



**Hestia 'The hidden victims'**

**Super Complaint**

**NPCC response to recommendations**

# **Hestia Super Complaint**

## **‘The hidden victims’**

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## 1. Introduction

On 25<sup>th</sup> March 2019 Hestia Submitted a super-complaint to Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS), IOPC and the College of Policing. The super-complaint concerns the policies and practices adopted by all police forces in England and Wales with respect to the standard of support that victims of modern slavery receive. It raises concerns about the police response to victims of modern slavery. These are:

- non-specialist police officers fail to recognise the signs of exploitation and fail in their duty to report modern slavery to the Home Office.
- police officers are not taking immediate steps to make a victim feel safe.
- victims of modern slavery are treated as immigration offenders.
- victims of modern slavery are treated as criminals when they have been forced to commit criminal activities by their exploiters, despite the existence of the section 45 defence in the Modern Slavery Act 2015.
- police forces do not adequately investigate cases that come to their attention; and
- the adequacy of training provided to frontline officers.

A recurring theme within Hestia's super-complaint was the lack of effective support for victims. It says this lack of support, along with experiences of poor treatment, deters victims from engaging with investigations.

The College of Policing, HMICFRS and the IOPC collaborated on investigating this super-complaint and made a series of recommendations. A request was made for police forces to respond to recommendations 2, 3 and 4 listed below by 26<sup>th</sup> November 2021.

In April 2017 the NPCC Modern Slavery Police Transformation Unit (MSPTU) was formed to improve the policing response to Modern Slavery. In April 2020, this was renamed the Modern Slavery and Organised Immigration Crime Unit (MSOICU) to reflect its additional responsibility of improving the policing response to OIC. This report will use MSOICU to include the MSPTU.

Since 2017 the Unit has through its central team and the ten Regional Modern Slavery Coordinators been producing and sharing Modern Slavery guidance and advice across the 43 England and Wales Forces and the PSNI, and Policing Scotland.

## 2. Police Force Responses to Recommendations

### 2.1 Introduction

All 43 police forces in England and Wales were invited by the HMICFRS, IOPC and College of Policing to respond to the recommendations made. A total of twenty-eight forces responded<sup>1</sup> and these have been collated into this report by the NPCC Modern Slavery and Organised Immigration Crime Unit. Responses were not received from the five largest (by officer number) forces, which account for approximately one third of all officers.

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<sup>1</sup> List of responding Forces in Appendix A

The quality and detail of responses was varied amongst forces.

Regarding recommendation 4 it is unclear if the responses received were a collaborative response or only representing those of the Chief Constable. In discussion with the Association of Police and Crime Commissioners (APCC) it is understood they have received responses on Recommendation 4 from 38 PCCs and are compiling a report on these responses.

## 2.2 Recommendation 2 to Chief Constables.

Assure themselves that police officers and staff (including non-specialist staff, as appropriate) are supported through access to learning, specialist policing resources and victim support arrangements, so that officers and staff are able to:

- a) Easily access information and advice on modern slavery and human trafficking through their force systems.
- b) Identify possible victims of modern slavery.
- c) Recognise that victims of modern slavery should not be treated as criminals in situations where they have been forced to commit an offence by their exploiters.
- d) Know how to take immediate steps to make victims feel safe (including facilitating access to a place of safety, if necessary).
- e) Understand how to advise victims what support is available them.
- f) Understand the National Referral Mechanism and duty to notify requirement and know how to make good-quality referrals.
- g) Ensure that the statutory defence (provided by section 45 of the Modern Slavery Act 2015) for victims of slavery and exploitation who are compelled or coerced into committing offences by their exploiters is considered in all cases to protect victims from prosecution.

This report has categorised the responses to Recommendation 2 as –

1. Information and advice on Force Systems: 2a,
2. Victims and the NRM: 2b, 2d, 2e and 2f
3. Section 45 Defence: 2c and 2g.

### 2.2.1 Information and Advice on Force Systems

The majority of forces described force Intranet or SharePoint systems, which contained a dedicated Modern Slavery and Human Trafficking (MSHT) site or part of a larger Safeguarding or Exploitation site. These sites provided guidance to all officers and staff through information pages and libraries of documents, bulletins and videos, often produced by the MSPTU / MSOICU. The guidance and assistance available covered a broad range of MSHT activity including initial actions, first contact booklets, victim identification and safeguarding, the National Referral Mechanism (NRM), the section 45 defence and Investigation Guides.

The information available often included details of who officers and staff could contact for assistance and advice, including dedicated MSHT Units, Single Points of Contact (SPOCs), specialist investigators who had completed the 4-day investigators or Hydra courses, MS Victim Liaison Officers and the 24/7 NCA Tactical Advisors.

In 2021 the NPCC International Crime Coordination Centre (ICCC) offered all 43 Forces a Mobile Data Device App, which primarily holds information regarding international enquiries but also included the MSOICU Initial Actions for the Frontline guidance. A majority of forces adopted use of the App and one responder mentioned an App, though it is unclear if it was the ICCC App. One responder stated they had the Unseen MS App on their devices.

Responses described force messaging by various means to make officers and staff aware of material available on the Intranet/SharePoint systems.

### Summary of Forces Action

All responding forces have described having a broad spectrum of Modern Slavery guidance and advice available on their Force system.

Some described force systems having contact information for staff with enhanced knowledge and experience of Modern Slavery who could provide assistance and advice.

### Summary of MSOICU Action

From 2019 the MSOICU worked with Devon and Cornwall Police to design and produce a comprehensive SharePoint Modern Slavery site. Technically at that time it was not possible to share that site through SharePoint with other forces. So, the design and all content were shared on DVD with all forces to enable them to recreate the site if they had SharePoint or use as a template for their Intranet.

In 2020 the International Crime Coordination Centre (ICCC) produced a Mobile Data Device App which was made available to all forces at no cost. The MSOICU worked with the ICCC and the Initial Actions Guidance to the Frontline was made available on that App.

The MSOICU has published all its published Modern Slavery products i.e. investigation guides, other guides, bulletins, videos etc. initially on POLKA and then on Knowledge Hub.

#### 2.2.2 Victims and the NRM

*b. Identify possible victims of modern slavery.*

*d. Know how to take immediate steps to make victims feel safe (including facilitating access to a place of safety, if necessary).*

*e. Understand how to advise victims what support is available them.*

*f. Understand the National Referral Mechanism and duty to notify requirement and know how to make good-quality referrals.*

The identification of victims through spotting the signs of MSHT and their immediate support and safeguarding is described by almost all responding forces as having been integrated into recruits initial training, front-line uniform and PIP2 training, including CPD events. Guidance is also described as being readily available on force Intranets and SharePoint including support leaflets in multiple languages. Only one responder specifically mentioned the identification of victims being a feature of training given to call handlers and a second responder to custody sergeants. No responder specifically

mentioned public facing front office staff. It is likely that other forces offer this training to these staff and they are included in the general response regarding staff receiving training.

A responder described the development of Reception Centres and Standard Operating Procedures being coordinated on an All-Wales level and via Local Resilience Forums to provide immediate support in a neutral and non-authoritarian venue. In regard to specialist advocacy support roles, there are just two organisations. For children, Barnardos provide the Independent Child Trafficking Guardians (ICTG) service and BAWSO (a first responder organisation) provides services for adults. Salvation Army support is only available once a positive reasonable grounds decision has been received. Therefore, their support is not available outside of the NRM. They further described that due the disparate nature of support organisations and the low frequency of (known) victims in their area it is difficult to know what services are being utilised by those leaving the NRM. In order to tackle this issue, development of an area Vulnerability and Exploitation Board and establishing of a Modern Slavery Practitioner's Forum should provide a coordinated approach and access to services.

Some responders describe officers as being issued a hard copy of the MSOICU 'Initial Action Aide Memoire for the Front Line' and the 'MS First Contact Booklet' or using local pocket guides to improve their knowledge in identifying victims. Single Points of Contact (SPOC), MS Coordinators, Dedicated MS / Exploitation Teams or Units are all cited as being available to offer support and guidance to colleagues on the identification of victims.

One force included in their response that they use the College of Policing Modern Slavery APP when setting their lesson plans for new recruits. It is understood that some elements of the Modern Slavery APP are currently out of date, but we are aware that this is in the process of being updated by The College of Policing as part of their regular maintenance programme, and revisions will be published later this year (2022).

One force described their MAST (Missing, Adult sex work, Slavery, Trafficking) team who coordinate all NRM and Duty to Notify (DtN) referrals. They work closely with a Multi-agency Child Exploitation (MACE) Team. The MACE team receive referrals from the local MASH and in any case in which a child is suspect of committing offences, and may have been exploited, a thorough assessment of the facts and concerns will take place with partner agencies, for example in a strategy meeting. An NRM referral will be made whenever the case meets the criteria for referral. Every NRM submitted is reviewed by a Detective Sergeant in the MAST or MACE team and any ongoing modern slavery investigation is monitored and supported by the MACE team.

Another force described how, due to the nature of reporting, immediate safeguarding considerations was often police led; however, referrals are made to relevant local authority to coordinate ongoing safeguarding. Multi-Agency Strategy Meetings (MASM) or Missing, Exploited, Trafficked (MET) panels are convened across the six respective Local Authority areas for professionals to discuss ongoing safeguarding requirements for children and a Modern Slavery Multi Agency Risk Assessment Conference (MARAC) is held to discuss cases involving vulnerable adults.

Responses have described the routine scanning of logs and reports by specialists, to identify whether exploitation has been missed and safeguarding undertaken effectively. A number of responders described working formally with local MS Partnerships, the local authority and other partners to identify the victims of modern slavery in their forces.

Modern Slavery Victim Liaison Officers (MSVLO) are also available in many responding forces and are available to offer support and guidance to colleagues on the identification and the immediate safeguarding of victims. They support the lead investigator around victim management, providing a conduit between immediate police safeguarding and the longer-term support of partner agencies.

A small number of responders have employed Justice and Care Victim Navigators (VNs), either in force or available regionally, others are in the process of appointing a VN. MSVLO and VNs provide to the forces where they exist valuable support in all aspects of victim care, support and safeguarding.

One responder described 'Grab bags' containing welfare packs available at seven stations across the county and Red Cross staffed triage centres being available for use in pre-planned operations.

Some responders described local arrangements whereby emergency accommodation could be provided between when a victim is identified and the NRM reasonable grounds decisions being received, activating the Victim Care Contract support. In some responses the force funding hotel accommodation was described. In a few responses more formalised Victim Care Hubs or Pathways / Victim Support Centres have been established with local partners including in at least one force The Salvation Army.

Virtually all responders describe how staff have received NRM training and that through their Intranets, SharePoint site and hard copy documents offer a wide range of sources of information including the nationally produced bespoke videos. Examples of high-quality submission being shared to highlight good practice are described in some responses.

Some responders describe how they have designated teams or individuals tasked to review crimes and incident logs to ensure compliance with the NRM requirements and to quality assure the standard of referrals made.

### Summary of Forces Action

Training for all levels of officers and staff, to spot the signs of Modern Slavery, safeguard potential victims, offer the NRM and provide immediate support, is referenced by many forces. As is understanding and utilising the multi-agency support available.

A limited number of forces described dedicated police units and multi-agency Victim Support Hubs or Centres being available to support victims being established.

Forces reference the use of their newly trained Modern Slavery Victim Liaison Officers, and a limited number Victim Navigators, as being available to support front line officers and staff to identify and support victims, including appropriate the completion of NRM referrals.

### Summary of MSOICU Action

The printed A5 pocket version of the MSOICU Initial Actions Aide Memoire was made available at no cost to all Forces in considerable numbers.

Pages on the Knowledge Hub Policing Slavery and Human Trafficking deal specifically with spotting the signs, identify victims, initial safeguarding actions, NRM, supporting victims through partners and charities.

Bulletins have been produced and shared across policing in respect of all aspects of the NRM, including, making good referrals and regular updating the Single Competent Authority and relevant case law rulings.

### 2.2.3 Section 45 Defence

*c. Recognise that victims of modern slavery should not be treated as criminals in situations where they have been forced to commit an offence by their exploiters.*

*g. Ensure that the statutory defence (provided by section 45 of the Modern Slavery Act 2015) for victims of slavery and exploitation who are compelled or coerced into committing offences by their exploiters is considered in all cases to protect victims from prosecution.*

The majority of responders describe training of the section 45 defence to their staff through various courses and CPD, with some mentioning the principle of not criminalising those committing offences due to exploitation. Some responders have procedures in place for special trained officers / SPOCs to provide Section 45 guidance to their colleagues.

Many responders reference Section 45 guidance being available on their Intranets/SharePoint systems. A few directly describe Section 45 training being focused to staff investigating County Lines offending. One responder described regular joint tactical meetings for MSHT and County Lines investigators and SPOCS to ensure section 45 was recognised and investigated.

Responders describes crime reviews of MSHT and County Lines investigations, by MSHT trained staff and in some cases the CPS to ensure the Section 45 defence is being considered and managed appropriately.

### Summary of Forces Action

Officers are made aware of Section 45 through training, guidance from the MSOICU available on internal force systems and through specially trained officers and SPOCs.

### Summary of MSOICU Action

The MSOICU produced its first bulletin to policing in May 2018. It has produced more detailed bespoke guidance documents in 2019, 2020 and 2022. It has worked closely with the IASC to identify areas where policing needed improvement. In early 2021 it worked closely with the National County Line Coordination Centre (NCLCC) to provide joint guidance and training in respect of Section 45 being used in County Lines. This training, along with other guidance documents is being updated in light of several court rulings, most significantly the ECtHR ruling in VCL & AN v UK which describe a duty to refer and duty to investigate where someone may have committed a crime due to their exploitation.



## 2.3 Recommendation 3 to Chief Constables

Assure themselves that their resources are being deployed to enable effective investigation of modern slavery offences (which may, for example, involve taking account of high levels of vulnerability and organised crime group involvement). They should assure themselves that their crime allocation processes direct investigations to the most appropriately skilled individuals and teams.

### 2.3.1 Response to Recommendation 3

A number of responses describe MSHT as being a strategic priority for the force. The use of intelligence development, analysis and MoRiLE scoring led to the allocation, through force tasking, of appropriate resources including Regional or SOC resources who have not traditionally dealt with MSHT. Similarly responders describe the force having a crime allocation function, which directs investigations to the appropriate individual or team. Some responders explained oversight of MSHT investigations by MS/Vulnerability/SOC/Exploitation Boards.

One response described how the “officer uplift” will be used to increase the number of staff in MSHT.

Responses were split between those with dedicated MSHT investigation teams or SOC Teams and those where MSHT was investigated by Local Investigation Teams / CID. It was apparent that those with dedicated teams described in greater detail the formalised processes for MSHT investigations being allocated to those units.

Some responses described where some MSHT investigations would be allocated to non PIP2 trained Neighbourhood or Response officers. *(This conflicts with the National Modern Slavery Standards that states all MSHT should be investigated by PIP2 or higher.)*

A number of responders described that although they did not have dedicated MSHT resources for investigations, they had formalised processes where SOC investigators would support and provide some oversight to assist in investigations. Responses also describe ongoing investigative reviews by Sergeants and Inspectors

Responses describe where investigators without specialist MSHT training are supported by MSHT Tactical Advisors, MSVLO's or those who have received specialist training.

#### Summary of forces Action

Forces have described improving the development of intelligence, resulting in tasking request for resources being more successful.

Some forces have dedicated Modern Slavery or exploitation units to undertake Modern Slavery functions including investigations.

The majority of investigations are led by a PIP2 trained investigator.

## Summary of MSOICU Action

In 2020 the MSOICU undertook a task to identify the resources forces deployed to Modern Slavery Investigations across a number of roles and functions. Some Forces Modern Slavery Leads were interviewed.

Together with all the information and data gathered a document titled “Improving MS Outcomes - Operating Models and Key Functions” was produced and shared with all Forces through their Modern Slavery Leads. This document set out the key roles and functions and gave examples of small, medium and large forces, who had some degree of dedicated Modern Slavery roles.

### 2.4 Recommendation 4 to Chief Constables and Police and Crime Commissioners

Work together to understand the support needs of victims of modern slavery crimes. They should provide appropriate support within their respective remits to augment the national provision so that victims feel safe and empowered to remain involved in any investigations. This should focus on what support should be available before and after National Referral Mechanism (NRM) referral as well as alternative provision available for those declining NRM referral.

#### 2.4.1 Response to Recommendation 4

Of the twenty-eight forces who responded, twenty-two provided comment on this recommendation.

Many of the responses described the forces’ multi-agency approach, working with local partner agencies, NGO’s and charities including Anti-Slavery Partnership, Modern Slavery Network, Local and County Authorities, Salvation Army, Medaille Trust, Unseen, Victim Support and Justice and Care. Many responders described having a Victim Care Unit or similar.

One force described their Exploitation Hub, a multi-agency centre of excellence, whose functions included the design and implementation of bespoke victim contact plans to support victims; engagement with partners to enable a multi-agency approach to victims / families to provide support and intervention.

Welsh forces spoke of their Modern Slavery MARAC arrangements and of working with BAWSO, with one force also having appointed a Victim Advocate to assist with their initial contact with victims by explaining their role, offering support and being the conduit between the victim and necessary third-party support providers.

A responder described how their Police and Crime Commissioner funds a specialist modern slavery support worker within the area’s Victim Help Centre, a role facilitated by Victim Support. The availability of support through this role is irrespective of the NRM status of the victim and can be accessed prior to NRM support, after NRM support ceases and if NRM support has been declined by the victim.

Through these partnerships many responders described being in the position of having access to short term accommodation and support for victims referred into the NRM and are awaiting the SCA Reasonable Grounds Decision, but also for those who have declined the NRM but still require support.

A number of responders described having or having access to Justice and Care Victim Navigators and in force Modern Slavery Victim Liaison Officers. Others reference then support available from ISVAs and ICTGs.

#### Summary of forces Action

Many forces described their work with partner agencies, NGOs and charities to offer support to potential victims entering the NRM and awaiting a Reasonable Grounds decision and victims exiting the NRM support. Many forces also provide support for those who do not consent to be referred to the NRM. Welsh forces described their MARAC procedures and the use of victim advocates.

Forces described having had trained Victim Liaison Officers, employed Victim Navigators and engaged Independent Sexual Violence Advocates and Interdependent Child Trafficking Guardians to assess and support the immediate need of victims.

#### Summary of MSOICU Action

The MSOICU in 2020 produced its “Initial Safeguarding Actions” for officers and staff. This described the immediate safeguarding actions that must be considered for any potential victim. This included housing, food, clothes, toiletries and money, and their physical and mental health needs.

## Appendix A – Responding Forces

Avon and Somerset  
Bedfordshire  
Cambridgeshire  
Cheshire  
City of London  
Cleveland  
Derbyshire  
Devon and Cornwall  
Dorset  
Durham  
Essex  
Gwent  
Hampshire  
Hertfordshire  
Humberside  
Kent  
Leicestershire  
Lincolnshire  
Merseyside  
Norfolk  
North Wales  
Northamptonshire  
Northumbria  
Nottinghamshire  
South Wales  
Suffolk  
Surrey  
Sussex