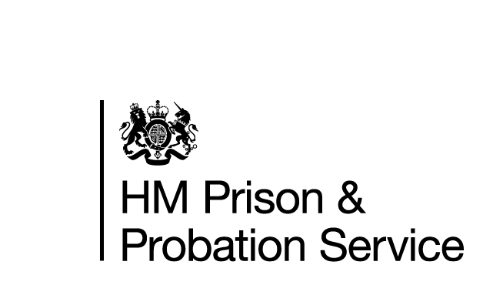
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**HMPPS Modern Slavery**

**Guidance for prisons in**

**England and Wales**

March 2023

**Version 1.4**

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Changes to the last version of the guidance

|  |  |  |  |
| --- | --- | --- | --- |
| Version | Date | Page | Change |
| 1.2 | 01.23 | 21 | **Recovery Reflection period** - from 45 days to 30 days. |
| 1.3 | 02.23 | 4 | **Public Order Disqualification** – information added |
| 1.4 | 04.23 | 12  14  13 | **Completion of the Prisoner Needs Assessment -** As soon as possible following arrival into prison where a prisoner is identified as a potential victim of modern slavery or after receiving a positive RG or CG decision. (As soon as possible and no later than 5 calendar days).  **Access to Legal Advice** - Legal visits should be facilitated as soon as possible for all potential and confirmed victims of modern slavery. This includes potential victims who have been initially identified as well as those in receipt of a Reasonable Grounds or Conclusive Grounds decision.  **Added Information** - In the closed male estate and all female prisons, prisoners will be allocated a key worker who conducts regular key worker sessions. In the case of female prisoners assessed as high complexity, this may be replaced by additional time with the POM. In either case, the information from the Prisoner Needs Assessment should be disclosed to the keyworker or POM by the designated competent person, so that they understand the ongoing needs and entitlements of the prisoner, and ongoing modern slavery needs should be continually supported during sessions. For potential and confirmed victims of modern slavery in the open male estate, the designated competent person should ensure regular meetings are scheduled with the personal officer or the POM, so that the ongoing needs are continually supported. |

Introduction

HMPPS has a legal duty to support victims of modern slavery. This guidance aims to raise awareness and inform all staff working in HM Prisons in England and Wales how to take prompt action when modern slavery is suspected, and how to support victims of modern slavery who are remanded or sentenced. A glossary of terms can be found in Annex A attached to this guidance.

What is modern slavery?

**Modern slavery involves complex, often organised, criminal activity where victims may experience multiple forms of exploitation and harm**.

The [Modern Slavery Act 2015](http://www.legislation.gov.uk/ukpga/2015/30/contents/enacted) sets out that slavery, servitude and forced or compulsory labour constitutes the following:

A person commits an offence if

(a) the person holds another person in slavery or servitude and the circumstances are such that the person knows or ought to know that the other person is held in slavery or servitude, or

(b) the person requires another person to perform forced or compulsory labour and the circumstances are such that the person knows or ought to know that the other person is being required to perform forced or compulsory labour.

Statutory Guidance is provided by the Home Office on the following link: [Modern Slavery: statutory guidance for England and Wales (under s49 of the Modern Slavery Act 2015) and non-statutory guidance for Scotland and Northern Ireland (accessible version) - GOV.UK (www.gov.uk)](https://www.gov.uk/government/publications/modern-slavery-how-to-identify-and-support-victims/modern-slavery-statutory-guidance-for-england-and-wales-under-s49-of-the-modern-slavery-act-2015-and-non-statutory-guidance-for-scotland-and-northe)

# Why is modern slavery a concern for prisons?

HMPPS has a statutory duty to notify the Home Office (via a First Responder Organisation) of potential victims of modern slavery. Categories of slavery, including those who are criminally exploited are contained in the attached booklet ([Modern Slavery Awareness booklet (publishing.service.gov.uk)](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/655504/6.3920_HO_Modern_Slavery_Awareness_Booklet_web.pdf)

# How does an individual gain recognition as a victim of modern slavery?

For any individual (including prisoners) to gain recognition of experiences of victimisation of modern slavery, they must be interviewed by a First Responder Organisation (FRO). A FRO is an organisation authorised to make a referral into the National Referral Mechanism (NRM). See Annex A for Glossary of terms and Annex B for a list of FROs. HMPPS is not a FRO and must alert a FRO of all suspected cases of modern slavery.

The NRM will review the information provided by the FRO and make a decision using two stages:

* Stage 1: Reasonable Grounds (RG) decision where an individual is either deemed to be a ‘potential victim’ or is not considered to meet the criteria.
* Stage 2: Confirmed Grounds (CG) decision where individuals deemed to be a ‘potential victim’ become a ‘confirmed victim’ and receives support via a Modern Slavery Victim Care Contract (MSVCC), or where it is decided that they do not meet the criteria.

Public Order Disqualification

This is the process for when a competent authority determines whether, following relevant considerations, an individual should be disqualified from receiving NRM support as they meet the threat to public order as defined in Section 63 of the Nationality and Borders Act 2022.

From 30 January 2023, disqualification requests can be made for any cases where an individual meets the criteria for disqualification and has either been referred into the NRM or has already received a positive reasonable grounds decision but is awaiting a conclusive grounds decision. This includes those whose NRM Referral was made before 30 January 2023.

It is important that prison staff continue to report all cases of modern slavery to the FRO’s so they can refer into the NRM.

For further guidance please refer to:

[Nationality and Borders Bill: abuse of modern slavery protections factsheet - GOV.UK (www.gov.uk)](https://www.gov.uk/government/publications/nationality-and-borders-bill-abuse-of-modern-slavery-protections-factsheet/nationality-and-borders-bill-abuse-of-modern-slavery-protections-factsheet)

[Modern Slavery: Statutory Guidance for England and Wales (under s49 of the Modern Slavery Act 2015) and Non-Statutory Guidance for Scotland and Northern Ireland (publishing.service.gov.uk)](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1133140/Modern_Slavery_Statutory_Guidance__EW__Non-Statutory_Guidance__SNI__v3.0.pdf#page=172&zoom=100,93,150)

Summary of recommended action points for prisons in complying with the Statutory Guidance

* All staff working in prisons should be professionally curious and alert to signs of modern slavery when engaging with prisoners. Helpful questions may include ‘have you been made to do something against your will, or something that you did not want to do by someone else?’ If so, this should be followed up with ‘Have you been referred to National Referral Mechanism (NRM)?’ or ‘Do you have any outstanding applications with the Home Office?’
* All staff working in prisons should be made aware of responsibilities to report suspected modern slavery.
* Prisons should designate a competent person as a point of contact for modern slavery.
* Where modern slavery is suspected an authorised FRO makes a referral to the NRM. As HMPPS is not a FRO, prisons should ensure that FROs are facilitated to complete referrals to the NRM.
* NRM decisions (indicating if an individual is a potential or confirmed victim) should be communicated clearly, providing privacy and support.
* All potential and confirmed victims (following a positive decision made by the NRM) should be given access to legal and other support services as contained in the following guidance.

**Key points to be aware of:**

* You do not need to be certain that someone is a victim of modern slavery in order to report an individual to a FRO**.** You may suspect they are based on a number of indicators.
* Victims may not be aware that they have, or are being, exploited and may have consented to elements of their exploitation or accepted their situation. Modern slavery may take many forms and may include any (or any combinations) of the following:
* forced and/or compulsory labour
* sexual exploitation
* domestic servitude
* forced criminality
* removal of human organs
* human trafficking (under the Modern Slavery Act 2015 and ECAT (Council of Europe Convention on Action against Trafficking in Human Beings) the UK Government has legal duties to support and accommodate victims of trafficking).
* Common myths about modern slavery include misconceptions that a person cannot be a victim if they reject offers of help or are convicted of offences involving modern slavery. Coercion and fear (for family members as well as themselves) may be key factors which prevent disclosure.
* Modern slavery is a crime that affects some of the most vulnerable in society. It is often hidden from view and many victims do not self-identify or may not come forward because of fear and shame. Perpetrators of Modern Slavery may also be victims of this crime, which makes it a complex area to navigate.
* There may be a potential distrust of figures who are perceived to be in positions of authority and so it is important to build a relationship of trust up with the prisoner.
* Some victims of modern slavery may also be victims of human trafficking. Human trafficking is the control of human beings for the purpose of exploiting them. Human trafficking is different to [human smuggling](https://www.interpol.int/Crime-areas/Trafficking-in-human-beings/People-smuggling) which is the illegal entry into a country.

What are indicative signs of modern slavery?

Indicators of a potential victim of modern slavery may include, but are not exhaustive of the following:

* Distrustful of authorities
* Expression of fear or anxiety
* Signs of psychological trauma (including post-traumatic stress disorder)
* The person acts as if instructed by another
* Injuries apparently a result of assault or controlling measures
* Evidence of control over movement, either as an individual or as a group
* Passport or documents held by someone else
* Lack of access to medical care
* Limited social contact/isolation
* Limited contact with family
* Signs of ritual abuse and witchcraft (such as juju)
* Person forced, intimidated, or coerced into providing services
* Doesn’t know home or work address
* Perception of being bonded by debt
* Money is deducted from salary for food or accommodation
* Threat of being handed over to authorities
* Threats against the individual or their family members
* Unwanted/underage pregnancy
* Inappropriate sexual behaviour
* Incoherent/changing account of events
* Repeating a story that you have heard elsewhere
* Unexplained eagerness to leave a safe space/to work
* Sexually transmitted diseases
* Reluctant to come forward with information especially as they may not want to be seen as a ‘snitch’ or a ‘grass’
* Do not recognise themselves as having been trafficked or enslaved
* Tell their stories with obvious errors and/or omissions

What is the National Referral Mechanism (NRM)?

The National Referral Mechanism (NRM) is a Home Office framework for identifying and referring potential victims of modern slavery and ensuring they receive the appropriate support. Referrals to the NRM may only be made by an authorised FRO. The Home Office assesses every new NRM case to determine if the person is a victim of modern slavery. For further guidance please refer to [National referral mechanism guidance: adult (England and Wales) - GOV.UK (www.gov.uk)](https://www.gov.uk/government/publications/human-trafficking-victims-referral-and-assessment-forms/guidance-on-the-national-referral-mechanism-for-potential-adult-victims-of-modern-slavery-england-and-wales#Section-6)

The NRM report statistics of all referrals and decision. For the year ending 2021 the headlines are as follows:

* 12,727 potential victims of modern slavery were referred to the Home Office in 2021, representing a 20% increase compared to the preceding year (10,601)
* 77% (9,790) were male and 23% (2,923) were female
* 58% (7,434) of potential victims claimed exploitation in the UK only and 31% (3,883) claimed exploitation overseas only
* a higher proportion of referrals claimed exploitation overseas only in 2021 (31%) than in 2020 (26%)
* 50% (6,411) of referrals were for potential victims who claimed exploitation as adults and 43% (5,468) claimed exploitation as children
* for adult potential victims, labour exploitation was most reported (33%; 2,141), whereas child potential victims were most often referred for criminal exploitation (49%; 2,689)
* the most common nationalities referred this year were UK, Albanian and Vietnamese
* 12,665 reasonable grounds and 2,866 conclusive grounds decisions were made this year. Of these, 90% of reasonable grounds and 91% of conclusive grounds decisions were positive
* the Home Office received 3,190 reports of adult potential victims via the Duty to Notify process, a 47% increase from 2020.

The statistics are updated each quarter and can be found at [National Referral Mechanism statistics - GOV.UK (www.gov.uk)](https://www.gov.uk/government/collections/national-referral-mechanism-statistics). Data relating to the analysis of potential victims is currently limited and will continue to be developed.

# What are the responsibilities of First Responder Organisations (FROs)?

**All suspected cases of modern slavery should be reported to a FRO.**

FRO’s are authorised to refer a potential victim of modern slavery into the NRM and will:

* interview the potential victim
* gather information in order to understand what has happened to them.
* Complete the referral to the NRM where consent is provided, or
* Notify the Home Office if an individual does not consent to being referred under the Duty to Notify (DtN). **It is important that all suspected cases are reported to a FRO, even when a potential victim does not provide consent.**
* provide a point of contact to assist with NRM decisions in relation to Reasonable Grounds (RG) and Conclusive Grounds(CG)
* request a Reconsiderationof the NRM decisionwhere a FRO believes it is appropriate to do so (see Glossary in Annex A).

Further information on the role of FROs can be found in the following link:[designated organisations](https://www.gov.uk/government/publications/human-trafficking-victims-referral-and-assessment-forms/guidance-on-the-national-referral-mechanism-for-potential-adult-victims-of-modern-slavery-england-and-wales).

# Reporting a potential victim to a FRO and supporting a FRO to complete the referral interview

**All staff working in prisons have a duty to alert a FRO if it is suspected that a remanded or sentenced prisoner is a victim of modern slavery, irrespective of whether the prisoner provides consent.** Local arrangements may be in place for a designated competent person or specific department to report a potential victim to a FRO. (Annex B contains a list of all FRO organisations).

**Prison staff who suspect modern slavery should**

* Discuss concerns with the individual using an interpreter, if English is not their first language.
* Have conversations in a safe space and be patient, as the individual is likely to have difficulties in disclosing.
* Gather as much information as possible to convey to the FRO
* A victim may not realise they are a victim until the process of exploration begins.
* Record on NOMIS (see section on recording)

**Prisons should ensure that**

* a referral to Healthcare is made at this stage (stating the reason for the referral).
* the FRO is provided with the details of the prison’s competent designated person to liaise with the FRO.
* the FRO’s interview with the potential victim is prioritised and facilitated efficiently, making use of available methods including using video link, visits hall, phone calls, iPads/Teams and ensuring official translation services or other adaptations are used and organised as necessary.
* all relevant prison departments are made aware of the referral, including Security and Safety teams where relevant**.**

**Cell Sharing Risk Assessment (CSRA)**

Prison staff should consider the location of potential or confirmed victims as well as any co-defendants when reviewing the Cell Sharing Risk Assessment (CSRA). Consideration should be given to alternative accommodation such as a single cell if available, a different location within the establishment, or a different prison if appropriate.

Prison staff should regularly check if victims of modern slavery are at risk of sharing accommodation or being in proximity to any alleged perpetrators of modern slavery in a sensitive manner, and be aware that victims may be reluctant to provide information about risks to them (see section above on Signs of Modern Slavery). The prisoner’s NOMIS case notes should also be updated with details of the referral and updated information.

**Healthcare**

A potential victim may also be discovered through conversations or screening with Healthcare. **It is essential that Healthcare alert the prison via the competent designated person so it can be reported to a FRO by prison staff.**

**Safeguarding**

Where staff are aware of circumstances giving rise to a “credible suspicion” that an individual may be a victim of modern slavery prior to receiving a Reasonable Grounds decision, prison staff should ensure the potential victim is supported and safeguarding measures activated to ensure the appropriate protection of the prisoner if necessary.

NRM Decisions

The NRM operate a two-stage decision making process:

* Stage 1 Reasonable Grounds
* Stage 2 Conclusive Grounds

**Stage 1 - Reasonable Grounds (RG) Decision**

A NRM caseworker will review the referral made by the FRO within 5 working days, whenever possible, to decide if there are Reasonable Grounds (RG) to indicate that the individual is a potential victim of modern slavery.

* Emergency support is provided if requested pre-RG decision (see below).
* Where the RG criteria is met, the individual will be categorised as a ‘potential victim’ and the case will be investigated further before deciding if there are Conclusive Grounds (see below).
* Where a case does not meet the RG criteria, it will be closed by the NRM, and no further support will be available. **Prisons should ensure that access to legal representatives is facilitated if requested**. A request forReconsideration may be made at this time (see below).

**Stage 2 - Conclusive Grounds (CG) decision**

* Where a CG decision is positive, the individual is categorised as a ‘confirmed victim’.
* Where a Conclusive Grounds (CG) decision is negative, the individual will have a period of 9 days to:
* access ‘move on support’
* request Reconsideration of the NRM decision (see below)
* receive assistance in contacting legal representatives if requested. After this period, they are no longer regarded as a potential victim (unless this is reconsidered) and no longer supported under the NRM.

# Request for Reconsideration of the NRM Decision

A Request for Reconsideration can be requested at any time if:

* additional information about the case becomes available that would be material to the outcome of a case.
* there are specific concerns that the original decision made was not in line with Home Office guidance.
* a Request for Reconsideration may be made by an individual, or someone acting on their behalf if a negative RG or CG decision has been received.

The relevant competent authority will not reject any request for reconsideration based on who has submitted the request. The individual resumes the status of potential victim upon confirmation that the decision will be reconsidered. Further guidance relating to NRM decisions is available on the following link:

[Modern Slavery: statutory guidance for England and Wales (under s49 of the Modern Slavery Act 2015) and non-statutory guidance for Scotland and Northern Ireland (accessible version) - GOV.UK (www.gov.uk)](https://www.gov.uk/government/publications/modern-slavery-how-to-identify-and-support-victims/modern-slavery-statutory-guidance-for-england-and-wales-under-s49-of-the-modern-slavery-act-2015-and-non-statutory-guidance-for-scotland-and-northe#annex-f--detail-of-support-available-for-adults-in-england-and-wales)

# How to serve NRM decisions

Where a RG or CG decision is received from the NRM the following should be completed:

* The decision should be relayed to the prisoner by a competent designated member of staff within 2 working days or as soon as possible in a private, safe setting and using an official translator if required.
* Once delivered in person this should be recorded on NOMIS case notes and confirmation sent to the NRM Home Office caseworker, copying in the email address [nrm@modernslavery.gov.uk](mailto:nrm@modernslavery.gov.uk) citing the NRM reference in the email subject line.
* A competent designated member of staff should inform relevant prison departments which may include the Safety Team, Security Department, Healthcare, and the wing manager of this decision by email.
* Should a prisoner demonstrate persistent or increased risk of harm or is deemed a complex case, this should be reviewed in relevant departmental meetings and recorded on NOMIS (see recording guidance below).
* The Modern Slavery Prisoner Needs Assessmentshould be completed within 5 calendar days of receiving a positive RG or CG decision by a competent designated member of staff (see below).
* Access to legal advice should be offered and facilitated within 7 calendar days upon receipt of a positive or negative RG or CG decision by a competent designated member of staff.
* **Annex D** contains some ‘do’s and don’ts’ when serving NRM decision to prisoners.
* The competent designated member of staff should enter an Alert on NOMIS once a RG or CG is received from the NRM.

# NOMIS Alerts and Reports

Guidance on creating an Alert on NOMIS is as follows:

**Offender Personal Details – Alerts - Enter Query - Alert Type: Security - Alert: Trafficking NRM Modern Slavery Victim (XTMS)**

Staff should update the comments to indicate if the prisoner has a RG or CG decision and log the NRM reference.

NOMIS Reports: An establishment report may be accessed to check prisoner information on the alert as follows:

**Operations report – PRS – Prisoner Demographics – ORS Alerts report**

**Trafficking NRM Modern Slavery Victim alert - XTMS**

Other NOMIS Alerts to consider at the same time are those under ‘Vulnerability’ including:

* Adult at Risk (Home Office identified) – ARR
* Little English Spoken – VLES

Completion of the Modern Slavery Prisoner Needs Assessment

The prison should ensure that a delegated competence person completes the Modern Slavery Prisoner Needs Assessmentto capture the needs of the potential or confirmed victim and ensure that they have access to legal and support services as follows:

* Following reporting suspected modern slavery to a FRO.
* As soon as possible following arrival into prison where a prisoner is identified as a potential victim of modern slavery or after receiving a positive RG or CG decision. (As soon as possible and no later than 5 calendar days).
* Where prison staff, a Home Office caseworker or the potential victim (but not the legal representative where one has been appointed) believes that the ongoing needs may have changed, an additional Prisoner Needs Assessment can be requested. For example, a change in circumstances such as a transfer to another prison may prompt a further Prisoner Needs Assessment

Click on the attachment below to access the Prisoner Needs Assessment:



The Prisoner Needs Assessment is split into 3 parts:

1. An interview conducted by a competent designated member of staff (with translation services if required), will take place with the individual in a setting that is private to identify whether they have any specific ongoing needs arising from their experiences of modern slavery.
2. The individual should be referred to Healthcare for an assessment for any physical and mental health ongoing needs. The competent designated member of staff should advise Healthcare why this referral has been made. Prior to any Healthcare appointment with a non-English speaking prisoner, the designated competent person should arrange translation services. If Healthcare have not been informed prior to an appointment, they should seek support from prison staff to provide translation services.
3. The information gathered in the first 2 stages should be actioned and all referrals need to be made in a timely manner. These should all be recorded on NOMIS by the interviewer. This should then be conveyed to the responsible NRM Home Office casework team by the competent designated member of staff, using the email address [nrm@modernslavery.gov.uk](mailto:nrm@modernslavery.gov.uk) citing the NRM reference in the email subject line if the prisoner has consented to sharing this information.

* All information, actions and referrals should be recorded on NOMIS case notes, and information shared between relevant prison departments as needed.
* The Home Office NRM case worker should be sent a copy of the Prisoner Needs Assessment (if consent is given) and updated of any change of circumstances or issues arising.

In the closed male estate and all female prisons, prisoners will be allocated a key worker who conducts regular key worker sessions.

In the case of female prisoners assessed as high complexity, this may be replaced by additional time with the POM. In either case, the information from the Prisoner Needs Assessment should be disclosed to the keyworker or POM by the designated competent person, so that they understand the ongoing needs and entitlements of the prisoner, and ongoing modern slavery needs should be continually supported during sessions.

For potential and confirmed victims of modern slavery in the open male estate, the designated competent person should ensure regular meetings are scheduled with the personal officer or the POM, so that the ongoing needs are continually supported.

Support for potential and confirmed victims

Support for potential and confirmed adult victims in England and Wales is provided through a mixture of mainstream and/or specialist support. Support for victims referred into the NRM may include:

* Access to Government-funded support through the Modern Slavery Victim Care Contract (MSVCC) including accommodation, material assistance, financial support, translation and interpretation services, information, and advice.
* Under the MSVCC contract, where a potential or confirmed victim is within a prison, the existing services within the establishment will provide access to support services as required.
* If a prisoner has an open ACCT and has been identified as a potential or confirmed victim of modern slavery the competent designated member of staff should ensure they communicate with the ACCT Co-Ordinator and the Safety Team, so modern slavery triggers can form part of the assessment, review, and care plan within the ACCT document.
* Outreach support if already in safe, secure, and appropriate accommodation (which may include local authority accommodation or asylum accommodation).
* Access to legal aid for immigration advice.
* Medical care and counselling.
* Assistance to return to their home country if not a UK national.

Access to legal advice

The competent designated member of staff should ensure reasonable requests are facilitated for a prisoner who has a positive or negative RG or CG decision including:

* assisting the prisoner with a list of legal advisors and their phone numbers (use the link [Find a legal aid adviser or family mediator (justice.gov.uk)](https://find-legal-advice.justice.gov.uk/) using the prison postcode and filtering by ‘Modern Slavery’).
* ensuring any requested Legal PIN numbers are added to the prisoner’s telephone account as soon as possible.
* legal visits should be facilitated as soon as possible for all potential and confirmed victims of modern slavery. This includes potential victims who have been initially identified as well as those in receipt of a Reasonable Grounds or Conclusive Grounds decision.
* facilitating any legal visits in person or via video link – depending on the prison’s availability of normal legal visits, the competent designated member of staff should think about using prison video link or phone facilities to accommodate these legal visits. Arrangements for official translation services should be facilitated if needed.
* Alerting the governor to consider funding extra PIN phone credit of £5 per week to assist with phone calls to legal representatives or family for prisoners who have received a RG or a CG decision.

Any potential victim or confirmed victim of modern slavery can appoint their own legal representative where they can afford to do so. If a victim cannot afford a legal representative, they may be eligible for legal aid, or they can try to find a pro bono legal representative.

Further details of eligibility for Legal Aid are set out in the [Modern Slavery: Statutory Guidance for England and Wales (under s49 of the MSA Act 2015) and Non-Statutory Guidance for Scotland and NI.](https://www.gov.uk/government/publications/modern-slavery-how-to-identify-and-support-victims) This link will also t outlines what support is provided through the MSVCC, which is formulated to deliver support obligations under ECAT (Council of Europe Convention on Action against Trafficking in Human Beings).

Bail Applications

**Remand Bail**

Where modern slavery is suspected or confirmed information in this guidance should be followed.

Remand prisoners with a RG or CG decision are entitled to apply for bail in the standard way. In addition, staff should:

* inform the individual that they are entitled to access safe, appropriate, and secure accommodation either via the MSVCC, or alternative local authority accommodation or asylum support accommodation, following a risk assessment by the Salvation Army prior to a bail hearing. This guidance should be followed including engagement with the MSVCC via the link: [New victim care contract | The Salvation Army](https://www.salvationarmy.org.uk/modern-slavery/new-victim-care-contract)
* **inform the legal representative of any actions and provide any relevant reference numbers and information.**
* facilitate any phone calls or video links between the prisoner and The Salvation Army within 48 hours of the bail hearing. (The Salvation Army will refer to another suitable regional provider based on risk/needs if necessary).
* inform the legal representative to submit a bail application pending confirmation of the safehouse or other safe, secure, and appropriate location.
* inform the legal representative if the accommodation can be provided through MSVCC, local authority or other.
* complete the Bail Information Report (BIR) with specific/sensitive conditions and paying particular attention to any safeguarding needs.
* E-mail The Salvation Army, local authority, or other provider, and legal representative to arrange transport if he/she is granted bail.
* liaise with The Salvation Army, local authority, or other provider, for the details of the accommodation upon release.
* liaise with legal representatives regarding release details which are permitted to be shared.
* communicate with The Salvation Army, local authority, or other provider, and the prison reception to organise the prisoner’s collection on the day of release as he/she should be picked up from the prison.

**Immigration Bail**

Potential and confirmed victims of modern slavery can apply to Immigration Bail in the same way as other Foreign National Offenders but may require specific additional support as set out above.

Fact sheets and information can be found on the FNO Information Hub intranet page: [FNO Information Hub - HMPPS Intranet (gsi.gov.uk)](https://intranet.noms.gsi.gov.uk/groups/fno-information-hub)

Transfer of potential or confirmed victim of Modern Slavery

Transfers should happen in the standard way for young adults transitioning from YCS Secure Training Centres, and for women and men in the adult prison estate in England and Wales to either another prison or an Immigration Removal Centre (IRC) but should include the following:

* A competent designated member of staff should conduct a full handover of the case with the receiving establishments Safety Team and/or OMU prior to transfer so appropriate arrangements can be put in place to adhere to the Prisoner Needs Assessment and safety of the prisoner. Specific transition arrangements for young adults from Secure Training Centres should be agreed prior to the transfer
* A competent designated member of staff should ensure the **‘**Trafficking NRM Modern Slavery Victim’ NOMIS Alert is active
* A competent designated member of staff should consult with Healthcare regarding the transfer so they can conduct a full handover of the case to the receiving Healthcare Department.
* The NRM Home Office case worker should be informed of the transfer and which establishment the prisoner will be located in by the OMU department.
* The Salvation Army or any other agency, e.g., support worker should be informed once the prisoner has been transferred by the designated competent person / OMU department.

Preparing a Modern Slavery potential or confirmed victim for release

Release of potential and confirmed victims of modern slavery need extra planning to ensure they are not released back to the control of their potential trafficker/perpetrator particularly if the proposed release address is their last known address and there is a serious risk of being re-trafficked/re-victimised. Other risks include, further exploitation, homelessness, their economic vulnerability on return, problems in accessing employment and/or social services, the stigma/shame associated with being a victim, and unpaid debts to traffickers/illegal moneylenders.

A referral to The Salvation Army (where the potential or confirmed victim of modern slavery gives their consent) for ongoing assessment of their ongoing needs and to determine eligibility for MSVCC support should be actioned. It is important that release arrangements are co-ordinated with The Salvation Army who are the prime contract holder of the MSVCC. If a positive RG or CG NRM decision is received and the release date is known, the competent designated person should notify The Salvation Army at [**mstsupport@salvationarmy.org.uk**](mailto:mstsupport@salvationarmy.org.uk) or telephone **0800 808 3733** with the contact details of the designated member of staff, so that they can complete an initial risk assessment (IRA) at the appropriate time and support for the potential victim via the Modern Slavery Victim Care Contract (MSVCC) can be offered upon release. More information on the MSVCC is contained in the following the link: [New victim care contract | The Salvation Army](https://www.salvationarmy.org.uk/modern-slavery/new-victim-care-contract).

The Community Offender Manager (COM) and OMU department should plan the safe release of the potential or confirmed victim of modern slavery, including making a referral to The Salvation Army (If consent is given by the prisoner). This is for ongoing assessment of their risks/needs and to determine eligibility for support upon release. The Salvation Army will make the referral to a regional provider if necessary.

The Salvation Army will liaise with the competent designated member of staff to ensure a smooth transition, this may include The Salvation Army carrying out an **Initial Risk Assessment** before the prisoner is released and putting a plan in place to manage any safeguarding risks.

The competent designated member of staff should be alert to the risks of releasing the potential or confirmed victim of modern slavery back to the control of their potential trafficker particularly if the proposed release address is the place of encounter or their last known address. If instructed, the legal representative of the prisoner should be informed about release. This is a period in which increased engagement from the COM, competent designated member of staff, or keyworker would be beneficial to reduce any risk of re-trafficking, further exploitation, or harm.

At least 28 days prior to release the competent designated member of staff should liaise with the relevant agencies dealing with the modern slavery case or as soon as staff are made aware of a prisoner’s release date:

* Home Office Caseworker
* Salvation Army – Prime contractor of the MSVCC
* Local Authority

**Day of release:**

* A competent designated member of staff should communicate with The Salvation Army (if consent has been given) and the prison reception to organise the prisoner’s collection on the day of release as he/she should be picked up from the prison.
* OMU and reception staff should ensure the prisoner is only released when The Salvation Army volunteers, or organised drivers have arrived to collect the prisoner.

Contact numbers should be provided in advance, not on the day of release to the organised transport team ([mstsupport@salvationarmy.org.uk](mailto:mstsupport@salvationarmy.org.uk)) so they can liaise with prison staff to ensure the safe collection of the prisoner.

Managing risks of potential or confirmed victims of Modern Slavery

Staff should be mindful of the areas of risk when working with potential and confirmed victims of modern slavery:

**Trauma Informed Approach**

Victims’ early accounts may be affected by the impact of trauma. This can result in delayed disclosure, difficulty recalling facts, or symptoms of post-traumatic stress disorder. Victims may also be reluctant to self-identify for several other reasons that can make understanding their experiences challenging. Ideally staff should be trauma-informed when conducting interviews or speaking with a modern slavery potential or confirmed victim and asking sensitive questions. Trauma informed methods of working are based upon an understanding of the harmful effects of traumatic experiences, together with fundamental principles of compassion and respect. For more information click on the link to learn more about the ‘Trauma Informed Code of Conduct (TICC)**’:**

[Trauma Informed Code of Conduct (TICC) | Helen Bamber](https://www.helenbamber.org/resources/best-practiseguidelines/trauma-informed-code-conduct-ticc)

Or Working with Vulnerable Adults - [modern slavery statutory guidance, non statutory guidance v2.11 (publishing.service.gov.uk)](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1104107/Modern_Slavery_Statutory_Guidance__EW__Non-Statutory_Guidance__SNI__v2.11.pdf)

Young People

**Transition from youth to adult** status in custody involves a significant change in environment, regime, and peer group for those in custody and can be unsettling for many young people who may be particularly vulnerable during this stage of their custodial journey and particularly if these prisoners are also potential or confirmed victims of modern slavery.

See further guidance *‘Transition of Young People from the Children and Young People Secure Estate to Adult Custody Policy Framework’ on the following link:*

[Transition of Young People from the Children and Young People Secure Estate to Adult Custody Policy Framework - GOV.UK (www.gov.uk)](https://www.gov.uk/government/publications/transition-of-young-people-from-the-children-and-young-people-secure-estate-to-adult-custody-policy-framework)

**Age Disputed Claims**: Staff should act if a prisoner claims to be an adult, but are suspected to be under 18, but are nevertheless detained in an adult prison because they have either:

* never been referred for an age assessment by local authority children’s services.
* be subject to ongoing age dispute legal proceedings; or
* where age is disputed by local authority children’s services, but they wish to challenge the decision.

Due to the safeguarding requirements relating to age-disputed children, prison staff should contact the relevant local authority as soon as they are aware that an individual who is, or may be, under 18 is detained in their prison.

Click on the following link to section 9.9 – ‘Presumption of age’ for further guidance:

[modern slavery statutory guidance, non statutory guidance v2.11 (publishing.service.gov.uk)](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1104107/Modern_Slavery_Statutory_Guidance__EW__Non-Statutory_Guidance__SNI__v2.11.pdf)

# Remand prisoners

Remand prisoners may be reluctant to disclose to staff or not self-identify as being a victim of modern slavery. Prison induction interviews, general staff interaction, keyworker sessions should include identifying any signs of modern slavery.

Information about [Section 45](http://www.legislation.gov.uk/ukpga/2015/30/section/45/enacted) of the Modern Slavery Act 2015 could assist prisoners on remand providing a statutory defence for adult and child victims who have been forced, threatened or deceived into committing certain crimes by their exploiters. This provision is intended to strengthen prosecutorial discretion as to whether it is in the public interest to prosecute an individual in these circumstances and prevent victims of slavery from being punished for crimes they were forced to commit, such as being forced, threatened or deceived into producing or selling illegal drugs. Follow the link for more information:

[Modern Slavery: statutory guidance for England and Wales (under s49 of the Modern Slavery Act 2015) and non-statutory guidance for Scotland and Northern Ireland (accessible version) - GOV.UK (www.gov.uk)](https://www.gov.uk/government/publications/modern-slavery-how-to-identify-and-support-victims/modern-slavery-statutory-guidance-for-england-and-wales-under-s49-of-the-modern-slavery-act-2015-and-non-statutory-guidance-for-scotland-and-northe)

Further advice, resources and learning tools

* Prisons should consider appointing a modern slavery single point of contact (SPOC) in their establishment
* Consideration should be given for the introduction of dedicated mailboxes for modern slavery issues; this would enable quick progression of the cases and ensure that referrals/decisions/other essential information are dealt with without undue delay.
* Modern slavery should be included into the establishments training plan, to include all relevant staff completing the E-Learning in My Learning - [MDS & HT: Modern day slavery and human trafficking eLearning (mydevelopment.org.uk)](https://mydevelopment.org.uk/mod/scorm/player.php)
* Awareness and training sessions should be explored with Local and National charities and providers and Trauma Informed Practice training should be considered for all staff.
* It is important to remain in contact with the Home Office FNO Returns Command Caseworker and/or Immigration Prisons Teams (IPTs) throughout the sentence management of any Foreign National prisoner.

The Modern Slavery E-Learning is available on My Learning - [MDS & HT: Modern day slavery and human trafficking eLearning (mydevelopment.org.uk)](https://mydevelopment.org.uk/mod/scorm/player.php)

An Equality Analysis a on modern slavery victims in prisons has commenced will be developed to inform future guidance.

For general advice contact the National Modern Slavery Helpline on **0800 0121 700**

Important Note: Following a positive Reasonable Grounds decision, the NRM competent authority will seek to make contact where required via the **Offender Management Unit** to obtain any further required information from the Potential Victim in order to reach a Conclusive Grounds decision. **It is of the utmost importance that these requests are facilitated, and prompt responses provided.**

For the latest up to date information please refer to:

Modern Slavery: statutory guidance for England and Wales (under s49 of the Modern Slavery Act 2015) and non-statutory guidance for Scotland and Northern Ireland (accessible version) - GOV.UK (www.gov.uk)

## Annex A: Glossary

**First Responder Organisation** (FRO) - authorised to refer a potential victim of Modern Slavery into the National Referral Mechanism. (HMPPS is not a First Responder Organisation).

**National Referral Mechanism** (NRM), UK framework for identifying and referring potential victims of modern slavery (based at the Home Office) and ensuring victims receive protection and support.

**Competent Authorities-** decision making bodies that are responsible for making Reasonable Grounds (RG) decisions and Conclusive Grounds (CG) decisions regarding individuals. There are currently two competent authorities: Single Competent Authority (SCA) and Immigration Enforcement Competent Authority (IECA).

**Reasonable Grounds** (RG) is the initial stage in the NRM process where a decision is taken by the competent authorities (Home Office) where it is suspected but not proved that the individual being considered is a victim of modern slavery.

**Conclusive Grounds** (CG) is the second stage in the NRM process where the competent authorities make a decision on the balance of probabilities that there are sufficient grounds that the individual is a victim of modern slavery.

**Potential Victim –** an individual who is suspected of being a victim of modern slavery**.** They may have received a positive RG decision but will not yet have received a CG decision from the NRM.

**Confirmed Victim** – an individual who has received a positive CG decision from the NRM.

**Modern Slavery Victim Care Contract** (MSVCC)– Government funded contract to enable the Home Office to provide support to adult potential and confirmed victims of modern slavery in England and Wales. The Salvation Army is currently the prime contractor and will also sub-contract to regional providers.

**Assessment, Care in Custody and Teamwork** (ACCT) – A document used to support those at risk of self-harm or suicide.

**Recovery and Reflection period -** Potential victims of modern slavery who have received a positive RG decision (usually issued after 5 working days from the date of referral) are entitled to a minimum**of 30 days** supported Recovery and Reflection period in England and Wales.

**Move-on Support**- refers to the support provided after a CG decision. This period lasts for at least 45 calendar days from the date of a positive decision or 9 working days from the date of receipt of a negative decision by the individual or the party acting on their behalf.

## Annex B: First Responder Organisations in England and Wales

* police forces
* certain parts of the Home Office:
* UK Visas and Immigration
* Border Force
* Immigration Enforcement
* National Crime Agency
* local authorities
* Gangmasters and Labour Abuse Authority (GLAA)
* Salvation Army
* Migrant Help
* Medaille Trust
* Kalayaan
* Barnardo’s
* Unseen
* NSPCC (CTAC)
* BAWSO
* New Pathways
* Refugee Council

## Annex C: Modern Slavery Checklist

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Name** |  | | | |
| **Prison Number** |  | | | |
| **Prison** |  | | | |
| **NRM Reference Number** |  | | | |
|  |  | | | |
| **Action** | | **Date Completed** | **Staff name/role** | **Notes** |
| If a prisoner has disclosed that they are a victim of modern slavery or you suspect they are, report this to a First Responder Organisation | |  |  |  |
| If a prisoner has disclosed that they are a victim of modern slavery or you suspect they are, a referral to Healthcare should be made. **Ensure you advise Healthcare the reason for the referral.** | |  |  |  |
| Confirm the prisoner has been assigned a keyworker and communicate the prisoner’s status | |  |  |  |
| An appointment for the First Responder to interview the prisoner should be arranged ASAP | |  |  |  |
| If a prisoner states they are in the NRM system or are a potential or confirmed victim of Modern Slavery, check NRM status of prisoner with the Home Office | |  |  |  |
| Update NOMIS case notes and alerts to reflect prisoner’s status | |  |  |  |
| If a Reasonable Grounds or Conclusive Grounds decision is received, this should be delivered in person to the prisoner within 2 working days (update NOMIS) | |  |  |  |
| If a prisoner has a Reasonable Grounds or Conclusive Grounds decision a ‘Prisoner Needs Assessment’ should be completed within 5 calendar days (update NOMIS) | |  |  |  |
| The prisoner has been referred to Healthcare for an assessment of any physical and mental health ongoing needs following the Prisoner Needs Assessment. **Ensure you advise H/C the reason for the referral.** | |  |  |  |
| A review of the CSRA should be considered based on the information provided to ensure the safety of the prisoner. Contact Wing Manager/Safety Team. | |  |  |  |
| Access to legal advice information should be given and an appointment facilitated within 7 calendar days of receiving RG or CG decision | |  |  |  |
| Legal pin numbers have been entered on prisoners account | |  |  |  |
| Is the individual on an ACCT? If so, communicate with the ACCT Co-Ordinator so any Modern Slavery triggers can be part of the reviews or care plan. | |  |  |  |
| Transfers of potential and confirmed victims should include a full handover to receiving prison or IRC. NOMIS Alert is active. Healthcare, Home Office and Salvation Army or regional provider should be made aware. | |  |  |  |
| Releasing potential or confirmed victims, the POM/COM should plan for a safe release and if consent is given a referral to the Salvation Army should be made at least 28 days before release and liaison with all relevant agencies including the local authorities and the Home Office should be completed. | |  |  |  |

## Annex D: Some Do’s and Don’ts When Serving NRM paperwork to prisoners

**Do:**

* Consider whether the document/information can be translated ahead of serving the paperwork. However, be mindful of any deadlines for serving the paperwork.
* Consider the prisoners current demeanour/behaviour. Check NOMIS records to see if there are issues such as self-harm, suicidal ideation & behavioural difficulties. It will help in planning how to approach serving such paperwork.
* The information should not be delivered or discussed in front of another prisoner.
* Paperwork should be served face-to-face with the individual in a private setting using an interpretation service such as Language Line/Big Word (if required).
* Ensure you check the prisoners understanding of the information whilst serving the paperwork and consider following up. If required, try to help them access the right support in improving understanding and in dealing with the news.
* If you feel the information has been taken badly, speak with the Offender Management Unit (OMU) or talk to Governors/Custodial Managers. You must follow the ACCT process in PSI 64/2011 and raise issues with the local safety team if, after serving paperwork to a prisoner, there is a concern that they may be at risk of self-harm, or suicide or there are already known risks. You must also use the Challenge Support and Intervention Plan (CSIP) process if you are concerned that a person is posing an increased risk of being violent. For more information on ‘Management of Prisoners At Risk of Harm to Self, to Others and From Others’ follow the link: [PSI 2011-64 - HMPPS Intranet (gsi.gov.uk)](https://intranet.noms.gsi.gov.uk/policies-and-subjects/prisons/residential-services/prisoners-at-risk-of-harm-to-self-or-others/psi-2011-64)
* Keep staff (wing, healthcare, Offender Management Unit, Chaplaincy etc) informed of the situation by speaking to the relevant people to explain any concerns.
* Sign up/register for an account with [The Bell Foundation](http://www.bell-foundation.org.uk), where you will find useful information, guidance, and resources around language barriers/best practice. This may help you with communicating with non-English speaking people, particularly when delivering difficult information.
* If there are any questions or queries from the prisoner that cannot be answered by the designated competent member of staff, these should be directed to the relevant HMPPS department or by contacting the NRM Home Office caseworker [nrm@modernslavery.gov.uk](mailto:nrm@modernslavery.gov.uk) citing the NRM reference in the email subject line.

**Don’t**

* Do not push the paperwork under the prisoner’s cell door or send in the internal mail.
* Do not hand the paperwork to the prisoner without explaining the contents, as they may not be able to read or understand the information.
* Do not use other prisoners as interpreters as this information is confidential.
* Do not try to explain the document without an interpreting service, especially if English is not their first language.
* Be mindful, some words used in the English language are not common in other languages. It is always best to allow the opportunity to hear the news in the person’s first language so you can explore with an interpreter around cultural and language differences. This way, understanding can be more accurately monitored. See [The Bell Foundation](http://www.bell-foundation.org.uk) website for important resources
* Do not just read the information verbatim and then leave the prisoner to digest alone. Check in, follow-up and seek support from agencies and other departments.

Annex E: Specialist Support

There are many organisations who provide advice and support on recognising the signs of modern slavery, advice and support services, including upon release from prison. Below are links that may be useful:

Detention Action [Detention Action](https://detentionaction.org.uk/)

ATLEU (Anti Trafficking and Labour Exploitation Unit) [ATLEU](https://atleu.org.uk/)

Unseen [Unseen (unseen)](https://www.unseenuk.org/about-modern-slavery/)

Hibiscus [Hibiscus Initiatives](https://hibiscusinitiatives.org.uk/)

Good Vibrations [Good Vibrations](https://www.good-vibrations.org.uk/)

Hope for Justice [Hope for Justice](https://hopeforjustice.org/)

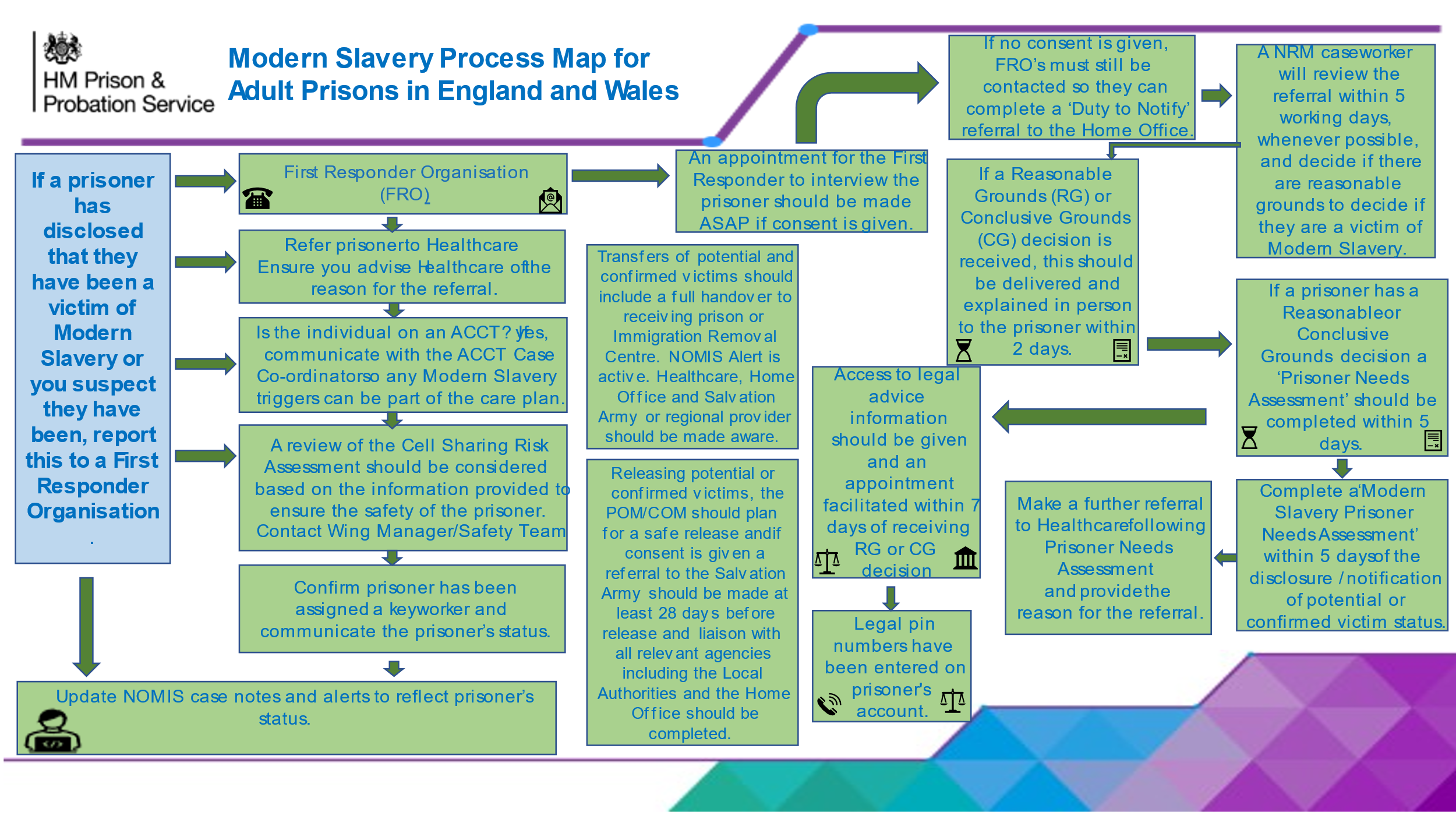
Barnardo’s [Barnardo’s](https://www.barnardos.org.uk/)

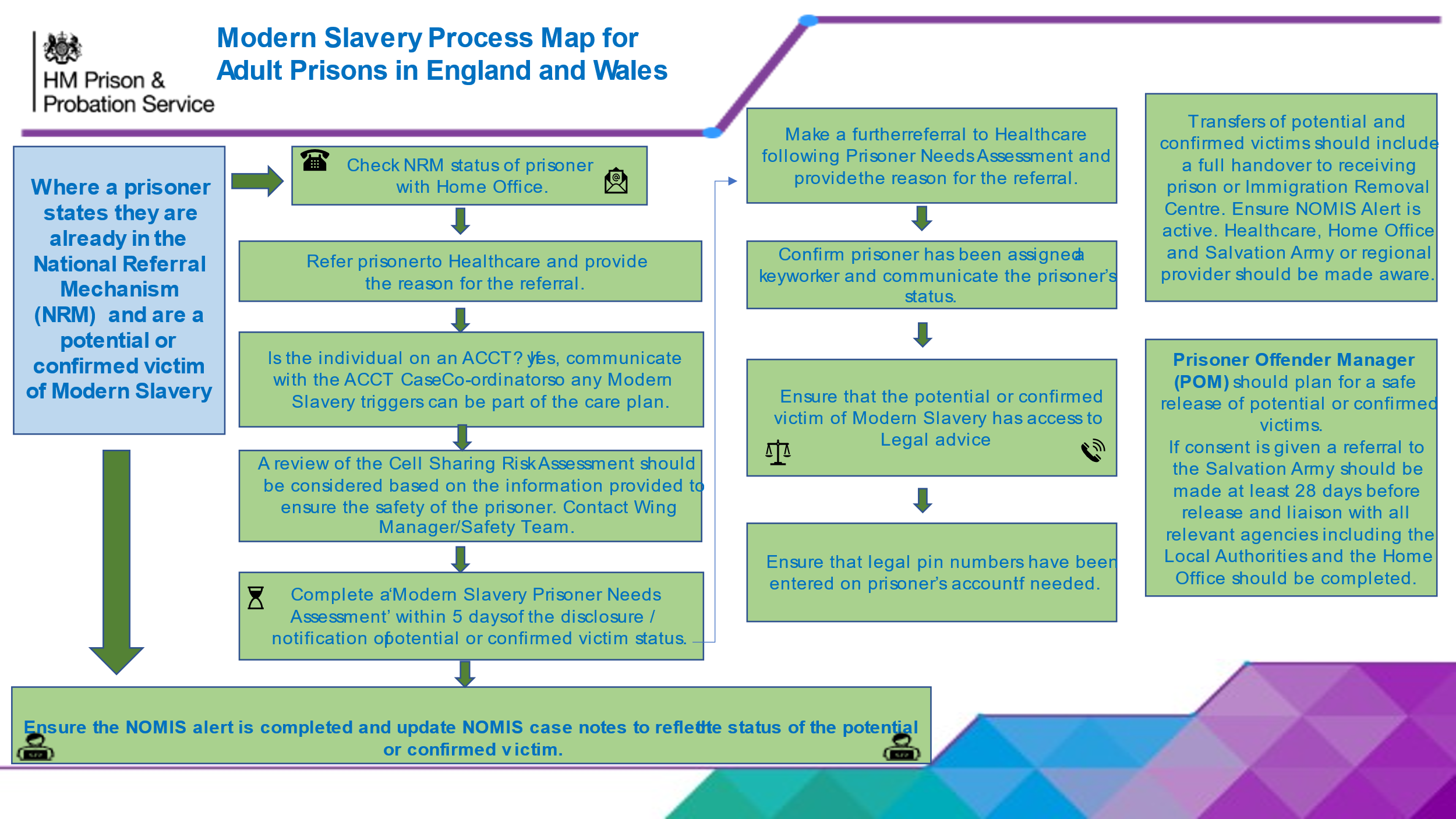
Medaille Trust [Medaille Trust](https://www.medaille-trust.org.uk/)

The Salvation Army are the prime Government contractor to provide support for victims under the Modern Slavery Victim Care Contract to support potential victims and confirmed victims upon release and prisoners in the NRM system. HMPPS staff should contact The Salvation Army in the first instance who may sub-contract to regional providers as follows:

|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Northwest:**  City Hearts <https://cityhearts.global/modern-slavery>  Medaille Trust [www.medaille-trust.org.uk](http://www.medaille-trust.org.uk) |  |  |  | |  | |  |  |  | |  |  | |  |  | |  |  |  |
| **Northeast:**  The Salvation Army [www.salvationarmy.org.uk/modern-slavery](http://www.salvationarmy.org.uk/modern-slavery) | | | | | | | | | |
| **Yorkshire & Humberside:**  Snowdrop Project [www.snowdropproject.co.uk](http://www.snowdropproject.co.uk)  City Hearts <https://cityhearts.global/modern-slavery>  Palm Cove Society <https://palmcovesociety.co.uk/>  Ashiana Sheffield [www.ashianasheffield.org](http://www.ashianasheffield.org) | | | | | | | | | | | | |
| **Wales:**  BAWSO - <https://bawso.org.uk/en/services/msht-services> | | | |  | |  | | | |
| **West Midlands**:  Black Country Women’s Aid <https://blackcountrywomensaid.co.uk> | | | | | | | | | | | | | | | |
| **East Midlands:**  The Salvation Army [www.salvationarmy.org.uk/modern-slavery](http://www.salvationarmy.org.uk/modern-slavery) | | | | | | | | | |
| **London:**  Hestia [www.hestia.org/modernslaveryresponse](http://www.hestia.org/modernslaveryresponse)  The Salvation Army [www.salvationarmy.org.uk/modern-slavery](http://www.salvationarmy.org.uk/modern-slavery)  Medaille Trust [www.medaille-trust.org.uk](http://www.medaille-trust.org.uk)  SJOG <http://sjog-olallo.uk/> | | | | | | | | | | | | | | | | | | | |
| **Southeast:**  Migrant Help [www.migranthelpuk.org](http://www.migranthelpuk.org)  Medaille Trust [www.medaille-trust.org.uk](http://www.medaille-trust.org.uk) | | | | | | | | | | | | | | | |
| **Southwest:**  Unseen [www.unseenuk.org/about-modern-slavery](http://www.unseenuk.org/about-modern-slavery)  BCHA [www.bcha.org.uk](http://www.bcha.org.uk)  **East Anglia:**  The Salvation Army [www.salvationarmy.org.uk/modern-slavery](http://www.salvationarmy.org.uk/modern-slavery) | | | | | |  | | | |

## Annex F: Modern Slavery Process Map





## Annex G: Modern Slavery Establishment Considerations Checklist

|  |  |  |  |
| --- | --- | --- | --- |
| **Establishment Consideration** | **Date Completed** | **Staff name/role** | **Notes** |
| Review Induction processes to include staff being aware of the signs of Modern Slavery and include relevant questions that would help identify potential victims. Helpful questions may include ‘Have you been made to do something against your will or something that you did not want to do by someone else?’ and ‘Do you have any outstanding applications with the Home Office, or have you been referred to the National Referral Mechanism system?’ |  |  |  |
| Raising the awareness of available NOMIS Alerts to identify potential and conformed victims of Modern Slavery. |  |  |  |
| Modern Slavery potential and confirmed victims to be added to the agenda of relevant departmental meetings. |  |  |  |
| Raising the awareness of the importance of facilitating the NRM interview by a First Responder with the potential victim at the earliest possible opportunity and using all available prison channels including video link, OMU facilities, visits, phone calls and IPADs/Teams. |  |  |  |
| If any potential or confirmed victim of Modern Slavery is on an ACCT the caseco-ordinator and relevant staff are aware to add to potential triggers and care map. |  |  |  |
| The governor to consider funding extra PIN phone credit of £5 per week to assist with phone calls to  legal representatives or family for prisoners who have received a Reasonable Grounds or a Conclusive Grounds decision |  |  |  |
| To raise awareness of areas of heightened risk for potential and confirmed victims of Modern Slavery:   * Trauma Informed Approach * The transition from youth to adult * Age Disputed cases * Remand prisoners * Release |  |  |  |
| Prisons should consider appointing a Modern Slavery single point of contact (SPOC) in their establishment. |  |  |  |
| Modern Slavery should be including into the establishments training plan and staff induction to include all relevant staff completing the E-Learning in My Learning - [MDS & HT: Modern day slavery and human trafficking eLearning (mydevelopment.org.uk)](https://mydevelopment.org.uk/mod/scorm/player.php) |  |  |  |
| Local existing resources should be advertised to help support potential and confirmed victims of Modern Slavery such as counselling services, support groups, Chaplaincy, psychology teams, peer support and any local specialist organisations. |  |  |  |
| Awareness and training sessions should be explored with Local and National charities and providers and Trauma Informed Practice training should be considered for all staff. |  |  |  |