiated where there are concerns of risk.
- If a PV has recourse to public funds, is not at risk remaining in the borough and is using services in the local community, then the local authority should seek to house the victim in borough.
- If the PV has no recourse to public funds, and has agreed to go into the NRM and to be housed in a safe house, then accommodation and services may be provided by TSA. In certain cases of clear destitution or urgent need, this can be prior to an RG decision, subject to a TSA assessment.
- However if the PV has no recourse to public funds and doesn't want to go into NRM accommodation or needs more time to agree to a referral into the NRM, then accommodation can still be provided by the local authority (See a local authorities' duties and powers in the Protocol<sup>19</sup>).
- If accommodation is still unable to be found, contact safe houses outside the NRM to see if accommodation is available (see [directory](#)<sup>20</sup>).

<sup>19</sup>. To access the protocol and directory visit [www.humantraffickingfoundation.org/london](http://www.humantraffickingfoundation.org/london)

<sup>20</sup>. Ibid

## EXPLAIN THE NRM PROCESS TO THE PV

After appropriate services have assessed indicators of modern slavery and the person has been protected or safeguarded, the next step is for the advocate to consider referring the person into the NRM.

Consent is required for an adult to be referred to the NRM. For informed consent, you must explain:

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

Simple NRM guides for PVs by FLEX in multiple language on the NRM can be found [here](#).<sup>21</sup>

If a PV does not consent to an NRM referral, you must complete an MS1 form - see Steps 5 (page 9) and 2 on non-consent and non-engagement.



### CAPACITY TO CONSENT:

- The [Home Office](#)<sup>22</sup> states that where an adult is considered vulnerable, for example due to learning difficulties or mental health issues, and there are concerns they may not have the capacity to consent to a referral to the NRM you should follow appropriate safeguarding procedures with decisions made in the best interests of the adult.
- Frontline staff should therefore seek advice from social services to make a capacity assessment and ensure that action taken in respect of the PV complies with any statutory guidance and legislation in respect of safeguarding vulnerable adults, capacity to consent and mental health.
- A person may have capacity to look after themselves etc. but lack capacity to understand a complex legal process such as the NRM system; therefore the NRM process needs to be assessed as part of the capacity assessment.
- If a social worker agrees that the PV does not have the capacity to consent, then the social worker must confirm in writing if they consider that they should be referred to the NRM. Frontline staff must forward this written confirmation to the competent authority with the referral form explaining why the form is unsigned.
- For all PVs, there need to be constant repeated assessments on capacity as this can change throughout the course of their experience post escape.



### CONSENT, CONFIDENTIALITY AND LEGAL ADVICE:

- In order to ensure that the survivors' rights are protected and their consent is informed it is appropriate to seek independent legal advice before referring survivors into the NRM system. See Legal Advice (on page 12) and the [TSCS](#).<sup>23</sup>
- Ensure the NRM process has been clearly explained to survivors, what they are consenting to, where their details will be sent, and that they can choose to enter or leave the support service at any point.
- Obtaining informed consent successfully requires PVs to feel confident that they can ask questions and have information explained repeatedly if needed. They should be able to understand the information they are being given and the possible consequences of any actions that would be taken.

### HOME OFFICE GUIDANCE:

The NRM form is not to be used as an interview record but as a means for a first responder to provide as much information as possible to the Competent Authority (CA) to enable a decision to be reached. This does not prevent the first responder from approaching the PV to obtain further details where appropriate, but avoids placing them under unnecessary additional stress or trauma.<sup>24</sup>

<sup>21</sup>. <http://www.labourexploitation.org/sites/default/files/publications/NRM%20Booklet%20English.pdf>

<sup>22</sup>. [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/509326/victims-of-modern-slavery-frontline-staff-guidance-v3.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/509326/victims-of-modern-slavery-frontline-staff-guidance-v3.pdf)

<sup>23</sup>. To access the Trafficking Survivor Care Standards visit [www.humantraffickingfoundation.org/ourwork/](http://www.humantraffickingfoundation.org/ourwork/)

<sup>24</sup>. <https://www.gov.uk/government/publications/human-trafficking-victims-referral-and-assessment-forms/national-referral-mechanism-guidance-adult-northern-ireland-and-scotland#completing-the-form>



### LEGAL ADVICE:

- A PV may require legal guidance in light of outstanding legal, immigration or criminal issues or to advise them on possible implications of the NRM process on any asylum or other claims the PV is making or would like to make.
- FLEX provides an introduction to a PV's legal rights in multiple languages.<sup>25</sup>
- A toolkit on how some parts of the legal process for leave to remain works can be found [here](#).<sup>26</sup>
- Signpost to a firm with experience in the field of human trafficking.
- Victims of modern slavery are entitled to legal aid for legal advice on immigration advice (if they have a positive reasonable or conclusive grounds decision). People in or out of the NRM who meet the relevant legal aid criteria will also be entitled to free advice for anything else still covered by legal aid including housing, compensation (other than CICA claims, community care, family, public and criminal law. If the victim would like free legal advice where they don't have an entitlement to legal aid they can be supported to apply for exceptional legal aid funding.<sup>27</sup>
- PVs can be signposted to legally aided advice on compensation, for example, compensation from their traffickers or the state. A list of lawyers that can provide this advice is [here](#).<sup>28</sup>
- There is no automatic right to legal aid for advice on a type of compensation called Criminal Injuries Compensation. PVs can apply for exceptional legal aid funding if they would like advice from a lawyer about this.
- For further information about legal aid contact Civil Legal Advice on 0345 345 4 345 or online [www.gov.uk/civil-legal-advice](http://www.gov.uk/civil-legal-advice)
- Some agencies can provide pro bono advice.
- Do not presume a PV's legal needs for them. For example, never automatically refer them to make an asylum claim, which in many cases may not be appropriate. And [note](#) that only immigration advisers who are properly regulated or registered to give advice can do this. It is illegal for anyone else to do so.



### NHS HEATH CHARGES PRE, DURING AND POST NRM:

If a PV has been identified as a victim of slavery through the NRM, they are entitled to free NHS care. This also applies if they have a positive reasonable grounds (RG) decision, and are still awaiting a conclusive grounds (CG) decision. Their family members are also entitled to free NHS care. Note that all foreign nationals are entitled to register with a GP.

If they received NHS services before becoming recognised as a victim of trafficking or slavery, they must be treated as if they were exempt from charges at the time of treatment. If they have paid

for services that pre-date their positive trafficking/slavery decision, a PV is entitled to a refund.

If the PV receives a positive RG decision followed by a negative CG decision, they are entitled to free NHS services for all of the time that preceded the negative decision and should be refunded if any charges were paid. If they are receiving free treatment, owing to a positive RG or CG decision, they can continue to receive that course of treatment, free of charge, until it is finished, even if they receive a negative CG decision, during the course of treatment.<sup>29</sup>

<sup>25</sup> [http://www.labourexploitation.org/sites/default/files/publications/FLEX%20Legal%20Rights\\_Options%20Pamphlet%20A5-English.pdf](http://www.labourexploitation.org/sites/default/files/publications/FLEX%20Legal%20Rights_Options%20Pamphlet%20A5-English.pdf)

<sup>26</sup> <https://www.righttoremain.org.uk/toolkit/yourlegalcase.html>

<sup>27</sup> <https://www.gov.uk/guidance/legal-aid-apply-for-exceptional-case-funding>

<sup>28</sup> <https://www.gov.uk/check-legal-aid>

<sup>29</sup> <https://www.maternityaction.org.uk/wp-content/uploads/Trafficking-NHS-maternity-care-2017.pdf+&cd=1&hl=en&ct=clnk&gl=uk>



### POLICE INVOLVEMENT:

- The identification of a potential victim should always result in the recording of a crime by police. The police should investigate regardless of whether the victim wishes to cooperate with the police, but the referral should be anonymised if this is what the PV requests.
- When completing the NRM form, frontline staff should explain to the victim that their case, anonymously if desired, will be passed on to the police (either by the first responder themselves as well as automatically by the competent authority).
- The victim is under no obligation to cooperate with the police to receive support through the NRM.
- If you have concerns or queries about your local police response, contact the NCA Modern Slavery line (0844 778 2406).
- Slavery and Trafficking Prevention and Risk Orders (STPOs)<sup>30</sup>
  - Slavery and Trafficking Protection Orders (STPOs) are aimed at those convicted, cautioned, or who received a reprimand or final warning. Risk orders (STROs) are aimed at individuals who have not yet been convicted of a slavery or human trafficking offence.
  - The police, the NCA, immigration officers and the Gangmasters and Labour Abuse Authority (GLAA) can apply to court for these orders, which allow the courts to place a range of restrictions on the behaviour and activities of a person who poses a risk of committing slavery or trafficking offences.
  - The aim is to protect PVs from the physical or psychological harm which would result if the defendant committed a slavery or trafficking offence. The Orders are intended as a preventative measure to deter unlawful and harmful activity. Breach of an Order, without reasonable excuse, is a criminal offence with a maximum penalty on indictment of five years' imprisonment.
  - STPOs can be made following a conviction or, without a conviction, just on application. In the latter case this could be where an offender is behaving in a way that suggests they might commit a slavery or human trafficking offence. If so, then consider contacting the police, NCA, GLAA or immigration officers to apply for an Order.



### PRIOR TO FILLING OUT AN NRM REFERRAL FORM:

- It is crucial that you adopt a survivor-centred approach, explaining the purpose of the process and who will have access to their information. See Step 1 on speaking with a PV.
- Consider filling out the form with multiagency input from police, NGOs, health teams and other relevant organisations working with the survivor. See Step 8 involving a slavery MARAC.
- If speaking to the PV, ensure interviewers are not in uniform, avoid a structured interview format which could intimidate PVs and try to gather the information as part of an organic conversation.
- This interview should be conducted privately and within a timescale which is appropriate to the nature of the concerns.
- It is essential that they are not required to answer any questions at all in front of other people who may potentially be controlling them or may have been in modern slavery alongside them. Note that this can be any other person present, including family members or people whom the PV describes as a friend or partner.

<sup>30</sup> More information here [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/610015/110417\\_-\\_statutory\\_guidance\\_part\\_2\\_-\\_GLAA\\_updates-\\_Final.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/610015/110417_-_statutory_guidance_part_2_-_GLAA_updates-_Final.pdf)

## STEP 06

- If English is not the preferred language, use an interpreter. Check the interpreter has no links with the PV, speaks the correct dialect, is accredited and is the gender desired by the PV. Check that the PV is comfortable with the interpreter and ensure that the interpreter understands that they are to interpret the PV's exact words, rather than summarise. The interpreter should not give any assessment or judgement on the PV.
- Ensure the interview pace is considerate of the PV's state of mind and respect their own assessment of the situation.
- A PV needs to establish a relationship of trust before they can be expected to discuss issues of rape and other forms of assault, shame, stigma and intricate family details. In cases where, for example, jujū ritualised violence<sup>31</sup> forms part of the background, it may not be disclosed at an early stage, if at all.

## STEP 07

### COMPLETING THE MODERN SLAVERY REFERRAL FORM:

- The NRM interview should not, unless due to urgent need, take place over the phone.
- Disclosing a full history is extremely difficult for any PV. There are many reasons for this, including fear of traffickers or the way traumatic events may have been processed. Take time to consider an account rather than dismissing anything that is said in the early stages of contact because it seems flawed. Those who work closely with PVs over multiple sessions often find that the whole account becomes more coherent as a relationship of trust is established and the client feels able to speak more fully about their experiences. Over time, apparently inaccurate or inconsistent aspects of an account may be resolved and clarified.
- Time frames – if the PV is not at urgent risk, it is important to send out the form with as much information as is useful to identify them as a potential victim. This must be victim-led. In most cases it is likely that it will take time to obtain all the PV's information as they are traumatised and trust needs to be built. Make sure to note on the form that you may not have yet obtained all information. As more information is identified, this can be sent in to the Competent Authority (CA) with the PV's consent.
- Give as much information about the PV and their circumstances as possible. You must fully detail the reasons for the referral and circumstances in which the person was identified in section H of the form.
- The form has 20 general indicators. These indicators are not a definitive list. There may be other indicators that raise concerns, therefore the option to highlight 'other' indicators has been included. Other indicators can also be entered at section H (section D for children). If you consider that a PV has been exploited in a way not listed, this could still be slavery and should be recorded.
- Remember that the exploitation does not necessarily fit into one 'type' of exploitation, and to include relevant indicators disclosed to you from any of the sections.
- You don't need to select a set number of indicators to equate to a person being a PV; it could be that just one demonstrates this. Each case should be considered on its own merits.
- On the form, items marked with an asterisk must be supported by documentary evidence where possible.
- With the PV's permission consider sending the NRM report to the PV's legal representatives to explore reasons for any discrepancies with the information disclosed as part of other applications (e.g. for Refugee Status).

<sup>31</sup> A spiritual belief system incorporating spells used in religious practice, as part of witchcraft in West Africa – used incorrectly as a form of control to reinforce contractual obligations in some human trafficking cases involving West African PVs which binds them to their trafficker, with fear of being struck down or their families dying etc., if they disobey.

- The Home Office recognises that First Responders may be unable to provide significant information on the NRM referral form (e.g. where an individual is seriously traumatised). If you believe you may not have full disclosure you should note this on the form and indicate that trauma has affected the PV.
- If the PV is a foreign national, make reference to reports, such as the [Country Information and Guidance Reports](#)<sup>32</sup> and [Trafficking in Persons](#)<sup>33</sup> Report to highlight relevant issues in the country of origin.
- Where appropriate, request and include medico-legal reports. However you will have to consider the delays incurred by doing this and assume that these will be sent in after the NRM form has been sent in, noting on the form that these will be sent at a later date.
- Give an assessment of the PV's vulnerabilities and their needs, including their safety needs.



## QUESTIONS TO THE PV:

### **Situation:**

Daily activities / work / duties / transport. Length of time in the UK (if not a UK national).

### **To show the act:**

Where the adult lived in their country of origin (if not a UK national) and who arranged their travel or movement and met them and if / how they paid for this?

### **To show previous vulnerabilities:**

The previous circumstances whereby the PV entered exploitation, such as previous accommodation / employment / finances / support networks / substance use / mental health.

### **To show 'means' (deception or coercion):**

What were they offered in terms of work / accommodation / duties / hours/pay etc. Did this transpire? Any deductions? Have direct or indirect threats ever been used?

### **To show purpose:**

What their 'employment' involved (nature of work, hours, accommodation payment etc.)?

### **To show exploitation/control:**

Their freedom of movement; how they got to and from work; do they possess their ID at all times; how often they see their families; do they control their bank account; their accommodation; what prevented them leaving? Try to establish also if there has been any ritualised abuse.



## FORMS TO COMPLETE AND RETURN:

Complete adult [NRM form](#)<sup>34</sup>, and ask the PV to sign the form. Email the form to [nrm@nca.x.gsi.gov.uk](mailto:nrm@nca.x.gsi.gov.uk).

If using TSA support, email the form also to [mst@salvationarmy.org.uk](mailto:mst@salvationarmy.org.uk).

At the same time, to ensure you can be informed in which local authority the PV will be housed, and to be informed of when the PV will exit the NRM, ask the PV if they consent to this information being shared with you and ask them to sign a consent form allowing this. Send this form to TSA as well. The PV should be offered a copy of their form, having been told of the sensitivity of information it contains, and be made aware that they can request further copies at a future date.

## ADDITIONAL INFORMATION:

Once the form is sent to the CA, if more information is discovered, this should be sent to the NRM team as well.

<sup>32</sup>. See Country Information and Guidance <https://www.gov.uk/government/collections/country-policy-and-information-notes>

<sup>33</sup>. Trafficking in Person Report <https://www.state.gov/j/tip/rls/tiprpt/>

<sup>34</sup>. <https://www.gov.uk/government/publications/human-trafficking-victims-referral-and-assessment-forms>

# MULTIAGENCY MEETING WITHIN 35 DAYS TO DEVELOP A CARE PLAN



## Multiagency:

If the PV is staying in the borough or is likely to return to the borough post-NRM, a multiagency meeting should take place.

The meeting should ideally include local authority teams such as those in community safety, safeguarding and housing, as well as the NHS, Department for Work and Pensions (DWP), Police, and NGOs (e.g. if it relates to domestic servitude, Kalayaan; if it relates to young adults from Africa, AFRUCA. [See Directory](#)<sup>35</sup> for more information).

If you have a MASH/MARAC system in place, that can handle the PV's case as a vulnerable individual, this is advisable, particularly as there is often a crossover between the vulnerabilities a PV displays.

Contact should be made with key agencies, including the Housing/Homelessness teams, Adult Social Care, Jobcentre Plus and GP surgeries, to ensure the needs of PVs as vulnerable adults are well understood as well as their rights (for instance to have access to GPs even without passports or an address) and they can have fast-tracked access to financial support and housing.



## Care Plan:

A care plan should be drawn-up based upon needs, risks and safeguarding, prioritising the need to stabilise the PV's circumstances. The PV is unlikely to have disclosed much information at this point and this draft plan is likely to need to be amended. Areas to consider when drawing up a care plan: safety, housing, healthcare, legal advice, work options, any children or dependants. This plan is likely to need to be amended in the future as the PV's circumstances change.



## Assessments:

Consider making a Community Care Assessment, an Immigration Assessment and a Human Rights Assessment as per regular team procedures. The Human Rights Assessment must consider the likelihood of re-trafficking (from the same perpetrator or new exploitation risks) as this issue often risks being overlooked but is a known danger for most victims of trafficking and slavery after they escape exploitation. When considering safeguarding duties consider both the Care Act [guidance](#)<sup>36</sup> and London safeguarding [procedures](#)<sup>37</sup>. Where a PV does not meet threshold criteria for support, consider provision of types of assistance in light of international duties (See [Statutory Duties & Powers](#)<sup>38</sup>). Also consider referrals to suitable specialist NGOs with the PV's consent.

<sup>35</sup> <https://www.app.college.police.uk/app-content/major-investigation-and-public-protection/modern-slavery/list-of-anti-slavery-charities-and-non-governmental-organisations/>

<sup>36</sup> <https://www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance>

<sup>37</sup> <https://www.croydon.gov.uk/sites/default/files/articles/downloads/rep39.pdf>

<sup>38</sup> To access other parts of the protocol and directory visit [www.humantraffickingfoundation.org/london](http://www.humantraffickingfoundation.org/london)





### Needs:

This more in-depth assessment must look at all aspects of each individual, including their inter-dependence on other persons, services and psycho-social interactions, to establish their support needs. A complete needs assessment should cover: Physical and sexual health needs; Psychological and emotional needs; Cultural and spiritual needs; Practical and psycho-social needs (See [Trafficking Survivor Care Standards](#).)<sup>39</sup>



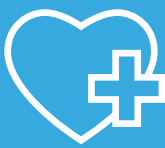
### Children:

In some cases the PV may also have children. They are likely to be concerned that their children may be removed from them, but this should only ever be a last resort and if this is what is in the child's best interest and there must be provision needs and assessments made to allow for trafficked parents to remain with their children where suitable.



### Legal needs:

PVs are likely to need legal advice on compensation, criminal law, immigration, challenging wrongful NRM negative grounds decisions, custody of children, family law (for example if the father is the trafficker), housing, non-prosecution, welfare benefits, debts, community care, injunctions and other protective measures against perpetrators.



### Health needs:

PVs suffer a wide range of psychological and physical problems, including post-traumatic stress disorder. Both men and women may have been vulnerable to STIs, and both may have other physical effects as a result of sexual abuse, or may have been exposed to hazardous materials or dangerous working conditions. They could have been deprived of food, sleep or kept in slave-like conditions. You may encounter a woman who is pregnant or has been forced to have an abortion.

Immediate health risks include the risk of the PV having TB. The risk to the PV, as well as any individuals they may or will be in contact with, also needs to be assessed.

In terms of mental health services there can be a lack of understanding around the severe but often hidden trauma, that is often delayed in onset in regards to human trafficking and slavery survivors, hence the provision of treatment and therapeutic intervention is not always adequate. The advocate may need to engage with health professionals to ensure there is informed understanding around the [risks](#)<sup>40</sup> for the PV.

At times the PV may suffer difficulty with traumatic memories or future fears. In these situations it is helpful to bring the focus back onto practical issues and small actions which belong in the current moment or 'here and now'. See Trafficking Survivor Care Standards' Health section.

Issues with substance abuse/dependency are common and are also intertwined with mental health issues. Both issues need to be dealt with concurrently rather than community mental health teams deferring to alcohol services and vice versa.

<sup>39</sup>. To access the Trafficking Survivor Care Standards visit [www.humantraffickingfoundation.org/ourwork/](http://www.humantraffickingfoundation.org/ourwork/)

<sup>40</sup>. <https://www.kcl.ac.uk/ioppn/depts/hspr/research/CEPH/wmh/projects/A-Z/protect.aspx>

PROTECT - Provider Responses Treatment and Care for Trafficked People, Final Report for the Department of Health Policy Research Programme, 2015, Dr Sian Oram [www.kcl.ac.uk/ioppn/depts/hspr/research/CEPH/wmh/assets/PROTECT-Report.pdf](http://www.kcl.ac.uk/ioppn/depts/hspr/research/CEPH/wmh/assets/PROTECT-Report.pdf)



### EACH SURVIVOR SHOULD BE OFFERED EARLY ACCESS TO:

- A GP for any physical and psychological injuries and to act as a referral gateway to other treatments.
- Sexual health screening services in cases where there has been sexual contact. Victims of sexual assault or exploitation should be referred to a sexual assault referral centre (SARC) for a full examination, if they consent to this. This includes those who are or may be pregnant, or have experienced a forced abortion.
- Therapeutic care which is appropriate for their psychological needs. In some cases the immediate psychological needs of clients must take precedence over all other considerations.
- Consider a forensic medical examination for all PVs to capture older injuries.
- Consider advice on/support with applications for welfare assistance specifically relevant to their physical/mental health needs such as Personal Independence Payment (daily living support) and/or Employment Support Allowance (inability to work).



### ACCESS TO EDUCATION, EMPLOYMENT AND LEGAL AND HEALTH SUPPORT:

- This should be offered as early as possible following the RG decision, as the recovery period may be very short and support is not guaranteed beyond that point. This support may assist with disclosure.

See Step 10 for more information.



### NON-CONSENT – DUTY TO NOTIFY, MS1 FORMS AND ASSESSMENT:

If the PV does not want to be referred to the NRM, then an MS1 form must still be completed and sent to [dutytonotify@homeoffice.gsi.gov.uk](mailto:dutytonotify@homeoffice.gsi.gov.uk). The MS1 form must be anonymous. See [MS1 form and guidance](#)<sup>41</sup>.

With the correct support many PVs will consent to go into the NRM after a month or so. PVs who do not want to enter the NRM system are still extremely vulnerable to being re-exploited by the person who originally exploited them or others. The local authority should therefore maintain contact with them over, at minimum, the next half year to ensure they are safe and that an opportunity to go into the NRM is not missed.

The advocate/social worker should still carry out a risk and needs assessment and, if they are not at risk of re-trafficking and able to support themselves, they should be signposted to other non-statutory support options in the UK or, if they want to return in cases where they are a foreign national, to NGOs abroad.

<sup>41</sup>. <https://www.gov.uk/government/publications/duty-to-notify-the-home-office-of-potential-victims-of-modern-slavery>

## DURING THE NRM PROCESS



### Communication:

Having obtained a signed consent form from the PV, the advocate should contact the Salvation Army (TSA) and find out which area the victim is being housed if they were moved into a Government-funded safe house, and then make contact with that safe house and its area's local authority.



### Information:

Information should be provided to that local authority that a vulnerable adult is now in their borough and that any appointments around housing etc. will need to be fast-tracked due to the high risks around the PV being re-exploited and the need for a quick turnaround when a PV is moved on from a safe house.



### Exit plan:

Communication should be maintained with that local authority and TSA safe house, as the safe house develops an exit plan for the PV. A PV might choose to return to their old borough if they have familial, financial, diaspora or other links with that region. If this is the case, the multiagency meeting should look into what provisions they are able to supply the PV on their return to the borough post NRM.



### NRM:

During the 45<sup>42</sup> day reflection and recovery period the Competent Authority (CA) gathers further information on the referral and the expectation is that a Conclusive Grounds (CG) decision will be made as soon as possible after day 45 of that period. However the timescale for making a decision is dependent on each individual case. The first responder and the potential victim will both be notified of the decision.

<sup>42</sup>. On average this can take 150 days

STEP  
**10**<sub>(I)</sub>

## NEGATIVE CG DECISION

If a PV receives a negative CG decision they have two days<sup>43</sup> to leave TSA safe house or outreach support, and find accommodation etc.

If the PV does not receive a positive CG decision this may be due to a lack of evidence, non-disclosure or other obstacles that many PVs can face, rather than due to a person not being a victim of modern slavery.

If you consider this to be the case, the PV may want to challenge the negative decision and you can support them with this.



### CHALLENGING DECISIONS:

If there is a possibility that the negative decision was made in error, while there is no right of appeal for this refusal, the advocate can ask for the decision to be reconsidered by offering new additional evidence or raising concerns that the decision is not in line with published guidance. If the reconsideration is refused, then the only route to challenge the decision of the CA is through a process called “judicial review”. The negative CG decision can also be challenged by way of judicial review without reconsideration taking place.

It is recommended that as soon as a PV has a negative CG you direct the PV to seek specialist legal advice regarding this, as legal aid is available for advice about judicial review. You can ask for this advice from a “public law” or immigration lawyer. The PV will have only 3 months from the date of the negative CG to put in a claim for judicial review to court and must always act “promptly.”

You can still request reconsideration while you are referring the PV for advice on a possible judicial review so they don't lose time, or wait to discuss reconsideration with the solicitor if the PV is able to find one quickly. The PV can make a request to TSA for an extension of accommodation and support while a reconsideration request / JR is underway.

If the PV has made another immigration application, for example an asylum application, then they may be able to appeal to the First Tier Tribunal if that application is refused. On appeal the Tribunal judge can look at the evidence of trafficking again and decide whether the CA's negative conclusion was incorrect.

The PV should always get advice about challenging a negative CG as soon as they receive it, even if they may be able to raise the issue in an appeal to the First Tier Tribunal later.

### SUPPORT:

If a PV receives a negative CG decision then another risk and needs assessment should be made as they will still possibly possess some or all of the vulnerabilities that led to them being identified as a PV and entering the NRM.

Contact relevant organisations in the non-statutory sector around alternative options for support.

<sup>43</sup>. To be extended to nine days – Date to be confirmed

## POSITIVE CG DECISION

If a PV receives a positive CG decision they have two weeks<sup>44</sup> to leave TSA safe house and find accommodation etc. This may be extended at the request of the safe house.

### DISCRETIONARY LEAVE TO REMAIN IN THE UK:

If a PV is found to be a victim of slavery a decision may be made to extend their recovery period or they may be granted a residence permit if they do not have any other right to remain in the UK. This would be in the form of Discretionary Leave to Remain (DLR) and is usually issued for between 12 and 30 months.

If the survivor has an asylum claim they should automatically be considered for a grant of DLR once a positive identification decision is made. They should still make sure they make arguments why they need DLR and send in supporting evidence about this before the CG decision is made so they have the best chance of DLR being granted.

If a survivor has no asylums claim they will need to notify the Home Office if they want to be considered for DLR, preferably as soon as possible, while they are still in the NRM. This applies to both nationals from the European Economic Area (EEA) where identification decisions are made by MSHTU and non-European nationals where identification decisions are made by the Home Office. This application can be initiated by email to the Home Office, with supporting evidence if possible, (or the PV can obtain this later) and setting out the reasons why they should be considered. The email address to use is: [neyh.ukba.nrm@homeoffice.gsi.gov.uk](mailto:neyh.ukba.nrm@homeoffice.gsi.gov.uk).



<sup>44</sup>. To be extended to 45 days– Date to be confirmed

<sup>45</sup>. Arguing a right to stay because a victim has a compensation claim against the state is also possible although not in Home Office guidance

STEP  
10(II)

A PV may be recognised as a victim of slavery but not be granted DLR. They may have a right to another form of leave to remain in the UK. PVs are also able to apply for DLR once they have a positive CG. It is important that all PVs with potential immigration issues are referred for specialist immigration advice as early as possible.

It is important to emphasise the importance of PVs getting legal advice on their immigration status, which impacts their access to other services such as benefits and housing. EEA nationals should be made aware of their rights<sup>46</sup>. For example, many people may be unaware that enforced slavery, such as being forced to work in prostitution, should be recognised as work. Therefore you may need to clarify with other statutory organisations that the PV's work exacted from them during the period they were exploited counts as a form of work in the UK.

Victims of modern slavery are entitled to legal aid for legal advice on immigration advice (if they have a positive reasonable or conclusive grounds decision).

If the victim would like free legal advice where they don't have an entitlement to legal aid they can be supported to apply for exceptional legal aid funding if they would like to see a free immigration lawyer. <https://www.gov.uk/guidance/legal-aid-apply-for-exceptional-case-funding>

A toolkit on how different aspects of the immigration legal process works can be found [here](#)<sup>47</sup>.

**DOMESTIC WORKERS AND LEAVE TO REMAIN:**



**If the PV is a victim of domestic servitude they can apply to stay in the UK for up to 2 years if all the following apply:**

- they are/were on a domestic worker visa (i.e. their most recent grant of leave to remain was as a domestic worker or as a domestic worker who is a victim of trafficking, or they have discretionary leave as a victim of trafficking but the grant of leave before that was connected to them being a domestic worker)
- they have a decision from the CA confirming that they are a victim of slavery or human trafficking
- they are able to financially support and accommodate themselves in the UK without public funds

They must apply within 28 days of getting confirmation that they are a victim of slavery or human trafficking (or within 28 days of being told about the outcome of an outstanding application for leave, or before a period of DLR as a PV expires). Please find more information [here](#) and [here](#)<sup>48</sup>.

### CO-OPERATING WITH POLICE ENQUIRIES:

If a PV reported their traffickers or other violence to the [police](#)<sup>49</sup> they may be asked to make a formal statement to the police and act as a witness in a criminal court. There is no requirement for them to do so however and this should be explained to the PV both before and at their first meeting with police. The PV may be granted discretionary leave to remain in the UK to allow them to co-operate fully in any police investigation and subsequent prosecution. An application to extend the period of discretionary leave can be made if required.

Also note that DLR may also be available under other circumstances, as mentioned above, such as personal circumstance or for pursuing a compensation claim, and is not conditional on cooperating with a police investigation.

<sup>46</sup> Information examples such as the Aire Centre guide [http://www.airecentre.org/data/files/Rights\\_of\\_Homeless\\_EU\\_Nationals.pptx](http://www.airecentre.org/data/files/Rights_of_Homeless_EU_Nationals.pptx) may be useful but note that this is a rapidly changing area of law and PVs need to receive proper face-to-face professional legal advice on their rights.

<sup>47</sup> <https://www.righttoremain.org.uk/toolkit/yourlegalcase.html>

<sup>48</sup> <https://www.gov.uk/domestic-workers-in-a-private-household-visa/victim-slavery-human-trafficking> and [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/607256/ODWS-victims-of-slavery-hum-traff-v4.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/607256/ODWS-victims-of-slavery-hum-traff-v4.pdf)

<sup>49</sup> <https://www.app.college.police.uk/app-content/major-investigation-and-public-protection/modern-slavery/national-referral-mechanism/?s=slavery>

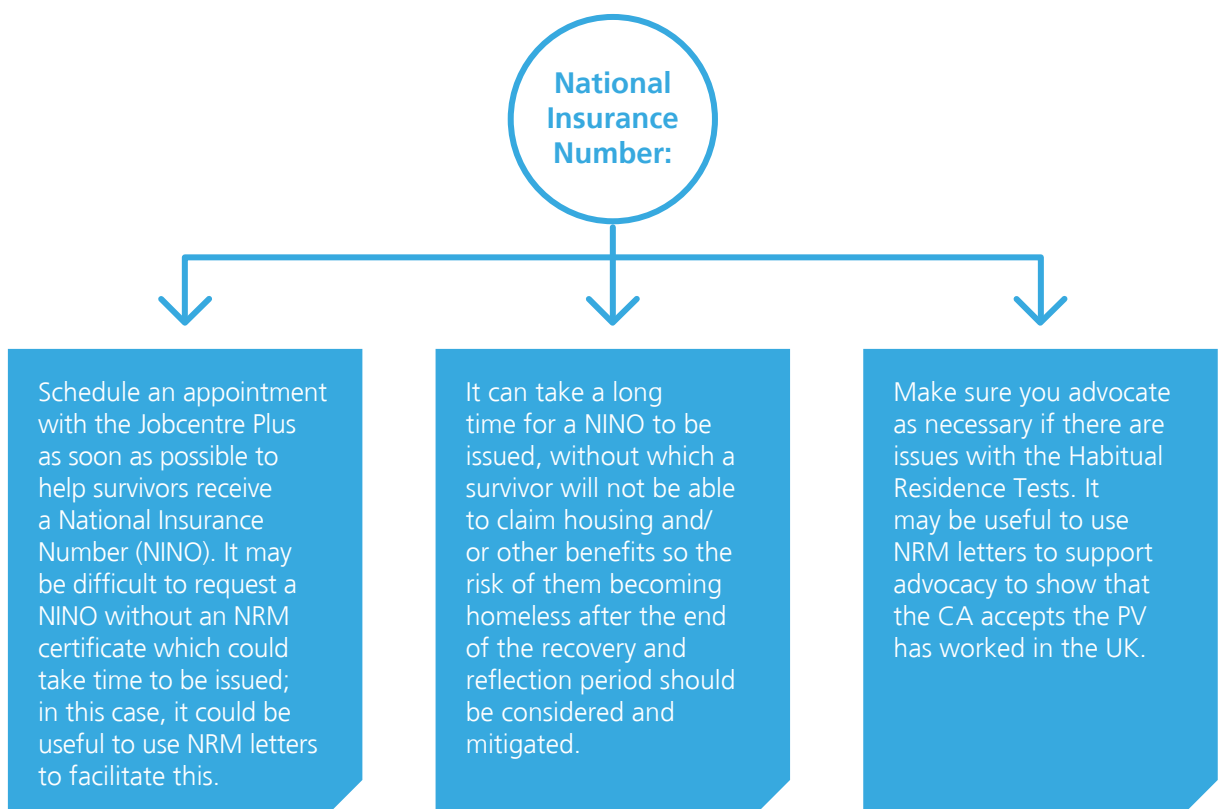
## POST NRM RISK AND NEEDS ASSESSMENT

If the PV was moved out of borough, there needs to be an assessment by the local authority where the PV was found, on which local authority will handle the case post NRM. If the PV is returning to your borough there needs to be another needs and risk assessment considering possible requirements around continuity of care, including housing, benefits and immigration.



### ACCESS TO EDUCATION, EMPLOYMENT AND LEGAL AND HEALTH SUPPORT:

- If the PV has not done so, they should be connected to an experienced legal adviser on options around immigration and compensation.
- Provide the PV with information on how to engage with a GP surgery<sup>50</sup> and on accessing benefits and other statutory and non-statutory support. In many cases, they may require your direct advocacy to do this.
- Explore access to education, volunteering and employment as part of their survivor support plan, help survivors set realistic goals and take steps towards achieving their aspirations.
- If the PV is a foreign national, make sure they can access ESOL classes to improve their English.
- Consider specialist NGO services for PVs such as those targeted at specific diasporas or exploitation types.



<sup>50</sup> Obtain a "right to register" NHS card for them from [www.healthylondon.org](http://www.healthylondon.org)



## HOUSING AND BENEFITS:

- Survivors' journeys to recovery are not linear. Without the correct safeguarding, even if they appear to not have high needs, their needs may escalate if they are not adequately supported.
- UK and foreign national survivors may be entitled to a range of benefits; you should help them explore their options and ensure they can fully access their entitlements.
- If the PV is a foreign national and has a positive CG decision and leave to remain granted with recourse to public funds, then they have recourse to funds and housing under the Housing Act.
- Note the council's safeguarding duty under S42 of the Care Act 2014 and that irrespective of eligibility for care and support under the Care Act this should be initiated where there are concerns of risk.
- If a PV does not meet the threshold criteria of the Care Act then, if the primary need is housing, refer them onto the housing team, who should consider a council's duties and powers.
- If they don't have leave to remain or have an outstanding immigration application, consider a council's duties and powers referred to in the accompanying Protocol<sup>51</sup> and assess their needs.
- If the council cannot provide any assistance, then, in conjunction with them taking immigration advice from a legal firm with expertise on slavery, consider if they are eligible to enter asylum accommodation and signpost them to access services.
- Help survivors access housing and be prepared to advocate on their behalf to ensure they are not placed in unsuitable accommodation, such as mixed hostels. If they end up in shared accommodation, make sure it is safe for them to live there.
- Whether they are eligible for support or not, refer them onto suitable specialist NGOs (see [Directory](#)<sup>52</sup>).



## RETURNING HOME:

- Article 16 of the Trafficking Convention requires that any return to a country of origin is conducted with due regard to their rights, dignity and safety.
- If a PV is a foreign national and wants to return to their country of origin, and it is safe for them to do so, the PV can receive help and financial assistance through the Home Office Voluntary Returns Service (VRS) process. Alternatively non-statutory organisations may be able to provide assistance.
- The local authority should risk assess whether a PV is safe to return, and may want to work alongside the PV's embassy.
- The local authority should also ensure that the PV is connected into statutory and/or non- statutory services in the country of origin that could assist them once they return.

<sup>51</sup>. To access other parts of the protocol and directory visit [www.humantraffickingfoundation.org/london](http://www.humantraffickingfoundation.org/london)

<sup>52</sup>. Ibid and <https://www.app.college.police.uk/app-content/major-investigation-and-public-protection/modern-slavery/list-of-anti-slavery-charities-and-non-governmental-organisations/>



## BI-MONTHLY CHECK UPS AND RE-ASSESSMENTS

The PV's case should be regularly reviewed and the PV contacted every two weeks for at least the following six months by whichever local authority the PV is housed within. In addition, there should be a point of contact for the PV should they need to make contact in between these times – for example if their situation deteriorates and they are again in need of support to prevent their situation becoming worse.

The recovery of PVs is rarely linear and is likely to fluctuate significantly. Therefore questions need to be asked each time about what their capacity is to take care of themselves, their ongoing needs, whether they are safe and whether (if they are still awaiting a CG decision) there is more information they can now disclose.

If an immigration decision is made, another full multiagency assessment meeting on needs must be taken.



# GLOSSARY OF TERMS

This protocol and pathway guidance is made available for education and general information purposes only to help improve understanding on identifying and supporting potential victims of modern slavery and human trafficking.

<b>CA - Competent Authority</b>	To be referred to the NRM, potential victims of trafficking or modern slavery must first be referred to one of the UK's two competent authorities (CAs) - the Modern Slavery Human Trafficking Unit (MSHTU) and the UK Visa Immigration department (UKVI).
<b>CG - Conclusive grounds</b>	During the 45 day reflection and recovery period the Competent Authority gathers further information relating to the referral from the first responder and other agencies, before making a positive or negative CG decision.
<b>DL(R) - Discretionary Leave to Remain:</b>	DL is granted outside the Immigration Rules. It must not be granted where a person qualifies for asylum or humanitarian protection (HP) but is intended to cover exceptional and compassionate circumstances. While a grant of 30 months' leave is generally appropriate, leave may be granted for shorter or longer periods, including, in particularly compelling circumstances, indefinite leave to remain.
<b>ECAT</b>	Council of Europe's Anti-trafficking Convention.
<b>EEA nationals</b>	The EEA includes EU countries and Iceland. EEA nationals do not have the no recourse to public funds condition imposed on them. However they may be prevented from claiming welfare benefits, homelessness assistance or getting a housing allocation from the council when they do not meet the eligibility criteria for these services – these can be difficult to establish, particularly if the person has been trafficked.
<b>ECHR</b>	The European Convention on Human Rights Used in a case against Bristol Council to demonstrate that they should have provided a women who had been trafficked, with support.
<b>FR - First responder</b>	First Responders are responsible for identifying and interviewing potential victims of human trafficking. All those working in local authorities, alongside Police, UK Border Force, Gangmasters Labour Abuse Authority and several NGOs, including the Salvation Army, are first responders
<b>GLAA</b>	The Gangmasters and Labour Abuse Authority Non Departmental Public Body (NDPB) who prevent worker exploitation and tackle unlicensed and criminal activity.
<b>HT - Human Trafficking</b>	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.
<b>LA</b>	Local authority.
<b>MASH - Multi-Agency Safeguarding Hub (MASH)</b>	Involves the police, Local Authorities and other agencies who work together to protect children, young people, and in some cases adults from harm.

<b>MARAC- multi-agency risk assessment conference</b>	Is a meeting where information is shared between representatives of local police, probation, health, child protection, housing practitioners, usually on high risk domestic abuse cases, sometimes on other safeguarding issues such as human trafficking.
<b>MS - Modern slavery</b>	Encompasses slavery, servitude, forced and compulsory labour and human trafficking. Traffickers and slave drivers coerce, deceive and force individuals against their will into a life of abuse, servitude and inhumane treatment. A large number of active organised crime groups are involved in modern slavery. But it is also committed by individual opportunistic perpetrators.
<b>MS1 Form</b>	If a potential victim has not consented to enter the NRM, you must send an 'MS1: notification of a potential victim of modern slavery form' to the Home Office instead of an NRM referral form.
<b>NCA - National Crime Agency</b>	The National Crime Agency (NCA) is a national law enforcement agency.
<b>NRM - National Referral Mechanism</b>	Is a framework for identifying victims of human trafficking and ensuring they receive the appropriate protection and support.
<b>PV</b>	Potential victims of modern slavery or human trafficking.
<b>NRPF - No recourse to public funds</b>	A person with no recourse to public funds (NRPF) is only prohibited from accessing public funds, which are limited to certain welfare benefits and social housing. They are still possibly entitled to support under other EU, Council of Europe and UK legislation.
<b>RG- Reasonable Grounds</b>	The NRM 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 or modern slavery.
<b>SPoC</b>	Modern slavery single point of contact- Allocated point of contact for cases of slavery and human trafficking, based in a local authority, police borough force or in the NHS.
<b>TSA</b>	The Salvation Army run the Government's safe house provision for potential victims.
<b>VRS - Voluntary Return Service</b>	The Home Office provide a paid voluntary return service package for foreign national survivors wanting to return to their homeland.

Written by the Human Trafficking Foundation and Anti-Slavery London Working Group (LWG) contributors: Africans Unite Against Child Abuse (AFRUCA), Aire Centre, Anti Trafficking and Labour Exploitation Unit (ATLEU), Anti-Trafficking Monitoring Group (ATMG), Caritas Bakhita House, Croydon Community Against Trafficking (CCAT), City Gateway (Women's Programme), Every Child Protected Against Trafficking (ECPAT UK), Eastern European Resource Centre (EERC), Ella's Home, Focus on Labour Exploitation (FLEX), Gangmasters and Labour Abuse Authority (GLAA), Housing for Women, The Helen Bamber Foundation, Hestia, Hope for Justice, International Organisation for Migration (IOM), Kalayaan, Latin American Women's Rights Service (LAWRS), Love146, Migrant Legal Action, The Mayor's Office for Policing and Crime (MOPAC), The Metropolitan Police Service's Modern Slavery and Kidnap Unit (SCO7), NHS England, National Ugly Mugs (NUM), Olallo House (St John of God Hospitaller Services), Refugee and Migrant Forum of Essex and London (RAMFEL), The Rape & Sexual Abuse Support Centre (RASASC), British Red Cross, Shpresa Programme, Sophie Hayes Foundation, St Giles Trust, St Mungo's Homeless Charity, The Children's Society, The Salvation Army (TSA), Victim Support, and Snowdrop Project.



**ATLEU**  
ANTI TRAFFICKING AND  
LABOUR EXPLOITATION UNIT

**BritishRedCross**



**City Gateway**



Every Child Protected  
Against Trafficking



**FOCUS ON  
LABOUR  
EXPLOITATION**



**Helen Bamber Foundation**  
working with survivors of human cruelty



**Human  
Trafficking  
Foundation**



**LOVE146**  
END CHILD TRAFFICKING AND EXPLOITATION

**MOPAC** | MAYOR OF LONDON  
OFFICE FOR POLICING AND CRIME



**NHS  
England**



**o1allo services**



**St Mungo's**  
Ending homelessness  
Rebuilding lives



**The Anti Trafficking  
Monitoring Group**

