Home Office

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

Version 3.10

Contents

Contents **2**

1. About this guidance **6**

Introduction to modern slavery 6

Who this guidance is for 8

Devolved Governments 8

Purpose of this guidance 9

Guidance replaced by this statutory guidance 9

Contacts 9

Changes from last version of this guidance 10

Glossary 11

2. What is Modern Slavery? **17**

Human trafficking 17

Slavery, servitude and forced or compulsory labour 30

Myths about modern slavery 35

3. Identifying potential victims of modern slavery **36**

Indicators of modern slavery 36

Physical and psychological indicators of modern slavery 38

Situational and environmental indicators of modern slavery 41

4. Roles and Responsibilities **42**

Public authorities 42

First Responder Organisations and First Responders 43

First Responder Organisations that are not public authorities 44

Non-First Responder Organisations involved in tackling modern slavery 44

Ensuring immediate safety 45

Independent Child Trafficking Guardians (ICTGs) 48

Multi-agency working 48

Information Sharing, Confidentiality and Record Keeping (note these principles apply UK-wide) 48

5. Referring potential victims of modern slavery into the National Referral Mechanism **50**

Why enter the National Referral Mechanism? 51

Referring an adult potential victim into the National Referral Mechanism 51

Referring a child potential victim into the National Referral Mechanism 55

6. Working with vulnerable people **57**

7. The National Referral Mechanism decision-making process **58**

The victim's journey 60

8. Support for Adult Victims 64
The general principle of support provided through the Modern Slavery Victim Care Contract 65
Assessing risk on entry to the Modern Slavery Victim Care Contract 66
Assessing need on entry to the Modern Slavery Victim Care Contract 68
Recovery Period 68
Journey Plan 69
Move-on Period 69
Reach-in support 70
Re-entry to the Modern Slavery Victim Care Contract support service 71
Modern Slavery Victim Care Contract support to prevent destitution 72
Inspection of Modern Slavery Victim Care Contract support 72
9. Child Victims 74
Multi-agency working and protocols to support child victims 74
Development of local protocols for Child Victims and response to the identification of a Child Victim 75
Presumption of Age 76
Safeguarding Children 76
Unaccompanied Children 77
Independent Child Trafficking Guardians (ICTGs) 78
Child Criminal Exploitation (CCE) 79
County lines 80
Child sexual exploitation 81
Annex A – Indicators of child victims and specific types of modern slavery ... 83
Sexual Exploitation 83
Child-specific indicators 86
Annex B – Further guidance on information sharing 90
Information sharing between the Competent Authorities and the Police 90
Information sharing between the Competent Authorities and the Crown Prosecutorial Services 93
Further guidance for the Competent Authorities on information sharing 94
Annex C – Referral pathways for organisations that may encounter potential victims 95
Referral pathways for First Responder Organisations 95
Annex D – Working with vulnerable people 109
The impact of trauma 109
Trauma-informed practice 109
Adults who are particularly susceptible to modern slavery 110

Victims who are reluctant to self-identify 111
Post-traumatic stress disorder 113
Interviewing people who have experienced trauma 113
Child victims as a vulnerable group 117
Annex E – Guidance for all Competent Authority staff on the NRM decision-making process (please note this annex applies for both the SCA & IECA and cases referred UK-wide) 122
Assessing credibility and other evidence during the decision-making process 122
How a referral is made 128
Validating and acknowledging a referral 128
Making a Reasonable Grounds decision 130
Making an Additional Recovery Period decision 137
Making a Conclusive Grounds decision 149
Actions for the Competent Authorities following a National Referral Mechanism decision (Reasonable and Conclusive Grounds, and Public Order and Bad Faith Disqualification) 157
Actions for the Competent Authorities when a National Referral Mechanism decision is suspended 161
Actions for the Competent Authorities in live immigration cases following a National Referral Mechanism decision 163
Competent Authority case record 163
Disclosure of information to the victim and right of access requests 164
Reconsideration of Reasonable Grounds or Conclusive Grounds decision 165
Public Order Disqualification 169
Bad Faith Disqualification 184
Revocation of a Conclusive Grounds decision 191
Monitoring case progress during the Recovery Period 192
Withdrawing from the National Referral Mechanism 192
Annex F – Detail of support available for adults in England and Wales 195
Accommodation 195
Financial support 202
The Essential Living Rate 203
The Recovery Rate 203
Child dependent payments 204
Pregnancy and maternity payments 205
Victims receiving asylum support or support under Schedule 10 of the Immigration Act 2016 205
Victims receiving Universal Credit 206
Financial support in emergency accommodation 206

Back payments 206
Material Assistance 207
Translation and interpretation services 208
Information on rights and services 208
Medical treatment, assistance and counselling 209
Assistance during criminal proceedings (Victims' Code) 212
Access to the labour market, vocational training and education 214
Job seeking and welfare benefits 215
Access to legal representation 217
Access to legal aid 217
Pursuing a civil claim for compensation 219
Making a claim for publicly funded compensation 219
Travel to appointments 221
Support in transitioning to alternative support services 221
Extension requests 222
Transitioning to asylum support for victims with an active asylum claim 226
Temporary Permission to Stay as VTS 226
EU Settlement Scheme 227
Voluntary returns 227
Other support for individuals following a negative Conclusive Grounds decision 228
Advice following the death of a victim being supported by the MSVCC 229
Additional recovery costs support 229
Annex G – Detail of support available to children in England and Wales 232
Local authority support 232
Standards of living 232
Medical support 233
Translation and interpretation services for child victims 234
Information on rights and services for child victims 234
Support in criminal proceedings 235
Access to legal aid 235
Access to education for child victims 235
Annex H – The section 45 defence (the statutory defence) 237
The section 45 defence for adults 238
The section 45 defence for child victims 238
Further information 239

1. About this guidance

Introduction to modern slavery

'The best idea is to think of the victim in terms of rehabilitation and work towards it. You are working with people who have been in an environment where they were slaves; they now need to learn how to be in an environment where they are human. See how institutional efforts can be addressed in this direction: Staff need to be able to assist and guide victims as specific individuals; caring for each person requires more than protocols and appointments.' ***Michael, 40, survivor of modern slavery***

1.1. **Modern slavery is a serious crime that violates human rights.** Victims are forced, threatened or deceived into situations of subjugation, degradation and control which undermine their personal identity and sense of self.

1.2. **Identification, protection, care and support for victims of modern slavery is at the heart of this Statutory Guidance**. Professionals should work proactively with a view to preventing modern slavery in all its forms. They should be trained to take appropriate action and provide possible victims with appropriate protection and support, based upon their individual needs. It is essential that professionals recognise that survivors of modern slavery may be at risk of re-trafficking and further harm.

1.3. **Collaborative partnerships, multi-disciplinary and multi-agency working are fundamental to ensure that victims are identified, protected and safeguarded.** Activities should be carried out in partnership with other agencies to provide victims with integrated support and access to their rights and entitlements.

1.4. **It is important for professionals to understand the specific vulnerability of victims of modern slavery and utilise practical, trauma-informed methods of working which are based upon fundamental principles of dignity, compassion and respect**. Victim's voices must always be heard, and their rights respected.

1.5. **The Government is introducing minimum standards of care in all future contracts providing support to adult victims of modern slavery and an associated inspection regime based on The Slavery and Trafficking Survivor Care Standards** which contain detailed practical advice on all aspects of working with victims of modern slavery, and are available here.

1.6. **A reference group has been established by the Government to help ensure this Statutory Guidance is systematically reviewed and updated.** The group consists of a range of multi-disciplinary experts from across the anti-slavery sector and statutory services who can provide expert advice on potential updates regarding identification, support and care for victims of modern slavery. Ownership of the Statutory Guidance

remains with the Home Office. The group is chaired by the Home Office Modern Slavery Unit and representation is provided from:

- Department for Education
- Ministry of Justice
- Department for Levelling Up, Housing and Communities
- Department for Health and Social Care
- Police (Modern Slavery Organised Immigration Crime unit)
- National Health Service
- Local Government Association
- Office of the Independent Anti-Slavery Commissioner
- Representatives from the core Modern Slavery Engagement Forum
- Modern Slavery Victim Care Contract Prime Contractor
- Independent Child Trafficking Guardian grant holder
- Unicef
- Home Office Legal Advisers
- Single Competent Authority (SCA)
- Immigration Enforcement Competent Authority (IECA)

Who this guidance is for

1.7. This guidance is aimed at competent authority staff in any part of the UK who make decisions on whether or not an individual is a potential victim/victim of modern slavery for the purpose of the National Referral Mechanism (NRM) – wherever in the UK a potential victim is identified.

1.8. This guidance is aimed at staff in England and Wales:

- within public authorities who may encounter potential victims of modern slavery; and/or
- who are involved in supporting victims

1.9. These individuals and organisations must have regard to this guidance, with a view to developing a more consistent response to modern slavery victims to ensure they are identified and receive the available and appropriate support.

1.10. Further information on the roles and responsibilities of specific public bodies can be found in the Roles and Responsibilities section.

Devolved Governments

1.11. The majority of provisions under the Modern Slavery Act 2015 apply only to England and Wales. Some provisions in respect of maritime enforcement, the Independent Anti-Slavery Commissioner and transparency in supply chains (TISC) provisions also extend to Northern Ireland and Scotland.

1.12. Under the respective devolution settlements for Scotland and Northern Ireland, responsibility for the policy and legislative response to modern slavery rests with the respective Devolved Governments.

1.13. The overarching objective of the Human Trafficking and Exploitation (Scotland) Act 2015 is to consolidate and strengthen the existing criminal law against human trafficking and exploitation and enhance the status of and support for its victims. The Act also gives Ministers power, by regulations, to specify relevant public authorities who must notify the chief constable of the Police Service of Scotland about a person who is, or appears to be, a victim of an offence of human trafficking or slavery, servitude and forced or compulsory labour.

1.14. The Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 provides Northern Ireland with a robust legal framework in respect of the prosecution of perpetrators of

modern slavery in Northern Ireland; the provision of improved support for victims; and tackling the demand for the services of trafficked victims. [1]

1.15. In Wales, community care and housing is devolved and local guidance should be followed including the Modern Slavery Safeguarding Pathway.

Purpose of this guidance

1.16. This guidance is published under section 49(1) of the Modern Slavery Act 2015 which requires the Secretary of State to 'issue guidance to such public authorities and other persons as the Secretary of State considers appropriate about –

(a)the sorts of things which indicate that a person may be a victim of slavery or human trafficking;
(b)arrangements for providing assistance and support to persons who there are reasonable grounds to believe are victims of slavery or human trafficking;
(c)arrangements for determining whether there are reasonable grounds to believe that a person is a victim of slavery or human trafficking'

Guidance replaced by this statutory guidance

1.17. The following guidance documents were superseded by this statutory guidance:

- Guidance: Duty to Notify the Home Office of potential victims of modern slavery
- Victims of modern slavery: frontline staff guidance
- Victims of modern slavery: competent authority guidance
- Multi-Agency Assurance Panels Guidance
- Duty to Notify Guidance

1.18. The landscape for support is constantly evolving as we continue to review the processes for identifying, supporting and making decisions about victims of modern slavery. This guidance will be updated periodically to reflect this in line with section 49(2) of the Modern Slavery Act 2015.

Contacts

1.19. If you have any questions about the guidance or the content then email the Modern Slavery Unit on: NRMReform@homeoffice.gov.uk.

[1] 1.1. The Act also enhanced compliance with international obligations under the Council of Europe Convention on Action against Trafficking in Human Beings and the European Directive on Preventing and Combatting Trafficking in Human Beings and Protecting its Victims.

Changes from last version of this guidance

3.9	05.24	**Previous changes in all versions 1.01 to 3.8 have been removed. For all previous changes see version 3.8.**
3.9	05.24	Updated operating time of SCA duty line.
3.9	05.24	Amendment to Chapter 8 to include section on when Modern Slavery Victim Care Contract support may be provided to prevent destitution and how this is assessed.
3.9	05.24	Amendment to Annex F – update to the 'Extension Request' section to include updated circumstances where support extensions may be granted and how extension requests are considered for individuals who are disqualified from support.
3.9	05.24	Move-on period from Modern Slavery Victim Care Contract support following a negative Reasonable or Conclusive Grounds decision or a disqualification increased to up to 14 working days.
3.9	05.24	Updated the wording in the Section 9 Key Points to include that children in scope of the devolved decision-making pilot will have their referral undertaken by pilot sites.
3.9	05.24	Updated all references to Working together to safeguard children 2023: statutory guidance to ensure they are in line with the latest guidance.
3.9	05.24	Updated all references to The Care Planning, Placement and Case Review (England) (Amendment) Regulations 2021 to ensure they are in line with the latest regulations.
3.9	05.24	A link to section 13.5 has been added to paragraph 9.21 for more information on the risk of child victims of going missing.
3.9	05.24	The phrase 'or potentially trafficked' has been added into paragraph 9.26.
3.9	05.24	Amendments made to Chapter 9 to reflect the changes to the 2024/25 ICTG Service Model.
3.9	05.24	Additional information added to Section 9 from DfE 2017 statutory guidance 'Care of unaccompanied migrant children and child victims of modern slavery' on victim's perceptions and accounts, trauma, and fear of removal.
3.9	05.24	Additional information added to Section 9 from the historic ICTG Interim Guidance regarding where a child may be identified.
3.9	05.24	Additional information added to Section 10 from DfE 2017 statutory guidance 'Care of unaccompanied migrant children and child victims of modern slavery' on professional awareness of child victims and potential risks when a child turns 18.

3.9	05.24	Amendment to paragraph 13.55 from 'support workers of semi-independent accommodation' to 'Supported Accommodation staff' in line with DfE terminology.
3.9	05.24	Additions to Annex A - Child specific indicators taken from DfE 2017 statutory guidance 'Care of unaccompanied migrant children and child victims of modern slavery'
3.10	05.24	Amendments to Section 2 – Trafficking: exploitation – sexual exploitation

Glossary

1.20. In this guidance:

"adult" is any person aged 18 or over where there are no reasonable grounds to believe that person may be under 18;
"Additional Recovery Period", is a recovery period provided where an individual has already benefitted from a recovery period. The circumstances where an additional recovery period applies is defined in Section 62 of the Nationality and Borders Act 2022 as where: (a) a competent authority has previously made a positive reasonable grounds decision in relation to a person (the "first RG decision"), and (b) a further positive reasonable grounds decision is made in relation to the person, in a case where the reasonable grounds for believing that the person is a victim of slavery or human trafficking arise from things done wholly before the first RG decision was made (the "further RG decision").
"Adult at Risk" under section 42 of the Care Act 2014 refers to an adult who has needs for care and support, who is experiencing, or at risk of, abuse or neglect and as a result of their care needs is unable to protect themselves;
"Bad Faith" An individual may be considered to have claimed to be a victim of modern slavery in bad faith where they, or someone acting on their behalf, have knowingly made a dishonest statement in relation to being a victim of modern slavery.
"child" is any person under the age of 18. Where there are reasonable grounds to believe a person may be under 18 it is presumed they are a child unless and until their age is otherwise determined, for example, by an age assessment carried out by a Local Authority. Further information is provided in the Presumption of Age section;
"child criminal exploitation" is defined in the Serious Violence Strategy which states: 'Child Criminal Exploitation occurs where an individual or group takes advantage of an imbalance of power to coerce, control, manipulate or deceive a child or young person under the age of 18 into any criminal activity (a) in exchange for something the victim needs or wants, and/or (b) for the financial or other advantage of the perpetrator or facilitator and/or (c) through violence or the threat of violence. The victim may have been criminally exploited even if the activity appears consensual. Child Criminal Exploitation does not always involve physical contact; it can also occur through the use of technology';
"competent authority" is one of the competent authorities making decisions regarding modern slavery cases; in the UK this is the SCA and the IECA.

“Conclusive Grounds decision” is a decision taken a competent authority as to whether, on the balance of probabilities, there are sufficient grounds to decide that the individual being considered is a victim of modern slavery (human trafficking or slavery, servitude, or forced or compulsory labour).
“county lines” is defined in the Serious Violence Strategy which states: ‘County lines is a term used to describe gangs and organised criminal networks involved in exporting illegal drugs into one or more importing areas [within the UK], using dedicated mobile phone lines or other form of “deal line”. They are likely to exploit children and vulnerable adults to move [and store] the drugs and money and they will often use coercion, intimidation, violence (including sexual violence) and weapons;
“Detained Asylum Casework (DAC)”, in general, an asylum claim may be suitable for DAC if the claimant is suitable for detention under detention policy, and if one of the following circumstances applies:

- the individual claims asylum while already detained pending removal, or claims asylum while detained following an enforcement visit (must be authorised according to standard detention policy requirements)
- the individual claims asylum in other circumstances (for instance, at the Asylum Intake Unit, at a port, or immediately following apprehension as a clandestine illegal entrant) and:
    - the claimant is from a country listed under section 94(4) of the Nationality, Immigration and Asylum Act 2002, and there is therefore a prospect of certifying the claim as clearly unfounded (detention must be authorised by an official of no less than grade 7 seniority)
    - the claimant is not from a country listed in section 94(4), but their initial basis of claim shows there to be a prospect of certifying the claim as clearly unfounded on a case-by-case basis under section 94(1) of the 2002 Act (detention must be authorised by an official of no less than grade 7 seniority)
    - the claimant is not from a country listed in section 94(4), but there exist exceptional circumstances (such as past criminality) justifying their detention (detention must be authorised by an official of no less than SCS seniority)

To access the guidance on detained asylum process, please see: detained-asylum-process-v5.0.pdf (publishing.service.gov.uk)
“Duty to Notify” is the duty placed on public authorities in England and Wales by section 52 of the Modern Slavery Act 2015 to notify the Secretary of State when encountering a potential victim of Modern Slavery. In practice, this is discharged by informing the Home Office;
“emergency accommodation” refers to accommodation provided under the Modern Slavery Victim Care Contract ahead of a Reasonable Grounds decision where a potential victim is at risk of becoming destitute;
“extension request” refers to an application for additional support following a negative Reasonable Grounds or Conclusive Grounds decision;
“First Responder” means a member at a First Responder Organisation who has a responsibility for discharging one or more of the functions of the First Responder Organisation and who has been trained to discharge those functions;
“First Responder Organisation (‘FRO’)” means an authority that is authorised to refer a potential victim of modern slavery into the National

Referral Mechanism. A full list of First Responders is available here. There are different cohorts of First Responders in Scotland and Northern Ireland.
"Full Risk Assessment" is a risk assessment for all potential victims or victims in accommodation or outreach which takes place during the Recovery Period and is continuously reviewed in light of changes to the victim's circumstances.
"Immigration Enforcement Competent Authority ('IECA') is one of the competent authorities that is responsible for making Reasonable Grounds decisions and Conclusive Grounds decisions regarding individuals in a particular group.
"Immigration Enforcement" is part of the Home Office and is responsible for reducing the size of the illegal population and the harm it causes to protect the integrity of the immigration system.
"Immigration Removal Centre" ('IRCs') are centres where foreign nationals are detained to effect their removal from the UK.
"Independent Child Trafficking Guardians ('ICTGs')" are individuals appointed to provide an independent service through a contract with the Home Office. They are appointed based on their experiences relevant to child trafficking, criminal justice, social care, asylum and immigration by the service provider and offer a source of advice for trafficked children. The ICTG service provides somebody who can speak up on behalf of, and act in the best interests of, the child. Further information is available in the Interim ICTG Guidance. The ICTG service model provides two discrete services to children who have been trafficked; ICTG Direct Worker to support children for whom there is no one with parental responsibility for them in the UK and ICTG Regional Practice Co-ordinator whose role is to focus on children who do have a figure with parental responsibility for them in the UK;
"Independent Child Trafficking Guardian Direct Worker ('ICTG Direct Worker')" provides one-to-one support to a child who has been trafficked and help them navigate, as appropriate, the respective Local Authority children's services and the immigration and criminal justice systems, as well as ensuring that their educational and health needs are met through liaison with the appropriate statutory agencies and public authorities;
"Independent Child Trafficking Guardians Regional Practice Co-Ordinator" (ICTG RPC)" The ICTG RPC holds a strategic role, working with professionals who are already engaged with and supporting the child, rather than directly working with the child. The ICTG RPC has in-depth and specialist knowledge of provisions in their local area and is able to offer expert advice to professionals working directly with children on how best to safeguard the children in their care;
"Initial Risk Assessment" is the risk assessment undertaken at the point of referral into Modern Slavery Victim Care Contract support;
"journey plan" a personalised plan that sets out the support provided by the Modern Slavery Victim Care Contract to potential and confirmed victims, informed by the Needs-Based Assessment to keep track of their recovery progress towards independence outside of Modern Slavery Victim Care Contract support;
"modern slavery" unless otherwise specified, refers to both human trafficking and slavery, servitude, and forced or compulsory labour;

“Modern Slavery Victim Care Contract” refers to the Home Office contract to provide care to adult victims of modern slavery in England and Wales;
“Modern Slavery Victim Care Contract prime contractor (‘MSVCC Prime Contractor’)” refers to the prime supplier of the Modern Slavery Victim Care Contract. In some cases, the MSVCC Prime Contractor may subcontract other service providers to discharge specific parts of the contract;
“move-on support” refers to the support provided after a Conclusive Grounds decision. This period lasts for at least 45 calendar days from the date of a positive decision or up to 14 working days from the date of receipt of a negative decision by the individual or the party acting on their behalf;
“National Referral Mechanism (‘NRM’)” refers to the UK’s framework for identifying and supporting victims of modern slavery. It is one means of ensuring that adult victims receive the necessary support and assistance in the period immediately after their identification as a potential victim;
“Nationality and Borders Act 2022” is an Act to make provision about nationality, asylum and immigration; to make provision about victims of slavery or human trafficking; to provide a power for Tribunals to charge participants where their behaviour has wasted the Tribunal’s resources; and for connected purposes.
“Needs-Based Assessment” takes place during the Recovery Period to assess the support needs of potential victims arising from their exploitation and is continuously reviewed in light of changes to the potential victims’ circumstances;
“potential victim” is an individual who is suspected of being a victim of modern slavery. They may have received a positive Reasonable Grounds decision but will not yet have received a Conclusive Grounds decision from the competent authorities.
“Preliminary Risk Assessment” takes place after the Initial Risk Assessment and is for individuals in outreach support;
“public authority” means any public authority in the meaning of section 6 of the Human Rights Act 1998, other than a court or tribunal, as defined in the Modern Slavery Act 2015;
“public order” is defined in Section 63(3) of the Nationality and Borders Act 2022. The circumstances in which a person is a threat to public order include, in particular, where:

- the person has been convicted of a terrorist offence;
- the person has been convicted of any other offence listed in Schedule 4 to the Modern Slavery Act 2015 anywhere in the United Kingdom, or of a corresponding offence;
- the person is subject to a TPIM notice (within the meaning given by section 2 of the Terrorism Prevention and Investigation Measures Act 2011);
- there are reasonable grounds to suspect that the person is or has been involved in terrorism-related activity within the meaning given by section 4 of that Act (whether or not the terrorism-related activity is attributable to the person being, or having been, a victim of slavery or human trafficking);
- the person is subject to a temporary exclusion order imposed under section 2 of the Counter-Terrorism and Security Act 2015;

the person is a foreign criminal within the meaning given by section 32(1) of the UK Borders Act 2007 (automatic deportation for foreign criminals);
the Secretary of State has made an order in relation to the person under section 40(2) of the British Nationality Act 1981 (order depriving person of citizenship status where to do so is conducive to the public good);
the Refugee Convention does not apply to the person by virtue of Article 1(F) of that Convention (serious criminals etc);
the person otherwise poses a risk to the national security of the United Kingdom.

"public order disqualification" applies when the competent authority is satisfied that the individual is a threat to public order and that disqualification from NRM support is appropriate considering the individual recovery needs of the person.

"**public order disqualification request**" is made by a requesting team (ordinarily the Foreign National Offender Returns Command but can also be raised by a Competent Authority itself) that indicates that an individual in the NRM meets the Public Order criteria (set out in Section 63(3) of the Nationality and Borders Act 2022).

"Reasonable Grounds decision" is a decision taken by the competent authorities as to whether the decision maker agrees there are reasonable grounds to believe, based on all available general and specific evidence but falling short of conclusive proof, that a person is a victim of modern slavery (human trafficking or slavery, servitude, or forced or compulsory labour)

"Recovery Period". Under section 61 of the Nationality and Borders Act 2022, the Recovery period refers to the period lasting for 30 days from the date a positive Reasonable Grounds decision is made, or until a Conclusive Grounds decision is made, whichever is later.

"Single Competent Authority (SCA[2])" refers to one of the UK's decision-making bodies that is responsible for making Reasonable Grounds decisions and Conclusive Grounds decisions regarding individuals.

"support provider" means a body which is employed or engaged pursuant to the Modern Slavery Victim Care Contract to provide care and coordination services for victims, including by way of a sub-contract;

"Third Country Unit" is the unit within Immigration Enforcement responsible for the handling of asylum claims under the third country inadmissibility principles detailed in paragraphs 345A-D of the Immigration Rules. The guidance on inadmissibility of third country cases can be found here: Inadmissibility: third country cases - GOV.UK (www.gov.uk)

"unaccompanied child" is defined in the Care of unaccompanied migrant children and child victims of modern slavery guidance and refers to children from outside the UK who fall into one of the categories below. Such children may have begun their life in the UK with family or with relatives, and for a range of reasons these care arrangements are no longer working and the child becomes looked after. The unaccompanied children may have parents and family members who are not in the UK. Being unaccompanied is not

[2] The name 'Single Competent Authority' is being reviewed and will be updated in due course.

necessarily a permanent status and may change, particularly if the child has other family members in the UK.

Unaccompanied asylum-seeking child: a child who is claiming asylum in their own right, who is separated from both parents, and who is not being cared for by an adult who in law or by custom has responsibility to do so. Some will not qualify for asylum but may require "humanitarian protection". Others may not qualify for any permission to stay in the UK. Their status will be determined by the Home Office.

Unaccompanied migrant child not seeking asylum*:* a child who is not seeking asylum because their reasons for being here are not connected to seeking protection, or who may be undocumented, or is not seeking asylum because they have not been advised of the need to do so. The child may be separated from both parents and is not being cared for by an adult who in law or by custom has responsibility to do so.

Unaccompanied EEA national child: a child who is a national of a European Economic Area country and who has entered the UK with a family member and has been separated from them or has entered independently. They have a right to reside in the UK for an initial period of three months. After this time, an EEA national child will only have a right to reside in the UK if they are exercising their free movement rights or they are the family member of an EEA national exercising free movement rights in the UK.

"Victim of Human Trafficking or Slavery" (**VTS)** refers to temporary permission to stay granted in accordance with Section 65 of the Nationality and Borders Act 2022 and the Immigration Rules, as set out in Appendix Temporary Permission to Stay for victims of Human Trafficking or Slavery.

"Voluntary Returns Service" refers to a Home Office service that supports those who have no legal basis to remain in the UK, asylum seekers and victims of trafficking who want to return to their country of origin voluntarily. The VRS provides guidance and practical support to returnees, including reintegration funds where applicable.

"Vulnerable witness" refers to a person classed as 'vulnerable or intimidated witnesses' who are afforded special measures under the Code of Practice for Victims of Crime (the Victims' Code).

1.21. Different definitions may apply in Scotland and Northern Ireland.

2. What is Modern Slavery?

2.1. This chapter provides information about the definition of modern slavery for staff who may encounter or support potential victims and those who make National Referral Mechanism (NRM) decisions.

Key points:

- Modern slavery encompasses **human trafficking** and **slavery, servitude and forced or compulsory labour.**
- Human trafficking consists of three basic components: **action, means and purpose** of exploitation. All three components must be present in an adult trafficking case; for child trafficking the 'means' component is not required.
- In human trafficking cases, **exploitation can take many forms**, including: sexual exploitation, forced labour, slavery, servitude, forced criminality and removal of organs.
- **Some people may not be victims of human trafficking but still victims of modern slavery if they have been subject to slavery, servitude and forced or compulsory labour.**
- **Human trafficking is not the same as human smuggling.** There are **common myths about modern slavery**, such as misconceptions that UK nationals cannot be victims and that a person cannot be a victim if they reject offers of help.

2.2. Modern slavery encompasses:

- human trafficking
- slavery, servitude and forced or compulsory labour
- The definition of a victim of human trafficking, slavery, servitude and forced or compulsory labour is set out in the Slavery and Human Trafficking (Definition of Victim) Regulations 2022

Human trafficking

2.3. The essence of human trafficking is that the victim is coerced or deceived into a situation where they are exploited. Article 4(a) of the Council of Europe Convention on Action against Trafficking in Human Beings (the Convention) defines 'human trafficking' as:

"the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a

person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs."

2.4. Human trafficking consists of 3 basic components: action, means and purpose of exploitation.

2.5. As noted in the Office of the United Nations High Commissioner for Refugees (UNHCR) guidelines on international protection:

'An important aspect of this definition is an understanding of trafficking as a process comprising a number of interrelated actions rather than a single act at a given point in time. Once initial control is secured, victims are generally moved to a place where there is a market for their services, often where they lack language skills and other basic knowledge that would enable them to seek help. While these actions can all take place within one country's borders, they can also take place across borders with the recruitment taking place in one country and the act of receiving the victim and the exploitation taking place in another. Whether or not an international border is crossed, the intention to exploit the individual concerned underpins the entire process.'

Components of adult trafficking	**What it means**
Action	recruitment, transportation, transfer, harbouring or receipt, which includes an element of movement whether national or cross-border; which is achieved by a…
Means	threat or use of force, coercion, abduction, fraud, deception, abuse of power or vulnerability; for the purpose of…
Exploitation	for example, sexual exploitation, forced labour or domestic servitude, slavery, financial exploitation, removal of organs

2.6. All three components must be present in an adult trafficking case. However, in a child trafficking case the 'means' component is not required as they are not able to give informed consent to engage in criminal or other exploitative activity, and they cannot give consent to be abused or trafficked.

2.7. Child human trafficking will therefore consist of two basic components: 'action' and 'purpose of exploitation'.

Components of child trafficking	What it means
Action	recruitment, transportation, transfer, harbouring or receipt, of child which includes an element of movement whether national or cross-border
Exploitation	For example, sexual exploitation, forced labour or domestic servitude, slavery, financial exploitation, removal of organs of child

Action

2.8. To be a victim of human trafficking, the person needs to be subjected to the act of either:

- recruitment
- transportation
- transfer
- harbouring
- receipt
- transferring or exchanging control over

Means

2.9. An **adult** victim of human trafficking must have been subject to a 'means' – the threat or use of force or other form of coercion to achieve the consent of a person having control over another person.

2.10. The **apparent** consent of a victim to be controlled and exploited is **irrelevant** when one or more of the following has been used to get that consent:

- the threat or use of force
- abduction
- fraud
- deception
- the abuse of power or of a position of vulnerability
- the giving or receiving of payments or benefits

2.11. It is not necessary for there to have been 'means' for a child to be a victim, because children cannot give informed consent to engage in criminal or other exploitative activity, and they cannot give consent to be abused or trafficked. Any child who is recruited, transported, or transferred for the purpose of exploitation is considered to be a potential victim, whether or not there have been 'means', though in many cases the means will be present.

2.12. A potential victim of trafficking who may have been a victim as a child, but only identified and referred into the NRM after reaching adulthood, is treated under child criteria in assessing whether they were trafficked. The practical effect of this is that they do not have to meet the means test. However, as an adult at the time of referral they must still provide consent for the referral.

2.13. Different types of **means** that may be present in human trafficking cases are explained below.

Trafficking: means – deception

2.14. An example of deception may be that the recruiter or employer has provided the worker with maliciously false, inaccurate, or misleading information. For example, a person who ends up being exploited through prostitution may originally have been under the impression there were legitimate education or employment opportunities (for example in the service industry, as a dancer, or for childcare).

2.15. There are also less straightforward cases, for example where people have been aware they would be working consensually in the sex industry in the UK but they were misled as to the conditions of the environment, particularly the degree of control (over freedom and earnings) before they arrived. Where the situation such individuals find themselves in amounts to exploitation, this could be a modern slavery case.

Trafficking: means – physical coercion

2.16. Physical coercion refers to the threat of the use of force or the actual use of force against the victim of trafficking or their family members. Physical coercion could also be more subtle measures of control, for example withholding travel or immigration documents.

Trafficking: means – psychological coercion

2.17. Psychological coercion refers to the threat or the perceived threat to the victim's relationships with other people. Examples of psychological coercion include:

- blackmail
- ritual oaths – there is evidence to suggest witchcraft or ritual oaths can be used to make an individual fearful and compliant
- forcing someone to pay an excessive amount of money for substandard accommodation
- making significant deductions from an individual's 'salary'
- threats of rejection from, or disapproval by, a peer group or family members

2.18. There does not necessarily have to be a direct personal relationship in psychological coercion. It could refer to wider issues, for example social stigma. This is particularly relevant in cases involving sexual exploitation or other forms of sexual violence. Other examples include:

- grooming - where people are enticed over time to take part in activity in which they may not be entirely willing participants (for example, a trafficker may present themselves as a 'boyfriend' in a sexual exploitation case)
- 'Stockholm syndrome' – where due to unequal power, victims create a false emotional or psychological attachment to their controller

2.19. In both of these examples the individuals can often first appear to be 'willing participants'. Due to their age and dependent status, children are especially susceptible to physical and psychological coercion.

Trafficking: means – complex cases

2.20. There are also more complex cases where victims have been trafficked and subjected to exploitation in their own countries, and after escaping their situation travel to the UK to continue working in similar industries without such obvious control over movement or freedom.

2.21. An example of this may be where a child has been sexually exploited in their home country and then travels to the UK as an adult to work in prostitution. At first it may appear the individual is a willing participant, but staff in the competent authorities must consider any progression of control and coercion when making their decision.

Exploitation

2.22. To be a victim, someone must have been trafficked for the **purpose of** 'exploitation' which may take the form of either:

- sexual exploitation
- forced labour or services
- slavery or practices similar to slavery
- servitude
- forced criminality
- removal of organs (also known as organ harvesting)

Trafficked for the 'purpose of exploitation' – what if someone hasn't yet been exploited?

2.23. Under the Convention on action Against Trafficking in Human Beings (ECAT), a person is a 'victim' even if they haven't been exploited yet, for example because a police raid takes place before the exploitation happens.

2.24. This is because, under the definition of trafficking, trafficking occurs once certain acts are carried out for the purpose of exploitation. So, it is the **purpose** which is key, rather than whether or not exploitation has actually occurred. Even if the UK authorities intervene and prevent exploitation taking place in the UK, victims may have experienced serious trauma in their home country or on the way to the UK and may still be in need of support.

2.25. The action limb of human trafficking set out above (recruitment, transportation, transfer, harbouring, receipt, transferring or exchanging control over) must be for the purpose of exploitation. Therefore, a person may be subject to forms of abuse and mistreatment on route that are not connected to the purpose of travel. While the person may therefore be a victim of a crime which should be appropriately reported and investigated by the authorities, this does not constitute human trafficking if it is incidental to the purpose of exploitation.

Trafficking: exploitation – sexual exploitation

2.26. A person may be considered to be a victim of trafficking for the purpose of sexual exploitation if they are moved, or their travel is arranged or facilitated by another person with a view to the individual being sexually exploited and the other required elements of the definition of trafficking are present. A person is subject to sexual exploitation if something is done to that person by another which involves the commission of an offence listed under Regulation 3(8)(a) - (b) of the Slavery and Human Trafficking (Definition of Victim) Regulations 2022.

2.27. Section 4 of the Modern Slavery Act 2015 defines human trafficking as the arrangement or facilitation of an individual's travel with a view to exploit that individual only if the perpetrator intends to exploit the individual, or the perpetrator knows or ought to know that another person is likely to exploit the individual, during or after the travel.

2.28. When deciding on whether an individual is a victim of trafficking for the purpose of sexual exploitation, decision-makers should consider, on a case-by-case basis, all the circumstances, including how and where the incident took place. A decision-making framework is set out below to ensure consistency of application. This is a non-exhaustive list of factors for consideration.

Framework for considering whether an individual is MORE or LESS likely to be a victim of human trafficking for the purpose of sexual exploitation

Rating	Factor	Detail
MORE LIKELY to be a victim of human trafficking for the purpose of sexual exploitation	Frequency of offence	Sexual offence has taken place multiple times and/or over an extended period
	Number of offenders involved in offence.	Sexual offence involves one or more offenders over an extended period
	Patterns or trends.	Patterns or trends that indicate evidence of human trafficking for sexual exploitation, such as evidence of previous criminality by the perpetrator or other victims with the same perpetrator
	Whether the offender profited monetarily, socially, or politically from the offence	The offender has profited from the sexual exploitation.
	Grooming	Built trust and a relationship across a power imbalance to manipulate for sex. This can be by members of a gang, or an individual.
LESS LIKELY to be a victim of human trafficking for the purpose of sexual exploitation	Frequency of exploitation.	Sexual offence has taken place at a single point in time with little evidence that subsequent or similar instances of sexual offences have taken place thereafter
	Number of offenders involved in offence.	Little evidence that the individual would be further exploited by the same offender or those connected or known to the original offender
	Patterns or trends.	No evidence of any clear patterns or trends that indicate that the incident is connected to wider circumstances
	Whether the offender profited monetarily, socially, or politically from offence	No or little evidence to show that the offender has profited from the sexual exploitation, as opposed to an isolated incident of, or threatened, physical intrusion of sexual nature, such as rape, or sexual assault.
	Grooming	No grooming related factors identified.

2.29. Decision-makers should document evidence that has been considered and the rationale to the outcome of their decision.

2.30. When making decisions regarding child sexual exploitation, decision-makers should refer to the Child sexual exploitation: definition and guidance for practitioners produced by the Department for Education.

2.31. In most cases involving human trafficking for the purpose of sexual exploitation, the victim is female; however, it is important to be aware that there are also male victims.

2.32. The majority of female victims of trafficking identified in the UK are exploited through prostitution. Many are beaten, raped and abused. They may go abroad based on false promises of good jobs and economic opportunities, often out of ambition to earn money and make a better life for their children or family.

2.33. The forcible or deceptive recruitment of women and girls for forced prostitution or sexual exploitation is a form of gender-related violence. For more information on gender related violence, see:

- Violence against women and girls
- Stolen Smiles: a summary report

2.34. Male victims of sexual exploitation may have additional barriers to disclosure. There is currently a limited research base to assess the exact extent of adult male sexual exploitation.

2.35. Please refer to the detailed guidance regarding children who are being sexually exploited. See Safeguarding children from sexual exploitation.

2.36. There is no typical experience of people who have been trafficked for sexual exploitation. Some are held captive, assaulted and violated. Others are less abused physically, but are psychologically tormented, and live in fear of harm to themselves and their family members. The way in which different people describe their experiences means First Responders, SCA and IECA staff must not rely on victims to self-identify in explicit or obvious ways.

Trafficking: exploitation – forced labour

2.37. Forced labour is not restricted to a particular sector of the labour market but cases have been identified in these sectors:

- manufacturing
- food processing
- agriculture
- hospitality

2.38. For forced labour within the home, see the domestic servitude section.

2.39. As with other forms of trafficking related exploitation, a high level of harm and control or coercion is needed to trigger the UK's obligation under the Council of Europe Convention on Action against Trafficking in Human Beings.

2.40. Forced labour represents a severe violation of human rights and is a restriction of human freedom. The International Labour Organisation (ILO) defines forced work as:

'All work or service which is exacted from any person under the menace of any penalty and for which the person has not offered himself voluntarily'.

However, there are five exceptions. See 'Forced labour exceptions'

2.41. This definition is a useful indication of the scope of forced labour for the purposes of human trafficking. In Siliadan v France 2005 (Application no. 73316/01), the European Court of Human Rights took this as the starting point for considering a forced labour threshold and held that for forced labour, there must be work:

'exacted under the menace of any penalty which is performed against the will of the person concerned, that is, for which the person has not offered themselves voluntarily.'

2.42. Forced labour cannot be equated (considered) simply with either:

- working for low wages and/or in poor working conditions
- situations of pure economic necessity, as when a worker feels unable to leave a job because of the real or perceived absence of employment alternatives

2.43. In cases involving children, not all work done by a child should be considered as exploitation. Participation in work that does not affect the health and personal development of a child or interfere with their schooling, should generally be regarded as being something positive. This may include activities such as helping parents around the home, assisting in a family business or earning pocket money outside of school hours and during school holidays. Such activities can contribute to a child's development and to the welfare of their family, and can provide the child with skills and experience that helps to prepare them for their adult life.

2.44. Labour exploitation of a child deprives them of their childhood and that is harmful to their physical and mental development. Work performed by a child that is considered exploitative:

- is mentally, physically, socially or morally dangerous and harmful; and/or
- interferes with their schooling by depriving them of the opportunity to attend some or all of school hours or requiring them to attempt to combine school attendance with excessively long and heavy work

Forced labour exceptions

2.45. The International Labour Organisation (ILO) describes five situations, which constitute exceptions to the “forced labour” definition under certain conditions:

- Work exacted under compulsory military service laws of a purely military character
- Normal civic obligations
- Work exacted as a result of a conviction in a court of law, provided it is carried out under supervision and control of a public authority
- Work in emergency situations (for example flood, earthquake or famine)
- Minor communal services by members of the community in the direct interest of that community

2.46. For further information see Article 2 (2) of Convention No.29

Trafficking: exploitation – forced criminality

2.47. Forced criminality is understood as the exploitation of a person to commit activities that may include:

- pick-pocketing
- shop-lifting
- drug trafficking or cultivation
- begging
- benefit fraud and/or other types of fraud
- sham marriage
- other similar activities which are subject to penalties and imply financial gain

2.48. As noted in European Directive 011/36/EU, these must be understood as a form of forced labour or services as defined in the 1930 ILO Convention (No. 29) concerning Forced or Compulsory Labour.

2.49. Therefore, the exploitation of a person for criminal activity only falls within the scope of the definition of trafficking in human beings when all the elements of forced labour or services occur.

2.50. In cases involving children, criminal activity may appear not to have been forced but decision-makers should bear in mind that children cannot give informed consent to engage in criminal or other exploitative activity, and they cannot give consent to be abused or trafficked. Not all children involved in criminality will have been trafficked; in assessing a case all the circumstances present must be taken into account to determine whether the child has been recruited, transported, transferred, harboured or

received for the purpose of exploitation. Cases may be complex in nature, and the competent authorities must consider cases on the specific facts of an individual case.

Trafficking: exploitation – removal of organs (organ harvesting)

2.51. This type of trafficking involves exploiting people by their internal organs, which are used for transplant. Traffickers can force or deceive their victims into giving up an organ. Organs commonly traded are kidneys and liver, but any organ that cannot regenerate and can be removed and re-used could be the subject of this illegal trade.

2.52. The World Health Organization (WHO)'s Guiding Principles on Human Organ Transplantation (1991) states the commercialisation of human organs is 'a violation of human rights and human dignity'.

2.53. Section 3 of the Human Tissue Act 2004 requires 'appropriate consent' for organ donation. Section 33 of this Act outlines the restriction on transplants involving a live donor. Section 3 of the Human Tissue (Scotland) Act 2006 provides that a part of a deceased person's body can be removed after that person's death and used for all or any of the purposes of transplantation, research, education, training or audit.

2.54. The EU Organ Directive (2010/53/EU) requires organ donation to be voluntary and unpaid. However, compensation may be granted to make good the expenses and loss of income related to the donation, but avoids any financial incentive.

2.55. The Council of Europe Convention against trafficking in human organs, has been adopted by the committee of ministers, and is the first legally binding international instrument devoted solely to organ trafficking.

Trafficking: exploitation – domestic servitude

2.56. Domestic servitude often involves people working in a household where they are:

- ill treated
- humiliated
- subjected to exhausting working hours
- forced to live and work under unbearable conditions
- forced to work for little or no pay

2.57. The problems of domestic workers held in servitude are made worse by the fact it is often very difficult for them to leave their employers and seek help. Abusive employers create physical and psychological obstacles by, for example, instilling fear in the domestic slave by threatening them, or their relatives, with further abuse or deportation, or by withholding their passport.

2.58. Children living in domestic servitude may not see it as exploitation because they may have been used for domestic servitude in their home countries and it may appear like an extension of the same arrangement. Some children may have been groomed and see the domestic servitude as normal work they have to do in return for food and lodgings. There is evidence to suggest if children are kept in domestic servitude by powerful members of their community or family members they are unable to report the abuse due to the psychological control. For more information on psychological coercion see Trafficking: means – psychological coercion.

2.59. Children may experience domestic servitude at the hands of parents, other family members or carers. However, professionals and decision makers working with children must also be aware that household chores undertaken by children in their own homes or households, in reasonable conditions and under the supervision of those close to them, are an integral part of family life and growing up. These activities are therefore something positive

2.60. For more information on domestic servitude, see the United Nations Office on Drugs and Crime - Domestic 'service' or domestic slavery?

Human smuggling is not human trafficking

2.61. The competent authorities must not confuse human trafficking with human smuggling. Human smuggling is also called people smuggling.

2.62. Human smuggling occurs when an individual seeks the help of a facilitator to enter a country illegally, and the relationship between both parties ends once the transaction ends. Many of those who enter the UK illegally do so by this route. Human smuggling is not a form of modern slavery.

2.63. The purpose of human smuggling is to move a person across a border illegally, and it is regarded as a violation of state sovereignty. The purpose of modern slavery is to exploit the victim for gain or other benefit and is regarded as a violation of that person's freedom and integrity.

2.64. There are several factors which help distinguish smuggling and modern slavery (trafficking):

- with trafficking, a victim's entry into a state can be legal or illegal but smuggling is characterised by illegal entry
- trafficking can take place both within and across national borders but international travel is required for smuggling
- in the case of adults, trafficking is carried out with the use of force and/or deception – smuggling is not, which indicates it is a voluntary act on the part of those being smuggled

- trafficking involves the intended exploitation of people on arrival while the services of smugglers usually end when people reach their destination and the transaction ends

Unclear cases

2.65. Trafficking victims may indeed start out believing that they are being smuggled, will have control over how their debt is repaid and will be free to go about their business once the agreed fee has been settled. Some may well end up in a potentially exploitative situation, where they are debt bonded and forced to work to pay off their 'debts', which in many cases are increased by their trafficker over time to retain control over them.

2.66. As noted in 'Smuggled or Trafficked?' by Jacqueline Bhabha and Monette Zard' staff in the competent authorities must appreciate that in some cases the distinction of smuggling and trafficking can be blurred. There are certainly 'pure' cases of trafficking and smuggling. For example, there may be trafficking cases where children are kidnapped without their parents' consent, or in which migrant workers are defrauded and forced from the outset.

2.67. At the other end of the spectrum, there are completely transparent cross-border transportation agreements where a fee is mutually agreed and the relationship between transporter and transported ends upon arrival. However, at the point of departure and at multiple stages of the journey, it may well be unclear which category – trafficking or smuggling – is at issue.

2.68. In less clear cases, the Competent Authority must consider the information in this section of the guidance and use their judgement in order to reach a decision.

Unclear cases: illegal adoption

2.69. Not every illegal adoption would be considered exploitation. A child might, for example, be sold or adopted illegally but not exploited. The purposes of baby-selling and human trafficking/modern slavery are not necessarily the same.

2.70. Some people assume that baby-selling for adoption is a form of human trafficking because it results in a profit by selling another person. However, illegally selling a child for adoption would not constitute trafficking where the child itself is not to be exploited. Baby-selling generally results in a situation that is non-exploitative with respect to the child. Where the 'parents' are looking to adopt the child and give it a loving home it should be considered as an illegal adoption case but not a case of trafficking or modern slavery.

2.71. Trafficking/modern slavery, on the other hand, implies exploitation of the victims. If an adopted child is subjected to coerced labour or sexual

exploitation, then this can meet the exploitation element of human trafficking/modern slavery. Where the child is given to 'parents' via illegal adoption who intend to exploit the child, then this may fall under an exploitation purpose that would be considered as an element of trafficking or modern slavery.

2.72. In some cases where the baby is forcibly removed from the mother, or the mother is forced or exploited to give birth, the mother may be a victim of trafficking or modern slavery.

Unclear cases: forced marriage

2.73. Forced marriage is a crime and victims of forced marriage deserve help and support.

2.74. The joint Home Office and Foreign & Commonwealth Office Forced Marriage Unit (FMU) provides direct support and advice for victims and those at risk through its public helpline. The support offered ranges from providing information and guidance, to organising rescue and repatriation to the UK (for victims overseas). The FMU can be contacted at tel: +44 (0)207 0080 151, email: fmu@fco.gov.uk

2.75. However, a forced marriage alone would not necessarily mean that a person is a victim of modern slavery. Cases referred to the NRM must be considered in accordance with this guidance to see whether all components of the definition of either trafficking or slavery, servitude or forced and compulsory labour are present.

Unclear cases: sham marriage

2.76. Individuals may enter into a marriage or civil partnership when there is actually no genuine subsisting relationship, but in order to gain an advantage, such as for immigration purposes. The existence of a marriage which does not appear to be genuine may be an indicator of coercion or exploitation, but will not be in all cases. Each of the components of trafficking or slavery, servitude or forced and compulsory labour must be considered in accordance with this guidance.

Slavery, servitude and forced or compulsory labour

2.77. Modern slavery includes trafficking, but also encompasses cases of slavery, servitude and forced or compulsory labour. Some people may not be victims of human trafficking, but are still victims of modern slavery. Decision makers in the competent authorities must decide whether, if someone is not a victim of trafficking, they are nonetheless a victim of another form of modern slavery, including:

- victims of slavery
- victims of servitude

- victims of forced or compulsory labour

2.78. Slavery, servitude and forced or compulsory labour may also be present in trafficking cases. However, not every person who is exploited through forced labour has been trafficked. For example in some cases, a person may have been seriously exploited, but there was no action (element of movement), which means they do not meet the definition of a trafficking victim.

2.79. Slavery, servitude and forced or compulsory labour are prohibited by Article 4 of the European Convention on Human Rights and illegal across the UK, but each jurisdiction has its own legislative framework of prohibitions. For the purposes of the NRM the UK recognises that slavery, servitude and forced or compulsory labour have the same meaning as they do under Article 4 of the European Convention on Human Rights. This ensures a consistent approach for victims across the UK.

Forced or compulsory labour (victim not trafficked)

2.80. UN Convention No. 29 concerning forced or compulsory labour defines 'forced or compulsory labour' as 'all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily'.

2.81. Labour is the provision of any service, not just manual labour. 'Penalty' may go as far as physical violence or restraint, but it can also take subtler forms of a psychological nature, such as threats to denounce victims to the police or immigration authorities when their employment status is illegal. Consent is a factor in forced and compulsory labour, but a victim may have given consent in a situation where they felt they had no viable alternative, in which case they could still be subject to forced or compulsory labour. For a person to be a victim of forced or compulsory labour there must have been 2 basic components:

- Means – threat of penalty – for example, threat or use of force, coercion, abduction, fraud, deception, abuse of power or vulnerability

- Service – as a result of the means, an individual provides a service for benefit, for example, begging, sexual services, manual labour, or domestic service

2.82. However, there does not need to be a means used for children as they are not able to give informed consent to engage in criminal or other exploitative activity, and they cannot give consent to be abused or trafficked.

2.83. Child forced or compulsory labour (victim not trafficked as there has been no element of movement) will therefore consist of one basic component:

- Service – a child provides a service for benefit, for example, begging, sexual services, manual labour, or domestic service

2.84. However, not all services provided by a child will amount to forced labour. See Trafficking: exploitation - forced labour for more information.

2.85. Where a case meets the test for forced and/or compulsory labour, they would receive a positive Conclusive Grounds decision. The concepts of servitude and slavery are explained below for completeness.

2.86. For more information, see the Convention and explanatory report. See also 'Forced labour exceptions'

Servitude

2.87. 'Servitude' means an obligation to provide a service that is imposed by the use of coercion.

2.88. Servitude is an 'aggravated' form of forced or compulsory labour. The fundamental distinguishing feature between servitude and forced or compulsory labour is in the victim feeling that their condition is permanent and that the situation is unlikely to change.

Slavery

2.89. The 1926 Slavery Convention defines slavery as 'the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised'.

2.90. This concept of ownership is what makes slavery distinct – for example a situation where an individual was being controlled by another would not meet this threshold, unless there was clear evidence the person was being used as a commodity. It is a form of servitude with the additional concept of ownership. This section gives further guidance on the components that apply to victims of slavery, servitude and forced or compulsory labour where the victims have not been trafficked – means and service.

The components of modern slavery – slavery, servitude and forced or compulsory labour: means

2.91. For an individual to be a victim of slavery, servitude and forced or compulsory labour where the victims have not been trafficked, they must have been subject to a means, or threat of penalty through which that service was derived.

2.92. The UN Convention No. 29 concerning forced or compulsory labour defines 'forced or compulsory labour' as 'all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily'.

2.93. 'Penalty' may go as far as physical violence or restraint, but it can also take subtler forms of a psychological nature, such as threats to denounce victims to the police or immigration authorities when their employment status is illegal. Consent is a factor in forced and compulsory labour, but a victim may have given consent in a situation where they felt they had no viable alternative, in which case they could still be subject to forced or compulsory labour.

2.94. Slavery, servitude and forced or compulsory labour must include this threat of penalty.

2.95. Deception must of itself constitute a threat of penalty to establish means.

2.96. Different types of **means** that may be present in modern slavery cases are explained below.

Slavery, servitude, and forced or compulsory labour: means – physical coercion

2.97. Physical coercion refers to the threat of the use of force or the actual use of force against the victim of modern slavery or their family members. Physical coercion could also be more subtle measures of control, for example withholding travel or immigration documents.

Slavery, servitude, and forced or compulsory labour: means – psychological coercion

2.98. Psychological coercion refers to the threat or the perceived threat to the victim's relationships with other people. Examples of psychological coercion include any of the following:

- blackmail
- ritual oaths – there is evidence to suggest witchcraft or ritual oaths can also be used to make an individual fearful and compliant
- forcing someone to pay an excessive amount of money for substandard accommodation
- making significant deductions from an individual's 'salary'
- threats of rejection from, or disapproval by, a peer group, family
- anger or displeasure by the person considered to be a partner by the victim

2.99. There does not necessarily have to be a direct personal relationship in psychological coercion. It could refer to wider issues, for example social

stigma. This is particularly relevant in cases involving sexual exploitation or other forms of sexual violence. Other examples include:

- grooming – where individuals are enticed over time to take part in activity in which they may not be entirely willing participants (for example the 'boyfriend' method is fairly common in sexual exploitation)
- 'Stockholm syndrome' – where due to unequal power, victims create a false emotional or psychological attachment to their controller

2.100. In both of these examples the individuals can often first appear to be 'willing participants'. Due to their age and dependent status, children are especially susceptible to physical and psychological coercion.

Slavery, servitude, and forced or compulsory labour: means – complex cases

2.101. There are also more complex cases where victims have been a victim of modern slavery and subject to exploitation in their own country, and after escaping their situation travel to the UK to continue working in similar industries without such obvious control over movement or freedom.

2.102. An example of this may be where a child has been sexually exploited in a home country and then travels to the UK as an adult to work in prostitution. At first it may appear the individual is a willing participant but staff in the competent authorities must consider any progression of control and coercion when they make their decision.

Slavery, servitude and forced or compulsory labour: service

2.103. For a person to be a victim of slavery, servitude, and forced or compulsory labour where the victims have not been trafficked, there must have been a service derived via the threat of penalty.

2.104. The UN Convention No. 29 concerning forced or compulsory labour defines 'forced or compulsory labour' as 'all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily'. Labour is the provision of any service, not just manual labour.

2.105. 'Service' or labour includes: forced labour, domestic servitude, sexual services and forced criminality. These forms of service could take place in a variety of industries or in private homes.

2.106. Servitude and slavery are more serious forms of forced or compulsory labour. For the purposes of the NRM, competent authority staff will only need to determine whether an individual has been the victim of slavery, servitude, and forced or compulsory labour. Definitions for servitude and

forced or compulsory labour are within Slavery, servitude and forced or compulsory labour.

Myths about modern slavery

2.107. Those working with potential victims should understand some of the common misconceptions about modern slavery and its victims.

Myth	Reality
The person did not take opportunities to escape so is not being coerced.	Remaining in an exploitative situation could indicate a willingness to remain there and/or an absence of coercion. But there are many reasons why someone may choose not to escape an exploitative situation, for example: • fear of reprisal against the person or family members • vulnerability • Stockholm syndrome (psychological dependency on the person exploiting them) or grooming • lack of knowledge of their environment • belief that the trafficker or exploiter will fulfil their promise • fear of witchcraft • violence or threats of violence • not knowing how and where to seek help
UK nationals cannot be victims of modern slavery.	UK nationals can and have been victims of modern slavery.
Crossing a border is required in order to be trafficked.	Trafficking does not have to occur across borders; it can occur within a country.
Modern slavery is a necessary evil in some cultures and so must be accepted.	Abusive people may use 'culture' as a justification for modern slavery or trafficking other human beings. Modern slavery is a crime in the UK and child modern slavery is child abuse, not a 'cultural' issue.
It cannot be modern slavery when organiser and victim are related, married, living together or lovers.	Close relationships are often used to exploit and control others. This is especially relevant in child modern slavery. There have been numerous incidents where 'boyfriends' have groomed women and children into sexual exploitation or family members have colluded (intentionally or unintentionally) in the exploitation.
A person is not a victim of modern slavery when they say they have a better life than previously.	Some people are willing to tolerate their situation because they may perceive it as a 'stepping stone' to a better future and may compare it favourably to experiences at home. This doesn't mean they are not a victim of modern slavery.
A person is not a victim of modern slavery when they reject an offer of help.	It is not uncommon for victims to reject offers of help at first. This is not unique to victims of modern slavery.

3. Identifying potential victims of modern slavery

3.1. This chapter provides information for staff who may encounter potential victims about common indicators that may be present in a situation of modern slavery.

Key points:

- In practice, **it can be challenging to identify a potential victim of modern slavery.** Potential victims may be reluctant to come forward or not recognise themselves as victims.
- **First Responders and frontline staff who may encounter a potential victim of modern slavery should be familiar with these indicators** to support the identification of potential victims. This section includes **general, physical and psychological indicators,** and some **situational and environmental indicators** that may be present in a situation of modern slavery.
- **Some indicators are specific to child victims and/or certain types of exploitation**, such as 'county lines' cases. Further detail on indicators These are set out in detail in **Annex A.**

Indicators of modern slavery

3.2. In order to identify a potential victim of modern slavery, frontline staff who might encounter a potential victim should be familiar with the indicators set out in this section. This includes First Responders, who need to know and understand the signs which may indicate a person is a victim of modern slavery in order to decide whether to refer a case to the National Referral Mechanism (NRM).

3.3. Competent authority staff, while not First Responders, should be aware of the indicators to identify these indicators in referrals. Frontline staff who are not First Responders who encounter a victim of modern slavery will need to work with a First Responder to make a referral.

3.4. A First Responder's decision as to whether to refer a potential victim into the NRM is a decision of professional judgment based on the evidence available to them. First Responders should consider the presence of any indicators of modern slavery, including for example the non-verbal presentation of the victim, what the victim says, situational and environmental factors and all available general and specific evidence

regarding known patterns of modern slavery. Not all indicators of modern slavery will be present in all situations.

3.5. Victims of Modern Slavery can be found in a variety of situations. The United Nations Office on Drugs and Crime provides further guidance on indicators of Human Trafficking. These factors are also relevant to slavery, servitude, forced or compulsory labour and so may be present in any situation of modern slavery. These are set out in tables throughout this section and in **Annex A**. [3]

3.6. In practice it is **not easy** to identify a potential victim – there are many different physical and psychological elements to be considered as detailed below. For a variety of reasons, potential victims of modern slavery may also:

- be reluctant to come forward with information
- not recognise themselves as having been trafficked or enslaved
- tell their stories with obvious errors and/or omissions

3.7. In determining whether a person has been subjected to slavery, servitude or forced or compulsory labour, regard may be had to all the circumstances including; any of the person's personal circumstances, such as the person's age, the person's family relationships, and any physical or mental disability or illness, that significantly impair the person's ability to protect themselves from being subjected to slavery, servitude or forced or compulsory labour.

3.8. For more information on identifying potential victims who are reluctant to identify themselves, see victims who are reluctant to self-identify.

3.9. In some cases, First Responders may find it helpful to consult with other professionals before making a decision on whether to refer someone into the NRM. Frontline staff who are not First Responders will need to engage with a First Responder to facilitate an NRM referral.

3.10. The following table outlines General Indicators of modern slavery.

General Indicators – Victims may:	
• Believe that they must work against their will • Be unable to leave their work environment or home environment • Show signs that their movements are being controlled • Feel that they cannot leave • Show fear or anxiety	• Have false identity or travel documents (or none at all) • Be found in or connected to a type of location likely to be used for exploiting people • Be unfamiliar with the local language

[3] There are a number of small amendments to the indicators as originally published to reflect the evolving nature of modern slavery.

• Be subjected to violence or threats of violence against themselves or against their family members and loved ones • Suffer injuries that appear to be the result of an assault • Suffer injuries or impairments typical of certain jobs or control measures • Suffer injuries that appear to be the result of the application of control measures • Be distrustful of the authorities • Be threatened with being handed over to the authorities • Be afraid of revealing their immigration status • Not be in possession of their passports or other travel or identity documents, as those documents are being held by someone else • Come from a place known to be a source of human trafficking • Have had the fees for their transport to the country of destination paid for by facilitators, whom they must pay back by working or providing services in the destination	• Not know their home or work address • Allow others to speak for them when addressed directly • Act as if they were instructed by someone else • Be forced, threatened or deceived into working in poor conditions • Be disciplined through punishment • Be unable to negotiate working conditions • Receive little or no payment • Have no access to their earnings • Work excessively long hours over long periods • Not have any days off • Live in poor or substandard accommodations • Have no access to medical care • Have limited or no social interaction • Have limited contact with their families or with people outside of their immediate environment • Be unable to communicate freely with others • Be under the perception that they are bonded by debt • Be in a situation of dependence • Have acted on the basis of false promises

Physical and psychological indicators of modern slavery

3.11. First Responders and other frontline staff who may encounter a victim need to know about the physical and psychological signs that can indicate a person is a victim of modern slavery.

3.12. Victims of any form of modern slavery may have suffered acts of physical and/or psychological cruelty, abuse, neglect, exploitation and degradation. The enduring impact to victims' physical and mental health can be profound.

3.13. Such acts can occur at various times and/or repeatedly throughout the modern slavery experience. Victims may be subjected to physical violence, rape and sexual abuse, deprivation of their freedom and forced, threatened or deceived into working and/or living in poor conditions. Some victims are psychologically controlled or conditioned by their exploiters to the extent that they are unable to envisage escape.

3.14. As a result of the abuse and neglect that victims have experienced, they may develop poor physical or mental health. Individuals with mental or physical health conditions may also make them more likely to become a victim of modern slavery in the future.

3.15. It is important to remain observant for signs of physical injuries, health conditions and psychological trauma. However, it should also be noted that physical injuries, psychological problems and illnesses may not be obvious or visible in many cases and may not be easily disclosed by victims. For those who have been both physically and psychologically abused over prolonged periods the physical and psychological complaints are deeply entwined.

Physical indicators

3.16. Some physical indicators may only be identified by trained medical professionals. Physical indicators of modern slavery may include:

- **Physical injuries** – these may have unclear explanations as to how or when they were sustained, they may be untreated, or partially treated, or there may be multiple or unusual scars or healed fractures
- **Work related injuries** – often through inadequate personal protective equipment or poor health and safety
- **Physical consequences of captivity, neglect, poor environmental conditions** – for example, infections including tuberculosis, chest infections or skin infections, malnutrition and vitamin deficiencies or anaemia
- **Neurological symptoms** – for example, headaches, dizzy spells, poor memory, poor concentration, problems with cognition, post traumatic epilepsy
- **Dental problems** – from physical abuse and/or neglect of dental hygiene
- **Deterioration of pre-existing chronic medical conditions** – these may be untreated (or poorly treated) chronic conditions such as diabetes, hypertension or cancers
- **Cardiovascular or respiratory symptoms** – often chest pain, palpitations, breathlessness (may be due to anxiety, but poor health in victims means that such symptoms need exploring)
- **Gastrointestinal symptoms** – abdominal pain or health conditions related to swallowed, internally placed or ruptured packets of illegal substances.
- **Non-specific symptoms** – fatigue, weight loss, fainting
- **Chronic pain** – this can be from specific injuries or may be more generalised – “all over body pain”. Exacerbated by lack of sleep and stress. May be psychosomatic.

- **Medically unexplained symptoms** – symptoms without an identifiable physical cause are common, and can be non-specific such as headaches, dizziness or back pain, or may be related to trauma to a particular part of the body, for example, abdominal pain in rape victims.
- **Disfigurements** – cutting, burning, or branding may be used as a means of punishment or to indicate ownership by exploiters. Victims are sometimes forced to undergo cosmetic procedures, for example, breast implantation, use of skin lightening creams. Disfigurement can also be the result of self-harm and attempted suicide.
- **Post-operative pain** – infection or scarring from organ harvesting, particularly of a kidney.

Mental health and psychological indicators

3.17. Trauma can manifest in a number of ways, and this could be as a mental health problem, for example, as anxiety, low mood or suicidal thinking. Victims may also have diagnosable psychiatric disorders such as post-traumatic stress disorder (PTSD), complex PTSD, depressive disorders, anxiety disorders and adjustment reactions. Symptoms may be worsened by exacerbating factors, such as significant sleep deprivation and malnutrition. Psychological indicators of modern slavery may include:

- **Expression** – of fear or anxiety
- **Depression** – lack of interest in engaging in activities, lack of interest in engaging with other individuals, hopelessness
- **Isolation or alienation**
- **Attachment and identity issues** – can create detachments from others or an over-dependence (or both). This can include a dependency on exploiters
- **An inability to regulate emotions** – for example a persistent shifting between sadness, forgiveness, anger, aggression, frustration and/or emotional detachment or emotional withdrawal
- **Difficulties with relationships** – difficulties with trusting others (either lack of trust or too trusting) causing difficulties in relationships and difficulties assessing/addressing risks or warning signs in relationships
- **Loss of autonomy** – for example difficulty in making simple decisions, tendency to acquiesce to the views/desires of others
- **Memory difficulties** – either problems with concentration/attention or poor memory for past events e.g. 'gaps' or confusion about events
- **Dissociative episodes and re-experiencing phenomena** such as flashbacks
- **Other indicators may include:**
    - hostility
    - aggression
    - difficulty concentrating
    - self-harm
    - suicidal ideation
    - an attitude of guilt, self-blame, shame or low self-esteem

- psychosis or the presence of hallucinations and delusions
- substance misuse and addictions

Situational and environmental indicators of modern slavery

3.18. First Responders and frontline staff need to know about the situational and environmental signs that can indicate a person is being exploited and is a victim of modern slavery.

3.19. The following indicators, drawing on work by the International Labour Organization (ILO), have been identified as particularly relevant to those victims of modern slavery exploited for forced labour, domestic servitude and forced criminality. Indicators may include:

- **Withheld passports or identity documents, contracts, payslips, bank information, health records**
- **Lack of information about rights as workers in the UK as well as support and advice services**
- **Lack of information about a person's rights as a visitor in the UK or a lack of knowledge about the area they live in the UK**
- **Acting as if coerced or controlled by another**
- **Going missing for periods**
- **Fearful and emotional about their family or dependents**
- **Limited English, for example only having vocabulary relating to their exploitative situation**
- **Restriction of movement (noting that victims are not often 'locked-up' but movement can be restricted) or being held in isolation**
- **Withholding wages (including deductions from wages)**
- **Debt bondage**
- **Abusive working and/or living conditions**
- **Excessive overtime**

3.20. The indicators in this section are relevant to both adult and child victims. There are also specific indicators relating to child victims, and indicators relating to specific types of exploitation including sexual exploitation, forced labour, domestic servitude, criminal exploitation and county lines set out in Annex A.

4. Roles and Responsibilities

4.1. This chapter sets out the roles and responsibilities of organisations involved in tackling modern slavery.

Key points:

- Specified public authorities in England and Wales have a **statutory Duty to Notify** the Home Office when they encounter potential victims.
- **A First Responder Organisation is an organisation authorised to refer potential victims into the NRM.** First Responder Organisations include certain public authorities and some organisations that are not public authorities.
- **Competent Authorities** in the Home Office **make decisions on cases referred to the NRM** about whether they are recognised as victims of modern slavery.
- **There are two competent authorities in the Home Office, the SCA and IECA. Each competent authority has a defined group of cases which it will assess.**
- It is essential that organisations **collaborate, work together and share information** to tackle modern slavery. Annex B includes details about how the competent authorities should share information with other agencies.

Public authorities

4.2. In England and Wales, public authorities specified in section 52 of the Modern Slavery Act 2015, have a statutory Duty to Notify the Home Office when they come across potential victims of modern slavery.

4.3. This duty is discharged by either referring a potential victim into the National Referral Mechanism (NRM) where they are a child or consenting adult, or by notifying the Home Office where an adult does not consent to enter the NRM. Both a referral and a notification can be made through the Modern Slavery Portal. The portal can be accessed at: https://www.modernslavery.gov.uk/start

4.4. Similar provisions are set out, but are not yet in force, in section 38 of the Human Trafficking and Exploitation (Scotland) Act 2015. In Northern Ireland, these provisions are in section 13 of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015.

First Responder Organisations and First Responders

4.5. A First Responder Organisation is, in England and Wales, an authority that is authorised to refer a potential victim of modern slavery into the NRM. The NRM is the UK's framework for identifying victims of modern slavery. It is also one means of ensuring that adult victims receive the necessary support and assistance in the period immediately after their identification as a potential victim.

4.6. A full list of First Responders is available here. There are different cohorts of First Responder Organisations in Scotland and Northern Ireland.

4.7. It is for the First Responder Organisation to decide how it will discharge its functions as a First Responder Organisation, which are to:

- Identify potential victims of modern slavery and recognise the indicators of modern slavery.
- Gather information in order to understand what has happened to them.
- Refer victims into the NRM (in England and Wales this includes notifying the Home Office if an adult victim doesn't consent to being referred). Both can be done via the Modern Slavery Portal
- Provide a point of contact for the competent authorities to assist with the Reasonable Grounds and Conclusive Grounds decisions and to request a reconsideration.

4.8. First Responders are members of staff at First Responder Organisations who have a responsibility for discharging one or more of the functions of the First Responder Organisation and who have been trained to discharge those functions. It is for the First Responder Organisation to decide how best to discharge these functions; whether through specialist leads, training for all frontline officers or a different model. All First Responder Organisations should ensure they have pathways and protocols in place to support First Responders when they encounter a potential victim, and that all staff acting as First Responders are trained appropriately.

4.9. First Responders should also refer potential adult victims into Emergency Accommodation through the Modern Slavery Victim Care Contract after submitting an NRM referral where no other safe and secure accommodation is available.

Public authorities that are First Responder Organisations

4.10. In England and Wales, these public authorities are First Responder Organisations. As such, these organisations have a Duty to Notify the Home Office when encountering a potential victim of modern slavery. They have the following roles:

- **Law enforcement (police, NCA, Gangmasters and Labour Abuse Authority)** – have responsibility for proactively leading modern slavery

investigations, identifying potential victims, making referrals into the NRM, arresting perpetrators and raising awareness in their jurisdictions. Police are responsible for working with Local Authorities and healthcare organisations/providers to safeguard children and vulnerable adults.

- **Local Authorities** – have a statutory duty to safeguard child victims under section 47 of the Children Act 1989, and Adults at Risk under section 42 of the Care Act 2015. Local Authorities have responsibility for identifying potential victims and making referrals into the NRM. The Ministry for Housing Communities and Local Government has also published guidance on providing homelessness services to victims of modern slavery.
- **Border Force, UKVI and Immigration Enforcement** – Certain parts of the Home Office are First Responder Organisations. These agencies have responsibility for maintaining the security and integrity of the UK border, taking decisions about who has the right to visit or stay in the country, and enforcing immigration law. Border Force, UKVI and Immigration Enforcement may encounter potential victims of modern slavery during the course of this work and are First Responder Organisations. Staff in the IECA are not First Responders.

First Responder Organisations that are not public authorities

4.11. A number of organisations that are not public authorities are also First Responder Organisations in England and Wales. These are:

- Barnardo's
- BAWSO
- Kalayaan
- Medaille Trust
- Migrant Help
- New Pathways
- NSPCC
- Refugee Council
- The Salvation Army
- Unseen UK

Non-First Responder Organisations involved in tackling modern slavery

4.12. These public authorities in England and Wales are not First Responder Organisations and do not have a Duty to Notify the Home Office when encountering a potential victim of modern slavery. However, they still have the following roles:

Competent Authorities

4.13. Decisions about who is recognised as a victim of modern slavery are made by trained specialists in the Home Office. The SCA was launched in April 2019 and the IECA was created 8 November 2021. Both competent authorities recognise victims of modern slavery for cases referred to the NRM from across the UK (including referrals from Northern Ireland and Scotland).

4.14. The IECA is responsible for a specific cohort of adult cases. These are individuals who fall within the following cohorts at the point of referral to the NRM:

- All adult Foreign National Offenders (FNOs) detained in an Immigration Removal Centre.
- All adult FNOs in prison where a decision to deport has been made.
- All adult FNOs in prison where a decision has yet to be made on deportation.
- Non-detained adult FNOs where action to pursue cases towards deportation is taken in the community .
- All individuals detained in an Immigration Removal Centre (IRC) managed by the National Returns Command (NRC), including those in the Detained Asylum Casework (DAC) process.
- All individuals in the Third Country Unit (TCU)/inadmissible process irrespective of whether detained or non-detained.

4.15. The SCA is the competent authority for all other cases referred to the NRM, which includes all child cases.

4.16. All referrals (the digital referral form can be accessed here) to the NRM from First Responders must be sent to SCA, who will allocate the case to the relevant competent authority for consideration.

4.17. Both competent authorities will manage the data on NRM referrals, collectively.

4.18. Both competent authorities will also consider whether to issue VTS to a confirmed victim.

Ensuring immediate safety

4.19. **The safety, protection and support of the potential victim must always be the first priority.** Victims of modern slavery are a vulnerable group and should be treated with the same sensitivity as other vulnerable

groups, such as victims of domestic violence. For more information see Working with vulnerable people.

4.20. If a First Responder identifies a potential victim of modern slavery they should follow the safeguarding procedures set out by their organisation. In general:

- Where there is a risk of immediate harm to the potential victim, the police should be contacted by calling 999
- When the potential victim is a child, the Local Authority with safeguarding responsibility must be contacted. All victims, including possible/potential victims of modern slavery who are under the age of 18 must be referred to Children's Social Care urgently under child protection procedures
- Do not use an accompanying person as interpreter for the potential victim, and where safe to do so a potential victim should be spoken to away from anyone accompanying them

4.21. In England, when the potential victim is an adult and the identifying party believes the potential victim may be an Adult at Risk, they should inform Local Authority Adult Social Services as soon as possible. Local Authority Adult Social Services can determine whether a safeguarding enquiry under section 42 of the Care Act 2014 is required. Where the potential victim consents, they should also continue with the NRM referral process.

4.22. All potential victims are able to access emergency medical care. For further information see Medical treatment, assistance and counselling.

4.23. Adult potential victims at risk of destitution are eligible for Emergency Accommodation.

4.24. There are different referral processes for adult and child victims. First Responders should ensure referrals are made in line with the processes set out in this guidance.

4.25. This chapter sets out general principles for referring potential victims and Annex C sets out specific referral pathways for different organisations, namely: police, local authorities, Immigration Enforcement, Border Force, NCA, UKVI, NHS England and Wales, and NGOs.

The Independent Anti-Slavery Commissioner (IASC)

4.26. The Independent Anti-Slavery Commissioner (IASC) role was created in accordance with sections 40-44 of the Modern Slavery Act 2015.

4.27. The Modern Slavery Act requires IASC to encourage good practice in:

- The prevention, detection, investigation and prosecution of slavery and human trafficking offences.

- The identification of victims of those offences.
- The provision of assistance and support to victims of slavery and human trafficking offences.

4.28. While the Commissioner does not exercise functions in relation to individual cases, the Modern Slavery Act 2015 provides that the Commissioner may consider individual cases and draw conclusions about them for the purpose of considering a general issue.

4.29. Schedule 3 of the Modern Slavery Act 2015 sets out public authorities under a duty to co-operate with the Commissioner.

4.30. Further information can be found on the IASC website.

The Home Office Modern Slavery Unit

4.31. The Modern Slavery Unit has overall responsibility for modern slavery policy in England and Wales.

Other public authorities

4.32. These public authorities should work with First Responder Organisations to make referrals where potential victims of modern slavery are identified. They should be proactive in multi-agency information sharing, utilising their locally agreed Anti-Slavery partnership strategies.

- **Prisons and immigration removal centres** – have responsibility for identifying and supporting victims and raising awareness of this crime amongst prisoners/individuals in detention and staff. HM Prison and Probation Service and HM Prison Service have produced guidance for staff working in prisons and for prisoners in England and Wales that explains what modern slavery is, how to spot the signs, what action to take, and the support that is available to victims in prison. This guidance can be viewed here: Modern slavery guidance - GOV.UK (www.gov.uk).
- **Prosecutorial Services and Courts** – should be alert to signs of modern slavery and the circumstances in which a section 45 defence may apply (see Annex H). They should also be aware of the protections awarded to vulnerable witnesses under the Victims' Code.
- **Healthcare organisations/providers** – can identify potential victims in primary and secondary healthcare settings and should raise awareness of this crime amongst patients, visitors and staff. Healthcare organisations/providers, together with Local Authorities and the police have a responsibility for safeguarding children. Healthcare organisations/providers also have a responsibility to provide emergency and ongoing medical treatment to potential and confirmed victims.
- **Education (schools and colleges)** – have responsibility for educating potential child victims of modern slavery and educating the child dependents of adult victims.

- **Wider civil service** – have responsibility for identifying potential victims and raising awareness of this crime amongst staff. Victims may be identified in a variety of settings such as Job Centres or Fire Service enforcement actions. The civil service has a responsibility for ensuring their processes and systems consider the specific needs of victims of modern slavery.

Independent Child Trafficking Guardians (ICTGs)

4.33. Where available, an Independent Child Trafficking Guardian (ICTG) provides advocacy on behalf of child victims. The locations of where the ICTG provision is currently available and corresponding guidance on the role of the ICTG can be found here. Further information on the role of ICTGs is provided in this section.

Multi-agency working

4.34. The fight against modern slavery encompasses many aspects. There is the need to identify and support victims, safeguard individuals, bring perpetrators to justice, develop information and data flows, increase awareness and create long-term, sustainable changes to behaviours, practice, skills and expertise. No single agency can eradicate modern slavery alone and so it is vital that organisations collaborate, work together and share information, both with domestic partners and internationally.

Information Sharing, Confidentiality and Record Keeping (note these principles apply UK-wide)

4.35. Poor or non-existent information sharing is a factor repeatedly identified as an issue in Domestic Homicide Reviews, Adult Death Reviews and Serious Case Reviews carried out following the death of, or serious injury to, a child. Organisations involved in identifying and supporting victims need to understand how and when they can share information in support of victims.

4.36. Victims will have been in situations where contact with outsiders has been handled with suspicion. They may be concerned about risks to their health and safety. Careless handling of personal information greatly increases that risk. Inter-agency cooperation is essential in correctly identifying and sufficiently supporting victims but the data that gets transferred between agencies must be heavily protected.

4.37. First Responder Organisations, government bodies, the competent authorities, and support providers under the Modern Slavery Victim Care Contract should ensure that victims are aware of what information will be treated confidentially. Those working with the victim should be particularly careful of the victim's address, support arrangements or any other details

that may compromise their safety. Confidentiality is an important condition in working with victims of modern slavery but should not be a barrier to working with victims.

4.38. First Responder Organisations, government bodies, the competent authorities, and support providers under the Modern Slavery Victim Care Contract will need to be aware of how to share information between organisations.

4.39. Information regarding victims should be collected, held and shared in line with UK General Data Protection Regulation (GDPR) and the Data Protection Act 2018.

4.40. The valid legal basis for the Home Office collecting and sharing information is set out in the Privacy Information notice: national referral mechanism.

4.41. Those working with victims should consider whether there are safeguarding risks to the individual if information is not shared, or if sharing the information is in the public interest, for example in order to prevent a crime being committed. Safeguarding the victim should always take priority.

4.42. For those working with victims, in addition to the UK GDPR and Data Protection Act 2018, practitioners need to balance the common law duty of confidence, and the rights within the Human Rights Act 1998, against the effect on children or Adults at Risk, if they do not share the information.

4.43. In the context of safeguarding a child or young person, where the child's welfare is paramount, practitioners must consider what is necessary and proportionate to disclose on a case-by-case basis.

4.44. If there is uncertainty around what information can be shared, staff should seek advice from the Data Protection Officer in their organisation.

4.45. Further information on data sharing, including UK GDPR issues, can be found in the Government guidance on Information sharing Advice for practitioners providing safeguarding services to children, young people, parents and carers.

4.46. Annex B sets out further guidance for the competent authorities about sharing information with different agencies.

5. Referring potential victims of modern slavery into the National Referral Mechanism

5.1. This chapter provides information for First Responders in England about what to do when encountering a potential victim of modern slavery, including how to refer them into the NRM.

5.2. For Northern Ireland and Scotland please refer to the guidance on NRM referrals.

5.3. In Wales a Multi-Agency Risk Assessment Conference (MARAC) approach is adopted to refer victims into support. The MARAC guidance should be followed when a victim is identified in Wales. The remainder of this chapter applies in England.

Key points:

- **First Responders who encounter potential victims should follow the safeguarding procedures set out by their organisation.** The safety, protection and support of the potential victim must always be the first priority.
- **There are different referral processes for adult and child victims:**
    - Consent is required to refer an adult into the NRM. Being recognised as a potential victim, or victim, through the NRM may allow the individual to access support. Where an adult does not consent, the First Responder still has a 'Duty to Notify' the Home Office that they have encountered a potential victim. In all cases, First Responders should consider whether it is appropriate to also refer the potential adult victim to Local Authority Adult Safeguarding Services.
    - First Responders should immediately contact local authority children's services when a child victim is identified. First Responders should refer all child victims to the NRM.
    - Adult and child **referrals**, and notifications under the Duty to Notify can be made through the online portal: https://www.modernslavery.gov.uk/start
- **Annex C sets out specific referral pathways for different organisations,** namely: police, local authorities, Immigration

Enforcement[4] Border Force, NCA, UKVI, NHS England and Wales, and NGOs.

Why enter the National Referral Mechanism?

5.4. While not all support for adult victims is provided through the National Referral Mechanism (NRM), being recognised as a potential victim, or victim, may allow the individual to access support via the NRM. Support for adult victims may include:

- access to legal aid for immigration advice
- access to short-term Government-funded support through the Modern Slavery Victim Care Contract (accommodation, material assistance, translation and interpretation services, counselling, advice, etc.)
- outreach support if already in Local Authority accommodation or asylum accommodation
- assistance to return to their home country if not a UK national

5.5. Support for children is provided through the Local Authority. In addition, children may be able to access support from Independent Child Trafficking Guardians. As children do not need to consent to enter the NRM, all children should be referred in.

5.6. Details of the support victims may receive is set out in the Support for adult victims and Child victims sections of this guidance.

Referring an adult potential victim into the National Referral Mechanism

5.7. This section explains how First Responder Organisations should discharge the Duty to Notify when encountering an adult potential victim and how to refer them into the NRM where appropriate. The Duty to Notify is discharged for adults by making a referral into the NRM where the adult consents to enter the NRM, or by completing an anonymous entry on the digital system where the adult does not consent.

5.8. A First Responder's decision as to whether to refer a potential victim into the NRM is a decision of professional judgment based on the evidence available to them. Further information on identifying potential victims of modern slavery can be found in the Indicators of modern slavery section.

[4] This excludes staff in the IECA

Safeguarding

5.9. Victims of modern slavery are often Adults at Risk, particularly when rescued from a situation of exploitation. First Responders should take account of the guidance in this document regarding Working with vulnerable people. If the First Responder believes the potential victim may be an Adult at Risk they should inform the Local Authority Adult Safeguarding Service as soon as possible to identify whether a section 42 enquiry, under the Care Act 2014, is required for the victim.

5.10. Councils responsibilities for safeguarding adults derive from the Care Act 2014 and the Care and Support Statutory guidance. As described in the Care Act factsheets, 'Safeguarding is aimed at people with care and support needs who may be in vulnerable circumstances and at risk of abuse or neglect. In these cases, local services must work together to spot those at risk and take steps to protect them. The Act requires Local Authorities to make enquires, or ask others to make enquiries, when they think an adult with care and support needs may be at risk of abuse or neglect in their area and to find out what, if any, action may be needed. This applies whether or not the authority is actually providing any care and support services to that adult.'

5.11. Subsequent support from councils will be determined by whether the individual has care and support needs under the Care Act 2014.

5.12. When determining whether to make a referral to Local Authority Adult Safeguarding Services, First Responders should consider:

- The victim's level of trauma
- The level of sophistication demonstrated by their exploiter
- The desire the exploiter has to recover the victim
- Other factors that may result in the potential victim being at risk of re-victimisation. Examples of adults who are particularly susceptible to modern slavery are outlined in the Adults who are particularly susceptible to modern slavery section of the guidance.

5.13. This may require coordination and cooperation between different departments within a Local Authority, or between different Local Authorities. For all Local Authorities it will require co-operation with other public authorities. Sharing observations and concerns with another staff member and a safeguarding team and other frontline staff ensures that appropriate safeguarding for potential victims is not overlooked. Other specialist organisations and Non-governmental organisations (NGOs) may also be a good source of information and advice.

5.14. A safeguarding referral to a Local Authority should be done in collaboration with the adult victim, taking into account their needs and wishes.

5.15. The ‘Making Safeguarding Personal’ approach in the Care Act 2014 also requires that the person at the centre of a section 42 enquiry be consulted about what they would like to happen as a result of the enquiry and to have their views taken into consideration.

5.16. Potential victims may have complex care and support needs which are not necessarily easy to identify. Wider support agencies may be able to assist in understanding care and support needs and the risks to the adult victim.

5.17. Even where an adult has been removed from a harmful situation, they are at risk of re-victimisation. If there is no immediate risk relating to safety or the individual’s welfare, it remains important to discuss any concerns with your designated safeguarding professional or Local Authority Safeguarding Adults Team and follow adult safeguarding policies and procedures.

5.18. It is important that relevant information is shared with Safeguarding Adults Boards to reduce the risk of harm to potential victims. Further information on information sharing is available here.

Capacity

5.19. It should be presumed that an individual has the capacity to make a decision about whether to consent to entering the NRM.

5.20. When there may be concern about a person’s capacity to independently make a decision about whether or not to consent to entering the NRM, steps should be taken to try to support the individual to make the decision. See Chapter 3 of the Mental Capacity Act Code of Practice for more information.

5.21. An individual cannot be presumed to lack mental capacity for a particular decision unless they have been given all practicable support to make it. However, as set out in Sections 2-4 of the Mental Capacity Act 2005 where an individual does not have the capacity to consent, a best interests decision should be taken. Before a decision is taken in the best interests of an individual, it is vital to consult with any other agencies involved in the care and support of the individual.

5.22. Further information is available in the Mental Capacity Act Code of Practice, which covers England and Wales.

Informed Consent

5.23. Adult victims need to give informed consent to enter the NRM and access the MSVCC support specifically available to victims of modern slavery.

5.24. It is important that, where the individual has the capacity to consent, that they understand what they are consenting to. First Responders should ensure that victims understand that by entering the NRM they are consenting to a Reasonable Grounds and Conclusive Grounds decision being made. First Responders should inform the victims of the support that they may be able to receive as set out in the Why enter the National Referral Mechanism? section of this guidance. This may require the assistance of an appropriate interpreter.

5.25. When a person is referred into the NRM it is the responsibility of the First Responder to ensure that the person is informed how their data will be processed by the Home Office for the purpose of determining if they are a victim of modern slavery and to provide them with support via the Modern Slavery Victim Care Contract (if support is required). The First Responder must refer the person to the NRM Privacy Information Notice found here

5.26. First Responders are required to record that they have obtained consent when completing a referral through the Modern Slavery Portal.

When the adult consents to entering the NRM

5.27. When the adult consents to enter the NRM, the First Responder should make a referral into the NRM through the Modern Slavery Portal: https://www.modernslavery.gov.uk/start

5.28. Making an NRM referral discharges the Duty to Notify which applies to public authorities set out in section 52 of the Modern Slavery Act 2015.

5.29. Organisations that are not designated First Responder Organisations will need to work with a First Responder Organisation to make a referral.

When an adult does not consent to enter the National Referral Mechanism

5.30. Adult potential victims who choose not to enter the NRM may still be eligible for other state support. A victim who does not enter the NRM may still:

- Be in immediate risk of harm, in which case the police should be contacted by calling 999
- Be eligible for housing support through the Local Authority or be eligible for other support from the state where they have recourse to public funds
- Be eligible to make a claim for asylum or another type of immigration status or stay in asylum support if they have an active claim (where the individual does not have the right to reside in the UK)
- Be able to receive emergency medical care

- Be at risk of further exploitation, see the safeguarding section.

5.31. It is important to note that only qualified immigration advisors may offer advice on immigration options. Immigration advisors can be located using the government Find an Immigration Advisor service.

5.32. Where the potential victim does not consent to enter the NRM, the Duty to Notify is discharged by notifying the SCA via the Modern Slavery Portal: https://www.modernslavery.gov.uk/start

5.33. The information provided via the Modern Slavery Portal will be used to build a better picture of modern slavery in England and Wales, and to improve law enforcement response. The police can use the information provided through the portal to inform potential decisions around victim safeguarding. Information submitted via the portal will be passed by the relevant competent authority to police to consider forwarding to Regional Organised Crime Units as appropriate. It is therefore important that any information supplied is as detailed as possible. The Duty to Notify does not replace or supersede the existing safeguarding procedures in your organisation.

5.34. Information submitted as part of a Duty to Notify must not identify the potential victim unless they have consented to providing their personal details. A potential victim can refuse to engage with police services and can refuse to provide their personal details but they cannot prevent the information being submitted to the police. The anonymous information provided should include any relevant non-personal information which may help the police to investigate the crime.

5.35. If a First Responder knows that another organisation has already notified the Home Office of the potential victim under the 'Duty to Notify', then an additional notification is not required. If possible and appropriate, the First Responder should contact other agencies who have previously encountered the individual to check whether a referral has already been made.

5.36. This duty is not retrospective and so public authorities do not need to notify the Home Office of victims first encountered prior to 1 November 2015. Where a case has already been referred into the NRM prior to 1 November 2015 and the individual is encountered again, a 'Duty to Notify' notification is not required.

Referring a child potential victim into the National Referral Mechanism

5.37. Support for child victims is provided through the Local Authority rather than through the MSVCC. When encountering a child victim, First Responders should ensure the Local Authority children's services are

contacted immediately. See the section on Safeguarding children for more information.

5.38. An NRM referral should still be made by the First Responder who identified the child victim. Child victims do not need to consent to enter the NRM, and as such, an NRM referral should always be made using the Modern Slavery Portal: https://www.modernslavery.gov.uk/start

5.39. Making this referral discharges the Duty to Notify.

5.40. Even though children do not need to consent to enter the NRM every effort should be made to ensure the child understands what is happening. Best practice for children's social care is to keep children informed of what is happening using trauma-informed and age-appropriate methods of communication in a language that they fully understand.

5.41. The First Responder should always make a referral to the Independent Child Trafficking Guardian (ICTG) service if available in the area.

6. Working with vulnerable people

6.1. This section sets out considerations that staff involved in the identification, interviewing or support of victims should give regard to when interacting with victims.

Key points:

- **Victims of modern slavery have been through traumatic events** and therefore any professional interaction with victims should be treated as an opportunity to help them progress towards long-term stability.
- **Victims may be reluctant to, or unable to, self-identify.** Some groups are more susceptible to becoming victims of modern slavery, particularly children, former victims, people who are homeless or people with drug and alcohol dependency issues.
- Victims may experience post-traumatic stress disorder and **anyone interviewing a potential victim should be aware of the impact of trauma** on the interviewee, for example difficulty recalling facts.
- Where a child is a potential victim, there is an **increased risk they will go missing** and may return to their traffickers and be re-trafficked.
- **Annex D includes further information on working with vulnerable victims,** including: common barriers to disclosure, interviewing people who have experienced trauma and working with child victims.

6.2. Victims of modern slavery have been through traumatic events. While only medical professionals should make an assessment of trauma, it is important that those working with victims should take care to avoid retraumatising victims. A victim may have hidden vulnerabilities or may have been subjected to a range of forms of modern slavery, not all of which will necessarily be revealed by the victim. Victims may not be aware that they have been exploited or may be unwilling to self-identify for another reason.

6.3. Annex D sets out considerations those involved in the identification, interviewing or support of victims of modern slavery should give regard to when interacting with victims. It also includes information on groups who are particularly susceptible to modern slavery and the impact of trauma on disclosure and credibility.

7. The National Referral Mechanism decision-making process

The Home Office launched a pilot programme in June 2021. The sites test alternative models of decision making for child victims of modern slavery and human trafficking. Any child who is referred into the NRM, where the safeguarding responsibility falls to one of the following local authorities, will be entered into the pilot programme providing they are more than 100 days from their 18th birthday and their age is not in dispute:

- Cardiff Council
- Croydon Council
- East Sussex County Council and Brighton and Hove City Council
- Enfield Council
- Glasgow City Council
- Hampshire Council
- Hull City Council
- London Borough of Barking and Dagenham
- London Borough of Bexley
- London Borough of Islington and London Borough of Camden
- London Borough of Lewisham
- London Borough of Redbridge
- Newport City Council with Torfaen, Blaenau Gwent, Monmouth and Caerphilly
- North Lincolnshire Council and North East Lincolnshire Council
- North Yorkshire County Council (City of York)
- Oxfordshire County Council
- Royal Borough of Kensington and Chelsea (Westminster City Council)
- Solihull Council
- Warwickshire County Council
- Wiltshire Council and Swindon Metropolitan Borough Council

The pilot programme will take Reasonable Grounds and Conclusive Grounds decisions, to the same standard of proof as currently used in decisions made by the competent authorities.
The decisions taken in the pilot programme will be taken by local multi-agency partners, rather than by a SCA decision-maker.

Further information on the pilot programme is available here.

7.1. This chapter sets out how the competent authorities determine if someone is a victim of modern slavery through the NRM process. This guidance is for SCA and IECA staff and those working with victims who need to understand how decisions are made. The process outlined in this chapter

applies to all cases referred to the NRM, whether referred in from England, Wales, Northern Ireland or Scotland. References to support provided are for England and Wales, please see separate guidance on support provided in Northern Ireland and Scotland here.

Key points:

- **The competent authorities consider cases of potential victims referred to the NRM** by First Responder Organisations.
- Following referral from a First Responder Organisation, **the relevant competent authority will make a Reasonable Grounds decision** to determine whether an individual is a potential victim of modern slavery. This decision should be made within 5 working days of referral, where possible. Following a positive Reasonable Grounds decision, a potential victim will receive a Recovery Period of at least 30 calendar days and will be able to receive support as set out in the Support section.
- **The relevant competent authority will make a Conclusive Grounds decision** at least 30 calendar days after the reasonable grounds decision, to determine whether 'on the balance of probabilities' there are sufficient grounds to decide that the individual is a victim of modern slavery. In many cases a decision will take longer, as all relevant information must be shared and made available to the relevant competent authority to inform the decision, which can often take interested parties significant time to provide. Following a positive Conclusive Grounds decision, victims will be exited from support only when appropriate to do so. Victims with a positive Conclusive Grounds decision will receive at least 45 calendar days of support during the move-on support period.
- In some situations, **individuals may request a reconsideration** of a Reasonable or Conclusive Grounds decision.
- Competent authorities will also consider whether to issue **temporary permission to stay** for confirmed victims who do not have a right to remain in the UK.
- Case queries and information for consideration as part of a SCA decision can be submitted to the SCA via email to nrm@modernslavery.gov.uk (for cases in England and Wales) and NRMSNI@homeoffice.gov.uk (for cases in Scotland and Northern Ireland). The email subject line should include the NRM case reference and, where appropriate, include "URGENT".
- For those case queries and information for consideration, as part of a IECA decision can be submitted to the IECA via email to **IECompetentAuthority@homeoffice.gov.uk**. The email subject line should include the NRM case reference and, where appropriate, include "URGENT".

- **Annex E is intended for staff in the competent authorities and sets out further detail about each stage of the NRM decision-making process.**

The victim's journey

7.2. This section provides a summary of the journey a victim will go through in the NRM process.

7.3. **Identify a potential victim of modern slavery and refer to the NRM**. First Responder Organisations, who are specified public authorities and Non-Governmental Organisations, have a responsibility to identify potential victims and refer cases to the SCA in the first instance. The SCA will follow a triage process to determine which competent authority will progress the case. In the case of adult victims, consent must be sought ahead of making a referral. See Referring potential victims of modern slavery into the National Referral Mechanism. There will often be immediate safety concerns, and there may be a need to arrange Emergency Accommodation if the potential victim is at risk of becoming destitute.

7.4. **Reasonable Grounds decision made by the relevant competent authority** to determine whether it:

- finds there are reasonable grounds to believe, based on all available general and specific evidence but falling short of conclusive proof, that a person is a victim of human trafficking
- finds there are reasonable grounds to believe, based on all available general and specific evidence but falling short of conclusive proof, that a person is a victim of slavery, servitude, or forced or compulsory labour
- concludes there are not Reasonable Grounds to believe this individual is a victim of any form of modern slavery

7.5. The Section Making a Reasonable Grounds decision, sets out the decision making process for the Reasonable Grounds stage. Following a positive Reasonable Grounds decision an adult victim is entitled to support as set out in the Support for Adult Victims section.

7.6. This Reasonable Grounds decision should be made, where possible, within 5 working days of referral to the NRM.

7.7. The Reasonable Grounds decision acts as a filter for potential victims referred to the NRM based on the information available at that time. This will be followed by a substantive Conclusive Grounds decision on whether someone is formally recognised as a victim, with a higher threshold.

7.8. **Following a positive Reasonable Grounds decision, a victim will receive a Recovery Period of at least 30 calendar days.** This period

begins on the date the decision is made. A Recovery Period will not be observed where a public order or bad faith disqualification has been applied as described in Public Order Disqualification and Bad Faith Disqualification; or where it has been decided it is not appropriate to provide an additional recovery period as described in Making an Additional Recovery Period decision. If a victim receives a negative Reasonable Grounds decision, they will not enter MSVCC support and if they are in emergency support, will exit following up to 14 working days of move on support.

7.9. **Conclusive Grounds decision is made by the relevant competent authority.** The Conclusive Grounds decision should generally be made as soon as possible. However, a decision can only be made when sufficient information about the case has been shared or made available by interested parties to the relevant competent authority. See Annex E – Guidance for competent authority staff on the NRM decision-making process (please note this annex applies for all cases referred UK-wide) for more guidance to competent authority staff on the NRM decision making process). Whilst the competent authorities may make a decision after 30 calendar days from the positive Reasonable Grounds decision, in many cases it will take significantly longer for all relevant information to be available to inform the decision.

7.10. The test to use for the Conclusive Grounds decision is whether, 'on the balance of probabilities', there are sufficient grounds to decide that the individual being considered is a victim of human trafficking or slavery, servitude, and forced or compulsory labour. This threshold is higher than the reasonable grounds test, but lower than the criminal standard of proof.

7.11. The relevant competent authority must first consider whether there are sufficient grounds to decide that the individual is a victim of trafficking. If there are not sufficient grounds, then the relevant competent authority must go on to consider if there are sufficient grounds to decide that the individual is a victim of slavery, servitude, and forced or compulsory labour.

7.12. **Following a positive Conclusive Grounds decision victims will be exited from MSVCC support only when appropriate to do so. Victims will receive at least 45 calendar days of support during the move-on period** during which the support provider will help the victim transition out of support (for support provision in Northern Ireland and Scotland please see separate guidance link at 7.1). This move on period starts when the victim receives their positive Conclusive Grounds decision. The point at which a victim will be exited from MSVCC support will be determined through a Recovery Needs Assessment conducted in accordance with Recovery Needs Assessment (RNA) process guidance; this guidance is for SCA staff, who make all decisions related to support provided through the RNA process.

7.13. Following a negative Conclusive Grounds decision being made, an individual will receive up to 14 working days of move-on support from date of receipt of the decision by the individual or the party acting on their behalf. An extension request may be made where an individual has received a negative decision and needs an additional period to become self-supporting or to transition into mainstream support. For example, a support provider may make an extension request when an individual is waiting for a National Insurance Number in order to begin work.

7.14. In some situations, someone may request a reconsideration of an Reasonable Grounds or Conclusive Grounds decision where there is additional evidence that may impact the decision or they believe the decision is not in line with published guidance.

7.15. Following a positive Conclusive Grounds decision, where the victim does not have the right to remain, non-EEA and EEA nationals will automatically be considered for a grant of VTS. This consideration will be undertaken by the competent authority that made the Conclusive Grounds decision. If they have received a positive Reasonable and/or Conclusive Grounds decision, they can receive legal aid to support this application. For further information see Temporary permission to stay for victims of human trafficking and slavery: caseworker guidance.

7.16. Annex E sets out in detail the steps that competent authority staff should take as part of the NRM decision-making process, including how to record the decision and who to notify.

7.17. Those working with victims may have queries about the decision-making process for a specific individual in the NRM or have information they wish to provide and be taken into consideration as part of a decision. In such instances the relevant competent authority can be contacted, and information provided at:

- For SCA cases, nrm@modernslavery.gov.uk (for cases in England and Wales) or NRMSNI@homeoffice.gov.uk (for cases in Scotland and Northern Ireland).
    - Emails should include details of the individual to whom the case relates, including the NRM case reference in the subject line, and, where appropriate, “URGENT” also included in the subject line, to enable SCA staff to identify such incoming emails quickly.

- **0300 0727 543** (for cases in England and Wales), **0300 0722 789** (for cases in Scotland) or **0300 0722 654** (for cases in Northern Ireland). These duty lines operate on usual business days between 10am and 3pm.

- For IECA cases, contact IECompetentAuthority@homeoffice.gov.uk or **0300 0710 654**

7.18. Those working with victims may also find it useful to understand the structure and roles of staff working within the competent authorities. Below are details of the key roles within the relevant decision-making function:

- **Business Support Team**: Take receipt of new referrals received by the SCA.
- **Case Preparation Team**: Gather information required for the Conclusive Grounds decision.
- **Decision Maker:** Complete Reasonable Grounds, Conclusive Grounds, Temporary Leave to Remain for VTS and Recovery Needs Assessment decisions.
- **Technical Specialist**: Provide quality assurance, advice and guidance and training for decision makers.
- **Team Leader:** Operational management role.
- **Senior Technical Specialist**: Assure the knowledge levels, provide oversight and operational management of Technical Specialists and work closely with the Modern Slavery Unit regarding the operational implementation of policy.
- **Operational Leader**: Senior operational management of decision-making functions within specified locations.
- **Head of Operations**: Strategic leader and oversight of decision making. There is a specific Head of Operations for victim identification decision making and Recovery Needs Assessment decision making.

8. Support for Adult Victims

8.1. This chapter summarises guidance for staff who may support potential adult victims about the support available across England and Wales. Northern Ireland and Scotland have separate arrangements for supporting victims.

Key points:

- **Support for potential and confirmed adult victims in England and Wales is provided through a mixture of mainstream and/or specialist support.** Support for adult victims referred into the NRM may include:
  - Access to Government-funded support through the Modern Slavery Victim Care Contract (including accommodation, material assistance, financial support, translation and interpretation services, information and advice)
  - 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
- **Annex F sets out the further information on support available to adult potential victims.**

8.2. The safety of the potential victim or victim must always come first as they may be at serious risk from their traffickers or exploiters. First Responders should take appropriate steps to make sure the potential victim is safe until a Reasonable Grounds decision is made, for example, by requesting Emergency Accommodation where appropriate, or contacting the police on 999 when the individual is in immediate risk of harm.

8.3. In the case of Adults at Risk as defined in the Care Act 2014, Local Authorities should provide emergency support in line with local safeguarding arrangements. Local Authorities also have existing obligations to offer long-term support to Adults at Risk.

8.4. Support for potential victims and confirmed victims can be provided through a mixture of mainstream and/or specialist support. Specialist support is accessed by completing a National Referral Mechanism referral (see Referring an adult potential victim into the National Referral Mechanism).

8.5. Support services may be delivered by a range of organisations, including central government and the support on offer through the Modern Slavery Victim Care Contract (MSVCC) managed by the Home Office, which supports adult victims in England and Wales in the community. Potential and confirmed victims may also access support outside of specialist modern slavery support provision, for example, they may receive accommodation through the asylum support system or from a local authority. Where a victim is in immigration detention or prison, support is provided by the immigration removal centre or HM Prison. Support may also be provided by third parties not contracted by the state.

The general principle of support provided through the Modern Slavery Victim Care Contract

8.6. The Modern Slavery Victim Care Contract operates as a bridge, to lift adult victims out of a situation of exploitation and to set them on a pathway to rebuilding their lives. As such, it is important that no support provided through the Modern Slavery Victim Care Contract prevents potential victims or victims from accessing support they would otherwise be entitled to receive. The Modern Slavery Victim Care Contract generally offers temporary support; other long-term support options should be pursued where they are available and able to meet the victim's needs. One of the roles of the Modern Slavery Victim Care Contract is to provide information and signposting to potential victim or victims, and in some circumstances facilitate access to statutory and non-statutory services, including services that may provide longer-term support.

8.7. Risk and needs are assessed at various points throughout the victim's journey. These include:

- Initial Risk Assessment – an initial assessment of risk and immediate welfare needs that takes place for all potential victims at the point of referral into Modern Slavery Victim Care Contract support.
- Preliminary Risk Assessment – an assessment undertaken after, and in addition to, the Initial Risk Assessment, for potential victims supported in outreach to identify any further immediate welfare needs.
- Full Risk Assessment – a more detailed risk assessment of safeguarding needs for all potential victims or victims in accommodation or outreach which takes places during the Recovery Period and is continuously reviewed in light of changes to the potential victim or victim's circumstances.
- Needs-Based Assessment – an assessment for all potential victims in the Recovery Period which will identify the support required to address the needs of the potential victim at the Reasonable Grounds stage. Need should continue to be reviewed throughout the victim's time in support as appropriate.

8.8. Further information on the purpose and objective of the risk and needs assessments can be found at 'Assessing risk on entry to the Modern Slavery Victim Care Contract' and 'Assessing need on entry to the Modern Slavery Victim Care Contract'.

8.9. If it any point the support worker believes the potential victim or victim may be an Adult at Risk, the Adult Safeguarding Service for the Local Authority should be contacted to ensure safeguarding adults' procedures are followed as appropriate.

8.10. All assessments should be conducted in a language understood by the victim.

Assessing risk on entry to the Modern Slavery Victim Care Contract

8.11. An Initial Risk Assessment will take place for all individuals following a referral into the NRM when the potential victim has consented to receiving support through the Modern Slavery Victim Care Contract. The purpose of the Initial Risk Assessment is to:

- Establish any immediate welfare needs of the potential victim (and their dependents);
- Assess any ongoing risk to the potential victim (and their dependents) from those who have exploited them;
- Determine whether the potential victim (and their dependents) need to be accommodated.
- Assess if there are any immediate safeguarding needs in respect of children and if appropriate, make a referral to the Local Authority's Children's Services department.

8.12. The objective of the Initial Risk Assessment is to facilitate a positive entry into Modern Slavery Victim Care Contract support that enables potential victims to feel safe, welcome and supported, and identify where urgent support is needed to meet immediate welfare needs or where individuals are at-risk or vulnerable, including:

- Emotional and mental wellbeing
- Level of trauma, risk of self-harm, suicide etc.
- Physical health including long-term medical conditions, need for emergency or immediate medical care
- Specific accommodation requirements such as a need for single-sex accommodation, any reasons to be located in a specific area
- Support currently received including external services they are currently accessing, for example: counselling or medication
- Ability to live independently, maintain personal care, hygiene, self-medicate etc.

- Language and cultural needs
- Family situation such as pregnancy, whether they have dependents etc.
- Risk to self and others

8.13. For potential victims referred to the outreach service, a Preliminary Risk Assessment will take place after, and in addition to, the Initial Risk Assessment. The purpose of a Preliminary Risk Assessment is to:

- Establish if the potential victim (or their dependents) has any previously unidentified immediate welfare needs and take steps to address them;
- To confirm the appropriate allocation of outreach support to a potential victim (and their dependents);
- To identify any safeguarding concerns and take immediate action to address these if necessary; and
- To make arrangements for a Full Risk Assessment and Needs-Based Assessment.

8.14. The Preliminary Risk Assessment should ensure, as a minimum, that:

The immediate welfare needs of the potential victim identified in the Initial Risk Assessment - and any further unidentified needs - are explored, including any safeguarding concerns.

8.15. Following an Initial Risk Assessment and/or a Preliminary Risk Assessment, a more detailed, Full Risk Assessment will be conducted for all victims in Modern Slavery Victim Care Contract support.

8.16. In the first instance the Full Risk Assessment will:

- confirm again the accommodation and/or outreach services to a potential victim or victim (and their dependents) and to re-visit that decision in the light of any new information which arises;
- continue to consider and address the potential victim or victim's (and dependents') immediate welfare needs; and
- identify any safeguarding concerns and take immediate action to address these if necessary.

8.17. The purpose of the Full Risk Assessment is for the support worker to work together with the potential victim or victim to identify key areas of concern including but not limited to:

- risk from exploiters or their associates;
- 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, including contacting traffickers;
- risk of harm to others;
- any spiritual abuse, e.g. witchcraft or juju;
- risk of the victim leaving accommodation without notifying staff; and
- managing risk after leaving Modern Slavery Victim Care Contract support/following identification.

Assessing need on entry to the Modern Slavery Victim Care Contract

8.18. In addition to the Full Risk Assessment, support workers will work with all potential victims to inform a Needs-Based Assessment.

8.19. The purpose of the Needs-Based Assessment is to identify the detailed support needs of the potential victim or victim (and their dependents), whilst they are in Modern Slavery Victim Care Contract support which considers:

- physical (including sexual) health needs;
- psychological and emotional needs;
- cultural and spiritual needs;
- practical needs, such as but not limited to the need for material assistance, interpretation services;
- if there is a requirement to access legal advice and representation;
- if there is a requirement to access other advice and assistance;
- arrangements for meeting welfare needs and payment of subsistence;
- if any dependents should be referred to the NRM in their own right;
- access to education for school-aged dependents; and
- the production of a journey plan with the potential victim or victim.

Recovery Period

8.20. Following a positive Reasonable Grounds decision, adult victims will be provided with a Recovery Period of at least 30 calendar days. This period begins on the day the Reasonable Grounds decision is made. During this period, support and assistance will also be provided on a consensual basis and potential victims will not be removed from the UK. A Recovery Period will not be observed where a public order or bad faith disqualification has been applied as described in Public Order Disqualification and Bad Faith Disqualification; or where it has been decided it is not appropriate to provide an additional recovery period as described in Making an Additional Recovery Period decision.

8.21. Where a victim has entered Modern Slavery Victim Care Contract support, an assessment of the potential victim's needs will be undertaken as described in Assessing need on entry to the Modern Slavery Victim Care Contract. Elements of support are specific to the individual's ongoing recovery needs arising from their modern slavery experiences.

8.22. Victims who consent to enter Modern Slavery Victim Care Contract support will receive advocacy to access this support. This will usually be provided by a support worker in Modern Slavery Victim Care Contract accommodation, or a support worker engaged in outreach support.

8.23. It is important to note that a full recovery should not be expected during this minimum 30-day period; for some victims this may take considerably longer or may not be possible at all. It is therefore expected that victims will leave the Modern Slavery Victim Care Contract with ongoing recovery needs when they have alternate sources of support to help them meet these needs.

Journey Plan

8.24. Each potential victim or victim in the Recovery and/or Move-On Period will have a personalised journey plan. A journey plan is a plan tailored to an individual's needs and circumstances, that keeps track of the potential victim or victim's recovery progress and details how they will move towards independence outside of Modern Slavery Victim Care Contract support. The journey plan will be informed by the Needs-Based Assessment and is developed through interaction with a support worker. The journey plan will take into account the personal goals and aspirations of the potential victim or victim and what support they will require to help them recover.

8.25. The objective of the journey plan is to:

- Ensure every potential victim or victim is aware of and able to access support and assistance appropriate to their identified needs;
- Provide support tailored to the individual needs of each potential victim or victim to help them to recover from their modern slavery experiences, to begin to move on to independence outside of Modern Slavery Victim Care Contract support; and
- Ensure that the support continues to meet needs arising from exploitation, as identified in 'Assessing risk on entry to the Modern Slavery Victim Care Contract' and 'Assessing need on entry to the Modern Slavery Victim Care Contract'

8.26. The journey plan is a living document that is mutually agreed between the support worker and the potential victim or victim and is regularly reviewed and updated to reflect changes in circumstances and/or new goals or aspirations.

Move-on Period

8.27. A period of move-on support follows a conclusive determination by the relevant competent authority that the individual is or is not recognised as a victim. Those recognised as victims receive a guaranteed minimum of

45 calendar days of move-on support from receipt of their positive Conclusive Grounds decision to help them transition out of Modern Slavery Victim Care Contract support. The aim of the move-on period is to allow victims to plan their exit from the service, including link up with relevant services for their transition. A Recovery Needs Assessment is conducted after the positive Conclusive Grounds decision to determine what this transition might involve, including any ongoing recovery needs requiring Modern Slavery Victim Care Contract support. Guidance on determining what, if any, ongoing recovery needs a victim has, and whether Modern Slavery Victim Care Contract support continues to be necessary, is set out in the Recovery Needs Assessment guidance. Those not recognised as victims receive up to 14 working days of move-on support following their negative Conclusive Grounds decision.

8.28. Annex F sets out the full range of support available to adult potential victims, including through the Modern Slavery Victim Care Contract. The Annex contains details on:

- Accommodation and Emergency Accommodation
- Financial support and material assistance
- Translation and interpretation services
- Information on rights and services
- Medical treatment, assistance and counselling
- Assistance during criminal proceedings
- Access to the labour market, vocational training and education
- Access to legal representation and legal aid
- Pursuing compensation
- Travel to appointments
- Assistance to return to home country if not a UK national and VTS
- Support in transitioning to alternative support services

8.29. It also sets out information about support available for individuals that receive a negative Conclusive Grounds decision and the process for making an extension request for victims who are not ready to exit Modern Slavery Victim Care Contract support.

Reach-in support

8.30. Reach-in support is a post-NRM service that offers transitional support to confirmed victims, once they have exited the main Modern Slavery Victim Care Contract support service.

8.31. Victims who exit the main service on or after the 4th January 2021 with a positive Conclusive Grounds decision will be eligible for reach-in support from MSVCC Prime Contractor. The aim of reach-in, which is separate to the core Modern Slavery Victim Care Contract support

service, is to help support a smooth and sustainable transition for the confirmed victim after exit.

8.32. Following exit from the main service, the assistance that can be provided through reach-in will include provision of information and signposting in respect of the following services:

- Medical treatment;
- Translation and interpretation;
- Assistance at appropriate stages of criminal proceedings against offenders;
- Education (whether for Dependent School Age Children or otherwise);
- Employment (including preparation for work);
- Housing;
- Mental health services;
- Substance dependency (detoxification) services;
- Sexual health services;
- Specialist counselling;
- Birthing partners;
- Resettlement support;
- ESOL classes;
- Support with submitting claims e.g. asylum, benefits, or legal.

8.33. Confirmed victims can self-present to access post-exit reach-in support as required, or can be referred to the service by any professional by contacting The Salvation Army's Modern Slavery Victim Care Contract team directly on 0800 808 3733 or by sending the completed referral form found on the Salvation Army website, www.salvationarmy.org.uk/modern-slavery/new-victim-care-contract by email to mstsupport@salvationarmy.org.uk. The Modern Slavery Victim Care Contract will liaise with individual providers responsible for the Reach-In Support Service in the areas outlined above.

Re-entry to the Modern Slavery Victim Care Contract support service

8.34. Victims with a positive Conclusive Grounds decision, who have exited the main MSVCC support service, are eligible to be considered for re-entry to MSVCC support, through self-referral. The confirmed victim should contact the SCA to self-refer (nrm@modernslavery.gov.uk, or NRM Duty Line: **0300 0727 543**)

8.35. If the individual is eligible to be considered for re-entry, the SCA will send a Support Referral to The Salvation Army, who will complete a re-entry request form. The SCA will then assess the information provided on the re-entry request form as to whether the need for support outlined should be met by the MSVCC. If the support requested is determined to be provided by the MSVCC, and is linked to their modern slavery experience, then the SCA will approve the victim to be re-entered into support. If the support requested does not need to be met by the MSVCC, for example, if it is being met by other services, or the support cannot be provided by the MSVCC, or if Reach-in Support is appropriate, the victim will not re-enter MSVCC support.

8.36. After being approved for re-entry, but before the individual enters support, risk and initial needs assessments will be conducted by The Salvation Army.

8.37. Individuals with a negative Conclusive Grounds decision are not eligible to re-enter MSVCC support. An individual with a negative Conclusive Grounds decision may be eligible for support if they submit a reconsideration of Conclusive Grounds decision request and that request is successful; how to do this is set out in the 'Reconsideration of Reasonable Grounds or Conclusive Grounds decision' section. If a potential victim with a positive Reasonable Grounds decision voluntarily exits MSVCC support before receiving a Conclusive Grounds decision, and later wishes to re-enter support, they are eligible to do so, and should contact The Salvation Army directly.

Modern Slavery Victim Care Contract support to prevent destitution

8.38. An individual may need Modern Slavery Victim Care contract support on an emergency basis to prevent destitution prior to a Reasonable Grounds (RG) decision, or during the up to 14 working day move-on period following a negative RG or Conclusive Grounds decision or a Public Order or Bad Faith Disqualification. See 'Assessing Destitution Guidance' on how destitution is considered at each of these stages.

Inspection of Modern Slavery Victim Care Contract support

8.39. An inspection regime of the Modern Slavery Victim Care Contract (MSVCC) was introduced in October 2020 and is delivered by the Care Quality Commission (CQC). The purpose of the inspection regime is to ensure that all support services (accommodation and outreach) provided under the MSVCC are delivered to an appropriate standard and in line

with the provisions specified in the contract. By conducting inspections on services, CQC will aim to identify areas of improvement and best practice, working collaboratively with the Home Office and the Prime Supplier to ensure quality of the service delivered to potential and confirmed victims of modern slavery and support their recovery.

9. Child Victims

9.1. This chapter summarises information for staff who may support potential child victims across England and Wales

Key points:

- **With the exception of children in scope of the devolved decision-making pilot, all referrals for children will be undertaken by the SCA.**
- **Support for child victims of modern slavery is provided through local authorities.** Local authorities are the primary service provider for safeguarding child victims regardless of their nationality or immigration. Relevant child protection procedures, as set out in Working Together to Safeguard Children 2023 must be followed if modern slavery is suspected.
- **Local safeguarding partners** – local authorities, police and clinical commissioning groups - have a duty to work together to safeguard and promote the welfare of children including child victims of modern slavery.
- **Independent Child Trafficking Guardians (ICTGs) in England and Wales are an independent source of advice for trafficked children,** somebody who can speak up on their behalf and act in the best interests of the child. ICTGs are currently available in two-thirds of local authorities and the Government has committed to rolling out ICTGs across England and Wales.
- Annex G provides further information on the support available to child victims.

Multi-agency working and protocols to support child victims

9.2. A cohesive multi-agency approach is essential to protecting child victims of modern slavery from further risk from their exploiters and of further exploitation.

9.3. Children who have been trafficked, whether UK or non-UK nationals, may be identified in different settings and in different ways. This includes at school, when receiving healthcare treatment, via Child Services, during law enforcement action, on entry or exit at an airport, seaport, or via clandestine entry, or while in the immigration or criminal justice systems.

9.4. Working together to safeguard children 2023: statutory guidance sets out the system of multi-agency safeguarding arrangements, established by the Children and Social Work Act 2017. Under the new legislation, three safeguarding partners (Local Authorities, chief officers of police, and clinical

commissioning groups) must make arrangements to work together with relevant agencies (as they consider appropriate) to safeguard and protect the welfare of children in the area. These three local safeguarding partners have a duty to work together to safeguard and promote the welfare of children including child victims of modern slavery.

9.5. The three safeguarding partners must set out in their published arrangements which organisations and agencies they will be working with to safeguard and promote the welfare of children. When selected by the safeguarding partners to be part of the local safeguarding arrangements, relevant agencies must act in accordance with the arrangements. They should contribute to whatever actions are needed to safeguard and promote the child's welfare and keep them safe from harm or further harm. Safeguarding partners should make sure the relevant organisations, agencies and practitioners are aware of the expectations placed on them by the new arrangements.

9.6. Local multi-agency safeguarding arrangements coordinate what is done at local level by all agencies who have a duty to safeguard and promote the welfare of children in their local area and to ensure the effectiveness of that work. That can include addressing trafficking as well as other forms of maltreatment.

9.7. A range of appropriate agencies should work together to coordinate preventative measures and consider modern slavery as part of the local needs assessment, where necessary taking action to address it as an explicit part of the local multi-agency safeguarding arrangements.

9.8. Local multi-agency safeguarding arrangements should include details of how inter-agency training will be commissioned, delivered and monitored and this may include trafficking issues as appropriate.

Development of local protocols for Child Victims and response to the identification of a Child Victim

9.9. Local multi-agency safeguarding arrangements should include details of how agencies will work together to identify and respond to the needs of children in their area. It may mean developing local inter-agency protocols to guide action where there are concerns that a child is a victim of modern slavery, including sharing concerns about a child's safety and the recording of cases. The protocols can be part of, and in any case should be consistent with, wider local multi-agency safeguarding policies and procedures for working with children and with relevant aspects of youth offending protocols. The identification of a child who is a potential victim of modern slavery, or is at risk of being a victim, should always trigger the agreed local child protection procedures to ensure the child's safety and welfare, and to enable the police to gather evidence about abusers and coercers. Local areas may find it useful to refer to the London Child Protection Procedures on Safeguarding Trafficked and Exploited Children.

Presumption of Age

9.10. Section 51 of the Modern Slavery Act 2015 puts on a statutory footing the presumption that, where there are reasonable grounds to believe a person is a victim of modern slavery, and it is not certain but there are reasonable grounds to believe that the person may be under 18, then the person is to be treated as being under 18 years of age for the purposes of the public authority's functions under relevant arrangements until an age assessment is carried out by a Local Authority or the person's age is otherwise determined.[5] This includes being supported by the ICTG service where available. The Association of Directors of Children's Services (ADCS) have published guidance for social workers undertaking appropriate age assessments here and a joint information sharing protocol with the Home Office is available here. Additional guidance on age assessment is provided in the Department for Education's statutory guidance on care for unaccompanied migrant children and child victims of modern slavery.

9.11. In the event of a challenge to the age assessment decision, such as by way of Judicial Review, the child would continue to receive the support of an ICTG (in areas where the service is available) until a final determination has been made.

9.12. Whether an individual is a child or an adult must be established before the SCA reaches its Conclusive Grounds decision.

9.13. If the child goes missing before the age assessment has been completed, then they must be treated as a missing child by all public authorities involved in their support and care.

Safeguarding Children

9.14. Local Authorities are the primary service provider for safeguarding and responding to the needs of a child victim of modern slavery, regardless of their nationality or immigration status.

9.15. Whatever form it takes, modern slavery and child trafficking is child abuse and relevant child protection procedures, as set out in Working together to safeguard children 2023: statutory guidance, must be followed if modern slavery or trafficking is suspected.

9.16. First Responders and other frontline staff should refer a child to the Local Authority if it is suspected, or there are concerns that they are a victim of modern slavery. Where a child has been referred to the Local

[5] Children may have been given false documents, such as passports or birth certificates, with an incorrect date of birth suggesting they are an adult.

Authority because of modern slavery concerns, children's social care should decide within 24 hours whether to undertake an initial assessment to determine whether the child is a child in need. Also, where appropriate, the Local Authority should convene a strategy discussion, and then provide early help, complete the assessment under section 17 of the children Act 1989/2004 or initiate a section 47 enquiry. Where the child is unaccompanied there will be additional responsibilities under s20 of the Children Act 1989 as set out below. Further detail on section 17 and section 47 assessment processes are set out in Chapter 1 of the statutory safeguarding guidance Working together to safeguard children 2023: statutory guidance.

9.17. It is important that until an assessment of the child's needs has been undertaken by a Local Authority child protection team, that the child is kept safe. The first priority of the identifying public authority or professional is to keep the child safe, including stopping contact with exploiters and preventing them from going missing. The child should immediately be referred through the normal safeguarding route to the relevant Local Authority children's social care services.

9.18. The relevant police force must also be informed. Upon a Reasonable Grounds decision the SCA will contact the police. Frontline staff, First Responders or the Local Authority should contact the police directly as soon as possible if there is a potentially dangerous situation or they believe there are other potential victims.

9.19. Child potential victims should be referred into the NRM. For more information see Referring a child potential victim into the National Referral Mechanism.

Unaccompanied Children

9.20. Under section 20 of the Children Act 1989, Local Authorities must provide accommodation for unaccompanied children who present in their area.

9.21. After they have been accommodated for 24 hours, they will become looked after children, entitled to the same Local Authority provision as any other looked after child. The first 24 hours are when children are most at risk of going missing. Local Authorities' duties towards looked after children and care leavers are set out in The Care Planning, Placement and Case Review (England) (Amendment) Regulations 2021 (legislation.gov.uk) and The Care Leavers (England) Regulations 2010. See section 13.5 for more information on the risk of child victims of going missing.

9.22. Unaccompanied children, including those that are victims of modern slavery, often have complex needs in addition to those faced by looked after children generally. This is because of the circumstances they have faced which may include trauma in their country of origin, and abuse or exploitation on their journey to the UK or in the UK. The support required to

address these needs must begin as soon as the child becomes known to the Local Authority.

9.23. The Local Authority must allocate a social worker to an unaccompanied child who becomes looked after. The social worker will assess the child's needs and draw up a care plan setting out how the Local Authority will meet those needs, including health and education. Particular consideration will need to be given to the child's needs as an unaccompanied and/or trafficked child. This includes recognising the placement decisions should take account of the need to protect a child from any ongoing risk from traffickers.

9.24. All those involved in the care of unaccompanied children and child victims of modern slavery should be able to recognise and understand the particular issues these children are likely to have faced. Unaccompanied children and child victims of modern slavery, including trafficking, may have experienced or witnessed extreme trauma, which can be difficult for them to recount. This may lead to the child providing conflicting accounts of what has happened to them. It should be noted that this is a common indicator of trafficking and should not be used to make judgements on the credibility of the child's account. Throughout the child's assessment, steps should be taken to minimise distress caused by asking them to repeat information they may already have provided, for example, to border officials, police or social care staff assessing their safeguarding needs. Care must be taken to ensure that the child does not become lost between the agencies involved and their different systems and procedures. This can be achieved through establishing clear processes for multi-agency working and transfer of all relevant information.

9.25. There is additional statutory guidance provided by the Department for Education for Local Authorities on the care of unaccompanied migrant children and child victims of modern slavery.[

Independent Child Trafficking Guardians (ICTGs)

9.26. In England and Wales, Independent Child Trafficking Guardians (ICTGs) are an independent source of advice for trafficked or potentially trafficked children; somebody who can speak up on their behalf and act in the best interests of the child. This service was formerly known as Independent Child Trafficking Advocates (ICTAs) but formally amended following the recommendations of the Independent Review of the Modern Slavery Act.

9.27. The Government has committed to rolling out ICTGs across England and Wales and, as of May 2021, ICTGs are available in two-thirds of Local Authorities. The locations of where the ICTG provision is currently available and corresponding guidance on the role of the ICTG service can be found here.

9.28. The ICTG service model provides:

- Direct Support for children with no figure of parental responsibility in the UK, delivered flexibly through a combination of face-to-face and remote support based off a child's individual needs and risk factors.
- Indirect Support for children who have a figure of parental responsibility in the UK, by providing independent, balanced advice and guidance to the professionals, and where appropriate parents, supporting the child to ensure the best interests of the child are met.
- In exceptional circumstances, children with a figure of parental responsibility in the UK can receive direct support based on a child's individual circumstances and risk factors.

9.29. Section 48 of the Modern Slavery Act 2015 is yet to be commenced, however in locations where ICTGs are available, public authorities who take decisions regarding, or provide services to, the child must recognise and pay due regard and provide information (subject to any restrictions on disclosure) to the ICTG to support them in performing this role, as would be required by regulations made under section 48(6)(e)(i) and (ii).

9.30. An ICTG's advocacy and involvement throughout the decision-making process is intended to ensure the child is protected from further harm, prevent possible repeat victimisation, re-trafficking or going missing and promote the child's recovery. ICTGs are independent of those authorities who are responsible for making decisions about the child.

9.31. Where the ICTG service has been implemented, if the First Responder considers a child to be a potential victim of modern slavery, they should refer them to the ICTG service by completing the online referral form (available here or here (in Welsh)). This is in addition to following usual safeguarding routes and NRM referrals.

Child Criminal Exploitation (CCE)

9.32. There is no statutory definition of Child Criminal Exploitation (CCE). For the purposes of this guidance the Government defines CCE as:

'Child Criminal Exploitation is common in county lines and occurs where an individual or group takes advantage of an imbalance of power to coerce, control, manipulate or deceive a child or young person under the age of 18. The victim may have been criminally exploited even if the activity appears consensual. Child Criminal Exploitation does not always involve physical contact; it can also occur through the use of technology.'

9.33. CCE includes a number of types of exploitation, including forced labour, forced theft, benefit fraud, acquisitive crime, drug cultivation and production, and county lines cases.

9.34. The Government approach to child offenders continues to recognise and promote safeguarding children as the primary objective, to see the child first and the offender second. All work by professionals should be child-centred and child-focused.

9.35. If anyone has concerns that a child may be a victim of Child Criminal Exploitation they should be referred to Local Authority Children's Social Care, who will decide within 24 hours what action to take including (where there is reasonable cause to suspect that a child is suffering or is likely to suffer significant harm) whether to, convene a strategy discussion. A timely assessment based on the needs of the child will then take place within 45 days. The full assessment may take the form of a section 47 enquiry, or an assessment under section 17 of the Children Act 1989. Where the child is unaccompanied there will be additional responsibilities under s20 of the Children Act 1989 as set out above. With cases of CCE, it is important that Local Authorities consider the wider context and extrafamilial threats when safeguarding children. More information on contextual safeguarding can be found in Working together to safeguard children 2023: statutory guidance If no Local Authority children's social care support is required other action or signposting may still be required including early help.

9.36. If Local Authority Children's Social Care, or a First Responder consider the child to be a victim of modern slavery the child should also be referred into the NRM, and the decision will be undertaken by the SCA.

9.37. Where criminal acts have been committed by child victims as a result of their exploitation they may be eligible for a defence under section 45 of the Modern Slavery Act 2015 (see Annex H for more information).

9.38. Indicators of Child Criminal Exploitation and county lines cases for children can be found here and further guidance for frontline staff working to safeguard children can be found in the Child Exploitation Disruption toolkit.

County lines

9.39. The Serious Violence Strategy sets out a definition of County Lines:

9.40. **'County lines is a term used to describe gangs and organised criminal networks involved in exporting illegal drugs into one or more importing areas [within the UK], using dedicated mobile phone lines or other form of "deal line". They are likely to exploit children and vulnerable adults to move [and store] the drugs and money and they will often use coercion, intimidation, violence (including sexual violence) and weapons.'**

9.41. If a First Responder believes a victim of county lines is also a victim of modern slavery, they should follow the procedures in this guidance for safeguarding and referring the child and/or adult victims into appropriate support.

9.42. Where children are victims of county lines type activity, they will also be victims of Child Criminal Exploitation and may also be victims of Child Sexual Exploitation.

9.43. Children who are victims of county lines type activity should be offered specialist support where possible. Co-operation between services to reduce risks to them and their families and increase awareness is important.[6] Local Authorities should be alert to the signs of other types of exploitation and facilitate access to specialist support where possible and where appropriate as part of the child's recovery.

9.44. Early identification is important in safeguarding children who are involved in county lines type activity. Often, they will be susceptible to other forms of exploitation such as Child Sexual Exploitation. As with modern slavery, the principle of information sharing applies.

9.45. Annex G sets out the detail of support available to children in England and Wales.

Child sexual exploitation

9.46. As per the Child sexual exploitation: definition and guidance for practitioners produced by the Department for Education:

> *Child sexual exploitation is a form of child sexual abuse. It occurs where an individual or group takes advantage of an imbalance of power to coerce, manipulate or deceive a child or young person under the age of 18 into sexual activity (a) in exchange for something the victim needs or wants, and/or (b) for the financial advantage or increased status of the perpetrator or facilitator. The victim may have been sexually exploited even if the sexual activity appears consensual. Child sexual exploitation does not always involve physical contact; it can also occur through the use of technology*

Child victim transition into adult support

9.47. Children referred into the NRM are supported by children's services within local authorities and will generally become ineligible for that support when they turn 18 and become an adult.

9.48. In England, local authorities may support child victims up to the age of 25 years old; this will depend on eligibility for care leavers support, including factors relating to the child's circumstances and time in care.

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[6] The Children's Society have best-practice resources here including prevention projects and toolkits for professionals.

Eligibility for Local Authority support is set out fully in the Children (Leaving Care) Act 2000. In Wales, the Social Services and Well-being (Wales) Act 2014 and the accompanying Part 6 Code of Practice deals with support for young people who have ceased to be looked after.

9.49. Where local authority support is no longer available for an adult whose modern slavery experience was perpetrated when they were a child and they consent to continued support in the NRM as an adult, the local authority will contact the SCA to transfer support for the victim to the MSVCC. Adults who received a positive Reasonable or Conclusive Grounds decision as a child are eligible for support through the Modern Slavery Victim Care Contract (MSVCC), unless they have been disqualified from NRM protections and support (see Annex E), when they become ineligible for local authority support as an adult.

9.50. If they are a potential victim with a positive Reasonable Grounds decision awaiting their Conclusive Grounds decision, upon referral to the MSVCC, their journey through the NRM will continue as per paragraphs 7.2-7.18, and their entitlement to support is as per section 8.

9.51. If the victim has a positive Conclusive Grounds decision, the SCA will send a Support Referral to The Salvation Army who will complete initial needs and risk assessments. From the date of entry into adult support provided by the MSVCC, the victim will receive 30 calendar days of support. This support will be determined by a needs-based assessment. The victim will then receive at least 45 calendar days of move-on support and then the point at which they exit MSVCC support will be determined through a Recovery Needs Assessment, as per para 7.12.

9.52. Potential or confirmed victims whose modern slavery experience was perpetrated as a child and who continue to receive support from a local authority until they are 21 or 25 years of age, should be referred to the SCA for continued support (nrm@modernslavery.gov.uk, or NRM Duty Line: 0300 0727 543 when they leave local authority support if they continue to need assistance with their recovery needs. A victim may receive support from local authorities or other relevant support services and professionals to assist them through this referral process.

Annex A – Indicators of child victims and specific types of modern slavery

10. This Annex provides further information on indicators.

Sexual Exploitation

10.1. The following table of indicators applies specifically to Sexual Exploitation:

Indicators of Sexual Exploitation – Victims may:	
• Be of any gender and age although the age may vary according to the location and the market • Move from one brothel to the next or work in various locations • Be escorted whenever they go to and return from work and other outside activities • Have tattoos or other marks indicating "ownership" by their exploiters • Work long hours or have few if any days off • Sleep where they work • Live or travel in a group, sometimes with other people who do not speak the same language • Have very few items of clothing • Have clothes that are mostly the kind typically worn for prostitution • Only know how to say sex-related words in the local language or in the language of the client group	• Have no cash of their own • Be unable to show an identity document • There is evidence that suspected victims have had unprotected and/or violent sex. • There is evidence that suspected victims cannot refuse unprotected and/or violent sex. • There is evidence that a person has been bought and sold. • There is evidence that groups of women are under the control of others. • Advertisements are placed for brothels or similar places offering the services of women of a particular ethnicity or nationality. • It is reported that sex workers provide services to a clientele of a particular ethnicity or nationality. • It is reported by clients that sex workers do not smile, or appear fearful and/or mistreated.

Sexual health indicators

10.2. Sexual health indicators that can indicate a person is a victim of modern slavery may include:

- **Sexually transmitted diseases** – including blood borne viruses such as HIV or Hepatitis B or C. These may be untreated or partially treated
- **Injuries of a sexual nature** – including injuries to genitals (male and female), anus or breasts
- **Gynaecological symptoms** – such as urinary or vaginal infections, pelvic inflammation or pain or irregular bleeding, fistulae

- **Anogenital symptoms** – such as anal fissures, fistulae, damage to genitals, persistent infection. Possibility of increased incidence of some genital neoplasia due to lack of screening e.g. cervical screening and/or genital wart infection
- **Infertility** – due to infections/untreated infections (sexual, secondary to Female Genital Mutilation (FGM) or other causes), multiple miscarriages and/or terminations

Maternity Indicators

10.3. Indicators during maternity that can indicate a person is a victim of modern slavery may include:

- **Concealed pregnancy**
- **Infrequent, or failure to attend appointments**
- **Self-referral to hospital**
- **Reluctance to accept a home visit**
- **Poor opportunity to prepare for the impending birth of baby physically, mentally and practically**
- **Lack of attachment to the unborn infant**
- **No antenatal care or poor antenatal care**
- **Alcohol or drug misuse in pregnancy**
- **Miscarriages or ectopic pregnancies**
- **Teenage or child pregnancy**
- **Frequent attendances to triage**
- **Frequent calls to helpline, for example, NHS 111 or 999**

Forced Labour

10.4. The following table of indicators applies specifically to Forced Labour:

Indicators of Forced Labour – Victims may:	
• Live in groups in the same place where they work and leave those premises infrequently, if at all • Live in degraded, unsuitable places, such as in agricultural or industrial buildings • Not be dressed adequately for the work they do: for example, they may lack protective equipment or warm clothing • Be given only leftovers to eat • Have no access to their earnings • Have no labour contract	• Be subject to security measures designed to keep them on the work premises • Be disciplined through fines • Be subjected to insults, abuse, threats or violence • Lack basic training and professional licences **The following might also indicate that people have been trafficked for labour exploitation:**

• Work excessively long hours • Depend on their employer for a number of services, including work, transportation and accommodation • Have no choice of accommodation • Never leave the work premises without their employer • Be unable to move freely • Equipment is designed or has been modified so that it can be operated by children. • There is evidence that labour laws are being breached.	• Notices have been posted in languages other than the local language. • There are no health and safety notices. • The employer or manager is unable to show the documents required for employing workers from other countries. • The employer or manager is unable to show records of wages paid to workers. • The health and safety equipment is of poor quality or is missing. • There is evidence that workers must pay for tools, food or accommodation or that those costs are being deducted from their wages.

Domestic Servitude

10.5. In some cases, victims may appear free to move and leave the house of their own free will. However, they may not have meaningful freedom of movement due to, for example, a lack of bank account, finances or identity documents which means they must return to their employer. Common indicators of domestic servitude include:

Indicators of Domestic Servitude – Victims may:	
• Live with a family • Not eat with the rest of the family • Have no private space • Sleep in a shared or inappropriate space • Be reported missing by their employer even though they are still living in their employer's house	• Never or rarely leave the house for social reasons • Never leave the house without their employer • Be given only leftovers to eat • Be subjected to insults, abuse, threats or violence

Criminal Exploitation

10.6. Common indicators of trafficking for Criminal Exploitation include:

Indicators of Trafficking for Criminal Exploitation – Victims may:	
• Be children, elderly persons or disabled migrants who tend to beg in public places and on public transport • Be carrying and/or selling illicit drugs	• Live with members of their gang • Travel with members of their gang to the country of destination • Live, as gang members, with adults who are not their parents

• Have physical impairments that appear to be the result of mutilation • Be children of the same nationality or ethnicity who move in large groups with only a few adults • Be unaccompanied minors who have been "found" by an adult of the same nationality or ethnicity • Move in groups while travelling on public transport: for example, they may walk up and down the length of trains • Participate in the activities of organised criminal gangs • Be part of large groups of children who have the same adult guardian • Be punished if they do not collect or steal enough	• Move daily in large groups and/or over considerable distances • Be forced to commit benefit fraud **The following might also indicate that people have been trafficked for begging or for committing petty crimes:** • New forms of gang-related crime appear. • There is evidence that the group of suspected victims has moved, over a period of time, through a number of countries. • There is evidence that suspected victims have been involved in begging or in committing petty crimes in another country.

Child-specific indicators

10.7. Child victims may be identified in a range of contexts. They may be citizen or migrant children. Some children arrive in the UK accompanied by adults who are either not related to them or in circumstances which raise child protection concerns. For example, there may be:

- no evidence of parental permission for the child to travel to the UK or stay with the adult
- little or no evidence of any pre-existing relationship with the adult or even an absence of any knowledge of the accompanying adult
- evidence of unsatisfactory accommodation arranged in the UK

10.8. These irregularities may be the only indication that the child could be a victim of trafficking or modern slavery. On discovery, children who are victims of human trafficking or modern slavery may not show any obvious signs of distress or imminent harm.

10.9. Child victims may find it particularly hard to disclose and are often reluctant to give information. This may be because their stories are made up by their trafficker or exploiter, or the traffickers may have given them inaccurate information about the role of authorities, and they may have had bad experiences with corrupt authorities during their journey if trafficked. As a result, they may relate their experiences in an inconsistent way or with obvious errors. As such, First Responders and frontline staff should ensure they are familiar with child-specific indicators so that they can identify victims who do not self-identify. For more information see Working with vulnerable people.

10.10. Children under 18 travelling unaccompanied by adults or with an adult who is not their parent should not be assumed to be victims of modern slavery just based on this factor alone as their situation may be perfectly legitimate or unrelated to modern slavery. Frontline staff should make additional enquiries as appropriate which might establish whether or not any indicators of modern slavery are present.

10.11. Children may be victims of child sexual exploitation, and/or child criminal exploitation including county lines. There are a number of indicators associated with these forms of exploitation and all those working with children need to be aware of them.

10.12. Children may have further vulnerabilities as severely abusive situations and neglect can significantly impact growth and development. Similarly, developmental conditions such as Foetal Alcohol Spectrum Disorders, may increase vulnerability.

10.13. PTSD and trauma responses in children at different developmental stages may vary significantly from adult presentations. As with adults, children may seem unaware that their situation is exploitative, harmful or abnormal and may not initially recognise that they are victims of a crime. They may have been told that the authorities will try to put them in prison or have been passed from one unknown adult to another.

10.14. Child victims may find it difficult to recount trauma they have witnessed or experienced. This may lead to the child providing conflicting accounts of what has happened to them. It should be noted that this is a common indicator of trafficking and should not be used to make judgements on the credibility of the child’s account.

10.15. Early accounts from children who have been trafficked may also be affected by the impact of trauma. Trauma related to being trafficked could impact on the mental health of the child in a number of ways, which can result in symptoms including hostility and aggression or silence and withdrawal, difficulty in recalling details or entire episodes, and difficulty concentrating.

10.16. Children who have been trafficked may also be uncertain about the places and countries they have travelled through as their traffickers are likely to withhold that information from them. A child could also be worried about their removal from the UK, as well as be afraid of police or authorities' actions based on their previous experiences in their home country or on their journey to the UK. They may also fear repercussions as a result of the stories they have been told by their traffickers.

10.17. Children may display any of the indicators above. In addition, the following child-specific indicators should be considered:

- **Children may have a history of underage sexual activity, pregnancy and substance abuse, or behave in an overconfident or oversexualised way**
- **Children may have a history of abuse and subsequent involvement with the care system and/or with law enforcement**
- **Children may have a history of educational difficulty or lack of access to education**

Indicators of Child Victims	
• Have no access to their parents or guardians (although children may be living with their parents or guardians and still be exploited) • Look intimidated • Behave in a way that does not correspond with behaviour typical of children their age • Have no friends of their own age • Have no access to education • Have no time for playing • Live apart from other children and in substandard accommodation • Eat apart from other members of the "family" • Be given only leftovers to eat • Be engaged in work that is not suitable for children • Travel unaccompanied by adults • Travel in groups with persons who are not relatives	**The following might also indicate that children have been trafficked:** • The presence of child-sized clothing typically worn for doing manual work or forced prostitution • The presence of toys, beds and children's clothing in inappropriate places such as brothels and factories • The claim made by an adult that he or she has "found" an unaccompanied child • The finding of unaccompanied children carrying telephone numbers for calling taxis • The discovery of cases involving illegal adoption

10.18. The following indicators may indicate County Lines cases:

Indicators of County Lines cases for children	
More information regarding CCE and County Lines can be found here.	
• Persistently going missing from school, home, care, being found out-of-area and/or children travelling to locations they have no obvious connections with, including seaside or market towns; • Unwillingness to explain their whereabouts; • Unexplained acquisition of money, clothes, accessories or mobile	• Relationships with controlling/older individuals or groups; • Leaving home/care without explanation; • Suspicion of physical assault/unexplained injuries; • Parental concerns; • Carrying weapons; • Significant decline in school results/performance;

phones which they are unable to account for; • Excessive receipt of texts/phone calls and/or having multiple mobile phone handsets and/or sim cards; • Withdrawal and/or sudden change in personality/behaviour and/or language used;	• Gang association or isolation from peers or social networks; • Self-harm or significant changes in emotional well-being.

Indicators of Child Sexual Exploitation

- In addition, the Department for Education has produced potential indicators of child sexual exploitation in Child sexual exploitation: definition and guidance for practitioners:

• Acquisition of money, clothes, mobile phones etc without plausible explanation • Gang-association and/or isolation from peers/social networks • Exclusion or unexplained absences from school, college or work • Leaving home/care without explanation and persistently going missing or returning late • Excessive receipt of texts/phone calls; • Returning home under the influence of drugs/alcohol • Inappropriate sexualised behaviour for age/sexually transmitted infections	• Evidence of/suspicions of physical or sexual assault • Relationships with controlling or significantly older individuals or groups • Multiple callers (unknown adults or peers) • Frequenting areas known for sex work • Concerning use of internet or other social media • Increasing secretiveness around behaviours • Self-harm or significant changes in emotional well-being

Annex B – Further guidance on information sharing

11. This Annex provides further guidance on information sharing between agencies.

Information sharing between the Competent Authorities and the Police

Responsibilities of the Competent Authorities

11.1. All cases will be referred to the police by the SCA following receipt of the referral

11.2. When making a referral to the police the SCA should send referral information to:

- the police force for the area where the relevant competent authority believes the exploitation took place; **or**
- if the relevant competent authority does not know where the exploitation occurred, or if the exploitation occurred overseas, the case should be referred to the police force in the area where the potential victim currently lives; **or**
- if the potential victim's place of residence is unknown, the relevant competent authority should send the referral to the police force for the local area where they were encountered.

11.3. A potential victim of modern slavery is a potential victim of a crime. All cases should be referred to the police - either on the victim's behalf where they consent, or as a third-party referral where they do not.

11.4. The Modern Slavery Act 2015 sets out two main modern slavery offences punishable by up to life imprisonment:

- slavery, servitude and forced or compulsory labour
- human trafficking

For offences in Scotland and Northern Ireland, please refer to the Human Trafficking and Exploitation (Scotland) Act 2015 and Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015.

11.5. In cases where there is an immediate threat to the potential victim a referral to the police should already have been made by the First Responder or Frontline staff member (e.g. in the case of the NHS). Where this has not happened and the relevant competent authority considers there is an immediate threat to the potential victim, the relevant competent

authority must refer a case to the police as soon as the information regarding immediate threat is known.

11.6. The relevant competent authority should update police following a Reasonable Grounds decision or Conclusive Grounds decision. Other agencies that should be updated at this point are set out in Actions for the Competent Authorities following a National Referral Mechanism decision. The update to the police at the Reasonable Grounds stage should include the outcome of the decision, the minute/reasons for the decision where applicable, and the NRM Referral Form. The update to the police at the Conclusive Grounds stage should include the outcome of the decision, and the minute/reasons for the decision.

11.7. When sharing information with the police, the relevant competent authority should be aware that potential victims are under no obligation to cooperate with the police themselves and some potential victims may not want the police to be involved at all.

11.8. Both competent authorities are entitled to process information in accordance with the Data Protection Act 2018 and the General Data Protection Regulation and where appropriate refer this information to the police to support the detection and prevention of crime. The competent authorities do not require consent from the victim to do so. The intention is to do this in all cases referred into the NRM where there has not already been a police referral.

11.9. Even where there is limited information in the referral the case should still be referred. It is not for the relevant competent authority to seek to filter the cases which are likely or unlikely to be of interest to the police.

Record keeping and disclosure

11.10. The competent authorities must be aware that the Criminal Procedure and Investigations Act 1996 (CPIA) places a requirement on the police and/or investigating body to record, retain and reveal to the prosecutor material obtained in a criminal investigation and which may be relevant to the investigation, and related matters or any person being investigated, or to the surrounding circumstances of the case, unless it is incapable of having any impact on the case.[7]

11.11. Any deliberations regarding a decision could be disclosed in a criminal trial as well as in any future judicial review or other litigation relating to the decision. Where an individual is being treated by the police as a potential victim and/or witness, the relevant competent authority must keep in regular contact with the Senior Investigating Officer.

[7] The CPIA 1996 extends to Scotland and Northern Ireland to the extent set out in section 79 of the Act

11.12. The decision as to whether there is enough evidence to prove that an individual is a victim rests with the relevant competent authority. The relevant competent authority must be alert to the impact that the decision may have, not only on the victim, but on a criminal investigation and the criminal justice process.

11.13. Where there is any doubt about the relevance of the material that is held by the competent authority it should be retained and may be used as part of a criminal investigation. Material is either unused or relevant.

11.14. The competent authorities must ensure all modern slavery records are, at a minimum, given the government marking of 'official-sensitive'. More information on handling and protectively marking secure documents can be found in internal guidance.

11.15. The competent authorities must not disclose to anyone other than the police and those directly involved in the case the potential victim's address, support arrangements or any other details that may compromise their safety.

11.16. Where a notification of a decision is sent to a potential victim the competent authority should not send this to an address where the victim was known to have been exploited. Notification of a decision must always be sent to a potential victim at a safe address.

Responsibilities of the Police

11.17. The police should follow Authorised Professional Practice guidance for working with victims and give regard to the Working with vulnerable people section of this guidance when working with potential victims and victims of modern slavery.

11.18. The police must record all referrals from the NRM as notifiable incidents as soon as they are received. The relevant competent authority will then notify the force of the outcome of the Reasonable Grounds decision. If the decision is positive, the case must then be recorded as a crime and counted as such. Cases where a negative Reasonable Grounds decision is made or where the alleged criminality is entirely outside the UK will be retained for intelligence purposes as a crime-related incident; forces are not mandated to record this as a crime, although they have discretion to do so.

11.19. Where a crime is recorded, the crime reference number must be shared with the relevant competent authority to add to the case record. When providing the crime reference number to the competent authority the police should, wherever possible, indicate if an investigation is underway or likely to be undertaken. This will help to inform the competent authority of any evidence that may support the Conclusive Grounds decision.

11.20. The investigating police force should update the competent authority at regular intervals regarding the investigation, or at any point where they have information that could inform a Conclusive Grounds decision, or if the case is closed.

11.21. The police may choose to pursue a victimless prosecution where the potential victim does not engage with them directly.

Information sharing between the Competent Authorities and the Crown Prosecutorial Services

11.22. Although an active police investigation (or Crown Prosecution Service (CPS) or Crown Office and Procurator Fiscal Service (COPFS) prosecution) may give weight to a claim of modern slavery offences, potential victims are not obliged to cooperate with the police at any stage in the NRM process.

11.23. When making a Conclusive Grounds decision for an individual involved in a case with an ongoing investigation, the relevant competent authority and the police should liaise with one another to establish when an appropriate point to make a Conclusive Grounds decision may be, taking into account that a Conclusive Grounds decision will not be made until at least 30 days of the recovery period have passed, and given any additional information the police investigation into allegations the individual is a victim might provide.

11.24. In accordance with the prioritisation criteria of Conclusive Grounds cases, when a potential victim of modern slavery referred to the NRM is being prosecuted by the CPS, COPFS or Public Prosecution Service for Northern Ireland, staff at the relevant competent authority may, where possible, look to make the NRM decision before the court hearing, however this will not be until at least 30 days of the recovery period have passed and will only be where sufficient information regarding the case has been shared by all relevant parties and is available to the competent authority. It is therefore important that those involved in the criminal proceedings inform and update the relevant competent authority of court dates and custody time limits so that the competent authority can look to expedite progress on the case and make a decision where possible.

11.25. The decision to prosecute is a discretionary one taken by the CPS, COPFS or Public Prosecution Service for Northern Ireland but making a NRM decision as soon as possible will make sure they can take an informed decision on whether to proceed with the prosecution. There is, however, no requirement for a NRM decision to be made prior to a court hearing; for example, in adult cases an individual may state that they are a victim of modern slavery but have chosen to not be referred to the NRM, and as such there may be no NRM decision to inform part of the consideration on whether to proceed with prosecution.

Further guidance for the Competent Authorities on information sharing

Cases involving child victims

11.26. The SCA must make the police aware of all modern slavery cases involving a child victim at the same points as with an adult victim. See Actions for the Competent Authorities following a National Referral Mechanism decision. In addition, the SCA must also contact the Local Authority (and ICTG where available, Northern Ireland Independent Guardian Service, or Scotland's Independent Child Trafficking Guardians service). In child cases, information is shared under the Principle of Information Sharing.

Information sharing with Immigration Intelligence

11.27. There is no requirement to make a referral to Immigration Intelligence on every NRM case nor any specific point within the life of the NRM case when a referral should be made. The relevant competent authority should only make a referral when they have information that would be of value to Immigration Intelligence.

11.28. Immigration Intelligence require information that may assist in helping to identify those individuals who may be involved in organised immigration crime so that mitigation can be put in place to protect victims and disrupt criminality.

11.29. Staff should follow relevant local procedures at the time to share information with Immigration Intelligence.

11.30. Immigration Intelligence will not have access to IECA operating systems, which is for the sole purpose of NRM decision making.

Information sharing with IEI

11.31. Competent Authorities should share information with Immigration Enforcement International (IEI) where it appears a victim or trafficker entered the UK on a genuine visa.

11.32. IEI staff will not have access to IECA operating systems, which is for the sole purpose of NRM decision making.

Annex C – Referral pathways for organisations that may encounter potential victims

Referral pathways for First Responder Organisations

12. This Annex sets out some of the situations when First Responder Organisations may encounter potential victims, the immediate next steps to be taken and signposting to relevant further guidance.

Guidance for Police Forces

12.1. Police forces in England and Wales identify large numbers of child and adult victims of modern slavery. Victims may be identified through targeted enforcement operations by the police or in-cooperation with other agencies such as the GLAA, NCA or Fire Service.

12.2. In some cases, victims will be referred to the police by other bodies that are not First Responder Organisations, particularly where there is an immediate risk of harm to the victim.

12.3. Victims may also seek out the support of the police when escaping from a situation of exploitation. Many victims do not self-disclose but are identified by police officers who recognise Indicators of modern slavery.

12.4. If it is suspected that a person is a victim of modern slavery the welfare and safety of the victim must be the first priority. The police officer should seek immediate advice from a supervisor or specialist force lead/champion.

12.5. Child and suspected child victims at risk of significant harm should be taken into immediate Police Protection, under section 46 Children Act 1989, and the appropriate specialist Public Protection Unit notified of this action as soon as possible. In all cases of modern slavery involving sexual exploitation a specialist Sexual Offences and Domestic Abuse Investigation Team Officer is to be deployed at the earliest opportunity.

12.6. Police should refer to Achieving Best Evidence in Criminal Proceedings Guidance on interviewing victims and witnesses, and guidance on using special measures when interviewing potential victims.

12.7. Section 52 of the Modern Slavery Act 2015 imposes a statutory duty on public authorities including the Police to notify the Home Office when they suspect a person may be a victim of modern slavery or human trafficking. See the section on Referring potential victims of modern slavery into the National Referral Mechanism for information on how to discharge this duty. In all cases a Modern Slavery Act crime should be recorded for each victim.

12.8. When working with victims police should give regard to the Authorised Professional Practice guidance.

Guidance for the Gangmasters and Labour Abuse Authority (GLAA))

12.9. The GLAA has a duty to report potential victims of modern slavery to the Home Office under section 52 of the Modern Slavery Act 2015. As a First Responder Organisation the GLAA has a Duty to Notify the Home Office when encountering a potential victim of modern slavery. This is discharged by referring a victim into the NRM or by completing a notification to the Home Office when a potential adult victim does not consent to a referral.

12.10. If it is suspected that a person is a victim of modern slavery the welfare and safety of the victim must be the first priority. There may be different procedures to follow in different parts of the UK so GLAA staff should always follow guidance (including local guidance) and training on how to appropriately refer cases.

12.11. When encountering a victim of modern slavery GLAA staff should give regard to the guidance set out in the Working with vulnerable people section of this guidance.

Guidance for Local Authorities

12.12. Local Authorities have a wide range of roles to play in tackling modern slavery. These roles include:

- **Identifying and referring potential victims into the NRM** - Possible victims of modern slavery could be identified by a number of frontline council staff, including children's and adult's services, housing teams, or those working in a range of different regulatory and environmental roles, community safety and general customer contact. It is important that councils ensure that all relevant frontline staff have received basic awareness training on what modern slavery and human trafficking is, identifying indicators of modern slavery and human trafficking and groups at particular risk.

  Local Authorities are First Responder Organisations and, under section 52 of the Modern Slavery Act 2015, have a statutory Duty to Notify the Home Office when they suspect a person may be a victim of modern slavery or human trafficking. This is discharged by referring a victim into the NRM or by completing a notification to the Home Office when a potential adult victim does not consent to a referral. Councils must ensure that individuals acting as First Responders have adequate training to ensure they are clear about the steps they should take in the event that they identify a possible victim or victims of modern slavery and

where such concerns should be referred to (i.e. the council's referral pathway). This training should be clear on who is responsible for making the NRM referral, whether it is the individual who has encountered the victim, a designated Modern Slavery lead, or Adult or Child Social Services.

Councils may find it helpful to distinguish between the broad range of frontline staff who are responsible for recognising the indicators of modern slavery and identifying potential victims, and a smaller group of frontline staff who are responsible for the First Responder functions of gathering information about what has happened to a suspected victim, making an NRM National Referral Mechanism referral, submitting a reconsideration request where appropriate and providing a point of contact for the relevant competent authority. More detailed and specialist training is likely to be required for this group of staff, for example on working with victims or vicarious trauma.

- **Supporting child victims** - Dependent on their functions and responsibilities, councils have statutory responsibilities to provide support to all suspected child victims of modern slavery. Modern slavery is a form of child abuse and normal safeguarding/child protection procedures should always be followed in regard to any potential victim, in line with the guidance outlined in Working together to safeguard children 2023: statutory guidance.

- **Supporting adults at risk** – Adult victims of modern slavery may be at risk and there may be a role for Adult Safeguarding and an enquiry under Section 42 of the Care Act 2014. Modern slavery is a form of abuse and councils should adhere to their roles and responsibilities under the Care Act 2014, the Housing Act 1996 and the Homelessness Reduction Act 2017.

- **Providing accommodation to adult victims** – Adult victims who meet the eligibility criteria for Local Authority accommodation should be able to access safe and secure accommodation through the Local Authority.

- **Disrupting modern slavery** - Regulatory and community safety services may additionally be involved in joint action to disrupt suspected modern slavery in the local area.

- **Ensuring compliance with other statutory frameworks** - Local Authorities should ensure they comply with other relevant statutory frameworks, for example, on information sharing, UK GDPR and the Modern Slavery Act 2015.

12.13. Given the breadth of different roles and service areas potentially involved in modern slavery and human trafficking, councils may find it helpful to designate an existing role or team that can lead the organisation's work on modern slavery. This could involve acting as a first point of contact for modern slavery referrals and queries, ensuring a link

with safeguarding responsibilities, and helping to coordinate activity and intelligence across different parts of the organisation.

12.14. Tackling modern slavery and human trafficking requires councils to work in partnership with local and national partners including the police, GLAA, health services and third sector and local businesses. Councils must ensure they are linked-in to local multi-agency arrangements for dealing with modern slavery and human trafficking and that referral pathways reflect both their own internal arrangements as well as local partnership structures.

12.15. Councils can draw on examples of good practice and training materials from a number of sources, including the Independent Anti-Slavery Commissioner and University of Nottingham's Anti-slavery partnership toolkit.

12.16. Referral pathways for frontline staff in councils will be shaped by the internal structures individual councils establish for managing modern slavery, the way in which a suspected victim has been identified, and by whom - for example, whether or not a victim has been identified in the course of a regulatory visit and remains in a situation of exploitation, or has presented to the council as a victim.

12.17. However, the following general principles should apply across all Local Authority referral pathways:

- Designating an existing role or team to act as a modern slavery lead or first point of contact within the council may help coordinate intelligence and support across different service areas and cases, providing a critical starting and reference point in the referral pathway.

- Referral pathways should take account of the broader local partnership arrangements that have been put in place to tackle modern slavery and human trafficking, with relevant information and intelligence shared appropriately.

- Supporting victims and the underpinning referral pathways may require close and coordinated working between different services, for example between housing and social care. Two-tier areas should agree systems for joint working on modern slavery and human trafficking so that referral pathways effectively link relevant services in different councils.

- Depending on whether a potential victim chooses to enter the National Referral Mechanism or not they may need immediate support, or support once they exit the NRM.

- When a victim has been identified and appears to be at risk of immediate harm, the relevant frontline officer should contact the police on 999 and seek emergency assistance.

- Where a situation of ongoing possible exploitation has been identified but is not considered to present an immediate danger, this should be referred (via a council modern slavery lead if appropriate) to relevant local multi-agency arrangements for consideration of next steps. For suspected child victims, this would include local children's services alongside local modern slavery structures.

- Any planned disruption activity relating to suspected cases of modern slavery or human trafficking should involve prior consultation with relevant council and third sector support services – housing, safeguarding and social care – to ensure support can be accessed.

12.18. The referral pathway will also need to consider how councils handle and coordinate work by different services and agencies on a single case.

Local Authority Referral Pathways Summary

ADULT VICTIMS - Key stages of a LA referral pathway			
Initial identification and referral	Handling and coordination	Consent to enter NRM/Duty to Notify	Eligibility for immediate and post MSVCC support
• Potential victim identified • In immediate danger? Contact 999 • If not in immediate danger refer according to Local Authority pathway e.g. to Single Point of Contact (SPOC)	• How does Local Authority ensure potential victims' cases are managed across services – SPOC? Case worker? • How is Local Authority linked into local modern slavery partnership activity?	• Trained/specialist staff engage with potential victim to discuss NRM • Does the potential victim consent to enter the NRM? • If yes, is the potential victim in need of Emergency Accommodation prior to a Reasonable Grounds decision? • If no, complete a Duty to Notify	• What are the needs of the potential victim? • Is the potential victim in need of and eligible for housing assistance? • Is the potential victim in need of and eligible for support under the Care Act 2014?

CHILD VICTIMS - Key stages of a LA referral pathway		
Initial identification and referral	Normal child protection procedures	Effective link-up with LA/Local Modern Slavery structures
• Potential victim identified • In immediate danger? Contact 999 and alert Children's Services • If not in immediate danger refer to children's services (and potentially refer to Local Authority lead/SPOC) • Refer to ICTG service if available	• Children's services follow standard child protection and safeguarding procedures	• Children's services complete NRM referral • Children's services update and share intelligence with Local Authority/local partnership structures

Guidance for Immigration Enforcement

12.19. In some modern slavery cases the victim is recruited through registered or illegal agencies that organise and aid the process of travel from one country to another. In others a community member, family

member, perceived friend, partner or any other mediator will recruit the victim and sponsor their visit or arrange for their illegal movement.

12.20. Some of the risks might only become apparent after the potential victim has entered the UK, for example that the job does not exist or is on different terms from those understood.

12.21. Potential victims of modern slavery who are currently overseas cannot be referred to the NRM as potential victims must be in the UK to enter MSVCC support.

12.22. When a potential victim of modern slavery is identified in the UK they should be informed of the support available through the NRM. If they consent to entering the NRM a referral should be made. If not then a notification should be made through the Modern Slavery Portal: https://www.modernslavery.gov.uk/start.

Guidance for Border Force

12.23. All ports of entry in the UK are potential channels for victims of modern slavery. Border Force staff working at ports of entry must be alert to all possible signs. Victims may not self-identify or may have been coached with a story to tell the authorities at the border so it is important for frontline staff to be aware of the indicators of modern slavery set out here.

12.24. Border Force staff may seek advice from their Safeguarding and Modern Slavery (SAMS) Team before completing the NRM referral.

12.25. If a Border Force officer believes a person is a potential victim of modern slavery they should act as the First Responder and follow the steps on handling potential victims of modern slavery including referral to the NRM.

Identifying Children at the Border (and the responsibility of Local Authorities)

12.26. When a child suspected of being trafficked arrives at the border, Border Force officials should contact the Local Authority for the area where the child is identified immediately. Border Force officials should make a referral into the NRM in consultation with the Local Authority.

12.27. Section 17 of the Children Act 1989 places a general duty on every Local Authority to safeguard and promote the welfare of children in need within their area by providing services appropriate to those children's needs. Where the child is unaccompanied there will be additional responsibilities under s20 of the Children Act 1989 as set out above. The Local Authority should ensure that they facilitate a transfer to safe accommodation as soon as possible. Facilities at the ports are unsuitable for children and often identifying staff will not be trained to care for children.

12.28. Potential child victims of modern slavery are at their most vulnerable in the first 72 hours after identification and are particularly vulnerable to going missing. All Local Authority areas should have effective multi-agency plans in place to cover this critical period. This includes appropriate out-of-hours care which includes weekends when some services might not be available and other statutory agencies may therefore need to provide cover.

12.29. Further guidance for frontline staff working to safeguard children can be found in the Child Exploitation Disruption toolkit.

Guidance for the National Crime Agency (NCA)

12.30. The NCA will encounter child and adult victims of modern slavery predominantly through targeted enforcement operations they lead, or support in cooperation with other agencies such as police forces, Immigration Enforcement and the GLAA.

12.31. If it is suspected that a person is a victim of modern slavery the welfare and safety of the victim must be the first priority. Staff should seek immediate advice from a supervisor or from the Modern Slavery Tactical Advisors.

12.32. Child and suspected child victims at risk of significant harm should be taken into immediate Police Protection, under section 46 Children Act 1989, and the appropriate police specialist Public Protection Unit notified of this action as soon as possible. In all cases of modern slavery the on-call Modern Slavery and Human Trafficking tactical advisor is to be informed at the earliest opportunity.

12.33. Officers should refer to Achieving Best Evidence in Criminal Proceedings Guidance on interviewing victims and witnesses, and guidance on using special measures when interviewing potential victims. Subject matter expertise from the Vulnerable Persons Team must be obtained.

12.34. Section 52 of the Modern Slavery Act 2015 imposes a statutory duty on public authorities including the NCA to notify the Home Office when they suspect a person may be a victim of modern slavery. Notification is through the National Referral Mechanism via completion of an NRM referral or a Duty to Notify notification if the victim does not consent. In both cases a Modern Slavery Act crime should be recorded for each victim.

12.35. When working with victims NCA staff should give regard to the Authorised Professional Practice guidance.

Guidance for UK Visas and Immigration

12.36. Where staff screen asylum applicants, they may be the first to have contact with potential victims of modern slavery. The applicant might not

identify themselves as a victim of modern slavery so it is important staff are aware of the indicators of modern slavery.

12.37. If appropriate, staff should use an individual screening room. Female asylum applicants may prefer to be interviewed by a female officer and interpreter. If possible, requests for the above must be met.

12.38. Asylum staff need to know how to engage with potential victims of modern slavery they may meet during an asylum interview, whether at the initial screening stage or the substantive stage. Such claimants may be reluctant to go into much detail about the full facts of their case. See Victims who are reluctant to self-identify for more information.

12.39. Asylum interviewers' questions must be open and without assumptions to establish what happened. Asylum interviewers should be careful not to cause undue distress during interviews, see Interviewing people who have experienced trauma for more information. Interviewers should still aim to get as full an account as possible. For more information on how to take account of a victim's needs during interview see the Trauma-informed practice section.

12.40. The Asylum Screening Pro Forma provides for questions relating to modern slavery. It would not be appropriate to conduct a full interview at the screening stage. There are no minimum indicators required for making an NRM referral. At the substantive interview stage, interview questions must be open and without assumptions to establish what happened.

12.41. Each officer should engage their professional curiosity to understand the needs of the individual - identifying potential vulnerabilities early in the process will likely significantly influence how that person is managed, both in terms of the need of any immediate safeguarding steps but also in the longer term in respect of decisions around their application.

12.42. If staff consider the person is a potential victim of modern slavery they should act as the First Responder and follow the steps on handling potential victims of modern slavery including referral to the NRM. However, responding appropriately to discharge their duty of care could be as simple as alerting a line manager, speaking to a colleague for advice, or referring to a senior case worker, officer in charge or Vulnerability Champion in first instance.

Guidance for the National Health Service (NHS)

12.43. Victims of modern slavery have been through trauma and should be treated with the same sensitivity as other vulnerable groups, such as victims of domestic violence and child sexual exploitation. Even where a victim has already been removed from a harmful situation, they are at significant risk of re-victimisation.

Potential victims of modern slavery may be taken to NHS providers by exploiters in the case of an injury, illness or pregnancy that impacts the perceived usefulness of the potential victim to their exploiter. Potential victims may also attend NHS providers independently. The NHS is a key setting in which potential victims of modern slavery may be detected, provided with autonomy, care, dignity and support.

12.44. However, potential victims often have poor access to physical and mental health care services despite their potentially significant and serious health concerns. There are several significant barriers to accessing healthcare which include:

- language and lack of “correct” documentation
- fear towards and a lack of trust in authority (which includes healthcare professionals)
- after years of being controlled, they may lack the autonomy to approach healthcare services
- disclosure may mean recounting a very traumatic history with the shame and risk of re-traumatisation that may occur
- other barriers described in the section on Victims who are reluctant to self-identify

12.45. Raising awareness in healthcare professionals can be key in helping to support this group of patients.

12.46. Safeguarding issues such as modern slavery should always be dealt with as a crucial safeguarding consideration after immediate clinical needs.

12.47. Health staff have a significant role when they suspect that a patient is a potential victim of modern slavery. As with cases of domestic abuse or sexual exploitation, potential victims will often not disclose on the first presentation but may after a relationship of trust is developed. However, healthcare staff must also be aware that a potential victim may not return to that healthcare setting and so addressing immediate clinical needs will be paramount.

12.48. It is vital that NHS health staff are aware of the indicators of modern slavery and understand what to do when encountering a potential victim, including trauma-informed care and following the statutory processes for safeguarding referrals where appropriate.

12.49. NHS health staff also have a role in responding to public health risks presented by individual trafficking victims, including the reporting and treatment of notifiable diseases such as tuberculosis.

12.50. If a healthcare professional is concerned that their patient is potentially a victim of modern slavery, they should take the following safeguarding principles into consideration and act on their concerns by following their local safeguarding procedures. Healthcare professionals must also be alert to their own safety in such consultations and should ensure they have

appropriate support available. Health professionals should not offer the victim personal support outside of professional boundaries and referrals.

Overall principles

12.51. Healthcare professionals should adhere to the following principles:

- Ensure your own safety at all times
- Then, prioritise the safety of the potential victim
- If there are immediate threats to the potential victim's safety, try to encourage them to stay with you, remain calm and continue working in a trauma informed way and call 999 for the police
- Follow statutory safeguarding procedures for safeguarding children and Adults at Risk
- An adult with capacity must consent to any help and sharing of information beyond the immediate clinical team. Consider the potential victim's capacity according to the Mental Capacity Act 2005 and see the section on Capacity for more information. In Wales Capacity is explained in the Social Services and Wellbeing (Wales) Act (2014)
- Senior staff members must be made aware of your concerns that this patient is, or may be, a potential victim of modern slavery
- Due to the circumstances of modern slavery, the potential victim may not access healthcare again in the same service. It is therefore vital to attempt to address any emergency and urgent health needs whilst the patient is there
- Healthcare professionals should be trauma-informed when conducting the consultations, speaking with the patient and asking sensitive questions. The Helen Bamber Foundation Trauma Informed Code of Conduct can be accessed here

Principles for the consultation

12.52. Healthcare professionals should adhere to the following principles during consultation:

- Ensure that it is safe to consult with the patient at the current time, in the current location and under the current circumstances
- Prioritise the safety of the potential victim
- Where possible, conduct the consultation in the most private space available, for example, a room with a door and not in a bay with curtains
- Do not raise any concerns with anyone accompanying the potential victim
- Attempt to separate from accompanying persons if safe to do so. If an accompanying person refuses to leave the room, work gradually and sensitively in order to see the potential victim separately
- Do not use any accompanying person as interpreter for the potential victim; if safe to do so, access an independent interpreter, see your local area protocol for access to interpreting services and this section on Working with interpreters

- If the potential victim is alone and it is safe to do so, consider asking relevant questions about living and working conditions
- Address health needs of the potential victim as thoroughly as possible, with investigations and treatment whilst the potential victim is there, rather than delayed options. For example, giving a full course of antibiotics now, rather than as delayed prescription or requesting specialists to review the potential victim in an Emergency Department rather than as an outpatient. In other healthcare settings similar principles apply but the healthcare professional should attempt to find reasons for encouraging the potential victim to return for follow up, for example, arrange blood tests the next day in general practice, or to collect results in a sexual health clinic
- Address the potential victim's wishes for help and support
- Always reiterate to them that healthcare settings are a safe and confidential place to come and disclose any concerns. They will be heard, believed and have access to independent support and help
- Arrange individual follow up with the potential victim, ideally without the knowledge of anyone accompanying
- Document the consultation thoroughly with objective reasons for your concerns that the patient is a potential victim of modern slavery and the actions taken

Principles for referring a victim

12.53. The NHS is not a First Responder Organisation and healthcare professionals can not refer directly into the National Referral Mechanism (NRM). Instead the following procedures should be followed to refer a victim into the NRM:

- If there is an immediate, dangerous threat to the staff or patient's safety, try to encourage the patient to stay. Remain calm, and continue working in a trauma-informed way, and call 999 for the Police
- Safeguarding the victim must always be the first priority. Adult victims of modern slavery have experienced complex physical and/or emotional trauma and may be Adults at Risk. Even where an adult has already been removed from a harmful situation, they are at significant risk of re-victimisation
- If there is no immediate fear for welfare, discuss your concerns with your Designated Safeguarding Professional or Local Authority Safeguarding Adults Team and follow your local adult safeguarding policies and procedures. These procedures are governed by separate legislation in England and Wales
- If there is no immediate risk and the adult consents/requests police involvement call the police non-emergency number **101** - request to speak to the Anti-Slavery Unit for specialist input
- All victims, or suspected victims, of slavery under the age of 18 must be referred to the Child Safeguarding team and thus Children's Social Care urgently under child protection procedures. Children in these

circumstances must not be allowed to leave the department. Police must be contacted if the child absconds or is removed
- The usual principles of consent apply to all referrals
- Usual principles of mental capacity apply as set out in the Capacity section; individuals should be presumed to have the capacity to make decisions, including about their care and decisions on whether to agree to, or refuse, an examination, investigation or treatment, unless it is established that they lack capacity
- Mental capacity is decision and time specific
- For more information on mental capacity and what may limit someone's capacity to make decisions, see the Social Care and Support Guide and the Mental Capacity Code of Practice or the Social Services and Well-being (Wales) Act 2014 in Wales
- If there are questions about whether a victim has capacity to make a certain decision, advice must be sought from senior safeguarding leads
- The named safeguarding professional is responsible for discussions with the patient as to whether they should be referred onto a First Responder

Public health notifications of infectious diseases

12.54. Potential victims of modern slavery, particularly human trafficking, may present with serious infections such as tuberculosis or tropical diseases which carry a public health risk. Healthcare professionals should complete a Notification of Infectious Diseases report form and follow disease-specific treatment protocols. Advice should be sought from hospital specialists in infectious disease, tropical medicine, medical microbiology and virology where appropriate.

12.55. A notification form should be completed immediately on diagnosis of a suspected notifiable disease without waiting for laboratory confirmation of a suspected infection or contamination first. A full list of UK Notifiable Diseases and notification form can be found here.

Guidance for Work Coaches and other staff at a Job Centre Plus

12.56. If DWP frontline staff believe an applicant is facing clear risks to their welfare or safety, they are explicitly empowered by DWP policy and relevant legislation to take reasonable steps to address these risks.

12.57. DWP frontline staff should refer any applicant they think may be a potential victim to an inbox monitored by DWP's Serious Organised Crime team for immediate assessment against the indicators of modern slavery.

12.58. Instructions on how to make this referral to the Serious Organised Crime team are housed on the Department's internal website, including a link to a self-populating email.

12.59. Where the Serious Organised Crime team suspect a person may be a victim of modern slavery this information will be passed on to police as a First Responder Organisation.

12.60. Benefit fraud often occurs alongside other types of exploitation. In some cases, jobs are found through legitimate recruitment agencies, but perpetrators will control the victims' bank accounts and take all or most of their wages. The control of bank accounts often overlaps with benefit fraud.

12.61. As such, it is important that frontline staff in job centres are familiar with the indicators of modern slavery set out here. In particular, staff may notice that victims are always accompanied to appointments and not given the opportunity to speak for themselves or may appear frightened or anxious during the appointment. For a full list of indicators see Identifying victims of modern slavery.

NGOs (First Responder and Non-First Responder Organisations)

12.62. Non-Governmental Organisations often come across victims of modern slavery as part of a service that they provide. Organisations who may come across victims include advice services, legal representatives, homeless charities including drop-in services, outreach, day shelters and soup kitchens as well as counselling services, housing services and those providing wider support to migrants including asylum seekers, support services for sex workers, unions and self-help groups.

12.63. If these are not First Responder Organisations they should have an understanding of who the First Responders are in the local area and how to support a referral. This includes understanding informed consent and being in a position to explain to the possible victim what to expect, what a referral into the NRM means and the specialist modern slavery charities who may be able to provide advocacy and assistance to the victim.

12.64. Victims of modern slavery or trafficking will often not self-identify. Many will present with a different issue.

12.65. Many people who seek advice and support are not familiar with the concept of modern slavery and do not see their exploitation in these terms. It is only on further investigation that slavery is uncovered. Many indicators may not be seen as relevant by the victim and not mentioned. Others may not be disclosed for a variety of reasons. For example, victims may present at homeless services and still be in their situation of exploitation, or they may have escaped their situation of exploitation and subsequently become homeless as they were reliant on their exploiter for accommodation.

12.66. Referrals often result from training a range of front-line workers on issues of modern slavery, ensuring that they understand the indicators as well as referral pathways and are able to begin the process of obtaining

informed consent with an initial explanation as to what a referral to the NRM means. Victims are more likely to consent to an NRM referral if they are informed and feel safe and supported and therefore partnership and collaboration between agencies is key.

12.67. Cultivating good links and collaboration with statutory and non-statutory First Responders at a local level, including referral pathways, can assist in victims being supported and safeguarded quickly, minimising trauma.

12.68. Best practice will always be that victims are spoken to by agencies, including First Responders, face-to-face and in a language they understand as this enables the building of rapport and trust with the agency.

Other situations when victims may be identified

Identified during criminal proceedings or in the prison system

12.69. Some victims of modern slavery are not identified at an early stage when coming into contact with law enforcement agencies. This may be because victims feel unable to reveal the details of their situation to authorities, or that indicators are not identified during proceedings, or that victims do not see themselves as victims, hindering identification.

12.70. As such, staff working in courts, prisons and the probation service should be alert to the signs of modern slavery and familiar with the indicators set out here. Staff should contact a designated First Responder to make a referral into the NRM where appropriate.

Through Fire Service enforcement actions

12.71. Fire Services are not First Responders but may encounter victims of modern slavery during enforcement actions undertaken independently or with police.

Annex D – Working with vulnerable people

13. This Annex provides detailed information on working with people who have experienced trauma.

The impact of trauma

13.1. 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 a number of other reasons that can make understanding their experiences challenging.

Trauma-informed practice

13.2. Those working with victims should consider the fact that victims have been through traumatic events when approaching how they work with them. 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. Any form of professional interaction with a person who has suffered human trafficking or slavery should be treated as an opportunity to help them to progress towards a long-term situation of safety, stability and well-being.

13.3. The Trauma-Informed Code of Conduct for All Professionals Working with Survivors of Human Trafficking and Slavery (TiCC) by Rachel Witkin and Dr Katy Robjant, published by the Helen Bamber Foundation is designed to enable professionals in all fields of discipline, and in any working context to:

- Establish and maintain a mutual relationship of trust with victims in any working context or environment
- Impart a consistent sense of calm, security and safety throughout the course of their work
- Increase the confidence of victims and minimise the risks of causing distress and re-traumatisation
- Remain safe and well in the course of their work, avoiding secondary traumatisation and professional 'burnout'

The Trauma-Informed Code of Conduct contains advice on how professionals can:

- Understand victims' presentation
- Focus on current and future safety
- Establish a mutual relationship of trust and for sensitive personal information
- Communicate a sense of safety and provide a calm, consistent and welcoming environment, referring back to the 'here and now'
- Vet other people who accompany victims
- Explain professionals' identity, role and duties
- Work with interpreters
- Refer to instil calm
- Work with parents who are with children and babies
- Use names correctly
- Maintain Awareness of communication in all forms
- Set realistic goals and objectives
- Support victims in giving a full account of their trafficking or slavery background
- Work with victims to enable disclosure of instilled beliefs and fears about exploiters, including exploiters' use of existing belief systems and ritualised violence as a form of control

13.4. Annex 1 of the Slavery and Trafficking Survivor Care Standards offers practical guidance on working with victims and provides further guidance on good practice for working with people who have experienced traumatic events.

Adults who are particularly susceptible to modern slavery

13.5. Some adults are more susceptible to becoming victims of modern slavery. The following people may be particularly susceptible to modern slavery:

- **young men and women**
- **pregnant women**
- **former victims of modern slavery** including people who don't consent to enter the NRM who may be at risk of being re-trafficked
- **people who are homeless or at risk of becoming homeless**
- **people with drug and alcohol dependency issues**
- **people with underlying health factors** such as learning difficulties, disability, communication difficulties, chronic developmental or mental health disorders
- **people who have previously experienced abuse**

- **people in particularly deprived/poor areas** where there are few employment opportunities are more likely to be recruited by traffickers posing as recruitment agencies/legitimate employers
- **people struggling with debt**
- **people who have lost family or suffered family breakdown** or have limited support networks
- **people with criminal records**
- **illegal immigrants with no source of income** and other people with insecure immigration status
- **older people experiencing loneliness and financial hardship**
- **people who speak no or very little English and/or are illiterate in their own language**
- **overseas domestic workers**

13.6. A common factor of trafficking is that the trafficker will present a scenario in which the potential victim can improve the quality of their life and that of their family. Vulnerable people are often targeted as they are seen to be easier to coerce into a situation where they can be manipulated.

13.7. Frontline staff should be particularly aware of the indicators of modern slavery when dealing with vulnerable people.

13.8. Many pregnant women who are victims of modern slavery have received no antenatal care prior to being identified. For many this means they do not receive antenatal care until their third trimester.

13.9. Ensuring access to antenatal care for pregnant women should be prioritised by support workers. There are charging exemptions for victims of modern slavery. More information can be found in the Medical treatment, assessment and counselling section.

Victims who are reluctant to self-identify

13.10. Victims may not recognise themselves as a victim of modern slavery or be reluctant to be identified as such. It is important that First Responders and other frontline staff are aware of the indicators of modern slavery in order to help identify potential victims who are reluctant or unable to self-identify.

13.11. Victims of modern slavery may initially be unwilling to disclose details of their experience or identify themselves as a victim for a variety of reasons. These reasons include, but are not limited to, the following:

- **they may be in a situation of dependency** - this could be due to a large number of factors including age, debt, immigration status, employment status, threats to their person or family, or other forms of psychological and physical control. They may be dependent on their exploiter for shelter, food or employment.

- **there is stigma attached to trafficking** - knowledge and understanding of the concept is limited and most individuals will associate the term with prostitution
- **they may fear reprisals against them, their children, families or friends** - in most trafficking situations, agents know, or will attempt to find, personal information about the victim, their home, family and friends. It is very common for agents and traffickers to use threats against the victim's family, especially children, in order to manipulate and control the victim.
- **they may feel they are dishonouring their family or community by not continuing in their situation** - although it is also important to note that family members and communities can be involved or complicit in modern slavery
- **they may be distrustful of authorities** - given their experiences with authorities in other countries or as a result of indoctrination by traffickers or through fear of being accused of being complicit in the modern slavery situation; some exploited people may be viewed as 'colluding' with their 'employer' in their illegality, for example, accepting the 'cover' of the person exploiting them from the immigration authorities. They may also have been groomed into believing that they are complicit in the process.
- **they may fear being discovered as being in the UK illegally** - they may fear deportation.
- **they may suffer from Stockholm syndrome**, where due to unequal power, victims create a false emotional or psychological attachment to their controller.
- **they may be romantically 'involved' with their trafficker/exploiter** - such 'relationships' can add to the confusion when attempting to identify victims of modern slavery. [8]
- **they may be unable and/or unwilling to think of themselves as 'victims'** - they may not understand that they have been exploited, or may not be aware that aspects of their exploitation are relevant and are unaware their situation would constitute modern slavery.
- **they may see their current situation as temporary** and blame it on their lack of understanding of the culture and labour market in the UK
- **they may tolerate their situation because they see it as a 'stepping stone' to a better future** – victims may compare it favourably to experiences at home - in this situation those working with victims must consider objective indicators such as the seizure of identity documents or use of threats by the employer or exploiter; such indicators will help frontline staff identify if the person could be in a modern slavery situation
- **they may be unaware of the intentions of the trafficker or exploiter to exploit them**
- **they may not understand what modern slavery means -** this is particularly likely with child victims and adults with additional forms of vulnerability
- **they may not be aware of support structures and their entitlements**

[8] See Chapter 2: Victims of loverboys of the Annual report 2015 Trafficking and smuggling of human beings by the Federal Migration Centre for more information.

- **children may not have the same cultural understanding of childhood as is held in the UK** and feel they are young adults responsible for earning money for their family - they may see an exploitative situation as a sacrifice to be made for their family

Post-traumatic stress disorder

13.12. Victims may experience post-traumatic stress disorder, which can result in the following behaviours:

- **re-experiencing traumatic events** as intrusive thoughts, flashbacks and nightmares
- **avoidance of reminders or triggers of the trauma** – more extreme manifestations may include avoiding talking about the trauma they have experienced at all costs even when it would be in the victim's 'best interests' to do so, such as in a police or asylum interview
- **negative alterations in cognition and mood** – this may lead a victim to have strong beliefs about self-blame, guilt, shame or fear of others, which may affect their ability to give an (accurate) account of their history.
- **alterations in arousal and reactivity** – this may contribute to victims being perceived as hypervigilant or 'on edge', or as irritable or aggressive. If people are interrupted during a flashback they are likely to be disorientated, confused or act as they did during the trauma.

13.13. Complex PTSD [9] is more likely to occur in the aftermath of multiple and repeated trauma over long periods, which is often the case for victims of modern slavery. It is also more likely to occur if trauma is experienced during childhood

Interviewing people who have experienced trauma

13.14. Anyone interviewing a victim or potential victim of modern slavery should be aware of the impact of trauma on the interviewee.

13.15. Victims of modern slavery should be interviewed in an appropriate way to avoid re-traumatising victims. Interviewers and decision makers must not automatically draw negative assumptions if a victim cannot recount details of their experience when assessing credibility.

13.16. It is not uncommon for traffickers and exploiters to provide stories for victims to tell if approached by the authorities. Errors, omissions and inconsistencies may be because their initial stories are composed by others and they are acting under instruction. They can also arise due to the impact

[9] Complex PTSD is conceptualised in the new International Classification of Diseases (ICD) 11 diagnostic system as a separate diagnosis which consists of the key features of PTSD together with Disturbances in Self-Organization (DSO), three clusters of which are identified: (1) affective dysregulation, (2) negative self-concept, and (3) disturbances in relationships - which often includes prominent issues around trust

of trauma, which can, for example, lead to delayed disclosure or difficulty recalling facts.

13.17. Victims may have problems in dealing with direct interviewing, especially in contexts which seem to them to be adversarial.

Barriers to disclosure

13.18. Victims' disclosures of historic events are often delayed. This may be due to an unwillingness to self-identify, or due to the impact of trauma, particularly post-traumatic stress disorder. A key symptom of post-traumatic stress is avoidance of trauma triggers, or of those things that cause frightening memories, flashbacks or other unpleasant physical and psychological experiences. Because of these symptoms it is likely that a potential victim will not be able to fully explain their experience until they have achieved a minimum level of psychological stability. A delay in disclosing facts should not be viewed as manipulative or taken to mean these facts are untrue. The late disclosure of these facts may be the result of an effective Recovery Period and the establishment of trust with the person to whom they disclose the information. Disclosures often come slowly and in a piecemeal way, sometimes over years.

Difficulty recalling facts

13.19. Research demonstrates that normal, autobiographical memory for everyday things such as dates or non-traumatic events is fallible and becomes less reliable with time.

13.20. Memories laid down during traumatic events are not processed or recalled in the same way as ordinary, everyday memories. As a result of the way trauma memories are processed trauma memories often have little narrative around them as peripheral contextual details are not stored. Instead memories are often vivid snapshots and are often of sensory details such as smells or sounds. As such, people with PTSD often have difficulty in recalling contextual details of their traumatic experiences and it can be very difficult for the individual to consciously access or narrate a detailed and coherent account of their traumatic experience.

13.21. Memories for traumatic events are not easily narrated on demand and victims might not be able to recall concrete dates and facts. Their initial account might contain inconsistencies, discrepancies or contradict their later statement.

13.22. Research also indicates that difficulties in recounting traumatic experiences may be particularly marked where the trauma had a major sexual component.

13.23. There are further factors that are prevalent in potential victims that can have an impact on their ability to recall facts, including:

- Other forms of mental ill health (such as depression, anxiety)
- Sleep deprivation
- Malnutrition and weight loss
- Stress (high cortisol levels)
- Brain injury following head injury or oxygen deprivation (i.e. suffocation)
- Chronic pain
- Medication
- Substance abuse

13.24. Those interviewing potential victims should be alert to these factors as they may impact on the credibility or consistency of the account.

Good practice during interviews

13.25. The following good practice should be followed during interviews with potential victims where it is reasonably practicable to do so. In addition, interviewers should arrange the interview at a time when reasonable travel arrangements can be made to attend.

13.26. Where police are interviewing a potential victim or victim of modern slavery the interview should be carried out by a police officer who is Achieving Best Evidence in Criminal Proceedings trained (the national protocol for interviewing children and vulnerable adults who are part of a criminal investigation).

13.27. In criminal trials, evidence from witnesses must be given independently by the witness. Support offered via the NRM does not depend on co-operation in a criminal trial, and it is important that staff working with victims make this clear, and that the processes are separate. Any form of inducement might undermine the credibility of evidence obtained and adversely affect the prosecution's ability to bring cases to court.

The presence of a support worker

13.28. Where the victim has a support worker, the interviewer should also discuss with a support worker any particular recommendations that should be taken into account when interviewing the potential victim. Where possible the interviewer should provide the option to have a support worker present during the interview. All parties present during the interview must be aware that the support worker is in attendance to ensure the potential victim's wellbeing. The support worker should not assist the potential victim in answering questions or providing answers on the potential victim's behalf.

The presence of others in interviews

13.29. All reasonable steps need to be taken to ensure that if the potential victim or victim is to be interviewed, this is **not** done in the presence of someone who may be involved in their exploitation. If this is the case, the potential victim or victim may be inhibited in providing information about their personal circumstances.

13.30. If for whatever reason, there are other people present when the potential victim or victim is questioned initially, interviewers must be alert to the possibility that they are involved in their exploitation. Where other people are present, interviewers should look out for non-verbal communication and body language between the interviewee and others. Where possible, always try to separate the potential victim or victim for at least a part of the interview and ascertain the identity and credentials of any other individuals attending appointments.

Working with interpreters

13.31. Interviewers must not use anyone who may be involved in the potential victim's exploitation as an interpreter. Ideally, only professional interpreters should be used to interview individuals. People claiming to be friends or supporters should not be used as formal interpreters. The following good practice applies:

- Where possible victims should be given a choice over the gender of their interpreter. If preferences aren't accommodated it is more likely that full disclosures will not be made.
- Interpreters should never be left alone with a victim, and those working with interpreters should ensure no unmonitored communication takes place
- Victims and interpreters should leave at different times
- Those working with interpreters should be wary of any interpreting activity that is out of the norm or not in keeping with what is being asked to be interpreted. If a victim appears distressed in the presence of an interpreter, the session should cease immediately

The presence of children in interviews

13.32. The presence of children in an interview situation can hamper the ability and willingness of potential victims to disclose information about their experiences, especially when these have been of a violent or sexual nature. It can also be traumatic for children to be present during an account of traumatic events that have happened to their parents. The person designated to carry out the interview must make arrangements to allow for the interview to take place in private.

Interviewing victims of sexual assault

13.33. Victims who have been sexually assaulted may suffer trauma which can affect how they respond during interviews. The symptoms of this may include:

- persistent fear
- a loss of self-confidence and self-esteem
- difficulty in concentration
- an attitude of self-blame
- shame
- anger
- hopelessness
- anxiety
- a pervasive loss of control and memory loss or distortion

13.34. Female victims may prefer to be interviewed by a female caseworker and interpreter. Male or transgender victims of sexual assault may also express a preference. Interviewers should accommodate this where it is both practical and possible to do so.

13.35. Research by the Nottingham Rights Lab has shown that men are more likely to be forcibly sexually exploited in conjunction with other forms of modern slavery, rather than as a primary form, and that they are less likely to reveal sexual assault.

13.36. It is important that services for those that are sexually abused and assaulted focus on individual needs, and recognise that there are different challenges depending on gender of the victim.

13.37. Self-blame, feelings of emasculation and shame are prominent for victims of sexual assault. Giving victims a choice over the gender of their interviewer will support victims to disclose. While both male and female victims will display a range of behaviours, research shows that men will in particular:

- show more hostility and aggression than tearfulness and fear
- may begin to question their own sexual identity or orientation
- act out in sexually suggestive ways
- downplay the impact of their experience

Child victims as a vulnerable group

13.38. All children are at particular risk of modern slavery. This can include but is not limited to, unaccompanied, internally displaced children or children accompanied by an adult who is not their relative or legal guardian, orphans and children in the care system and children excluded from education. This section provides further information about child victims of modern slavery, and how to deal with cases of potential child victims.

13.39. Some children who are under the control of a trafficker may say they are unaccompanied when claiming asylum. They might have entered the UK with a trafficker who may or may not be a family member. In such cases the trafficker may have told the child that by doing so they will be granted permission to stay in the UK and be entitled to claim welfare benefits.

13.40. Most children are trafficked for financial gain. This can include payment from or to the child's parents. In most cases, the trafficker also receives payment from those wanting to exploit the child once in the UK.

13.41. Exploiters specifically target impoverished communities to exploit their vulnerability. Poor and displaced families may hand over care of their children to exploiters who promise to provide them with a source of income, education or skills training, but ultimately exploit them.

13.42. Children trafficked into the country may be registered at a school for a term or longer, before being moved to another part of the UK or abroad. This pattern of registration and de-registration may be an indicator that a child has been trafficked. It has been identified as a particular concern in schools situated near ports of entry, but individuals working with children should be alert to this possibility in all schools. However, those working with potential child victims must always bear in mind not all children who move between schools have been victims of trafficking. For example, there may be instances of children from communities that move around – Gypsy, Roma, traveller or migrant families – who collectively move school.

13.43. Parents and relatives may also be involved in the exploitation of the child. The children are likely to be very loyal to their parents or carers so those working with potential child victims must not expect them, of their own initiative, to seek protection against such people. For more information, see the UNHCR Handbook for the protection of internally displaced persons.

13.44. In order to determine whether a child is a potential victim of modern slavery, those working with victims need knowledge and understanding about child victims of modern slavery as characteristics and issues may be different to adult victims, including their:

- added vulnerability
- developmental stage
- possible grooming by the perpetrator

13.45. Frontline staff must deal with children as a priority because of their vulnerability and must deal with the child with care to avoid them being alarmed or concerned.

13.46. The SCA should not make a negative decision on a child case without contacting the Local Authority children's services.

13.47. For information on determining whether someone is a child victim see the section on Presumption of Age.

13.48. All those involved in the care of child victims of modern slavery should be able to recognise and understand the particular issues likely to be faced by these children. This includes recognising the indicators of trafficking, slavery, servitude and forced or compulsory labour as a child's previous history or current experience of being a victim of modern slavery might not be apparent to begin with.

13.49. Like victims of other forms of child abuse, a child who is a victim of modern slavery will describe the behaviour that has to be assessed against indicators of child abuse and modern slavery. Children may not be familiar with the words 'slavery' or 'trafficking' or be able to label their experience as abuse.

13.50. Social workers, personal advisers and their managers (and healthcare and education professionals assessing those aspects of the care plan) should understand how the child's experiences, vulnerabilities and immigration status may impact on children and also on their assessment, care planning and delivery, and planning for the transition to adulthood.

13.51. Perpetrators of modern slavery, including traffickers, may have sought to control the child by telling them that their family will come to harm if they do not cooperate with them, which are often believed to be credible threats by the child. Child victims of modern slavery should be provided with ongoing support to help them cope with the emotional impact of this kind of coercion.

13.52. Those working with children should be mindful of children who speak English as a second language or not at all. They should also be mindful of those with disabilities or learning difficulties. These factors may make it more difficult for the child to describe what has happened to them.

Missing Children and Re-trafficking

13.53. Where a child is a potential victim of trafficking, there is an increased risk that they will go missing; this can include a number of repeat missing episodes or they may go permanently missing. As a result of these missing episodes, there is a heightened risk that they may return to their traffickers and be re-trafficked. The risk to the child will continue to remain high due to the experiences the child may have suffered at the hands of their traffickers and the hold the traffickers have on the child. The risk of the child going missing may increase as they approach the age of 18 due to concerns they may have over their immigration status; this risk should therefore be recorded on their care plan.

13.54. Statutory guidance on care of unaccompanied migrant children and child victims of modern slavery is available to support Local Authorities in their duties to protect and support these children.

13.55. All residential home staff, foster carers or *Supported Accommodation staff* caring for unaccompanied children and child victims of modern slavery (including independent advocates where appropriate) should be aware of any particular risks of them going missing, or of any risk to the child from those who wish to exploit them. They should also know what practical steps they should take in the event that the child does go missing, or if they suspect that someone is trying to lure the child away from their care placement. Carers should also be fully aware of the child's past experiences and any psychological issues they face, which may not be immediately apparent, as well as understanding cultural issues, which may put them at greater risk of going missing. This may include the potential negative impact of protection measures which may appear to the child to replicate methods used by their traffickers to control them.

13.56. In addition, whether a child is a potential victim of modern slavery or not, any child who has been groomed and coerced into sexual exploitation, including UK nationals, should be safeguarded under the measures outlined in Child sexual exploitation: definition and guide for practitioners, published in 2017. This guidance should be read alongside Working together to safeguard children, revised in 2023, which provides statutory guidance covering the legislative requirements on services to safeguard and promote the welfare of children, including in relation to child sexual exploitation.

13.57. Statutory guidance on children who run away or go missing from home or care (2014) should be referred to by all staff involved in the care and support of children.

Further guidance on working with child victims

13.58. A child-centred approach should be taken when supporting child victims of modern slavery. This means keeping the child in focus when making decisions about their lives and working in partnership with them.

Further guidance on interviewing children

13.59. In addition to the guidance set out earlier in this section the following further guidance is relevant to anyone conducting interviews with children. Anyone interviewing a child should have had specific training on interviewing children.

13.60. Special provision should be put in place to support dialogue with children who are victims of modern slavery. Where possible, it is important to establish a trusted relationship with the child. Having built this trusted relationship it is best practice to discuss with the child the process involved

and explain that the information they provide may be shared with other professionals as necessary.

13.61. However, the difficulties faced by adult victims described in this section can apply equally to child victims. In addition, child victims may be unable to disclose or give a consistent credible account due to additional factors such as:

- their developmental stage
- the on-going nature of abuse throughout childhood and/or grooming
- loyalty or perceived friendships with exploiters
- fear of traffickers or exploiters, violence, or witchcraft

13.62. It is also important to recognise that a child's developmental age may not match what may be expected for the child's chronological age. The interviewer should assess the child's needs and language abilities and adapt their approach accordingly.

13.63. Children cannot always provide as much detail as adults when they recall abusive experiences so, evidence from other agencies involved with the child (for example Local Authorities) should be sought before it is determined an interview is necessary.

13.64. If during an interview the interviewer believes the child is too traumatised to provide information, they must pause the interview and re-assess the situation. If the child is unable to continue, they must rearrange the interview for another date.

13.65. Staff at the SCA must avoid interviewing a child specifically for the purpose of reaching a decision under the NRM if:

- there are specialists in other agencies capable of doing so
- the modern slavery issues have already been clarified in other interviews, such as part of the asylum process

13.66. If the SCA needs more information to make a NRM decision, the SCA must request this information from the First Responder. If more information is still required, the SCA must consider asking the Local Authority or police to interview the child on its behalf.

Police should refer to Achieving Best Evidence in Criminal Proceedings Guidance on interviewing victims and witnesses, and guidance on using special measures when interviewing potential child victims.

Annex E – Guidance for all Competent Authority staff on the NRM decision-making process (please note this annex applies for both the SCA & IECA and cases referred UK-wide)

14. This Annex provides detailed guidance for staff in the Competent Authorities.

Assessing credibility and other evidence during the decision-making process

14.1. All competent authority staff need to assess whether a potential victim's account of modern slavery is credible when making a Reasonable Grounds and Conclusive Grounds decision.

14.2. Good practice in working with victims who have experienced trauma should be observed. See the section on Working with vulnerable people for more information. However, the need to take into account the impact trauma is likely to have on the individual's ability to recall events does not remove the need to assess all information critically and objectively when considering the credibility of a case.

Assessing credibility

14.3. Competent authority staff are entitled to consider credibility as part of their decision-making process at both the Reasonable Grounds and Conclusive Grounds stages. When competent authority staff are assessing the credibility of an account, they must consider both the external and internal credibility of the material facts.

14.4. If they fit the definition of human trafficking or slavery, servitude, and forced or compulsory labour, there is reliable supporting evidence and the account is credible to the required standard of proof, competent authority staff should recognise the person as being a victim of modern slavery.

14.5. It is important for competent authority staff to assess all information critically and objectively when the relevant competent authority considers the credibility of a case. As part of that consideration it is vital for all decision makers to have an understanding of any reasons why a potential victim of modern slavery is incoherent, inconsistent or delays giving details of material facts.

14.6. Throughout this process it is important to remember that victims of modern slavery have been through trauma, and that this may impact on the information they provide. Due to the trauma of modern slavery, there may be valid reasons why aspects of a potential victim's account are inconsistent or lack sufficient detail. All competent authority staff must take account of any relevant factors set out in the Working with vulnerable people section when making a decision as this section outlines some of the challenges victims may face in providing a clear and consistent account of their experiences. Competent authority staff must take account of these reasons when considering the credibility of a claim in the round.

14.7. In those cases of child trafficking, it will be for the relevant competent authority to consider the child's:

- added vulnerability
- developmental stage
- possible grooming by the traffickers and exploiters

Materiality

14.8. In assessing credibility the relevant competent authority should assess the material facts of past and present events (material facts being those which are serious and significant in nature) which may indicate that a person is a victim of modern slavery. It is generally unnecessary, and sometimes counter-productive, to focus on minor or peripheral facts that are not material to the claim.

14.9. The relevant competent authority should assess the material facts based on the following:

- are they coherent and consistent with any past written or verbal statements?
- how well does the evidence submitted fit together and does it contradict itself?
- are they consistent with claims made by witnesses and with any documentary evidence submitted in support of the claim or gathered during the course of your investigations?

14.10. Where there is insufficient evidence to support a claim that the individual is a victim of modern slavery (for example where the case is lacking key details, such as who exploited them or where the exploitation took place) competent authority staff are entitled to question whether the Reasonable Grounds or Conclusive Grounds threshold is met. However, they must also consider whether they need more information as set out in When the relevant competent authority may need to make further enquiries at the Reasonable Grounds stage and When the relevant competent authority may need to make further enquiries at the Conclusive Grounds stage.

Level of Detail

14.11. The level of detail with which a potential victim presents their claim is a factor when the relevant competent authority assesses credibility. It is reasonable to assume that a victim giving an account of their modern slavery experience will be more expressive and more likely to include sensory details (for example what they saw, heard, felt or thought about an event) than someone who has not had this experience. However, some traumatised individuals can struggle to verbally express distressing experiences, may appear numb or disconnected from their words or display other trauma-related responses.

14.12. Where there is insufficient evidence to support a claim that the individual is a victim of modern slavery the relevant competent authority is entitled to question whether the Reasonable Grounds or Conclusive Grounds threshold is met. However, they must also consider whether they need more information as set out in When the relevant competent authority may need to make further enquiries at the Reasonable Grounds stage and When the relevant competent authority may need to make further enquiries at the Conclusive Grounds stage.

Consistency

14.13. It is also reasonable to assume that a potential victim who has experienced an event will be able to recount the central elements in a broadly consistent manner. A potential victim's inability to remain consistent throughout their written and oral accounts of past and current events may lead the relevant competent authority to disbelieve their claim. However, before the relevant competent authority comes to a negative conclusion they must first refer back to the First Responder, support provider, other expert witnesses, or the potential victim themselves to clarify any inconsistencies in the claim.

14.14. Due to the trauma of modern slavery, there may be valid reasons why a potential victim's account is inconsistent or lacks sufficient detail. The relevant competent authority must take account of any supporting evidence of circumstances that could explain the inconsistency.

Considering gender and culture

14.15. All competent authority staff need to know how to consider gender and cultural issues in considering credibility.

14.16. It is important to understand that distress presents differently in different cultures and that cultural understanding of many situations is variable.

14.17. When making Reasonable Grounds and Conclusive Grounds decisions competent authorities must take into account the individual position and

personal circumstances of the person and consider culture and gender issues.

14.18. Men and women from the same country of origin may have different experiences due to their cultural, ethnic, gender and sexual identity. For example, women may be unable to disclose relevant details due to cultural and social norms.

Relevance of potential prosecution of exploiters

14.19. All staff need to know about how prosecution of their exploiters could impact a victim of modern slavery's Reasonable Grounds and Conclusive Grounds decisions.

14.20. When the relevant competent authority is deciding whether there are Reasonable or Conclusive Grounds that a person is a victim of modern slavery, their decision may be influenced by whether the alleged exploiter is being prosecuted. However, the competent authorities' decision must not be dependent on:

- there being a criminal investigation
- whether the victim cooperates in any criminal proceedings

14.21. The victim identification process is independent of any criminal proceedings against those responsible for the modern slavery. The criminal standard of proof, that is 'beyond all reasonable doubt', is higher than that of the Reasonable or Conclusive Grounds test.

14.22. The competent authorities must be aware that any information recorded as part of a Reasonable or Conclusive Grounds decision could be disclosed during a prosecution. For information regarding disclosure during criminal investigations see Record keeping and disclosure.

14.23. For more information on Information sharing between the competent authorities and the CPS (or Public Prosecution Service for Northern Ireland and Crown Office and Procurator Fiscal Service in Scotland) and police, see Annex B.

Views of experts during the NRM process

14.24. A Reasonable Grounds or Conclusive Grounds decision may be influenced by the views of experts during the decision-making process. Experts could include qualified medical experts, ICTGs or ICTG Regional Practice Coordinators, the Northern Ireland Independent Guardian Service, Scotland's Independent Child Trafficking Guardians service, the police, social workers and other Local Authority experts, and support providers.

Evidence from Local Authorities and support organisations

14.25. Although police and intelligence reports can provide objective evidence to strengthen a claim, the relevant competent authority must give due weight and regard to the reports and views of the:

- Local Authority children's services for child victims
- ICTG Direct Workers or ICTG Regional Practice Coordinator (where appointed) [10]
- Local Authority Adult Safeguarding Services where engaged
- the support provider under the Modern Slavery Victim Care Contract or other agencies involved in support

14.26. These organisations may have spent the most time with the potential victim and established a degree of trust. Victims may not trust or be afraid of the police or immigration officials. They may therefore not be willing to provide statements to law enforcement. In such circumstances non-governmental organisations may be able to provide more information on the individual's situation and the decision maker must consider any such supporting evidence. Competent authorities must also take into account any expert reports submitted, particularly those from qualified health practitioners.

14.27. When the SCA is deciding children's cases it is essential that they develop good working relations with the Local Authority social workers and other practitioners who have worked on the referral.

Weight to give to expert reports

14.28. Potential victims of modern slavery may rely on documentary evidence to support their claim in the NRM.

14.29. The experience and qualifications of the individual providing the supporting evidence and the sources used will be relevant in considering what weight to attach to an expert report and every case must be considered on its merits.

14.30. Expert evidence is not determinative of whether the Reasonable or Conclusive Ground test is met but should be taken into account when reaching a conclusion on whether there are reasons why the Reasonable or Conclusive Grounds test is or is not met. There is no requirement to accept an assessment of an expert that a person is or is not a victim. Any expert assessment must be considered in the round with all other evidence.

14.31. The individual writing the report may not have access to the full range of information available to the relevant competent authority and all relevant

[10] Information on the ICTG Early Adopter Sites can be located here.

evidence, including any documentary evidence, must be considered when making a Reasonable or Conclusive Grounds decision.

14.32. Where an expert report is considered when assessing a claim under the NRM, and other information is available, all the information and relevant reports should be considered. If there are several expert reports all must be taken into account. A decision should not rely on an expert report alone without considering all relevant information.

14.33. A decision should not rely on an expert report alone where there is other relevant information available. A decision should not rely on an expert report without the relevant competent authority making other independent enquiries into the potential victim's circumstances and credibility, and an expert report should be considered and weighted appropriately alongside other evidence.

14.34. Where a potential victim of modern slavery relies on medical evidence it should be from a medical professional who is qualified in the appropriate field including information such as the relevant physical or mental condition, when that condition has been diagnosed and why that condition or any treatment relating to it is relevant to modern slavery.

14.35. Competent authorities will not make a determination on a potential victim's nationality. The purpose of the NRM is to identify and support victims of modern slavery. However, competent authorities will consider evidence from a range of sources and assess the credibility of a potential victim's case which may include consideration of the potential victim's claimed nationality for the purposes of their case and the claims they are a victim.

14.36. Any evidence supplied must be capable of being verified by the competent authorities where appropriate.

Insufficient evidence

14.37. Where there is insufficient evidence to support a claim that the individual is a victim of modern slavery, staff at the competent authorities are entitled to question whether the Reasonable Grounds or Conclusive Grounds threshold is met. However, the relevant competent authority should attempt to gather more information before making a determination. Attempts to gather further information should be recorded, even when no further information has been obtained.

Assessing victims who were exploited overseas or historic claims

14.38. While a victim must be physically in the UK in order to receive NRM related protection and assistance, the fact that a victim has been exploited

outside of the UK does not preclude the decision maker from making a determination.

14.39. A person who says they have been a victim of modern slavery overseas should be assessed on the same basis as a person who states they have been a victim of modern slavery in the UK.

14.40. Although they may be far removed from their situation of modern slavery, they may still have been subjected to exploitation and may therefore be considered a victim of modern slavery. They may also still be traumatised by their experience even in historic cases.

14.41. Similarly, a person may have been exploited some time ago and the situation of exploitation now over. These scenarios are often referred to as historic claims as they might be referred to the NRM long after the exploitation has ended. The competent authorities should still make a determination on whether the person is a victim of modern slavery if the case is referred in to the NRM as the NRM decisions are not an assessment of future harm but a finding of fact as to whether the individual is a victim of modern slavery.

14.42. The competent authorities must offer potential victims of historic claims the support and protection extended to victims of modern slavery while their modern slavery case is considered within the NRM.

14.43. With these cases the competent authorities must pass any details of the alleged trafficking or exploitation to the NRM Intelligence Hub so they can consider raising it with the authorities in the country where the offence was committed.

How a referral is made

14.44. When a First Responder believes a person is a potential victim of modern slavery, and the victim is a child or an adult who has given informed consent, they will submit a referral to the SCA via the digital NRM referral form, who will log the referral. See First Responder Organisations and First Responders for more information on who is a First Responder and Referring a potential adult victim and Referring a potential child victim for more information on how referrals are made. First Responders may find it helpful to refer to the online training on making a referral available at: https://policingslavery.co.uk/transforming-our-response/training-delivery/first-responder-training/

Validating and acknowledging a referral

14.45. Each NRM referral will be validated by the relevant competent authority. The process all competent authority staff will follow is:

- Check whether the referral is a duplicate or refers to an existing case.

- Check there is sufficient information contained in the referral. If not, staff will contact the First Responder Organisation for more information and any other agencies involved with details supplied as part of the referral.

- If the potential victim has any immigration history on the Home Office database, check that they have been identified as having a 'Potential Victim of Trafficking' special condition. If not, the relevant competent authority will add this to the record and raise a barrier to removal if this is not already in place.

- The relevant competent authority will acknowledge it has received the referral form by sending an acknowledgement notification to:

    - the **First Responder**
    - the **Salvation Army** for cases in England and Wales, **Trafficking Awareness Raising Alliance (TARA) or Migrant Help** in Scotland, **or Migrant Help or Women's Aid** in Northern Ireland, where the adult has consented to support.
    - the **Social Worker** (in cases involving children or in adult cases where social services are involved). If there is no social worker listed on the referral form in a case involving a potential child victim the SCA should contact the relevant Local Authority Safeguarding Children Service in England and Wales, the equivalent Local Authority service in Scotland, or Children's Safeguarding Teams within Health & Social Care Trusts in Northern Ireland.
    - The relevant **police force (or Police Scotland's National Human Trafficking Unit)**

- For child cases, the SCA will acknowledge it has received the referral form by sending an acknowledgement notification to:

    - The **Independent Child Trafficking Guardian** in England and Wales, the Northern Ireland Independent Guardian Service or Scotland's Independent Child Trafficking Guardians service in cases involving children where this provision is available and the SCA has been notified of their involvement.

- The SCA must make sure the responsible Local Authority in England, Scotland and Wales, or Children's Safeguarding team within Health and Social Care Trust in Northern Ireland, is aware of a child referral from the First Responder.

- The relevant competent authority will set-up the Reasonable Grounds case type with a start date consistent with the date of receipt.

14.46. Where an adult was a victim of modern slavery as a child, but only referred to the NRM in adulthood, they will be assessed against the child criteria for the purposes of determining whether they are a victim of modern

slavery but as they are an adult at the time of the referral, they must consent to their case being referred to the NRM.

Making a Reasonable Grounds decision

14.47. This section sets out the process both competent authorities will follow when making a Reasonable Grounds decision.

14.48. All National Referral Mechanism referrals received by the Single Competent Authority or Immigration Enforcement Competent Authority on or after 30 January 2023 will be made using this version of the 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.

Timescale for a Reasonable Grounds decision

14.49. The expectation is that competent authorities will make a Reasonable Grounds decision within 5 working days, where possible, of the NRM referral being received.

Standard of proof and core principles for Reasonable Grounds decisions

14.50. **The Reasonable Grounds threshold is met when there are reasonable grounds to believe that an individual is a victim of slavery or human trafficking.**

14.51. The Reasonable Grounds threshold is lower than the Conclusive Grounds threshold, which is decided on the balance of probabilities. Therefore, at the Reasonable Grounds stage a decision maker need not be satisfied, on the balance of probabilities, that a potential victim is a victim of modern slavery in coming to a positive Reasonable Grounds decision.

14.52. The Reasonable Grounds threshold is an objective one. The decision maker must agree with the statement that there are “reasonable grounds to believe that a person is a victim of modern slavery (human trafficking or slavery, servitude, or forced or compulsory labour)”.

14.53. A decision maker should consider whether the Reasonable Grounds threshold is satisfied, taking into account all of the information available, including the victim’s account and any other relevant information that supports or undermines it, including but not limited to: eyewitness testimony, medical or expert reports, travel records, police investigations, general evidence such as Country Reports, or supporting evidence of the person’s exploitation the First Responder provides, such as observed modern slavery indicators.

14.54. In many cases the only account a decision maker may have before them when reaching a decision is the account provided by the first responder. However, factors such as this are not only ones relevant to whether an account is deemed credible. A non-exhaustive list of other relevant factors is set out in the specific evidence detailed within Types of evidence for Reasonable Grounds decisions. When reaching a decision, it is open to a decision maker to give appropriate weight to these factors and balance them with the account provided by a First Responder.

14.55. The decision maker should consider whether in all the circumstances, it is reasonable to expect supporting evidence or corroborating information in addition to information provided by the First Responder (which will include the victim's account and any external indicators of modern slavery that led to the referral). A decision maker's assessment of whether it is unreasonable to expect supporting evidence will include consideration of the circumstances of the referral, any information provided on the Referral Form, the type of exploitation, and the timing of a referral.

14.56. It is important that the First Responder provides as much information as possible at the point of referral, including their record of external indicators.

14.57. The relevant competent authority should take reasonable steps to gather all available information before making a decision within the 5-day decision making timeframe.

Decision Making Process

14.58. **For all referrals, to determine whether an account meets the Reasonable Grounds threshold, decision makers must:**

1. **Identify available existing evidence** – This will include all evidence the decision-maker is aware of, including evidence identified during any previous decision or referral relating to this individual, and all evidence and information the First Responders provided in the referral process. It may also include circumstantial factors that speak to the credibility of the claim, such as how, when or why the referral was made – as set out within Types of evidence for Reasonable Grounds decisions.

2. **Examine all available evidence to assess whether the Reasonable Grounds threshold is met.** Decision makers will need to consider all the available evidence in its entirety to see whether there are reasonable grounds to believe that someone **is** a victim. A credible account will not necessarily amount to there being reasonable grounds to believe someone is a victim. Other information that calls into question the credibility of an account may be given appropriate weight, and it is still necessary to consider whether the facts, as presented, would be capable of amounting to modern slavery. For instance, an individual might provide a credible account of a situation that is either:

a. A consistent account of an experience of modern slavery, but one that the decision maker has reason to believe is not a credible account of the experience of the individual who has been referred, or;
b. The account given is not consistent with the definition of modern slavery.

3. **Where it appears that the outcome of the Reasonable Grounds decision making process may be negative as the result of an incomplete referral, the relevant competent authority must consider whether to request more information** from the First Responder or other sources, and give them a reasonable opportunity to provide any further information before taking the decision.. See Evaluating evidence in support of a referral

4. **As part of the overall assessment the decision maker must consider whether there are explanations for gaps in evidence, a lack of detail, or for information which might otherwise appear to lack credibility.** This must be part of the overall assessment rather than a sequential process, i.e. the decision maker should not reach a decision then see if there are reasons to account for inconsistencies, gaps in evidence etc. – it should be a single assessment on all available evidence.

Types of evidence for Reasonable Grounds decisions

14.59. Decision makers must have regard to all the evidence when considering whether there are Reasonable Grounds to believe an individual is a victim of modern slavery including human trafficking, including general evidence and specific evidence.

14.60. **General evidence includes, but is not limited to:**

- **Country evidence:** Does public or government information relating to modern slavery trends in a particular country support the account? Does the exploitation type and location correspond to the specific information in the referral? This includes UK Visas and Immigration Country Policy and Information Notes, found here. Country Evidence such as the Trafficking Profiles contained in the US Trafficking in Persons Report sets out common trends of exploitation within a country. This information may support a referral and should not be a basis for rejecting an atypical account of exploitation that does not fit common forms of exploitation within that country.

14.61. **Specific evidence includes, but is not limited to:**

- **Indicators of modern slavery**: Are there specific indicators of modern slavery included in the referral?
- **Expert reports**: Are there independent expert reports that indicate whether an individual is a victim?

- **Travel Records:** Is there confirmation, for example, that the individual was in a country where the claim is centred?
- **Added vulnerability:** Is the victim in a demographic known to be particularly vulnerable to modern slavery such as children or those whose age of maturity or developmental stage is that of a child? Does the victim present with vulnerabilities?
- **Witness statements:** Is there supporting evidence from an independent witness, e.g., a police officer?
- **Information provided by the First Responder:** Has the First Responder provided evidence to explain why they have referred the individual or provided additional evidence or information relating to the person's exploitation? Is there any evidence raised by the First Responder regarding the credibility of the account?
- **Information requested by the First Responder but not provided:** Has the First Responder requested further information that should reasonably be available to the individual that has not been provided?
- **Is there prosecutorial evidence** against the accused exploiter that can be considered?
- **Views of trusted third-parties other than the First Responder:** For instance, this includes: Adult Safeguarding Services (where engaged in the case of adults), Child Social Services or the Children's Safeguarding Services, Independent Child Trafficking Guardians (where appointed), Northern Ireland Independent Guardian Service, or Scotland's Independent Child Trafficking Guardians service.
- **How the referral came to be made:** Was the individual identified by a First Responder? Did the First Responder make the referral as a result of an indicator they identified separate to the account provided by the individual concerned? Did the First Responder make the referral because they were asked to by the individual or by a third party representing them?
- **Timing of claim:** Was the information raised at the first opportunity, or when asked or at a later stage? Was any delay in disclosure explained or justified? If the individual has had multiple opportunities to raise information in relation to an instance of modern slavery and fails to do so until action is bought against them, such as an Immigration Enforcement removal direction, then this should be weighed in the balance with all other evidence and may damage their credibility. However, there are circumstances that may result in delayed disclosure; if any of these circumstances are present then these should also be weighed in the balance when deciding whether the timing of disclosure damages credibility. See Evaluating why there may be a lack of detail or errors/inconsistencies in a potential victim's account.

14.62. Where available, specific and general evidence should be considered for all referrals.

Evaluating evidence in support of a referral

14.63. Evidence can refer to information provided by a First Responder, an account provided by a potential victim of modern slavery including human trafficking, and evidence that the decision maker is aware of and considers to be relevant to the individual case. Evidence can be subjective, and it is the role of the decision maker to reach a reasonable interpretation of that evidence.

14.64. The need for supporting general or specific evidence is relative to the content of the account. A decision maker is entitled to consider all forms of evidence in reaching their conclusion – this is not restricted to objective evidence to prove or disprove an account. The need for other evidence supporting an account given by a potential victim may decrease in correlation to the detail and credibility of a referral. Evidence that corroborates an account in support of a referral to give Reasonable Grounds will increase the likelihood of a positive decision being given. A decision maker is entitled to consider all forms of evidence in reaching their conclusion – this is not restricted to objective evidence to prove or disprove an account.

14.65. The degree to which an account is considered detailed depends on the level of information provided in relation to, but not exclusively, the nature of the exploitation, events, locations, and perpetrators of the described exploitation.

14.66. An account containing gaps or inconsistencies can meet the Reasonable Grounds threshold, for example where the gaps or inconsistencies are minor, or there is supporting corroborating information. However, an account with no detail of how an individual meets the definition of modern slavery, and with no other relevant evidence in support of that account is unlikely to satisfy the threshold.

14.67. An account with significant inconsistencies would usually result in a negative Reasonable Grounds decision being issued. However, there are circumstances that may explain such inconsistencies and a negative Reasonable Grounds decision may not be appropriate. See Evaluating why there may be a lack of detail or errors/inconsistencies in a potential victim's account.

14.68. The decision maker must assess which evidence it is reasonable to expect to be available. If the decision maker could not, based on the facts available, reasonably expect to find any evidence outside the individual's account and the First Responder's evidence of other indicators that suggest that there are Reasonable Grounds to believe that the individual is a victim of modern slavery, the decision maker may conclude that there are Reasonable Grounds to believe the person is a victim of modern slavery on the basis of their account alone.

14.69. Where a referral is received with supporting evidence, such as the First Responder providing information of how the potential victim has been rescued from a situation of exploitation, or the First Responder attaches evidence from a trusted third-party organisation, that alone may be enough for the decision maker to be satisfied the Reasonable Grounds threshold is met and if so, no further supporting evidence would be required.

14.70. There are also common factors which may explain inconsistencies or an absence of detail in a potential victim's account, as set out in Evaluating why there may be a lack of detail or errors/inconsistencies in a potential victim's account.

Evaluating why there may be a lack of detail or errors/inconsistencies in a potential victim's account

14.71. There may be circumstances that mean a potential victim will be unable to provide a detailed account of their exploitation or that will result in delayed disclosure, gaps or inconsistencies. This must be taken into consideration when assessing whether the threshold for a positive Reasonable Grounds decision is met. Where an account is delayed or contains gaps or inconsistencies, a decision maker should consider whether there is evidence to explain why that is. This will include whether the First Responder referral provides any relevant evidence and whether there is medical evidence.

14.72. These circumstances include, but are not limited to:

- The impact of trauma on victims of exploitation, as set out at within Working with vulnerable people. 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. Trauma may also result in memory difficulties – either problems with concentration/attention or poor memory of past events e.g. 'gaps' or confusion about events.
- Barriers to disclosure (as set out at Barriers to disclosure). For example, a key symptom of post-traumatic stress is avoidance of trauma triggers, or of those things that cause frightening memories, flashbacks, or other unpleasant physical and psychological experiences. Because of these symptoms a potential victim may not be able to fully explain their experience until they have achieved a minimum level of psychological stability. A delay in disclosing facts should not necessarily be viewed as manipulative or taken to mean these facts are untrue.
- A reluctance on the part of the potential victim to self-identify, as set out in Victims who are reluctant to self-identify. Victims may not recognise themselves as a victim of modern slavery or be reluctant to be identified as such.
- Individuals may be distrustful of authorities given their experiences with authorities in other countries or because of indoctrination by traffickers or through fear of being accused of being complicit in the modern slavery

situation. They may also have been groomed into believing that they are complicit in the process. More detail is set out in Victims who are reluctant to self-identify.

- Both adult and child victims may seem unaware that their situation is exploitative, harmful, or abnormal.
- Certain types of exploitation can acutely affect a potential victim's ability to disclose details. For example, potential victims of domestic abuse or sexual exploitation will often not disclose on the first presentation but may after a relationship of trust is developed.
- Child victims may find it particularly hard to disclose and are often reluctant to give information. This may be because their stories are made up by their trafficker or exploiter, or the traffickers may have given them inaccurate information about the role of authorities, and they may have had bad experiences with corrupt authorities during their journey if trafficked. As a result, they may relate their experiences in an inconsistent way or with obvious errors.

14.73. If someone referred into the NRM gives an incomplete or inconsistent account, decision makers must assess whether there is evidence that such circumstances are present which may explain why the referred person has been unable to provide a detailed account of their exploitation. This consideration should form part of a decision maker's holistic assessment of each referral.

Weighing evidence

14.74. In all cases, decision makers should, where possible, consider the evidence available to them in its entirety within the 5 working day decision making timeframe to determine if the Reasonable Grounds threshold has been met. As such, all available **general evidence** and **specific evidence** should be considered in each case. However, whether or not it is reasonable to expect that further evidence should be provided and – if it is reasonable to expect it – the degree of supporting evidence required will depend on how inherently credible and consistent the potential victim's account is.

14.75. The weight given to any available general evidence will depend on the circumstances of the case and the strength of correlation between the evidence and the potential victim's account.

14.76. All competent authority staff need to assess whether a potential victim's account of modern slavery is credible when making a Reasonable Grounds and Conclusive Grounds decision. Detail is set in Assessing credibility and other evidence during the decision-making process..

14.77. The relevant Competent Authority is entitled to consider whether the circumstances of the case require a higher or lower degree of supporting evidence, depending on the content of the referral, including the extent to which the indicators (for example, external evidence of injuries) that are

present give Reasonable Grounds alone or if the account is detailed and consistent.

Additional considerations at the Reasonable Grounds stage

14.78. No child's case should be considered without contacting individuals who specialise in children from the Local Authority with responsibility for the area the child resides. For more information see the section on child victims as a vulnerable group.

14.79. If a person is a victim of modern slavery, then they are a victim of a crime. It is not necessary for a victim to cooperate with a criminal case in order to obtain a Reasonable Grounds decision. The Competent Authorities can explore information about the alleged offence in consultation with law enforcement agencies, as part of the Reasonable Grounds assessment.

14.80. It is not necessary to prove that an offence has taken place, or for there to be an ongoing criminal investigation to find that an individual is a victim of human trafficking and/or slavery, servitude, and forced or compulsory labour.

Recording the Reasonable Grounds decision

14.81. As part of the decision-making process, all Competent Authority staff must keep a detailed consideration minute. See the section on Actions for the Competent Authorities following a National Referral Mechanism decision for further information regarding this process.

Making an Additional Recovery Period decision

14.82. This section sets out the process the Competent Authorities will follow when making an additional recovery period decision.

14.83. The presumption against an additional recovery period applies where:

- a Competent Authority has previously made a positive Reasonable Grounds (RG) decision ("the first RG decision") and positive Conclusive Grounds (CG) decision in relation to the person; and
- a further positive RG decision is made in relation to the person based on an incident which wholly predates the individual's previous RG decision ("the further RG decision").

14.84. The presumption is against an additional recovery period, and unless an additional recovery period is granted by the relevant Competent Authority no entitlements associated with a recovery period will apply, including the following:

- any prohibition on removing the person from the UK; and

- any requirement to consider the person for temporary leave to remain in the United Kingdom; and
- any requirement to provide assistance and support; and
- further identification (i.e., the CG decision).

Timescale for an Additional Recovery Period decision

14.85. The expectation is that an additional recovery period decision will be made, where possible, as close as possible to the further positive RG decision.

14.86. Technical Specialists within the Competent Authorities will identify whether an additional recovery period decision may need to be made in relation to a case:

- as soon as possible after the referral into the National Referral Mechanism (NRM); and
- prior to the further RG decision.

14.87. The Competent Authorities should issue an additional recovery period notice alongside the further positive RG decision ("the notification letter"), setting out the presumption against an additional recovery period to the potential victim and / or their authorised legal representative where specified. The potential victim will then have 10 working days to provide evidence if they believe they should receive an additional recovery period.

14.88. During the evidence gathering and decision-making window, and unless and until a Competent Authority makes a decision to provide the individual with an additional recovery period, the individual is not entitled to any entitlements associated with a recovery period, as per Annex E. However, individuals who have been entered into Emergency Accommodation as per Section 8 and Annex F of the *Modern Slavery: Statutory Guidance for England and Wales* (under s.49 of the Modern Slavery Act 2015) and *Non-Statutory Guidance for Scotland and Northern Ireland* prior to the further RG decision or who have since been assessed as requiring Emergency Accommodation, should continue to receive this during the evidence gathering and decision-making window.

14.89. If the individual is already going through the Recovery Needs Assessment (RNA) process following a positive CG decision for a separate exploitation period, then the additional recovery period decision should not impact upon this.

14.90. The Competent Authorities should then make an additional recovery period decision on the information gathered within the evidence gathering window as soon as possible.

Standard of proof for an Additional Recovery Period Decision

14.91. The presumption against an additional recovery period is not a blanket disqualification on the basis of a potential victim meeting the criteria as set out at Section 62 of the Nationality and Borders Act, but rather the Competent Authorities must make a discretionary decision as to whether an additional recovery period should be granted based upon information gathered within the evidence gathering window.

14.92. This discretion should take into account whether, on the balance of probabilities, the potential victim has recovery needs arising from physical, psychological and / or social harms relating directly to the specific period of exploitation that resulted in the further RG decision. It may be difficult to determine whether a recovery need relates to a specific period of exploitation or not. However, it is assumed to be the case that any recovery needs relating to all periods of past exploitation will have been assisted with by the first recovery period, unless demonstrated otherwise.

14.93. The minimum evidence required will be written testimony supported by corroborating evidence, where reasonably possible, provided by the potential victim. Corroborating evidence including, but not limited to, a psychologist or other medical professional's report or evidence of threats of re-exploitation from the relevant exploiter is encouraged and will be considered. However, it would not be reasonable to expect an individual to provide corroborating evidence in all circumstances. The evidence threshold is proportionate to the evidence gathering window and therefore written testimony may be sufficient depending on the detail outlined and the corroborating evidence available.

Evidence gathering

14.94. In order to make an additional recovery period decision, the Competent Authorities must take the following steps to gather relevant evidence:

14.95. In the notification letter referred in Annex E, the individual will be informed that they are not entitled to an additional recovery period following their further RG decision but are offered an opportunity to provide the Competent Authorities with any relevant information to an additional recovery period decision within 10 working days. At a minimum for the additional recovery period decision to be made, relevant information must be provided via the "additional recovery period assessment form" as attached to this notification letter. Corroborating evidence should also be provided, where it is reasonably possible to do so.

14.96. Where this information has not already been gathered as part of the NRM referral and / or further RG decision, Competent Authorities will submit a request to the Police Force Intelligence Bureau for information on whether the potential victim is actively supporting an investigation or

prosecution and / or is being investigated for an offence and should receive a response within 10 working days.

14.97. Potential victims are required to fill out the additional recovery period assessment form and evidence that they have recovery needs relating to physical, psychological and / or social harms directly relating to the specific period of exploitation that resulted in the further RG decision. They are responsible for the contents of the form, evidence and returning it to the Competent Authority within the specified timeframe of 10 working days.

14.98. Where a potential victim requires assistance in completing the additional recovery period assessment form (for example, where they cannot read or write, have disabilities, and / or require translation / interpretation services), they may reach out to their authorised legal representatives and / or charitable bodies to seek assistance in completing the assessment form.

14.99. Where it exists, where it may assist in assessing recovery needs for the purpose of making the additional recovery period decision, and where it can be accessed in line with relevant data protection policies, the Competent Authorities may access information and materials from previous recovery periods and / or referrals into the NRM.

14.100. Only information provided or gathered within the evidence gathering window will be considered within the decision-making framework and neither positive nor negative weighting will be afforded to information not received.

14.101. Following the evidence gathering window, the Competent Authorities should decide whether it is appropriate in the circumstances of their particular case for the potential victim to be granted an additional recovery period, based on the information available at that time and in line with the decision-making framework set out in Annex E.

14.102. The Competent Authorities should issue a notification to the potential victim and / or their appointed legal representative of the outcome of the decision as soon as possible following the decision being made.

14.103. Following the evidence gathering window, access to entitlements associated with a recovery period, as per Annex E, is dependent on the outcome of the additional recovery period decision as set out in Annex E.

Making an additional recovery period decision

14.104. When making an additional recovery period decision, the Competent Authorities should be guided by the following principles.

14.105. The starting point is a presumption against an additional recovery period for potential victims who have previously benefitted from a recovery period. It is assumed to be the case that any recovery needs relating to all

periods of past exploitation will have been assisted with or met by the first recovery period, unless demonstrated otherwise.

14.106. Discretion should be exercised when making the decision with each case considered on its own merits. A framework is set out in Annex E as a guide to ensure consistency of application.

14.107. The decision must be timely. It is important that additional recovery period decisions are made promptly for clarity for the individual. This means that decisions must be made on the information available in the evidence gathering window only. There is no expectation for decision makers to undertake extensive investigation to support their decision.

14.108. The decision maker must then consider whether a potential victim has recovery needs arising from physical, psychological and / or social harms relating directly to the specific period of exploitation that resulted in the further RG decision and which means they should be given an additional recovery period.

14.109. As a guide for decision makers, a decision-making framework is set out in Annex E. This includes a non-exhaustive list of information for consideration; however, a decision maker should use their discretion to consider other relevant information where appropriate. Where relevant, reliable, precise and up-to-date disclosable intelligence, information or evidence is present and relevant, it should be considered in reaching an additional recovery period decision. Where few details are provided, the decision maker may consider this to be less compelling, although decision makers should be mindful of circumstances that may limit an individual's ability to fully articulate a recovery need or that it may not be reasonably possible to provide compelling evidence.

14.110. Decision makers should document what attempts have been made to gather further information, if necessary, and the basis for their decision.

The decision-making framework

Recovery Needs		
Indicator *Please note, the below bullet points are indicative and may not be appropriate or relevant for those in the community or in detention.*	**Detail**	**Evidence**
Accommodation: • A need to safeguard potential victims from their exploiter / exploitation reoccurring	Example considerations: • Is the accommodation recovery need clearly articulated? • Does the victim need accommodation to	Written testimony from the potential victim: • Full details as to what the accommodation recovery need is; and

• To provide a secure base from which victims can start to rebuild their lives and become more self-sufficient following exploitation • To facilitate access to other services to assist with recovery needs arising from their modern slavery experiences	provide protection from exploiters relating to the potential victim's newly reported period of exploitation? • Is any other accommodation recovery need relating directly to the specific period of exploitation that resulted in the further RG decision?	• Full details as to how the accommodation recovery need relates directly to the specific period of exploitation that resulted in the further RG decision. This may include, for example, an explanation of how and when contact with the exploiter related to the newly reported period of exploitation took place and / or threats of re-trafficking by that exploiter. Corroborating evidence: • Evidence beyond written testimony from the potential victim that sets out what the accommodation recovery need is. • Evidence beyond written testimony from the potential victim that accommodation recovery need is relates directly to the specific period of exploitation that resulted in the further RG decision. This may include, for example, other evidence of contact with their exploiter related to the newly reported period of exploitation and / or threats of re-trafficking by that exploiter.
Financial support: • To ensure the potential victim is able to meet their essential living needs where this has been impacted as a direct result of the	Example considerations: • Is the financial recovery need clearly articulated? • Is the financial recovery need relating directly to the specific period of exploitation	Written testimony from the potential victim: • Full details as to what the financial support recovery need is; and • Full details as to how this financial support recovery need relates

newly reported modern slavery experience. • To facilitate access to services that will assist with those recovery needs arising from the newly reported modern slavery experience.	that resulted in the further RG decision? • Where there are financial recovery needs to facilitate access to services that will assist with wider recovery needs, are those wider recovery needs relating directly to the specific period of exploitation that resulted in the further RG decision?	directly to the specific period of exploitation that resulted in the further RG decision. Corroborating evidence: • Evidence beyond written testimony from the potential victim that sets out what the financial support recovery need is. • Evidence beyond written testimony from the potential victim that financial support recovery need directly relates to the specific period of exploitation that resulted in the further RG decision.
Access to health and mental health care services	Example considerations: • Is the health and / or mental health recovery need clearly articulated? • Is the health / mental health recovery need directly related to the specific period of exploitation that resulted in the further RG decision? This includes both physical health needs (e.g., temporary conditions such as broken bones, or chronic conditions such as diabetes or heart conditions) and mental health needs (for example depression; anxiety; personality disorders). • Is there a high safeguarding risk to the life or health of the potential victim, if they were not granted	Written testimony from the potential victim: • Full details as to what the health and mental health recovery needs, related directly to the specific period of exploitation that resulted in the further RG decision, are. • Full details as to how the health and mental health recovery needs relates directly to the specific period of exploitation that resulted in the further RG decision. • Full details of why this contact is necessary, given access to reach-in support. Corroborating evidence: • Evidence beyond written testimony from the potential victim that sets out what the health and mental

	an additional recovery period before accessing or completing their medical treatment? • Where the individual is living in the community, are they registered with a GP (including temporary registration) and understands the appointment scheduling process to access treatment? • Where the individual is living in the community, have they been referred or signposted to other relevant NHS services and how to access them - this may include, for example, dentists, sexual health services, mental health services or substance abuse services? • Where eligible, do they have a HC2 certificate to provide ongoing support for health-related costs, such as prescription fees or travel to and from appointments? • Where the individual is in detention, are they receiving / able to receive health and mental health services?	health recovery need is. • Evidence beyond written testimony from the potential victim that health and mental health recovery need is related directly to the specific period of exploitation that resulted in the further RG decision. • Medical evidence, such as an NHS referral letter for medical services, a signed doctor's note or proof of prescription.
Legal advice and support • To ensure potential victims have access to information regarding their legal rights, entitlements and services available to them in	Example considerations: • Is the legal advice and support recovery need clearly articulated? • Is the legal advice and support recovery need	Written testimony from the potential victim: • Full details as to what the legal advice and support recovery need is; • Full details as to how the legal advice and

relation to their recovery needs arising from their modern slavery experiences.	directly related to the specific period of exploitation that resulted in the further RG decision?	recovery need relates directly to the specific period of exploitation that resulted in the further RG decision. Corroborating evidence: • Information from police regarding information relating to relevant law enforcement / prosecution action. • Information from a legal representative registered with The Solicitor Regulation Authority or equivalent bodies in Scotland and Northern Ireland regarding information relating to relevant compensation action.

Other Factors		
Indicator	**Detail**	**Evidence**
Whether an individual is assisting or cooperating with a relevant investigation or prosecution effort	• Is the individual proactively engaged with supporting an investigation or prosecution directly linked to this specific period of exploitation? A non-exhaustive list of information that a potential victim might include to help the Home Office contact the relevant police officers includes the following: • the name of the investigating police force • the name of any police station they have visited to assist with police enquiries • the name and contact details of the	If a recovery period is necessary to support the individual with their continued engagement with an investigation or prosecution directly linked to this specific period of exploitation. The relevant Competent Authority must take reasonable steps to verify the information provided as necessary. Reasonable steps include contacting the relevant police force to seek their assistance in establishing who the investigating officers are. If the relevant Competent Authority (despite having taken reasonable steps) is unable to establish that the victim is helping the police with enquiries, then this

	investigating officers or victim support • officers contact information such as their email address, warrant/shoulder number or telephone number • any other information that may be relevant in helping the Home Office identify who the investigating officers might be • incident or crime reference number	factor should not be used in making the additional recovery period decision.
Whether there are any known additional needs, protected characteristics or safeguarding considerations	• Are there any known or suspected vulnerabilities or additional needs? • Where relevant, how has this individual been assessed in line with the Adults at Risk policy, in terms of other vulnerabilities beyond being a potential and/or confirmed victim of modern slavery? • Is there evidence that this individual is at risk of re-trafficking or other significant safeguarding concern?	Any indicators of increased vulnerability should be considered in tandem with the assessment of the recovery needs.
Whether the recovery needs relating directly to the specific period of exploitation that resulted in the further RG decision could be accessed in another country	• Could the potential victim potentially access assistance and support to meet their recovery needs in their country of origin or in another country to which they may be removed?	If the potential victim could access recovery needs in their home country / third country then this should be considered in tandem with the assessment of recovery needs. There is no requirement to show that the potential victim will receive comparable treatment (similar level of assistance with recovery) between what they are receiving in the UK and any treatment they

		could receive in the country of return. If the potential victim indicates that they fear returning to their home country / third country then this should be considered an asylum issue and should not be considered as part of the additional recovery period decision.
How much time has elapsed since the period of exploitation that resulted in the further RG decision	• How much time has elapsed between the additional recovery decision and the period of exploitation that resulted in the further RG decision?	The length of time between the additional recovery period and the period of exploitation that resulted in the further RG decision should be considered in tandem with the assessment of the recovery needs. The length of time may indicate whether a recovery need is directly related to the newly reported period of exploitation as opposed to a recovery need relating to a different period of exploitation or a general need.

Quality assuring the additional recovery period decision

14.111. As part of the additional recovery period decision, a second pair of eyes review must take place on all decisions by a second caseworker or manager / Technical Specialist to ensure the decision taken is in line with policy. Details of the officer responsible for the review must be kept on record.

Recording the additional recovery period decision

14.112. As part of the decision making process, all Competent Authority staff must keep a detailed consideration minute. See the section on Actions for the Competent Authorities following a NRM decision for further information regarding this process.

Making an additional recovery period decision for children

14.113. Children (those under 18 at the time of the further RG decision) are exempt from the additional recovery period provision.

What happens following an additional recovery period decision?

14.114. The decision will be issued to the potential victim of modern slavery and / or their authorised legal representative where specified as soon as possible.

14.115. Where the Competent Authority has decided it is appropriate to provide the potential victim with an additional recovery period, the individual will, from the point of that decision being served, become entitled to any entitlements associated with a recovery period, as per Annex E.

14.116. In those instances, the additional recovery period assessment form will provide an indication of the recovery needs related directly to the specific period of exploitation that resulted in the further RG decision. However, the assessments that take place during the individual's support journey should also be conducted in the usual way to ensure that the potential victim's recovery needs have been appropriately assessed.

14.117. Where the Competent Authority does not grant an individual an additional recovery period, the potential victim remains unentitled to the entitlements associated with a recovery period, as per Annex E and, where in receipt, is exited from Emergency Accommodation following up to 14 working days of move on support. Where the individual is receiving support via the NRM for the period of exploitation that resulted in the first RG decision, this is unaffected.

Reconsideration of an additional recovery period decision

14.118. There is no right to a reconsideration of the additional recovery period decision.

14.119. There is no right to appeal the additional recovery period decision beyond judicial review.

Access to reach-in support

14.120. Potential victims are able to access reach-in support, where eligible. For more information on reach-in support, please see Section 8.

14.121. Where an individual discloses a new period of exploitation while accessing reach-in support, the individual should be referred into the NRM.

Access to re-entry into the National Referral Mechanism

14.122. Potential victims are able to re-enter the NRM, where eligible. For more information on re-entry, please see Section 8.

14.123. Where an individual discloses a new period of exploitation while re-entering the NRM, a new referral should be made.

Making a Conclusive Grounds decision

Timescale for Conclusive Grounds decision

14.124. There is no target to make a Conclusive Grounds decision within a specific timeframe. A decision can only be made fairly and reasonably once sufficient information has been made available to the competent authority for it to complete the decision. When the relevant competent authority has received sufficient information for it to complete a decision it should seek to do so as soon as possible but only once a minimum of 30-calendar days of the Recovery Period have passed, unless the relevant competent authority has received a Request to delay the decision. The 30-day period begins when the relevant competent authority makes a positive Reasonable Grounds decision.

Timescale for Child Victims

14.125. In accordance with the prioritisation criteria of Conclusive Grounds cases, and as in cases involving an adult, for all cases where the potential victim is currently a child, a NRM decision should be made as soon as possible after 30 calendar days of the Recovery Period have passed, providing there is sufficient information to make the decision and it is in the child's best interest to make the decision at that time. The SCA will be responsible for all child cases.

14.126. Where possible, the SCA should seek to make a decision about a child victim before the individual reaches the age of 18, but should not do so at the expense of the child's best interests, for example, if the SCA requires more information and this will not be available until after the child turns 18.

14.127. If the child is subject to criminal proceedings, the SCA should consider the child's case as a matter of urgency and inform all interested parties as soon as the decision is made. However, a decision should only be made where there is sufficient information available to the SCA to do so and only once a minimum of 30 calendar days of the Recovery Period have passed.

Prioritisation of Conclusive Grounds cases

14.128. Whilst progressing and considering all Conclusive Grounds cases, the Competent Authorities have to allocate cases on a regular basis and they are provided with the flexibility to respond to the operational needs of the day, including ordering within priority groups in order to meet the objectives of His Majesty's Government.

14.129. The Competent Authorities currently work to the following priority groups:

1. Cases linked to detained Foreign National Offenders where a specific prioritisation request has been received.

2. Cases relating to Albanian national potential victims where a specific prioritisation request has been received.

3. The following are considered equal priority:

- Cases linked to the Criminal Justice System where the Competent Authorities have agreed to prioritise/expedite the decision, having been notified of a court hearing date or custody time limit.
- Cases where a child is over the age of 17 but yet to turn 18 (age change cases).
- Cases linked to a Judicial Review or Pre-Action Protocol and a decision timescale has been agreed or ordered as part of the litigation.

4. Cases with a specific safeguarding issue, unless there is an immediate or imminent risk to the individual where the case can be dealt with as higher priority.

5. Cases with an agreement to prioritise/expedite following a request from another Home Office team.

6. Cases involving the reconsideration of a previous Conclusive Grounds decision where a timescale has been agreed.

7. Cases being used to support Decision Maker training and development.

14.130. While this section sets out the current prioritisation approach, priorities can change periodically in line with Ministerial arrangements under the Equality Act 2010.

14.131. Any changes to the prioritisation criteria will be reflected in this guidance.

Requests to delay making a Conclusive Grounds decision

14.132. Competent authorities may receive a request to delay making a Conclusive Grounds decision; for example, until an interested party can submit further information they deem relevant to a case.

14.133. The relevant competent authority must consider the circumstances of the request, whether the additional information is required for the decision,

and as such whether it is appropriate to keep the individual in the Recovery Period rather than proceeding with a decision. Competent authorities must inform the victim of the outcome of the request to delay and provide reasons if the request is refused.

Standard of proof for Conclusive Grounds decision

14.134. At the Conclusive Grounds decision stage, the relevant competent authority must consider whether, 'on the balance of probabilities', there is sufficient information to decide if the individual is a victim of modern slavery.

14.135. The 'balance of probabilities' essentially means that, based on the evidence available, modern slavery is more likely than not to have happened. This standard of proof does not require the relevant competent authority to be certain that the event occurred.

14.136. In reaching their decision the relevant competent authority must weigh the balance of probabilities by considering the whole modern slavery process and the different and interrelated actions that need to have taken place. To make their decision, they must weigh the strength of the evidence presented, including the credibility of the claim, and use common sense and logic based on the particular circumstances of each case.

Evidence gathering at the Conclusive Grounds stage

14.137. There may be insufficient information in the NRM Referral Form in order to make a Conclusive Grounds decision.

14.138. The competent authorities must make every reasonable effort to request all available information that could prove useful in establishing if there are Conclusive Grounds. Following a Reasonable Grounds decision, the relevant competent authority may ask the potential victim (or their legal representative) to provide any further evidence or information as early as possible to help with the Conclusive Grounds decision making process. At any point, the relevant competent authority may request that this information is provided within (a minimum) 14 days.

14.139. The relevant competent authority may also follow up 7 days after requesting further information, to remind the potential victim or their legal representative about the deadline. This communication will also set out the consequences of not engaging with the request to provide information or if the potential victim is unable to be located at a permanent residence. For example, a Conclusive Grounds decision will be made on the basis of the information and evidence available to the relevant competent authority.

14.140. If the potential victim or their legal representative is unable to provide the further information requested within the 14-day deadline, they should contact the Competent Authority as early as possible and request an

extension, providing their reasons (with evidence which supports their reasons for not meeting the deadline) and a timeframe by which they expect to have obtained the relevant information. In deciding whether or not to grant an extension, the relevant competent authority should consider all the factors and reasons for the request. Examples of when extension requests may be granted include (but are not limited to):

- Where timescales for obtaining medical or health records cannot be adjusted by relevant healthcare professionals and where that information may be pertinent to the Conclusive Grounds decision
- Where there are delays in public authorities providing information to the potential victim and where that information is pertinent to the Conclusive Grounds decision
- Where the potential victim has a disability, and it is reasonable, because of that disability, to allow more time for them to provide information
- Where potential victim's learning disability, mental health disorders or psychological instability impacts their ability (or their legal representative / support worker's ability) to gather the relevant information within the deadlines
- Exceptional circumstances such as the potential victim:
  - Has suffered a family bereavement
  - Is pregnant (and it is reasonable to allow more time because of the pregnancy)
  - Has recently given birth
  - Is a child victim

14.141. The relevant competent authority will take a case-by-case approach in considering extension requests. If the request is accepted, the relevant competent authority will set an appropriate extension period for the potential victim to provide the information. The relevant competent authority may make a Conclusive Grounds decision based on the information available to them if:

- The (requested) further information is still not received before the end of the extension period; or
- The potential victim or their legal representative cannot demonstrate that they have proactively contacted and informed the relevant competent authority they cannot meet the extension

14.142. If the potential victim or their legal representative takes proactive steps to contact the relevant competent authority to inform them that the original extension cannot be met and requests another extension, then the relevant competent authority will take a case-by-case approach in deciding whether to accept or decline this request. In making a request for an additional extension, the potential victim or their legal representative should explain their reasons for why they have been unable to meet the extension (with evidence which supports their reasons) and how long it will take to gather the information.

14.143. The relevant competent authority must request more information from the following parties involved in the case as far as it is reasonable to do so and ask that they provide any further information within 14 days (at the point of making the request) before taking the decision:

- The First Responder Organisation
- Adult Safeguarding Services (where engaged in the case of adults)
- Child Social Services or the equivalent body in Northern Ireland and Scotland (where engaged in the case of children)
- ICTG (where appointed), Northern Ireland Independent Guardian Service, or Scotland's Independent Child Trafficking Guardians service
- The MSVCC support provider (where appointed) or equivalent in Northern Ireland and Scotland
- The relevant police force or Police Scotland's National Human Trafficking Unit

14.144. If the 14-day deadline cannot be met, the organisation should contact the relevant competent authority as soon as possible and inform them of when the information will be provided. It is in the interest of the potential victim that the information is provided as early as practicable to avoid delays in the Conclusive Grounds decision making process.

14.145. The relevant competent authority may also seek information from other support providers or other persons involved in assisting the victim where appropriate. In cases where it is likely that the person will be issued a negative Conclusive Grounds decision, the relevant competent authority should ensure all relevant questions have been asked. This might include asking another frontline agency or the support provider to obtain further information or answers to any outstanding questions on behalf of the relevant competent authority as appropriate.

14.146. Some of the indicators on the referral form may not be apparent at the initial encounter but may become clear later, for example during any subsequent interviews with an interpreter and/or at a safe location (for example in a police station). The relevant competent authority should be mindful of any ongoing process which may result in additional information.

14.147. The relevant competent authority must also take into account any expert reports submitted, particularly those from qualified health practitioners. See Views of experts during the NRM process.

14.148. Competent authorities should also take into account objective country of origin information and other published information from a trusted source relating to known or emerging patterns of modern slavery.

Interviews relating to a Conclusive Grounds decision

14.149. There is no requirement for the competent authorities to interview a potential victim and in most NRM cases an interview will not be necessary.

This is because there will generally be sufficient information available from other parties involved in the individual's case, such as the police and support workers, to enable a decision to be made fairly without the potential victim needing to be interviewed.

14.150. If the information available is limited however, for example because there are no other parties such as police or support providers involved in the individual's case; the First Responder can provide no further information, and the information received so far is insufficient to fairly make a decision, then an interview conducted by the relevant competent authority may help the individual to provide further detail about their modern slavery experience.

14.151. Where there are questions that need to be put to a potential victim in order to gather further information about their case, the relevant competent authority must consider submitting questions in writing, either via the police, the support provider (in adult cases), or the local authority (particularly in cases involving children).

14.152. Where information is available but is contradictory the relevant competent authority must consider whether further information is required to permit a decision to be made fairly. If further information is required from the potential victim or if they need to be asked to account for inconsistencies then the relevant competent authority should consider whether the potential victim needs to be interviewed or whether they can fairly be asked to account for inconsistencies by other methods, such as in writing.

14.153. Before they proceed with an interview, the relevant competent authority must balance the benefits of an interview against any potential risks in terms of re-traumatising an individual and also any delay that organising and conducting an interview may cause to making a decision. Competent authorities must therefore always attempt to gather all available information from other sources before deciding that an interview is required.

14.154. The competent authorities must consider whether it would be more appropriate to submit questions in writing or through the support provider, police or local authority (in the case of children and Adults at Risk), or another professional involved in their support. The relevant competent authority should also consider whether it would be more appropriate to submit questions to another body to be asked during a different interview, for example, during an asylum or police interview. The decision should be made having regard to the victim's circumstances.

14.155. Where all other sources have been exhausted and there is still insufficient information available to make a decision fairly, the relevant competent authority must note in the NRM case record that an interview is required.

14.156. An interview is more likely to be appropriate at the conclusive grounds stage than at the reasonable grounds stage. At the reasonable grounds stage the standard of proof, timescales for decision-making and point in the process for the victim mean that an interview will rarely be appropriate.

14.157. The relevant competent authority should carefully consider the timing of an interview including whether any interview during the first 30 days of the Recovery Period is appropriate based on the facts of the individual case, balanced with the need to not unduly delay decision-making.

14.158. Some victims may have been traumatised by their experiences and there may be circumstances in which it would be right to delay the interview. If a victim is unable to attend an interview due to their psychological instability or other compassionate circumstance, then their legal representative or support provider should write to the relevant competent authority to explain the reasons for this and provide a realistic timescale as to when they can be interviewed, and documentary evidence should be provided from a qualified practitioner in all cases. It is the relevant competent authority discretion as to whether the interview is delayed or not.

14.159. Where the competent authorities do seek to arrange an interview the relevant competent authority will determine who is best placed to carry out the interview of the potential victim, and whether it would be beneficial for the support provider to be present during the interview. The relevant competent authority will expect the person designated to carry out the interview to look at whether any other arrangements need to be considered, for example in respect of whether the potential victim has a preference regarding the gender of the interviewer and interpreter.

14.160. See this section for more information on interviewing people who have experienced trauma should the relevant competent authority determine an interview is necessary.

Making a positive Conclusive Grounds decision

14.161. If the relevant competent authority has sufficient evidence to make a positive Conclusive Grounds decision it should do so immediately. However, the victim and interested parties may not be notified of the decision before the 30-calendar day Recovery Period is complete.

14.162. Where there is insufficient information to make a Conclusive Grounds decision on the balance of probabilities, the relevant competent authority should gather additional information until it is able to make a decision.

Making a Conclusive Grounds decision for a potential child victim

14.163. To determine whether there are Conclusive Grounds to believe a child is a victim of modern slavery, SCA staff need knowledge and

understanding about child victims of modern slavery, as characteristics and issues may be different to adult victims.

14.164. In cases of potential child victims, SCA staff must remember that it is not possible for a child to give informed consent to engage in criminal or other exploitative activity, and they cannot give consent to be abused or trafficked, so decision makers do not need to consider the means used for the exploitation. SCA staff must also keep in mind the child's:

- added vulnerability
- developmental stage
- possible grooming by the perpetrator

14.165. No child's case should be considered without contacting individuals who specialise in children from the Local Authority with responsibility for the area the child resides. For more information see the section on child victims as a vulnerable group.

When the competent authorities may need to make further enquiries at the Conclusive Grounds stage

14.166. Where it appears that the Conclusive Grounds decision may be negative on the balance of probabilities, the relevant competent authorities should contact the First Responder, support providers, police and Local Authority as appropriate (and ICTG where available, Northern Ireland Independent Guardian Service, or Scotland's Independent Child Trafficking Guardians service) to discuss their decision and give them the opportunity to provide any further information before taking the decision.

Quality assuring the Conclusive Grounds decision (Second pair of eyes)

14.167. As with a negative Reasonable Grounds decision, a negative Conclusive Grounds decision must also be reviewed by a second caseworker or manager. See Quality assuring the Reasonable Grounds (or Conclusive Grounds) decision (second pair of eyes).

Recording the Conclusive Grounds decision

14.168. At the Conclusive Grounds stage there are three potential outcomes on the case:

- the individual is recognised as a victim of modern slavery (human trafficking)
- the individual is recognised as a victim of modern slavery (slavery, servitude and forced or compulsory labour)

- there is insufficient evidence to recognise the individual as a victim of modern slavery[11]

14.169. As part of the NRM decision making process, staff at the relevant competent authority must keep a detailed consideration minute. See Actions for the Competent Authorities following a National Referral Mechanism decision for more information.

14.170. Where the assessment of credibility undermines an individual's account to the point that the Conclusive Grounds standard of proof can no longer be met, the relevant competent authority must conclude that the subject is not a victim of modern slavery.

14.171. When the relevant competent authority comes to a decision they must consider that victim service providers need to prepare the person for the outcome and that the decision may directly impact on any criminal investigation.

Actions for the Competent Authorities following a National Referral Mechanism decision (Reasonable and Conclusive Grounds, and Public Order and Bad Faith Disqualification)

14.172. This section sets out the actions the relevant competent authority will need to take following a Reasonable and/or Conclusive Grounds decision, and a public order or bad faith disqualification decision. In all NRM cases, when a decision is made the relevant competent authority must take the following actions:

Action 1: Record the decision

14.173. The relevant competent authority must update the records when any of the following occurs:

- Positive Reasonable Grounds decision made
- Negative Reasonable Grounds decision made
- Request for disqualification is received
- Public Order disqualification is applied
- Public Order disqualification is not applied
- Bad Faith disqualification applied
- Bad Faith disqualification not applied
- Additional Recovery period refused
- Additional Recovery Period Granted
- Positive Conclusive Grounds decision made

[11] Where someone has not been found to have been a victim of modern slavery at this time but has been a victim of labour exploitation they will be entitled to the usual protections granted in UK law.

- Negative Conclusive Grounds decision made
- A Second Pair of Eyes Review has taken place after a Negative decision
- A reconsideration is requested
- Permission to stay is granted
- Permission to stay is refused

Consideration minute

14.174. In all cases the relevant competent authority must record how the case progresses and keep detailed notes of their decisions. It is essential that they make a comprehensive written assessment of how the person's situation meets or does not meet the definition of a modern slavery victim. In cases where the competent authority is considering whether to disqualify an individual on public order or bad faith grounds, they must make a written assessment of how the person does or does not meet the definition of public order or bad faith. In their assessment they must refer to the documents submitted in support of the referral/request (for example those submitted by non-governmental organisations) and show the weight they have given to the information.

14.175. The relevant competent authority must also make sure that relevant databases are updated at each stage of the case, for example operating systems and any local spreadsheets.

14.176. This consideration minute will be used as the basis for dealing with the key points in their decision.

14.177. When issuing a positive decision, the relevant competent authority will notify the potential victim, and/or their representative where appropriate, of the case outcome. The relevant competent authority will not send a copy of the decision minute explaining the decision rationale; this is kept on the case file. When issuing a decision that the public order or bad faith disqualification will not be applied the relevant competent authority will notify the potential victim, and/or their representative where appropriate, of the case outcome. The relevant competent authority will not send a copy of the decision minute explaining the decision rationale; this is kept on the case file

14.178. When issuing a negative decision, the relevant competent authority will notify the potential victim, and/or their representative where appropriate, of the case outcome. In addition, a copy of the decision minute will also be sent explaining the rationale for the negative decision. When issuing a decision that the public order or bad faith disqualification will be applied the relevant competent authority will notify the potential victim, and/or their representative where appropriate, of the case outcome. In addition, a copy of the decision minute will also be sent explaining the rationale for the disqualification decision.

14.179. The consideration minute must include all of the following:

- **case summary**
- **objective information on country/countries in question**
- **findings of fact with detailed reasoning** – clear credibility findings including reference to which events the relevant competent authority accepts took place and which events the relevant competent authority does not accept took place
- **why the definition of human trafficking and/or slavery, servitude, and forced or compulsory labour is or is not met in respect of a Reasonable Grounds or Conclusive Grounds test**
- **decision outcome**
- **date of decision**

14.180. The consideration minute for the public order disqualification must include all of the following:

- **details of public order criteria met and assessment of level of threat to public order**
- **information considered in making the decision**
- **assessment of the need for recovery assistance**
- **assessment of how the balance was reached in favour or against public order disqualification**
- **decision outcome**
- **decision date**

14.181. The consideration minute for the bad faith disqualification must include all of the following:

- **information considered in making the decision**
- **assessment of evidence in favour of applying the disqualification**
- **assessment of any explanations for gaps in evidence or a lack of credibility**
- **assessment of how the balance was reached in favour of or against applying the bad faith disqualification**
- **decision outcome**
- **date of decision**

Action 2: Notify the individual of the decision

14.182. Competent authorities should complete the appropriate decision letter for the case outcome.

14.183. For a negative decision, the relevant competent authority must include a copy of the consideration minute providing full details of what they have considered and explaining their decision.

14.184. The relevant competent authority should issue the decision letter to the adult concerned or through their appointed representative, where applicable. Where a notification of a decision is sent to a potential victim the competent authority should not send this to an address where the victim was known to have been exploited. Notification of a decision must always be sent to a potential victim at a safe address.

14.185. In the case of child victims, the letter should be issued to the relevant support worker in the Local Authority, and ICTG where available, Northern Ireland Independent Guardian Service, or Scotland's Independent Child Trafficking Guardians service.

14.186. The competent authority must not serve a decision letter or other modern slavery papers on a child under any circumstances. All modern slavery papers must be served on the child's appointed representative or the Local Authority and ICTG where available, Northern Ireland Independent Guardian Service, or Scotland's Independent Child Trafficking Guardians service.

Action 3: Notify other relevant agencies of the decision

14.187. The relevant competent authority must notify the following of their decision:

- the First Responder and/or First Responder Organisation (in all cases)
- the support provider (all supported adult cases and family cases; the Salvation Army if supported in England and Wales, the Trafficking Awareness Raising Alliance or Migrant Help if the adult is being supported in Scotland or Migrant Help or Women's Aid if the adult is being supported in Northern Ireland)
- the Local Authority in England, Scotland and Wales, or relevant Health and Social Care Trust in Northern Ireland (in the case of children or where engaged in adult cases)
- the ICTG (where appointed in the case of child victims), Northern Ireland Independent Guardian Service, or Scotland's Independent Child Trafficking Guardians service

14.188. The relevant competent authority should update the Home Office database as appropriate (e.g. NRM Referral case type, special condition, removal barrier).

14.189. The relevant competent authority should update police following a Reasonable Grounds decision or Conclusive Grounds decision, Public Order Disqualification decision, or bad faith disqualification decision. For more information see Information sharing between the competent authorities and the police.

Action 4: Notify law enforcement (where criminal proceedings are involved)

14.190. If the individual is the subject of criminal proceedings the relevant competent authority must contact the police as soon as the NRM decision is made.

14.191. The relevant competent authority must ensure that the police (or the Police Scotland's National Human Trafficking Unit) are notified of the NRM decision as soon as they make it. This is done by sending the police a copy of the notification letter or contacting them by email or telephone as appropriate.

14.192. Generally, the relevant competent authority must ask the police to notify any relevant prosecutors (the Crown Prosecution Service, the Crown Office and Procurator Fiscal Service in Scotland, or Public Prosecution Service for Northern Ireland) of the NRM decision as soon as they make it.

14.193. For more information see the section 45 defence (Annex H).

Actions for the Competent Authorities when a National Referral Mechanism decision is suspended

14.194. In a small proportion of cases people who are being processed through the NRM will go missing. Competent authority staff must, however, still make a decision on the case and copy it to all relevant parties as described above if sufficient information is available to make the decision.

14.195. Any party or agency who becomes aware that an individual is missing should consider reporting this to all other relevant parties, e.g. to police. For more information in cases involving children, see also the guidance on children who run away or go missing from home or care, and guidance on working together to safeguard children. Where another party has not already done so, a competent authority must notify other relevant parties that the individual is missing and those parties should then consider any appropriate action.

14.196. In cases where modern slavery indicators are present but are insufficient to reach the appropriate standard of proof at the Reasonable Grounds or the Conclusive Grounds stage, and it is not possible to gather more information because the individual is missing, the competent authority must take the following actions:

Action 1: Report that the competent authority considers the potential victim to be a vulnerable missing person

14.197. If a competent authority is not aware that another party has already reported the individual as a vulnerable missing person it must do so. This

report should be made to the police force considering the alleged modern slavery and also the police force where the individual is considered to have gone missing. The police should then consider what actions should be undertaken in line with all relevant guidance, for example whether to arrange for an appropriate marker to be added to the Police National Computer.

14.198. The competent authority should also confirm that the Local Authority Safeguarding Children Service in the case of missing children, or the Local Authority Adult Safeguarding Service (if already engaged) in the case of an adult victim, have been informed.

Action 2: Notify the following that the NRM case has been suspended:

- the First Responder (in all cases)
- the support provider (all supported adult cases and family cases; the Salvation Army if supported in England and Wales, the Trafficking Awareness Raising Alliance or Migrant Help if the adult is being supported in Scotland or Migrant Help or Women's Aid if the adult is being supported in Northern Ireland)
- the Local Authority in England, Scotland and Wales, or relevant Health and Social Care Trust in Northern Ireland (in the case of children or where engaged in adult cases)
- the ICTG (where appointed in the case of child victims) Northern Ireland Independent Guardian Service, or Scotland's Independent Child Trafficking Guardians service
- the relevant Home Office immigration casework team (where they are involved) so that they are aware of the issue of modern slavery and that the victim is recognised as potentially at risk if they are encountered again

Action 3: Notify law enforcement

14.199. The competent authority must ensure that the police (or Police Scotland's National Human Trafficking Unit) are notified that the NRM decision is suspended by sending the police a copy of the notification letter or contacting them by email or telephone as appropriate. If the potential victim is the subject of criminal proceedings, the competent authority must ask the police to notify any relevant prosecutors (the Crown Prosecution Service, the Crown Office and Procurator Fiscal Service in Scotland, or Public Prosecution Service for Northern Ireland) that the NRM decision is suspended.

Action 4: Record the case as suspended

14.200. Competent authority staff must record the case as 'Suspended'. Competent authority staff should also record in the case notes whether it is

'Suspended pre-Reasonable Grounds' or 'Suspended pre-Conclusive Grounds' as appropriate.

14.201. All actions undertaken by the competent authority should be recorded in the case file.

Actions for the Competent Authorities in live immigration cases following a National Referral Mechanism decision

14.202. Where an immigration case is present, the relevant competent authority must notify the appropriate Home Office immigration casework teams of an NRM decision in order for them to consider necessary next steps in live immigration cases.

14.203. The competent authorities are not responsible for considering any steps in live immigration cases. Appropriate teams will be informed so that they can consider immigration related issues and cases, including but not limited to immigration detention, immigration bail, and asylum case progression and decision

14.204. A positive Conclusive Grounds decision does not result in an automatic grant of immigration leave. However, the relevant competent authority is able to consider whether a grant of is appropriate following a positive Conclusive Grounds decision. Non-EEA and EEA nationals will automatically be considered for a grant of VTS.

14.205. Only those with a positive Conclusive Grounds decision may go on to be considered for VTS as a victim. Those with a negative Conclusive Grounds decision will not receive a consideration based on this criterion.

Competent Authority case record

14.206. A competent authority case record must be kept by the relevant competent authority staff.

14.207. When modern slavery cases are concluded, all competent authority case records must, at a minimum, contain:

- First Responder referral form
- Public Order Disqualification Referral (if applicable)
- Public Order Disqualification Letter
- Public Order Disqualification consideration minute
    - [where Public Order disqualification is applied] confirmation that the decision has been checked and signed off by a second pair of eyes
    - [where Public Order disqualification is applied] confirmation that the decision has been passed to the MSVCC support provider, or equivalent support providers in Northern Ireland and Scotland, where support is to be discontinued.

- Bad faith disqualification Letter
- Bad faith disqualification consideration minute
    - [where bad faith disqualification is applied] confirmation that the decision has been checked and signed off by a second pair of eyes
- [where bad faith disqualification is applied] confirmation that the decision has been passed to the MSVCC support provider, or equivalent support providers in Northern Ireland and Scotland, where support is to be discontinued.
- Reasonable Grounds decision letter
- Reasonable Grounds decision consideration minute
    - [where Reasonable Grounds decision is negative] confirmation that a negative decision has been checked and signed off by a second pair of eyes
    - [where Reasonable Grounds decision is positive] confirmation that a potential victim's details have been passed to the MSVCC support provider, or equivalent support providers in Northern Ireland and Scotland, where consent has been given to enter support

Where the case has progressed to Conclusive Grounds:

- Conclusive Grounds decision letter
- Conclusive Grounds decision consideration minute
    - **[where Conclusive Grounds decision is negative]** confirmation that a negative decision has been checked and signed off by a second pair of eyes
- notices to the support provider or Local Authority in England, Scotland and Wales or relevant Health and Social Care Trust in Northern Ireland
- details of police or criminal and financial investigations team referral
- details of requests for information made by competent authority staff in preparing the case for a Conclusive Grounds decision – it may contain further details in case notes e.g. calls taken, security checks undertaken, even when no further information has been obtained.

Disclosure of information to the victim and right of access requests

14.208. The outcome of Reasonable Grounds and Conclusive Grounds decisions will always be disclosed to victims as a matter of course.

14.209. Victims can request access to the information held about them by the relevant competent authority in accordance with Article 15 of the UK GDPR. Requests for information should be submitted in writing. Templates to assist with requesting this information are available from the Information Commissioner's Office here.

14.210. Section 15 of the Data Protection Act (DPA) 2018 allows for exemptions from right of access requests as set out in Schedule 2 of the DPA 2015. These exemptions include for 2(1)(a) the prevention of a crime, and 2(1)(b) the apprehension or prosecution of offenders. As such, where

there is sensitive information in the referral form or decision minute, this should be redacted before the records are released. Examples of sensitive information that may not be released, include:

- Information about police or other law enforcement investigations
- Information regarding other victims

Tribunal Requests

14.211. Rule 4 of the tribunal procedure rules enables the tribunal to give directions to the parties relating to the conduct of any appeal or application. This may include directions providing for a party to provide further details of his case or any other information which appears to be necessary to the determination of the appeal.

14.212. Even where it is the view of the competent authority that the content of the minute will not add anything in terms of merits of this individual's asylum claim, the fact that the decision letter is complemented by a fuller record of the decision-making process, and the evidence relied on which underpins that and has not been disclosed, may be sufficient for someone to argue that its content 'appears to be necessary to the determination of the appeal'.

14.213. In addition, Rule 15 of the tribunal procedures rules provides tribunals with the ability to issue a summons requiring a witness to attend and answer any questions, or produce any documents in their custody or under their control, relating to any matter in issue in an appeal. Any witness summons should be sent via the SCA inbox (nrm@modernslavery.gov.uk) and not directly to an SCA staff member. The SCA will contact the tribunal/court regarding the summons and if staff presence is required, a senior manager from the SCA will attend.

14.214. As such, the relevant competent authority should provide copies of decision minutes to the Tribunal where instructed to do so.

14.215. Those minutes should be carefully examined and, where appropriate, redacted accordingly in line with Home Office guidance on redaction.

Reconsideration of Reasonable Grounds or Conclusive Grounds decision

14.216. An individual, or someone acting on their behalf, may request reconsideration of a negative Reasonable Grounds or Conclusive Grounds decision by the relevant competent authority. A reconsideration request must be made within one month of the negative Reasonable Grounds or Conclusive Grounds decision on the following grounds:

- Where additional evidence can be provided which, taken with all the available evidence already considered, could demonstrate that the individual is a victim of modern slavery.
- There are specific concerns that a decision made is not in line with this guidance.

14.217. The relevant competent authority must review whether there are sufficient grounds to reconsider the negative decision, and in turn reconsider the decision where it has determined there are grounds to do so.

14.218. If a decision maker considers that there are good reasons that the negative reasonable grounds or conclusive grounds decision should be reconsidered, an individual can submit a reconsideration request or request someone involved in their case, for example their Support Provider or First Responder, to submit a reconsideration request on their behalf to the competent authority that is overseeing the disputed decision.

Evidence required for a reconsideration request

14.219. All relevant evidence considered to support the reconsideration request should outline specifically how the decision was not in line with the guidance, or how any supporting evidence provided could be material to the outcome of a case. If this evidence could have been provided in advance of the negative reasonable grounds or conclusive grounds decision, there should be an explanation as to why this evidence was not provided earlier.

14.220. Irrespective of who submits a request for reconsideration, the relevant competent authority may gather further information from Support Providers and First Responders to help determine whether a reconsideration should be undertaken.

14.221. The relevant competent authority will not reject any request for reconsideration on the basis of who the request was submitted by.

14.222. If a First Responder or Support Provider does not request a reconsideration for an individual who believes there are grounds for a reconsideration request, the First Responder or Support Provider must gain approval for, and submit evidence to, the competent authority their reasoning to refuse a reconsideration request. The First Responder or Support Provider should in turn notify the individual of the reasons from the Competent Authority for that rejection in writing (see below). This does not prevent the individual from submitting a reconsideration request themselves.

14.223. Any further evidence must be provided with the reconsideration request itself and within one month of a negative reasonable grounds or conclusive grounds decision (unless exceptional circumstances are present – see 'Requesting an extension to provide new material'). Where further evidence is provided to the competent authority, the relevant competent authority will consider whether the additional evidence, taken with the evidence already considered, at Reasonable and Conclusive Grounds decision stages, demonstrates that the individual is a victim of modern slavery. Examples of evidence likely to be relevant to a case includes, but is not limited to, the following:

- Evidence from the police that the individual has been the victim of a crime of modern slavery.
- A judgment from the Immigration & Asylum Chamber or other court/tribunal involved in immigration processes that an individual with a negative NRM decision is a victim of modern slavery.
- A successful use of the section 45 defence in court (see Annex H)
- Evidence that provides possible explanations for inconsistencies in a potential victim's account of modern slavery e.g., a medical report detailing inability to provide a coherent account of their experience of modern slavery.
- Factual evidence that demonstrates that one of the conclusions drawn by the CA is incorrect.
- Evidence that suggests that the 'Making a Conclusive Grounds Decision' section in the statutory guidance has been followed incorrectly.

14.224. The relevant competent authority must notify the requestor in writing as to whether the decision is to be reconsidered or not. Where it is not, the relevant competent authority must inform the requestor of the reasons for this. The relevant competent authority should notify the requestor within nine working days, where possible, whether it will reconsider the decision or not. Where a decision is to be reconsidered, a new decision should be made as soon as possible when there is sufficient information available to do so.

14.225. Where the relevant competent authority has decided to reconsider a negative Conclusive Grounds decision, the individual in question will again be considered a potential victim in the NRM and able to access support accordingly, whilst a new conclusive grounds decision is made unless they are subject to disqualification under Section 63 of the Nationality and Borders Act 2022 or Section 22 of the Illegal Migration Act 2023. Where the potential victim has already left support, their support needs may need to be assessed before re-entering support.

14.226. An extension request should be submitted by the Support Provider to the Competent Authorities if an individual is expected to exit support following a negative Conclusive Grounds decision and the relevant

Competent Authority has not yet informed the requestor that they have accepted a request for reconsideration and the support provider believes the individual should remain in support. Please see the 'Extension requests' section of this guidance which provides more detail on extension requests to remain in support.

Requesting an extension to provide new material

14.227. If an individual makes a reconsideration request on the basis of new information but is unable to provide the information within one month of the negative reasonable or conclusive grounds decision, they should contact the Competent Authority as early as possible and request a reconsideration request extension The potential victim should provide their reasons for not being able to meet the one-month deadline (with evidence which supports their reasons) and a timeframe by which they expect to have obtained the relevant information.

14.228. Extensions to this timeframe will only be granted in exceptional circumstances and it will be at the discretion of the decision maker to determine if exceptional circumstances apply. Circumstances are only likely to be deemed exceptional if an individual is likely to unable to obtain or provide information to the Competent Authority for reasons beyond their control, if safeguarding concerns are present, if an individual has recently left an exploitative situation or for reasons to which the individual could not have reasonably foreseen.

Requesting a reconsideration

14.229. A request for reconsideration should be submitted to the relevant competent authority that made the disputed decision. Requests to the Single Competent Authority (SCA) may be made by emailing nrm@modernslavery.gov.uk. Requests to the Immigration Enforcement Competent Authority (IECA) may be made by emailing TechnicalSpecialistsIECA@homeoffice.gov.uk.

14.230. A request for reconsideration should include the following information:

- Name of the individual in receipt of a negative decision.
- Date of birth.
- Nationality of the individual.
- NRM reference number.
- Basis of request i.e., 'not in line with guidance' or 'new available evidence'
- Reasons for the reconsideration request, including new available evidence where applicable.

- Where new evidence is being provided, an explanation as to why this evidence was not provided earlier.

Submitting a reconsideration request after a negative Reasonable Grounds or Conclusive Ground decision is upheld

14.231. Generally, only one reconsideration request will be considered by the relevant competent authority on the basis of specific concerns that a decision is not in line with guidance or on the basis of new available evidence. If the relevant competent authority accepts a reconsideration request and subsequently upholds the negative reasonable grounds or conclusive grounds decision, that decision will be final unless the potential victim can provide good reasons for why the decision should be reconsidered once more.

14.232. “Good reasons” will usually include (but are not limited to) the individual providing additional new material in line with examples provided in ‘Evidence required for a reconsideration request’. The individual should explain why this information was not previously provided at the point of referral into the NRM or was not provided within the one-month period.

14.233. Further material provided as part of the "good reasons test" should also be timely and made as close to possible to any upheld decision of a negative reasonable or conclusive grounds decision. It must be clearly evidenced with supporting detail and present substantially new insights to decision makers or First Responder Organisations that were not present in the primary reconsideration request.

14.234. If "good reasons" are not provided and the reconsideration request is not timely, detailed and it does not present new evidence, First Responder Organisations can advise Competent Authorities to reject the reconsideration request. The Competent Authority can adopt the First Responder’s view, in conjunction with the evidence provided to the First Responder and refuse the reconsideration request on this basis.

Public Order Disqualification

14.235. This section sets out 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.

14.236. The Public Order Disqualification is a decision made using the Public Order Decision Making Framework set out below. Using this framework, decision makers will determine whether an individual can be disqualified. Once it is determined that a Public Order Disqualification can apply to the

individual the Competent Authorities should then make a separate assessment of the re-trafficking risk for that individual in accordance with Assessing Re-trafficking Risk section below.

14.237. This section does not set out the process for managing a Public Order Disqualification request relating to national security (which may fall under subsections 63(3) (a), (c), (d), (e), (g), (h), or (i) of the Nationality & Borders Act 2022). Separate guidance on this process will be made available to all operational staff who manage and consider disqualification requests.

14.238. This section updates the previous guidance on public order.

Definition and core principles

14.239. This section sets out the process Competent Authorities will follow when making a Public Order Disqualification decision in accordance with the public order definition set out at Section 63(3) of the Nationality and Borders Act 2022.

14.240. Disqualification requests can be made following an NRM referral and positive Reasonable Grounds decision. They may only be made after a positive Conclusive Grounds decision or the grant of Temporary Permission to stay if information comes to light or concerns that an individual meets the Public Order Disqualification definition are raised after the Conclusive Grounds decision is made. Should the Public Order Disqualification be applied after permission to stay based on modern slavery has been granted, that permission to stay ceases to apply.

14.241. If an individual received a positive Conclusive Grounds decision before 30 January 2023 the Public Order Disqualification will only apply if relevant information comes to light or concerns are raised after the 30 January 2023.

14.242. Where the Public Order Disqualification applies, the following cease to apply:

- any prohibition on modern slavery grounds on removing the person from the UK or requiring them to leave; and
- any requirement on modern slavery grounds to consider the person for Temporary Permission to Stay as a Victim of Human Trafficking or Slavery (VTS) in the United Kingdom; and
- access to a recovery period or modern slavery specific assistance and support; and
- Where a Conclusive Grounds decision has not yet been made, any obligation to make a Conclusive Grounds decision.

Timescale for a Public Order Disqualification decision

14.243. The expectation is that the Public Order Decision Making Framework and the re-trafficking assessment will be made as soon as possible after a positive Reasonable Grounds decision.

14.244. Disqualification requests can be raised by the Competent Authorities and the Foreign National Offender Returns Command (FNORC) where:

- removal or deportation action is being pursued and it is known that the individual concerned has been referred into the NRM system, and;
- the individual meets the public order definition under Section 63(3) (b) or (f).

14.245. Disqualification requests can be raised by Competent Authorities where:

- a British citizen is in detention or on licence and has been referred into the NRM; or
- a British citizen has presented with challenging behaviours in modern slavery support, and it has been identified by the competent authority that the individual meets the public order definition under S63(3) (b).

14.246. In some cases, the Competent Authority will request further information from individuals to assess whether a disqualification decision should be made. Detail on timescales for requesting information, evidence gathering and making a public order decision is set out in the section 'Evidence gathering and decision making process'. The Public Order Decision Making Framework decision and re-trafficking assessment should be made within 30 working days of the disqualification request wherever possible.

14.247. First Responders must always make an NRM Referral and/or a Duty to Notify in line with relevant guidance, even where the individual is likely to meet the public order definition. The Competent Authorities will consider Public Order Disqualification only where a disqualification request has been made by those listed in this guidance.

Public Order Disqualification requests

14.248. The disqualification request should be made using the request template and include:

- Confirmation of which part of the public order definition has been met and relevant disclosable evidence source demonstrating the same;
- Information relevant to the convicted offence(s) that meets the public order definition; and

- Any other relevant information or material, including any information or material relevant to the individual's risk of re-trafficking and the risk of re-trafficking if an individual was disqualified from the NRM.

14.249. Where the disqualification request does not include sufficient information as per the request template, the Competent Authorities reserve the right to reject the request. A further request can be made if further information is provided as outlined in the section 'Repeat referrals'.

14.250. If an individual meets one or more of the criteria in s63(3) Nationality and Borders Act 2022 then the individual is considered to meet the public order definition regardless of time elapsed since the public order offence. The decision to apply the Public Order Disqualification will be considered on a case-by-case basis as set out in this guidance.

Evidence gathering and decision-making process

14.251. The Public Order Disqualification will be applied on a case-by-case basis, dependent on an individual meeting one or more parts of the public order definition set out at Section 63(3) of the Nationality and Borders Act. The Competent Authority must consider whether the disqualification can be applied on an individual basis.

14.252. This decision must consider whether the need for modern slavery specific support outweighs the threat to public order. The Competent Authorities should do this using the Public Order Decision Making Framework.

14.253. Information available to the decision makers when making their decision should include, as a minimum, information relating to the relevant exploitation in the NRM referral form, the Public Order Disqualification request and Home Office records more broadly.

14.254. Objective evidence including, but not limited to, the individual's criminal records, Judge's sentencing remarks, medical records and immigration reporting data will be afforded greater weight in the balancing exercise than subjective testimony.

14.255. Having made a decision on whether to apply the Public Order Disqualification using the Public Order Decision Making Framework, the Competent Authorities should go on to consider re-trafficking risk in accordance with the process set out in Assessing Re-trafficking Risk.

British Citizen Cases and non-detained cases (Foreign National Offenders)

14.256. When using the Public Order Decision Making Framework, the Competent Authorities must take the following steps to gather relevant evidence:

- The Competent Authorities should issue a letter or email to the potential victim (or victim) of modern slavery and/or their authorised legal representative, if such contact details are held, within two working days, where possible, of the disqualification request being accepted. The letter or email will inform the individual that the Home Office is 'minded to apply' the Public Order Disqualification, subject to any relevant information being provided within ten working days.

- The information requested should be relevant information as listed in the section 'Public Order Decision Making Framework'. Relevant information relating to re-trafficking risk, including the risk of re-trafficking if an individual was disqualified, should also be requested at this time. It is not possible to seek an extension to this timeframe unless exceptional circumstances apply. If contact details are not held, Competent Authorities will take the necessary action to implement the decision regardless of contact, on the basis of information already held.

- The Competent Authorities should submit a request to the Police Force Intelligence Bureau (PFIB) for information on whether the individual is actively supporting an investigation or prosecution and/or is being investigated for a further offence within two working days, where possible, of the disqualification request being accepted. The request for PFIB should also request information that might be a factor when considering re-trafficking risk for that individual and the risk of re-trafficking if an individual was disqualified from the NRM. Police will be asked to respond within ten working days, where possible.

14.257. Only information provided by the individual by the date of the relevant decision will be considered within the decision-making framework and / or re-trafficking assessment unless an extension has been given in exceptional circumstances.

14.258. Extensions to this timeframe will only be granted in exceptional circumstances. It will be at the discretion of the decision maker to determine whether exceptional circumstances apply. Circumstances are generally only

likely to be deemed exceptional where the individual is unable to obtain information, or provide information to the Competent Authority, for reasons which are beyond their control and which they could not have reasonably foreseen. If an individual considers that they will be unable to provide explanatory evidence within the ten-working day timeframe, they should notify the Competent Authority as soon as is practicable.

14.259. Following the ten-day evidence gathering window, the Competent Authorities should make a final Public Order Disqualification decision, based on the information available at that time and in line with the decision-making framework set out in the section 'Public Order Decision Making Framework'. If the decision is made to apply the Public Order Disqualification using the framework, Competent Authorities should go on to assess the re-trafficking risk to the individual should they be disqualified in line with the process set out in Assessing Re-trafficking Risk section below. The Public Order Decision Making Framework decision and re-trafficking assessment should be made within 30 working days, where possible, of the public order request being accepted by the Competent Authority.

Detained cases – Foreign National Offenders

14.260. The ten working day window to provide information does not apply for Foreign National Offenders who are detained under immigration powers or who are serving a custodial sentence where the Competent Authority is satisfied that there is sufficient accessible information on which to base the Public Order Decision Making Framework decision and/or the re-trafficking assessment without the need to write out for further information.

14.261. When submitting the request to the Competent Authorities, where the requestor has information relating to the needs and vulnerabilities of the individual, including possible re-trafficking risk, the requestor should provide this information, or signpost towards it, including relevant information that subsequently becomes available before the Public Order Disqualification decision has been made. This should include, but is not limited to, a recovery needs assessment (where available), any health assessments (as recent as possible), and details of any medication or treatment being received or recommended.

14.262. The Competent Authorities will make a Public Order Disqualification decision based on the information available in line with the decision-making framework set out in the section 'Public Order Decision Making Framework'. If a decision is made to apply the Public Order Disqualification, Competent Authorities should go on to assess re-trafficking risk. The Public Order Disqualification decision and re-trafficking assessment should be made

within 30 working days, where possible, of the public order request being accepted by the Competent Authority.

Making a public order disqualification

14.263. When making a Public Order Disqualification Decision Competent Authorities should consider the case under the 'Public Order Decision Making Framework', balancing the threat to public order with the need for modern slavery support.

14.264. When making a Public Order Disqualification decision using the framework, the Competent Authorities should be guided by the following principles.

14.265. Discretion should be exercised when making a Public Order Disqualification decision on a case-by-case basis balancing the threat to public order with the need for modern slavery specific support.

14.266. The decisions must be timely. It is important that decisions on public order are made promptly for protection of the public, clarity for the individual, and those providing support. This means that decisions must be made on the information available in the decision-making window, as set out in the section 'Public Order Decision Making Framework' only. There is no expectation for decision makers to undertake extensive investigation to support their decision.

14.267. The starting point for the Public Order Disqualification decision, using the framework is that an individual who meets the public order definition is a threat to public order. The decision maker must then consider, on the evidence available, whether the individual's need for modern slavery specific protections outweighs the threat to public order posed by the individual. There is a high bar for the need for modern slavery protections or support to outweigh the threat to public order, with more weight given to the public interest in disqualification.

14.268. As a guide for decision makers, the decision-making framework is set out below. It includes a non-exhaustive list of information for consideration, however a decision maker may use their discretion to consider other relevant information. Where relevant reliable, credible, precise and up-to-date disclosable intelligence, information or evidence is present, it should be considered, as far as is reasonable, in reaching a Public Order Disqualification decision

14.269. Using the information available and the framework set out below, decision-makers should make a reasonable assessment as to whether, in respect of receiving modern slavery specific protections only:

- the individual is a high, or low threat to public order.
- the individual has a high or low need for modern slavery specific protections.

14.270. Decisions will be made on a case-by-case basis, with the level of threat posed by the individual weighed against their modern slavery specific recovery needs. Foreign National Offenders who have already received a stage 2 deportation decision or a signed deportation order will be automatically presumed to be a high risk to public order.

14.271. The absence of information in relation to any of the indicators set out in the framework should not be considered to count in favour or against the high/low markers, except where it is expressly articulated by the decision-making framework.

14.272. The Public Order Disqualification should be applied where the threat to public order outweighs the need for modern slavery specific protections, or where there is insufficient evidence or information to fully consider all the proposed wider circumstances in relation to an individual's need for modern slavery specific protections despite reasonable attempts (as described in this guidance) to obtain that evidence.

14.273. If it is determined that a Public Order Disqualification should apply, the Competent Authorities should conduct a re-trafficking assessment as set out in Assessing Re-trafficking Risk below. This assessment should be based on the information available to the Competent Authorities at the time of making the decision, in line with any evidence obtained as part of the consideration of the framework.

14.274. Decision makers should document what attempts have been made to gather further information and the basis for their decision.

Public Order Decision Making framework

14.275. The below decision-making framework contains a non-exhaustive list of indicators and will be used by Competent Authority decisionmakers on a case-by-case basis.

Threat to public order		
Rating	**Indicator**	**Detail**

HIGH	The person has been convicted of an offence listed in Schedule 4 to the Modern Slavery Act 2015.	This applies regardless of whether the offence was attributed to the exploitation or the length of time since the offence.
	The individual has been convicted of an offence in the UK and sentenced to at least 12 months in prison.	This applies irrespective of the length of time since the offence.
	The individual has received a stage 2 deportation decision or a signed Deportation Order.	Individuals who have received a stage 2 deportation decision or a signed Deportation Order have undergone similar considerations to a public order decision.
	Aggravating factors	The individual has displayed threatening behaviour on more than one occasion (i.e. not an isolated incident) behaved towards others in a way that intends to cause harassment, alarm or distress to that person e.g. by the use of insulting, threatening and abusive words, behaviour or written signs and other representations; has displayed violent and aggressive behaviour including damage to property; Competent Authority has received notification from the support provider that behaviour has reached challenging indicator, individual has been issued with warning letters; The individual has evidence of repeat offending and/or escalation of offending i.e. the individual continues to be convicted of the same offence more than once; the individual is convicted of multiple offences of differing natures; and or the individual is convicted of increasingly serious offences e.g. theft, followed by assault with the intent to rob.
LOW	A significant amount of time has elapsed since the individual was released from prison/their licence ended and their offence is significantly more historic than their recent exploitation	The individual was released from prison / their licence ended at least 7 years ago and the individual has committed no further offences and the individual's period of exploitation has taken place since the offence occurred. This does not apply to Schedule 4 offences or where the duty to deport under section 32 of the UK Borders Act 2007 applies.
	Where it is accepted that the offence was committed as part of the individual's exploitation as outlined in Section 45 of the Modern Slavery Act 2015	Where there is clear and objective evidence that the offence was directly linked to the individual's period of exploitation; e.g. the individual was trafficked by an organised

		criminal group and coerced into smuggling drugs on behalf of the group. To note that this indicator alone is not sufficient to categorise as low.
	Ready cooperation with authorities	The individual co-operates with the authorities, has made admissions in good time, complying with reporting requirements; tangible evidence from the prosecuting authorities that the person meaningfully assisting an investigation. To note that this indicator alone is not sufficient to categorise as low
	The age and maturity of the individual at the time of their offence where the individual is under the age of 18 at the time of their referral into the NRM and at the time of the offence	Age and maturity assessment has been conducted by a qualified medical professional indicating the individual's age and maturity mitigate the individual's threat to public order. To note: age and maturity should only be considered when the individual is currently under the age of 18 for their current NRM Referral.

Need for modern slavery specific protections		
Rating	**Indicator**	**Detail**
HIGH	Exploitation occurred recently	The individual's exploitation occurred recently
	The individual has severe learning and accessibility needs impacting recovery	The individual has a medically recognised learning disability evidenced by a qualified medical professional and independently verified, which has negative implications on recovery
	The individual has severe mental health needs directly linked to their period of exploitation	The individual has medically recognised mental health needs and requires specialist support; the individual has mental health needs that require urgent support such as suicidal ideations as a result of trauma linked to their period of exploitation; the individual suffers post-traumatic stress disorder related to periods of exploitation
	The individual has severe physical health needs directly linked to their period of exploitation	As a result of trauma incurred from a period of exploitation, the individual currently requires pressing medical support for physical needs e.g., the individual takes medication, impacts on the individual's

		mobility, hinders ability to provide adequate self-care, numerous related health conditions, recent attacks of fluctuating conditions, individual has been hospitalised recently
	The age and maturity of the individual at the time of their exploitation, where the individual is aged under 18 at the time of referral	We have a due regard to safeguard and promote the welfare of children who are in the United Kingdom and so the threshold of a child not having recovery needs is high; in cases of potential child victims where the offences committed are linked directly to their exploitation only, Competent Authority staff must remember that it is not possible for a child to give informed consent to engage in criminal or other exploitative activity
LOW	Exploitation is not recent	Exploitation account is historic (see description of historic exploitation), except for in exceptional circumstances where it is demonstrated that the individual still has high recovery needs despite the exploitation being historic
	The individual has opted-out of specific modern slavery support	The individual has voluntarily not requested support with recovery needs in relation to their exploitation
	There is no or limited evidence provided that the individual has high support needs that are as a result of their exploitation	No or limited evidence that the individual has high support needs that are as a result of their exploitation
	Non-compliance with NRM and support systems	The individual's support worker is unable to get in contact with the individual for reasons that are within the individual's control; the individual fails to maintain contact with/engagement with support services, the individual fails to respond to requests for information and or evidence; the individual does not adhere to the goals set by their support worker; the individual does not take reasonable steps to support their own recovery or engagement with support mechanisms

Assessing Re-Trafficking Risk

14.276. If decision makers decide that the Public Order Disqualification should be applied to an individual, then Competent Authorities must consider the following, using the information available at the time the disqualification is being applied. This information shall include any information already used

by decision makers in making the decision to apply the Public Order Disqualification in accordance with the framework.

- **Is there a credible suspicion of a real and immediate risk that the individual will be re-trafficked in or from the UK?**
    - When considering this element of the assessment, decision makers should make a determination about how real and immediate a credible risk is for the case in question. The expectation is that an immediate risk would be one present at the time the assessment is being made by the Competent Authorities and could reasonably be expected to be continuing. A real risk would be one that is more than remote or fanciful.
    - Factors to consider when determining whether a real and immediate risk would be present could include the recentness of the exploitation, with more recent exploitation indicating a more real and immediate risk. Other factors could include where the individual is known to still be in contact with those said to be responsible for exploiting them, or when the known address of the potential victim is the same as that from which they were said to be exploited. Conversely, if an individual's circumstances have not changed since a historic incident of trafficking and no further exploitation has taken place, this could be considered as evidence that there is not a real and immediate risk.
    - In line with other decisions made in accordance with this guidance, decision makers are entitled to consider the credibility of an account before them. As such, decision makers should cross reference 'Assessing Credibility and other evidence' when deciding the Public Order Disqualification.
    - Decision makers will consider all information that is available to them in its entirety when making a decision as to whether a real and immediate risk of trafficking or re-trafficking exists.

- **Can the decision to disqualify be issued without putting that individual at a real and immediate risk of re-trafficking in or from the UK?**
    - Decision makers are not expected to make an assessment of re-trafficking risk outside of the UK. When making the assessment of re-trafficking risk, decision makers should take into account:
    - The immediate circumstances the individual would find themselves in upon disqualification, evident in the information provided and available to decision makers. This would include, for example, whether the disqualification would result in a change of accommodation;
    - Whether the individual is known to still be in contact with their exploiters;
    - Whether the circumstances in which they were exploited no longer apply;
    - Whether, at the point of the disqualification, that person would be held in secure accommodation, for example prison or immigration detention (note if the individual is held in secure accommodation, it will normally be assumed there are no immediate re-trafficking risks present and no

further mitigation necessary. However, where release from secure accommodation is imminent, this should also be taken into account);
    - Whether their exploiters are outside of the UK or otherwise known to be geographically distant from the individual in question;
    - Whether the exploitation was historic or recent.

- **What, if anything, could and should be done outside of modern slavery specific protections to mitigate any immediate re-trafficking risk upon issuing the decision?**
    - The actions outside of modern slavery specific protections differ depending on whether the person is or is not detailed.
    - For individuals in detention, the relevant Competent Authority will inform the relevant casework team and/or Detention Engagement Team. Those teams then have processes in place to assess the risk of re-trafficking.
    - If release is subsequently authorised, then those responsible for that transfer in immigration enforcement also have responsibilities that would mitigate real and immediate risks for an individual upon a disqualification being applied.
    - Law Enforcement authorities also have responsibilities to mitigate any real and immediate risk for an individual issued with a disqualification. For non-detained cases this should include considering a new PFIB request, linked to the earlier PFIB request for that case, so that relevant police forces are aware of the individual's circumstance going forward.
    - In all circumstances, the Competent Authorities should make reasonable efforts to inform those authorities of the decision so that they can comply with those responsibilities accordingly.

- **What reasonable steps could the potential victim themselves be expected to take to ensure they are not exposed to risk of re-trafficking**
    - For example, has the individual changed their social media accounts or contact details where they know that could lead to the previous traffickers being able to contact them? If not, would doing so help to avoid such risk of re-contact?

- **If an individual is being, or can be, safeguarded by public authorities offering protections and support outside of the modern slavery specific protections that are subject to the Public Order Disqualification, decision makers should, where the information is available, ensure that the relevant supporting arm of the State is aware of the decision to disqualify them.**

14.277. If, when assessing the re-trafficking risk for an individual, it is found that there is a real and immediate risk that cannot be mitigated and prevents the issuing of the Public Order Disqualification decision, then that individual is not disqualified and will continue to be eligible for the support and protections of the NRM. Decision making in the NRM will also continue for that individual.

14.278. If decision makers determine that there is no real and immediate risk of re-trafficking for an individual or that there are mitigating factors that do not prevent the issuing of the Public Order Disqualification decision, then the POD should be made.

Quality assurance of public order disqualification decisions and re-trafficking assessments

14.279. A second pair of eyes review must take place on all Public Order Disqualification decisions made as a result of the framework and the re-trafficking assessment, before they are issued. The second pair of eyes review should be performed by a second caseworker or manager to ensure the decision taken is in line with policy. Details of the outcome of the review, and the officer responsible for the review, must be kept on record.

Recording the public order disqualification and re-trafficking assessment outcome

14.280. When considering whether to apply the Public Order Disqualification, all Competent Authority staff must keep a detailed consideration minute. See the section on Actions for the Competent Authorities following a National Referral Mechanism decision for further information regarding this process.

Making a public order disqualification and re-trafficking assessment for a child

14.281. When making decisions under the the Public Order Disqualification framework and/or re-trafficking assessments for a child, Competent Authority staff need knowledge and understanding about child victims of modern slavery, as characteristics and issues may be different to adult victims.

14.282. In cases of potential child victims where the offences committed are linked directly to their exploitation only, Competent Authority staff must remember that it is not possible for a child to give informed consent to engage in criminal or other exploitative activity if linked to their period of exploitation.

14.283. Competent Authority decision makers must also keep in mind the child's:

- added vulnerability
- developmental stage and maturity
- possible grooming by the perpetrator

14.284. No child's case should be considered without contacting individuals who specialise in children from the Local Authority with responsibility for the area where the child resides. This is to gather any further information around the circumstances leading to the offence that prompted the disqualification request, and specific vulnerabilities of the child that should be considered and any particular needs the child has that would not be provided through the local authority duty of care.

14.285. In the specific circumstances that an individual under consideration for a Public Order Disqualification is subject to the Borders, Citizenship and Immigration Act 2009, case workers should bear in mind that they must consider the best interests of that child as a primary, but not the only, consideration in line with Section 55 of that Act and Article 3(1) of the United Nations Convention on the Rights of the Child 1989 ('UNCRC').

What happens following a public order disqualification decision and re-trafficking assessment?

14.286. Once the decision maker has reached a decision on whether the Public Order Disqualification should be applied in respect of an individual's NRM case and the risk of re-trafficking has been assessed, they must notify the individual of the outcome for each.

14.287. If the individual is informed that the disqualification applies, they will no longer be entitled to modern slavery support or entitlements. This includes protection from removal action and access to support services. They will furthermore be informed that their modern slavery case will not be considered further by the Competent Authority. If TPS on the basis of modern slavery has already been issued, upon disqualification that will be revoked.

14.288. Individuals in MSVCC accommodation who are disqualified are provided with up to 14 working days of move-on support from the date of receipt of the decision by the individual or the party acting on their behalf unless the level of public order harm necessitates immediate withdrawal of that support.

Reconsideration of a public order disqualification and re-trafficking assessment

14.289. The reconsiderations policy set out in this guidance is not applicable to disqualification decisions made on the grounds of public order or bad faith

or re-trafficking assessments. There is no ability for individuals to appeal the Public Order Disqualification decision or a re-trafficking assessment.

Repeat referrals

14.290. Public Order Disqualification requests can be made more than once for individuals in limited circumstances. A further request can be made if the individual meets one or more of the criteria in S63(3) Nationality and Borders Act 2022 due to incidents occurring after the original request is considered. This will be treated as a new request and if accepted processed as normal.

14.291. A subsequent request can also be made for the individual on the same criteria as the original request however this should only be done where there is new relevant information that was not included in the original request form, there are good reasons why this information was not included with the request and the new information is likely to result in a disqualification decision being made. If accepted this will be processed as a new request.

14.292. Where the disqualification request does not include sufficient new and relevant information about an individual the Competent Authorities can reject the request without further consideration.

Bad Faith Disqualification

14.293. This section sets out the process competent authorities will follow when making a bad faith disqualification decision.

14.294. Decisions to disqualify individuals on grounds of bad faith may be made in respect of any cases referred into the NRM before, on or after 30 January 2023, where a positive Reasonable Grounds Decision has been made, including where a positive Conclusive Grounds decision has been made.

14.295. This section updates the previous guidance on improper claims.

Definition and core principles

14.296. An individual may be considered to have claimed to be a victim of modern slavery in bad faith where they, or someone acting on their behalf, have knowingly made a dishonest statement in relation to being a victim of modern slavery.

14.297. Where an individual is judged to have claimed to be a victim of modern slavery or human trafficking in bad faith, their claim will be disqualified from consideration under the National Referral Mechanism and their positive Reasonable Grounds decision will be revoked. In cases where a positive

Conclusive Grounds decision has been made, that decision will also be revoked.

14.298. Where the bad faith disqualification applies, the following cease to apply:

- any prohibition on modern slavery grounds on removing the person from the UK or requiring them to leave; and
- any requirement on modern slavery grounds to consider the person for Temporary Permission to stay as a Victim of Human Trafficking or Slavery (VTS) in the United Kingdom; and
- access to a recovery period or modern slavery specific assistance and support.

14.299. Where a Conclusive Grounds decision has not yet been made, a Conclusive Grounds decision will not be made.

14.300. The decision maker should consider applying the disqualification where they believe there is, on the balance of probabilities, sufficient evidence to decide that an individual has claimed to be a victim of modern slavery in bad faith. If, having assessed the evidence, the decision maker does not believe that there is sufficient evidence, on the balance of probabilities, that the individual has claimed to be a victim in bad faith, the disqualification should not be applied. The case should then proceed to the Conclusive Grounds decision point if it has not already done so.

14.301. Decisions on whether to apply the disqualification will be made on a case-by-case basis and will take account of all the available evidence relevant to whether an individual has claimed to be a victim of modern slavery in bad faith. Decisions on whether to apply the disqualification may take into account wider evidence related to the circumstances of the individual's referral (see category C of Types of evidence) But will not be made solely on the basis of these considerations.

14.302. The disqualification may only be applied where an individual has received a positive Reasonable Grounds decision. Individuals who have received a positive Conclusive Grounds decision may be disqualified where evidence of bad faith becomes available after the Conclusive Grounds decision has been made.

14.303. Children (those under 18 at the time of the relevant Reasonable Grounds decision) are exempt from disqualification on grounds of bad faith (see Exemption for children).

Evidence gathering and decision-making process

14.304. The consideration of whether to apply the bad faith disqualification will be triggered primarily by evidence from the First Responder, or from within

the Competent Authority where evidence of bad faith arises during the Conclusive Grounds decision-making process. Evidence may also be made available to the Competent Authority following a positive Conclusive Grounds decision.

14.305. Evidence which indicates that an individual has claimed to be a victim of modern slavery in bad faith may be provided by a First Responder at the point of referral. Where First Responders have concerns about an individual's credibility, they should indicate this on the referral form. First Responders should continue to refer individuals into the NRM where they are satisfied there are indicators of modern slavery even if they have concerns around credibility which they wish to indicate to the Competent Authority.

14.306. Evidence which indicates that an individual has claimed to be a victim of modern slavery in bad faith may also be made available to the Competent Authority in respect of a case for which a positive Conclusive Grounds decision has been made. This evidence may, for example, be provided to the Competent Authority by Law Enforcement agencies or other operational teams within the Home Office.

14.307. Evidence relevant to a decision on whether to apply the bad faith disqualification should in general be present during the routine evidence gathering for the Conclusive Grounds decision making process or will be provided to the Competent Authority in respect of referrals where a Conclusive Grounds decision has already been made. Competent Authorities will not in general be required to undertake additional evidence gathering in order to apply the disqualification.

14.308. Individuals will be given the opportunity to provide explanatory evidence once the decision maker has communicated their intention to apply the disqualification. Details of this process are set out in Notifying an individual of bad faith consideration..

14.309. When considering whether to apply the bad faith disqualification in respect of an individual's NRM case, decision makers will balance the case for disqualification against any explanations for gaps in evidence or a lack of credibility. See Assessing credibility and other evidence during the decision-making process for further details on assessing credibility.

Evaluating evidence in support of applying the disqualification

14.310. Decisions on whether to apply the bad faith disqualification will be made based on the strength of the available evidence. The assessment of the strength of available evidence will be an assessment of the degree to which the evidence contradicts or undermines an individual's account of exploitation and/or undermines their credibility (where this is relevant to determining dishonesty).

14.311. A non-exhaustive list of the types of evidence which may indicate that an individual has claimed to be a victim of modern slavery in bad faith is available at Types of evidence. These evidence types are grouped according to a high/medium/low scale of their strength as evidence of bad faith, and that section outlines the weight which decision makers should afford to different types of evidence. When a decision maker discovers evidence that a claim may have been made in bad faith, they should consider where the evidence places on the scale at that section when assessing its strength.

14.312. Evidence which falls within category C (evidence in respect of the wider circumstances of a referral which may indicate that the individual has claimed to be a victim of modern slavery in bad faith) will not be of sufficient strength on its own to reach the threshold required to apply the disqualification. It can be used as a factor in an overall consideration of whether a claim has been made in bad faith, and as part of an assessment of an individual's credibility.

Evaluating explanations for gaps in evidence or a lack of credibility

14.313. While the presence of obvious errors or omissions in an individual's account may indicate a lack of credibility, victims' accounts of modern slavery or trafficking may also be impacted by the effects of trauma. See Annex D – Working with Vulnerable People for information regarding trauma informed practice.

14.314. As part of their overall assessment, decision makers should consider whether there are any credible explanations for gaps in evidence or a lack of credibility when deciding whether to apply the bad faith disqualification. Where explanations for gaps in evidence or a lack of credibility are provided, the decision maker should consider the strength of the evidence provided, according to the framework set out in Types of evidence, when making their overall assessment of whether an individual has claimed to be a victim in bad faith. The decision maker may also consider the credibility and reasonableness of the evidence when making their assessment. The decision maker should make a single assessment on the basis of all of the available evidence.

14.315. Credible explanations for gaps in evidence or a lack of credibility may include, but are not limited to:

- The extent to which an individual may have been compelled by someone else to make dishonest statements or commit actions which may otherwise be considered evidence that they have claimed to be a victim in bad faith.

- The individual's age and maturity, or where there is medical or expert evidence that the individual lacked mental capacity at the time at which

they claimed to be a victim. See the section on Capacity for further details on mental capacity.

- Where there is evidence that an individual may have experienced trauma, historically or during their exploitation, and the extent to which this explains any apparent dishonesty or contradiction in their statement.

Types of evidence

14.316. Information which may be considered as part of an assessment of whether an individual has claimed to be a victim in bad faith includes:

- Category A – credible evidence which substantively contradicts, undermines or supports an individual's account of exploitation. In the absence of credible explanatory evidence, decision makers should afford significant weight to evidence within this category. Evidence in this category may include, for example, reports from psychologists or other medical professionals related to; reports from immigration or law enforcement, or criminal justice records, related to an individual's travel history or their level of culpability for any relevant crimes; and wider investigations such as age assessments.

- Category B – credible evidence which undermines or supports an individual's credibility, including accounts from relevant experts, or where the individual has given contradictory accounts of exploitation in multiple contexts. In the absence of credible explanatory evidence, decision makers should afford moderate weight to evidence within this category. Evidence in this category may include, for example, initial assessments from First Responders about an individual's credibility; where an individual has presented contradictory claims in separate formal processes; and possession of false travel, immigration or identity documentation.

- Category C – evidence in respect of the wider circumstances of a referral which may indicate that the individual has claimed to be a victim in bad faith. In the absence of credible explanatory evidence, decision makers should afford limited weight to evidence in this category and, in the absence of evidence in categories A or B, evidence in this category will not be of sufficient strength to apply the disqualification. Evidence in this category may include, for example, where the individual has claimed to be a victim of modern slavery, having explicitly denied this previously when asked by relevant authorities or first responders; or where the individual has claimed to be a victim of modern slavery at a late stage in the criminal justice or removals process.

Notifying an individual of bad faith consideration

14.317. The bad faith decision making process will take into account the Tameside Duty, which states that when a decision-maker is minded to

make a decision adverse to someone on the basis of dishonesty they are required as a matter of procedural fairness to indicate that suspicion clearly and give the individual an opportunity to respond.

14.318. If, having considered the available evidence, the decision maker is minded to apply the bad faith disqualification policy in respect of an individual's referral, they will communicate this in writing to the individual. Within this communication they will state clearly the grounds on which they are minded to apply the disqualification and will invite the individual to respond and provide any explanatory evidence. They will allow a period of 10 working days for the provision of explanatory evidence, excluding any bank holidays during this period in the nation in which the decision maker or the individual is located. If explanatory evidence is not provided within this period, the decision maker should proceed with their assessment of whether to apply the disqualification in the absence of this evidence.

14.319. Extensions to this timeframe will only be granted in exceptional circumstances. It will be at the discretion of the decision maker to determine whether exceptional circumstances apply. Circumstances are generally only likely to be deemed exceptional where the individual is unable to obtain information, or provide information to the Competent Authority, for reasons which are beyond their control and which they could not have reasonably foreseen. If an individual considers that they will be unable to provide explanatory evidence within the 10-working day timeframe, they should notify the Competent Authority as soon as is practicable.

14.320. Following the ten-day evidence gathering window, the competent authorities should make a final bad faith disqualification decision, based on the information available at that time and in line with the decision-making framework set out in.

Communicating decisions made on grounds of bad faith

14.321. Once the decision maker has reached a decision on whether the bad faith disqualification will be applied in respect of an individual's case, they must notify the individual of the decision that has been taken in writing.

14.322. The Competent Authority must record the decision, and notify any other relevant agencies, Law Enforcement, or Home Office case-working teams, if required, following the guidance at Actions for the Competent Authorities following a National Referral Mechanism Decision.

Quality assurance of bad faith disqualification decisions

14.323. A second pair of eyes review must take place on all bad faith decisions resulting in disqualification, before they are issued, by a second caseworker or manager to ensure the decision taken is in line with

guidance. Details of the outcome of the review, and the officer responsible for the review, must be kept on record.

Recording the bad faith disqualification

14.324. When considering whether to apply the bad faith disqualification, all competent authority staff must keep a detailed consideration minute. See the section on Actions for the Competent Authorities following a National Referral Mechanism decision for further information regarding this process.

Exemption for children

14.325. Those aged under 18 at the time of the relevant Reasonable Grounds decision will not be eligible for disqualification on grounds of bad faith.

14.326. Section 51 of the Modern Slavery Act 2015 puts on a statutory footing the presumption that, where there are reasonable grounds to believe a person is a victim of modern slavery, and it is not certain but there are reasonable grounds to believe that the person may be under 18, then the person is to be treated as being under 18 years of age for the purposes of the public authority's functions under relevant arrangements until an age assessment is carried out by a Local Authority or the person's age is otherwise determined. See the section on Presumption of Age for further information regarding age assessments.

14.327. If the age assessment reveals that the individual was under 18 at the time of the relevant Reasonable Grounds decision, they should not be considered for disqualification on grounds of bad faith. In cases where an individual's age is disputed, it must be established whether an individual is a child or an adult before the decision on whether to apply the disqualification can be made.

Reconsideration of a bad faith disqualification

14.328. The reconsiderations policy set out in this guidance is not applicable to disqualification decisions made on the grounds of bad faith. There is no ability for individuals to appeal the bad faith disqualification decision.

Future referrals

14.329. Where an individual has been disqualified from the National Referral Mechanism on the grounds of bad faith, this is likely to affect their credibility in respect of any referrals made on their behalf in future. The Competent Authority may take into account any previous disqualifications which have been applied in respect of an individual's previous referral, alongside other factors, when assessing credibility during the decision-making process.

14.330. Any future referral made on the basis of the same account of exploitation as that which was given in respect of the disqualified referral

will not be considered by the Competent Authority, as a decision on bad faith will not be reconsidered, and the referral will be rejected at the point of receipt.

Applying the bad faith disqualification to individuals who have received a positive Conclusive Grounds decision

14.331. Evidence which indicates that an individual may have claimed to be a victim of modern slavery in bad faith may become available after they have received a positive Conclusive Grounds decision. Where such evidence becomes available, the decision maker should apply this guidance in determining whether there are grounds to apply the bad faith disqualification.

14.332. Where the decision maker concludes that the individual has claimed to be a victim of modern slavery in bad faith and disqualifies the individual from the National Referral Mechanism on those grounds, the individual will have their positive Conclusive Grounds decision revoked. When revoking an individual's Conclusive Grounds decision, decision makers should follow the process set out in the section entitled Revocation of a Conclusive Grounds decision.

14.333. Where the individual has been granted, as per Immigration Rules appendix: Temporary Permission to Stay as a Victim of Human Trafficking or Slavery (VTS), following a positive Conclusive Grounds decision (where the individual's modern slavery exploitation was the trigger for, or a component of the consideration of whether to grant that permission) which is revoked following application of the bad faith disqualification, this permission may be cancelled. Where this is the case, the relevant competent authority must notify the appropriate immigration team for them to consider whether cancellation of this permission is appropriate.

Revocation of a Conclusive Grounds decision

14.334. Where the competent authority has made a positive Conclusive Grounds decision, but information later comes to light which suggests that the decision was flawed, the relevant competent authority should consider whether revocation is appropriate. If it is determined that it is appropriate to revoke the Conclusive Grounds decision, the relevant competent authority caseworker must write to the individual concerned. If it is not possible to make contact directly with the individual concerned, the relevant competent authority should contact their legal representative (where known) and/or their most recent support provider under the Modern Slavery Victim Care Contract (where engaged), or equivalent support providers in Northern Ireland and Scotland, to seek to regain contact.

14.335. If the individual has been issued a period of VTS, the relevant competent authority must notify the appropriate immigration team for them to consider whether curtailment of this leave is appropriate.

Monitoring case progress during the Recovery Period

14.336. While a Conclusive Grounds decision will not be served in the Recovery Period, the relevant competent authority will continue to monitor cases.

Ongoing case review

14.337. To make sure that a Conclusive Grounds decision can be made as soon as possible, review dates should be set to monitor progress on the case and the relevant competent authority must gather information to make the Conclusive Grounds decision. As part of this, they must contact as appropriate:

- The First Responder Organisation
- Adult Safeguarding Services (where engaged in the case of adults)
- Child Social Services in England, Scotland and Wales or relevant Health and Social Care Trust in Northern Ireland (where engaged in the case of children)
- ICTG (where appointed), Northern Ireland Independent Guardian Service, or Scotland's Independent Child Trafficking Guardians service
- The MSVCC support provider (where appointed) or equivalent support providers in Northern Ireland and Scotland
- The relevant police force (or Police Scotland's National Human Trafficking Unit)

14.338. Reviews should be recorded in the case notes.

Withdrawing from the National Referral Mechanism

14.339. An adult may decide they want to leave the NRM before they receive a Reasonable Grounds or Conclusive Grounds decision. Sometimes those adults are leaving the UK via a voluntary return, or sometimes adults choose to withdraw consent for other reasons.

14.340. If an adult leaves the UK prior to receiving a Reasonable Grounds decision from the NRM the relevant competent authority may treat this as a withdrawn case. The relevant competent authority should notify the following organisations that the individual has withdrawn:

- First Responder
- The MSVCC support provider (where the victim is in MSVCC support) or equivalent support providers in Northern Ireland and Scotland
- investigating police force where relevant (or Police Scotland's National Human Trafficking Unit)
- Adult Safeguarding Services (where engaged in the case of adults)

- the relevant Home Office immigration casework team (where they are involved)

14.341. If an adult wishes to withdraw from the NRM after they receive a positive Reasonable Grounds decision (or if they are in the UK and wish to withdraw prior to receiving this decision) they should write to the relevant competent authority expressing their wish to withdraw or use a consent to withdraw from the NRM template form.

14.342. The relevant competent authority should notify the organisations listed above of the decision to withdraw. A person who withdraws from the NRM will not receive any further decisions or support from the NRM and their case will be regarded as concluded. This does not prevent a person being re-referred to the NRM in the future.

14.343. Children may not withdraw themselves from the NRM. A child may not be withdrawn from the NRM unless it is in the best interests of the child as determined by the responsible Local Authority Child Safeguarding Services.

14.344. If the SCA receives a request from a Local Authority, for example, seeking that a child be withdrawn from the NRM, they should consider all available evidence before making a decision on whether it is appropriate for the child to be withdrawn from the NRM. This must include an evidence-based rationale from the responsible local authority or Health and Social Care Trust in Northern Ireland detailing why they have determined it is in the child's best interest to be withdrawn from the NRM. The supporting evidence could include, as appropriate:

- Statements from professionals involved in the child's care
- Risks assessments

The local authority or Health and Social Care Trust should consider whether an independent expert's opinion should be sought as part of the evidence gathering process.

14.345. Any request for a child to withdraw from the NRM will be reviewed by a second caseworker or manager/technical specialist to ensure the decision taken is in line with policy.

14.346. Where appropriate, to support their decision, the SCA may also ask for supporting evidence from the following other organisations or individuals as to whether it would be appropriate for a child to be withdrawn from the NRM:

- ICTG (where appointed), Northern Ireland Independent Guardian Service, or Scotland's Independent Child Trafficking Guardians service
- First Responder Organisation

- The Home Office Safeguarding lead
- The Modern Slavery Unit

14.347. Where it is deemed that it is appropriate for the child to be withdrawn from the NRM, the SCA will notify the following organisations:

- Child Social Services in England, Scotland and Wales or relevant Health and Social Care Trust in Northern Ireland (where engaged in the case of children)
- First Responder Organisation
- investigating police force where relevant (or Police Scotland's National Human Trafficking Unit or the PSNI Modern Slavery Human Trafficking Unit)
- ICTG (where appointed), Northern Ireland Independent Guardian Service, or Scottish Guardianship Service
- the relevant Home Office immigration casework team (where they are involved)

14.348. A child who is withdrawn from the NRM will not receive any further decisions from the NRM and their case will be regarded as concluded. This does not prevent a person being rereferred to the NRM in the future. If the child had access to an ICTG, this support will end in line with the exiting/transition from ICTG provision set out in the ICTG guidance.

14.349. Sometimes an adult has not withdrawn from the NRM and has not notified the relevant competent authority that they have left the UK but the relevant competent authority has strong evidence that an adult has left the UK and there is no evidence they plan to return at this time. They may for example be notified by a support provider that the adult has left the UK with no evidence they plan to return.

14.350. In this situation the relevant competent authority should proceed to take any outstanding NRM decisions in the case unless there is insufficient evidence to do so. Even though the victim may no longer be seeking support from the NRM, taking a decision will allow statistics to be captured on the extent of modern slavery in the UK and may assist in ongoing criminal prosecutions as well as civil claims that might be brought by the victim in the future. If the victim cannot be notified of their decision as they are no longer in the UK, the relevant competent authority should notify the organisations listed above and any other relevant parties where appropriate.

Annex F – Detail of support available for adults in England and Wales

15. This Annex details the support available to adult victims of modern slavery.

Accommodation

Pre-Reasonable Grounds decision emergency accommodation

15.1. Section 188(1) of the Housing Act (1996) requires local housing authorities to secure accommodation for an individual if there is a reason to believe that the individual may be homeless, eligible for assistance and have a priority need. The accommodation provided must be suitable and based upon an assessment of the applicant's circumstances and needs.

15.2. Housing is devolved in Wales and the Housing Act applies. Further information is available here.

15.3. If local housing authorities believe an individual with recourse to public funds would be homeless as a result of being a victim of modern slavery, they should provide safe accommodation between referral to the NRM and a Reasonable Grounds decision.

15.4. When assessing applications for homelessness assistance local authorities will need to carefully consider the circumstances of an individual leaving accommodation where they have been exploited or are at risk of further exploitation. It is not reasonable for an individual to remain in such circumstances, or to consider them to be 'intentionally homeless', when they have left accommodation because violence, exploitation, or threats of violence and exploitation occurred.

15.5. The First Responder should make an immediate referral for Modern Slavery Victim Care Contract (MSVCC) support, where an individual is destitute or at risk of becoming destitute, is not eligible for local authority support, or where the available local authority support is not suitable.

15.6. The First Responder should ensure the individual consents to enter MSVCC support before requesting any pre-Reasonable Grounds accommodation. Safe accommodation can be provided through the MSVCC from the day the First Responder makes the referral into the NRM by contacting The Salvation Army referral helpline on **0800 808 3733**.

15.7. The MSVCC will only provide an individual with accommodation prior to a Reasonable Grounds decision where there is reason to believe other accommodation available to them may be unsafe due to a risk of re-exploitation from their exploiters, or unsuitable, or if they are likely to be destitute prior to the Reasonable Grounds decision.

15.8. In general, asylum accommodation, local authority housing and living with friends or family, temporary accommodation provided by the police, charities or hostels, and room sharing across all of these accommodation types are suitable for individuals prior to a Reasonable Grounds decision.

15.9. The MSVCC will not provide accommodation prior to a Reasonable Grounds decision if an individual's existing accommodation is suitable or can be made suitable through changes or a move, by the individual's existing accommodation provider.

Accommodation provided through the Modern Slavery Victim Care Contract following a positive Reasonable or Conclusive Grounds decision

15.10. The Modern Slavery Victim Care Contract (MSVCC) provides potential and confirmed victims ('victims') secure and appropriate accommodation where necessary. Accommodation is provided on a temporary basis, to help lift victims out of situations of exploitation. The MSVCC works alongside other accommodation providers to ensure MSVCC accommodation is provided only to victims where necessary.

15.11. Whether a victim enters MSVCC accommodation, the type of MSVCC accommodation allocated, and suitability of any existing accommodation, is determined through an ongoing process of needs-based and risk assessment, as summarised in Chapter 8.

What Modern Slavery Victim Care Contract accommodation provides

15.12. As standard, the Modern Slavery Victim Care Contract (MSVCC) provides a range of accommodation, which includes shared accommodation, where victims have their own furnished room and shared access to catering facilities with other residents, and accommodation for single occupancy. Depending on the needs of the victim, accommodation may be provided on a self-catered or catered basis. Catered accommodation is available where the individual is assessed as requiring catered accommodation because they are not capable of preparing their own food due to disability, debilitating illness or ongoing treatment for severe substance use and addiction, or if a primary carer is unable to prepare their meals. MSVCC accommodation is staffed during the day, and overnight in a minority of locations.

15.13. Initial transport to MSVCC accommodation will be provided by the MSVCC.

Determining eligibility for accommodation

15.14. A victim will enter Modern Slavery Victim Care Contract (MSVCC) accommodation if the Needs-Based and Risk assessment process determines that it is necessary. This will usually be because there is a threat to their safety from their exploiter(s) or a direct risk of re-exploitation from their exploiter(s). There may be other reasons why MSVCC accommodation is identified as necessary, including, but not limited to:

- The victim is destitute at the point of referral to the NRM or does not have accommodation upon entry into MSVCC support following a positive Reasonable Grounds decision.
- The victim needs a single occupancy room (excluding where occupants are part of the same family) or single sex accommodation owing to their modern slavery experience.

15.15. A victim may already be in secure and appropriate accommodation when they are referred into the NRM and consent to receive MSVCC support. In these circumstances, they will usually continue to remain in that accommodation, unless the Needs-Based or Risk Assessment identifies a need to enter MSVCC accommodation. Alternative suitable accommodation may include:

- Local authority accommodation.
- Accommodation provided under section 95, 98 or section 4 of the Immigration and Asylum Act 1999 (‘asylum accommodation’).
- Accommodation provided under paragraph 9 of Schedule 10 to the Immigration Act 2016 to enable individuals to meet bail conditions (‘S10 support’); or
- Any other secure, appropriate, and adequately furnished accommodation, such as staying with friends or family.

15.16. Where a need for MSVCC accommodation is identified for a reason other than a risk from traffickers, the MSVCC may not provide accommodation if, as determined through the Risk or Needs-Based Assessment, an existing accommodation provider, such as asylum accommodation or S10 support, can provide alternative accommodation to address this need.

15.17. MSVCC outreach support and financial support payments are available for victims staying in non-MSVCC accommodation.

Allocating accommodation

15.18. If it is determined that it is necessary for a victim to enter Modern Slavery Victim Care Contract (MSVCC) accommodation, MSVCC accommodation is allocated primarily based on needs identified in the Needs-Based and Risk Assessments. Individuals will not be accommodated in areas where these assessments judge them to be at

risk. This is for their own safety, to protect other victims housed in MSVCC accommodation and to keep the locations of MSVCC accommodation secure. Victims may need to relocate to an area where they are judged not to be at risk to enter MSVCC accommodation.

15.19. Due regard shall also be given to the individual views and circumstances of each victim, for example where a victim is receiving ongoing medical treatment in a certain area. Victims cannot however choose where they are accommodated based on personal preferences. It should be explained to the victim that entering MSVCC accommodation may mean a move out of the area and that this may result in them losing a local connection and access to local authority support in that area in the future.

15.20. The needs and characteristics of other victims already residing in MSVCC accommodation will also be considered when allocating a victim MSVCC accommodation, to ensure the safeguarding of all residents and staff. If it is identified that a victim needs MSVCC accommodation, but they cannot be accommodated in shared MSVCC accommodation as determined through the Needs-Based or Risk Assessments, for example if their presence would pose a risk to other residents, they will not be accommodated in MSVCC shared accommodation. Instead, they will be provided alternative accommodation.

15.21. A victim's accommodation needs are kept under review throughout the entirety of their time in MSVCC support. At any stage of the victim's recovery journey, where they no longer require MSVCC accommodation due to their needs changing, and where alternative suitable accommodation is available, the MSVCC will work with the victim to facilitate a move out of MSVCC accommodation.

Accommodation for victims seeking bail or release on license from immigration detention

15.22. Victims in immigration detention who are due to be granted bail may be eligible for accommodation provided under paragraph 9 of Schedule 10 to the Immigration Act 2016 ('S10 support') or under section 95, 98 or 4 of the Immigration and Asylum Act 1999 ('asylum support').

15.23. The Modern Slavery Victim Care Contract (MSVCC) will provide accommodation to victims seeking bail or release on license from immigration detention, including where electronic monitoring is a condition of their release, if the Needs-Based or Risk Assessment identifies a need for MSVCC accommodation, owing to a risk to their safety from their traffickers.

15.24. Where a need for MSVCC accommodation is identified, but not owing to a risk to their safety, other accommodation may also be suitable. In these circumstances, if a victim is eligible for, or can access any other

suitable accommodation as determined by the Needs-Based Assessment, such as Asylum Support accommodation or S10 support, the MSVCC will not provide accommodation; if they are not eligible for, or cannot access any other suitable accommodation, MSVCC accommodation should be provided.

15.25. Where it is identified that a victim needs accommodation in accordance with 15.22-15.23, but a Risk Assessment determines they would pose a risk to existing residents or staff in MSVCC accommodation, the MSVCC will provide alternative, non-shared accommodation.

Accommodation for victims in the Criminal Justice System

15.26. Victims in the criminal justice system (CJS) include those seeking bail or release from prison, or victims who have been given a suspended sentence or community order. These victims may be eligible for accommodation provided under section 98, 95 or 4 of the Immigration and Asylum Act 1999 ('asylum support'), through Her Majesty's Prison & Probation Service (HMPPS) if the victim is eligible for one of the HMPPS's Community Accommodation Service (CAS) or the Modern Slavery Victim Care Contract (MSVCC).

15.27. The MSVCC may provide accommodation to victims in the CJS, including where they are subjected to electronic monitoring, if the Risk or Needs-Based Assessment identifies a need for MSVCC accommodation, primarily owing to a risk to their safety from their exploiter.

15.28. Where a need for accommodation is identified, but not owing to a risk to their safety, other accommodation may also be suitable. In these circumstances, if a victim is eligible for, or can access any other suitable accommodation as determined by the Needs-Based Assessment, the MSVCC will not provide accommodation; if they are not eligible for, or cannot access any other suitable accommodation, MSVCC accommodation should be provided.

15.29. Where it is identified that a victim needs MSVCC accommodation, but a Risk Assessment determines they would pose a risk to existing residents or staff in MSVCC accommodation, the MSVCC will provide alternative, non-shared accommodation. However, where the victim is subject to electronic monitoring conditions which require installation of a home monitoring unit at the alternative, non-shared accommodation, MSVCC accommodation will not be provided. In these circumstances, for victims supervised by HMPPS, HMPPS would need to consider alternative arrangements.

15.30. As part of the bail process, the victim will be required to disclose their release address to the Criminal Court as part of the open justice principle. To ensure the security of MSVCC accommodation and its residents, and to protect the victim from being located by their exploiters, the MSVCC will not provide accommodation where the victim is required to disclose an

MSVCC address, or its locality, in open court. The victim, with support from their legal representative, should request the Court withhold the address or locality from being read out in open court and released to the media. This application must be made before, or at the time of a bail hearing, in line with existing Court procedures. Once approved, the victim, with the help of their legal representative, should provide the Court Order confirming the address or locality will be withheld, to The Salvation Army; MSVCC accommodation will not be provided until The Salvation Army receive this.

Accommodation under Asylum Support and Schedule 10 of the Immigration Act 2016

15.31. Destitute asylum seekers and failed asylum seekers may be able to obtain support under section 95, 98 or 4 of the Immigration and Asylum Act 1999 ('asylum support'). Victims in immigration detention, who are not eligible for section 95, 98 or 4 support, may be eligible for accommodation provided under paragraph 9 of Schedule 10 to the Immigration Act 2016 where the Secretary of State considers there are exceptional circumstances that justify providing accommodation.

15.32. Individuals may be identified as potential victims as they progress through the asylum process, or whilst receiving S10 support, and therefore may already be in suitable secure and appropriate asylum or S10 accommodation if they enter the NRM and consent to receive MSVCC support. Usually, victims in asylum accommodation or S10 support will remain there unless MSVCC accommodation is identified as necessary through the Risk or Needs-Based Assessment.

15.33. If a victim claims asylum and applies for asylum support after having entered MSVCC accommodation, they may move into asylum accommodation if appropriate, as determined through the Needs-Based assessment.

15.34. The asylum support and S10 support package usually consists of free, furnished accommodation (with utility bills and council tax paid) and a weekly allowance to meet other essential living needs. The contractual accommodation standards for asylum, S10 and MSVCC accommodation are the same and based on published guidance in the form of the Decent Homes standard in England and the Welsh Quality Homes Standard.

Local authority accommodation

15.35. Housing may be available to victims through local authority services. This will usually be because they meet one or more of the criteria by which housing will usually be provided by a local authority as part of mainstream support.

15.36. Victims may be able to apply for local authority-allocated social housing. The Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006 specify which categories of persons from abroad are eligible to be allocated social housing.

15.37. In addition, victims will need to meet the qualification criteria set by the relevant Local Authority and have sufficient priority under the Local Authority's allocation scheme.

15.38. In relation to priorities, 2012 statutory guidance for local housing authorities on the allocation of social housing Allocation of accommodation: guidance for local housing authorities in England makes clear that they should consider giving additional preference (high priority) within their allocation scheme to people who are homeless and require urgent re-housing as a result of violence or threats of violence.

15.39. Where local housing authorities apply a residency test as part of their qualification criteria, Providing social housing for local people statutory guidance encourages them to provide for appropriate exceptions to take proper account of special circumstances, include providing protection to people who need to move away from another area to escape violence or harm.

Housing available to victims of modern slavery

15.40. Local Housing Authorities have statutory duties to assist people who are homeless or threatened with homelessness and eligible for assistance. They are required to take reasonable steps to try and prevent homelessness or to help households who are homeless to secure accommodation. Local Authorities must offer temporary accommodation to people who they have reason to believe **may** have 'priority need' whilst assessing their needs and helping them to secure accommodation. If a Local Authority is unable to prevent or relieve homelessness for a household that has priority need, which would include single adults who are vulnerable as a result of having fled violence or abuse, they must provide temporary accommodation until more settled housing can be offered.

15.41. The Homelessness code of guidance for Local Authorities, Chapter 25: Modern slavery and trafficking, provides that

'In assessing whether they are vulnerable a housing authority should take into account advice from specialist agencies providing services to the applicant, such as their assigned support provider under the NRM. Many victims of modern slavery suffer from poor mental health and often lack support structures in the area they are residing. If a victim of modern slavery is threatened with homelessness or is homeless this significantly increases their risk to being re-trafficked or exposed to further exploitation'.

15.42. As such where a victim is not in accommodation and is not being supported through the asylum system the Local Authority may have a responsibility to house them if they are assessed as homeless and in priority need according to section 189(1)(c) of the Housing Act (1996).

15.43. Housing authorities should consider what accommodation options are most appropriate for each person on a case by case basis taking into account their specific circumstances and needs. Further guidance is provided in the Homelessness code of guidance for Local Authorities.

15.44. The allocation of accommodation: guidance for local housing authorities in England statutory guidance encourages Local Authorities to apply a residency test to social housing of at least 2 years. However, it also encourages Local Authorities to make provision for appropriate exceptions including to provide protection to 'people who need to move away from another area, to escape violence or harm'.

Outreach support

15.45. Many potential and confirmed victims who enter Modern Slavery Victim Care Contract (MSVCC) support are not accommodated by the MSVCC. Outreach support refers to the support and services provided to victims who enter MSVCC support and have received a positive Reasonable Grounds decision but are not in MSVCC accommodation. Outreach support ensures all support available to victims in MSVCC accommodation is also available to supported victims not in MSVCC accommodation.

Victims with dependent children

15.46. Where a victim of modern slavery has dependent children, all efforts should be made to keep the family unit together. However, local authorities have additional obligations in relation to child protection and may need to make decisions in relation to the best interests of a child or children that requires children to be accommodated in a different location to their parents or guardians.

15.47. Where victims and their dependents are to be accommodated through the Modern Slavery Victim Care Contract (MSVCC) and are accessing local schools and other services, and it is safe to do so, reasonable efforts will be made to allow the victim and their children to remain in the area.

Financial support

15.48. Potential victims of modern slavery who have entered the NRM, consented to receive support and who have received a positive Reasonable Grounds decision are eligible to be paid financial support based on their individual circumstances, until they have received a Conclusive Grounds decision. Where a potential victim receives a positive

Conclusive Grounds decision they will receive financial support for as long as they are assessed as needing this assistance in accordance with the Recovery Needs Assessment guidance.

15.49. Financial support is intended to meet a potential or confirmed victim's weekly essential living needs and assist with their social, psychological, and physical recovery. Financial support is paid to potential and confirmed victims receiving MSVCC support through two payments: an **Essential Living Rate** to meet weekly essential living needs and a **Recovery Rate** to assist with their social, psychological, and physical recovery from their modern slavery experience.

15.50. To help potential and confirmed victims manage their financial support payments, MSVCC support workers should provide victims with information regarding budgeting, for example Work out your budget - Citizens Advice.

The Essential Living Rate

15.51. The Essential Living Rate is to help a potential or confirmed victim pay for weekly living needs such as food, clothing, and toiletries. It is paid at the rate of:

- £49.18 per week; or
- £15.30 per week for victims living in catered MSVCC accommodation (£49.18 minus the cash value of items such as food and drink provided in-kind through catered MSVCC accommodation).

15.52. The Essential Living Rate will not be paid to potential or confirmed victims where they are already receiving support for their living needs through asylum support or support under Schedule 10 of the Immigration Act 2016 (see here), or the Universal Credit Standard Allowance (see here), or if they have too much income to be eligible for Universal Credit.

The Recovery Rate

15.53. Potential victims with a positive Reasonable Grounds decision will be paid the Recovery Rate at £26.47 per week. The Recovery Rate is to assist a victim to access services that facilitate their recovery. It can be used to assist a victim in accessing health, fitness, or wellness classes, to help fund additional weekly transport and communication costs, or flexibly towards other recovery related costs.

15.54. In addition to the Recovery Rate, depending on a potential victim's individual circumstances, the MSVCC may provide further financial support by directly funding additional support services related to assisting with their recovery from their modern slavery experience, such as travel and childcare (see 'Additional recovery costs support' section). A

confirmed victim's eligibility for support with additional recovery costs is subject to the Recovery Needs Assessment guidance.

15.55. Payment of the Recovery Rate will cease following receipt of a negative Conclusive Grounds decision or a Public Order Disqualification decision that disqualifies the individual from support. If a Competent Authority agrees to reconsider the negative Conclusive Grounds decision, the potential victim will be paid the Recovery Rate again, backdated to the date the Recovery Rate payment ceased, provided an extension request is submitted and approved and they do not exit support. If the individual exits support following a negative Conclusive Grounds decision, and then later re-enters support after a Competent Authority agrees to a reconsideration, they will be paid the Recovery Rate from the date of re-entry.

Child dependent payments

15.56. Potential and confirmed victims are eligible to receive financial support to meet the essential living needs of their child dependents. Financial support rates for dependents will not be paid where the victim is receiving support for the living needs of their dependents through asylum support (see here), or if they have too much income to be eligible for Universal Credit, or will be adjusted where the victim is receiving the Universal Credit Child Element (see here).

15.57. A child is considered a victim's dependent if the victim has parental and financial responsibility for meeting the child's living needs. Dependent payments will cease from the day a dependent turns 18 and the dependent who has turned 18 will not receive any further financial support from the MSVCC. Dependent rates are paid at:

- £49.18 per week for each child dependent (adjusted to £15.30 in catered MSVCC accommodation).
- Additional weekly payments per child under a certain age:
    - £9.50 per week for a child until their first birthday.
    - £5.25 per week for a child from the day after their first birthday until their fourth birthday.

15.58. Where a potential or confirmed victim is not living with their dependents, or where the second parent (not supported by the MSVCC) is already receiving dependent financial support, in respect of the relevant dependents, via asylum support or the Universal Credit Child Element, the victim will not receive dependent payments from the MSVCC. Where two potential or confirmed victims and their child dependents are all being supported by the MSVCC, payments will be paid per child dependent, not per parent. Only one payment will be made per child from the MSVCC; which parent receives the payment will depend on the individual circumstances.

Pregnancy and maternity payments

15.59. Additional payments will be made to potential and confirmed victims who are expecting, or have very young child dependents:

- £5.25 per week for pregnant women.
- A one-off maternity grant of £300 per expected child, for expectant mothers who are within 8 weeks of their expected due date or an individual who, on the date of entry to support is accompanied by a dependent child of less than 6 weeks old. Individuals who are eligible for a Sure Start Maternity Grant or maternity grant from the asylum support system, are not eligible to receive this grant in respect of the child concerned. If, however, an individual receives less than £300 per expected child from either the Sure Start Maternity Grant or the asylum support maternity grant, then a further top up payment from the MSVCC will be provided to ensure that the individual receives a total of £300 per expected child.

Victims receiving asylum support or support under Schedule 10 of the Immigration Act 2016

The Essential Living Rate

15.60. Potential and confirmed victims receiving asylum support under sections 95, 98 or section 4 of the Immigration and Asylum Act 1999, or under paragraph 9 of Schedule 10 of the Immigration Act 2016 (“S10 support”), will not receive the Essential Living Rate because support to meet living needs is provided by asylum support or S10 support through a payment of £49.18 per week, or through in-kind assistance, or a combination of in-kind assistance and payments.

The Recovery Rate

15.61. Potential victims who are receiving asylum support or S10 support will receive the Recovery Rate to assist with their modern slavery specific needs relating to their social, psychological, and physical recovery.

Child dependent payments

15.62. Potential and confirmed victims who are also receiving asylum support will not receive any financial support through the MSVCC in respect of any dependents, or pregnancy payments, as support for dependents will be met through the asylum support system through payments, in kind-assistance, or a combination of payments and in-kind assistance. Potential and confirmed victims receiving S10 support are eligible to receive support for dependents provided any dependents needs are not met through S10 support.

Victims receiving Universal Credit

The Essential Living Rate

15.63. The Universal Credit Standard Allowance helps towards living costs or where an individual has a low income and reduces in relation to how much an individual earns through employment. Potential and confirmed victims will not be paid the Essential Living Rate if they, or their household, are receiving the Universal Credit Standard Allowance, irrespective of the amount they receive.

The Recovery Rate

15.64. Potential victims who are receiving the Universal Credit Standard Allowance will be paid the Recovery Rate to assist with their social, psychological, and physical recovery.

Child dependent payments

15.65. The payment rates for child dependents will be adjusted if the potential or confirmed victim is receiving the Universal Credit Child Element in respect of their dependents. In these circumstances, the victim will not receive dependent payments, including additional weekly payments per child under a certain age from the MSVCC in respect of these dependents (pregnancy and maternity payments are unaffected).

15.66. Where the victim is not eligible to receive the Child Element for a dependent due to the Universal Credit two-child limit (e.g., if the victim has a third child born after 06 April 2017), they will receive dependent payments for each additional dependent. Universal Credit provides additional payments to parents who have disabled or severely disabled children and to support with the costs of childcare; receipt of these payments does not affect a victim's entitlement to financial support from the MSVCC.

Financial support in emergency accommodation

15.67. Individuals in emergency pre-Reasonable Grounds accommodation in the MSVCC will also receive financial support at the rates outlined above (except for the Recovery Rate, which is only payable from the date of a positive Reasonable Grounds decision) from the day that they are registered and accommodated within the MSVCC. This payment should be made as soon as possible and will be backdated from the date they entered support.

Back payments

15.68. After an individual consents to receive support, reasonable steps will be taken by The Salvation Army to contact them to facilitate their entry to the MSVCC. Depending on the individual's circumstances, this may

include attempting contact on several occasions at different times of the day, or via legal representatives if these details are known, or where no, or incorrect contact information is provided, attempting to obtain contact details via the First Responder.

15.69. Financial support will not be paid if a victim cannot be contacted to facilitate entry into support. If a potential victim later re-establishes contact to enter into support, where reasonable steps had previously been taken to contact them, payments will begin from, or be backdated to the date they re-establish contact with the MSVCC, not to the date of the positive Reasonable Grounds decision, provided they go on to enter support.

15.70. If a potential victim with a positive Reasonable Grounds decision who is receiving MSVCC support, exits support voluntarily and later chooses to re-enter MSVCC support prior to receiving a Conclusive Grounds decision, financial support payments will resume from the re-entry date and will not be backdated to the date they exited support.

15.71. If a potential victim has not been contacted by The Salvation Army within 48 hours of having consented to enter MSVCC support, the victim, or their legal representative, should contact The Salvation Army on **0800 808 3733** (24 hours a day, 7 days a week).

Material Assistance

15.72. Potential victims and victims of modern slavery (and their dependents) are provided, where necessary, with appropriate material assistance in the form of a move-in pack to provide essential materials until the potential victim or victim receives their first subsistence payment. The move-in pack will be age appropriate and shall include the following items:

- Toothbrush and toothpaste
- Soap
- Shampoo
- Razor (where requested)
- Feminine hygiene products (if appropriate)
- Suitable undergarments

15.73. For potential victims or victims with babies, the move-in pack support, which is designed to provide essential materials until the potential victim or victim receives their first subsistence payment, shall also provide:

- Nappies
- Baby changing facilities (a mat and wipes);
- Baby vests and baby grows (6 of each);
- Muslin cloths (6)
- a cot or Moses basket and bedding for this;

15.74. Parents who want to bottle feed must be provided with appropriate milk bottles and related items (and milk formula if required until the potential victim or victim receives their first subsistence payment), access to sterilisation equipment to keep bottles clean and access to equipment designed for the purpose of safely warming formula milk bottles.

15.75. If required, under the Modern Slavery Victim Care Contract (MSVCC) the support provider will provide the victim and their dependents with necessary items of clothing to provide for three sets of suitable clothing, including those they already own, until they receive their first financial support payment, after which victims will be expected to obtain their own clothing. Other material assistance may be available under the MSVCC depending on the victim's circumstances.

Translation and interpretation services

15.76. Translation and interpretation services are provided, where needed, in order to enable victims to access all services provided through the Modern Slavery Victim Care Contract (MSVCC). Situations in which interpretation or translation services may be provided under the MSVCC for potential victims and victims include, but are not limited to:

- During the assessments of risk and need;
- On arrival at the allocated accommodation;
- Where a meeting is arranged for a potential victim or victim with a third party (e.g. GP) and there is no alternative formal provision;

15.77. In certain situations, interpretation may be offered by a provider outside of the Modern Slavery Victim Care Contract. For example, a separate interpretation service will usually be used in:

- Court proceedings
- Home Office interviews
- Some appointments with the NHS

Information on rights and services

15.78. Support workers providing support in Modern Slavery Victim Care Contract (MSVCC) accommodation and via outreach support should be able to provide potential victims and victims (and their dependents) with information on the rights and services available to them in accordance with their journey plan. These areas may include, where appropriate:

- Medical treatment, assistance and counselling (including registering with a GP)
- Access to legal aid, legal representatives and legal advice
- Assistance during criminal proceedings (including Special Measures available under the Victim's Code should they wish to support the police in criminal investigations)

- Access to the labour market, vocational training and education and how to apply for a National Insurance number
- Access to immigration advice
- Access to benefits and financial support
- Bank Accounts
- Budgeting
- Pre/Post-natal support groups

15.79. Where required for the individual's recovery, the MSVCC support workers should facilitate access to the following services as appropriate:

- Mental health services
- Substance dependency services
- Sexual health services
- Specialist counselling
- Birthing partners
- Access to ESOL classes
- Preparation for work
- Support with submitting claims e.g. asylum, benefits, or legal

15.80. This information should be made available orally in a language the potential victim or victim can understand, and where possible, also in writing. Further information on available support services can be found here.

Medical treatment, assistance and counselling

15.81. Adult victims of modern slavery have been through traumatic experiences and medical staff working with them should have regard to the Trauma-Informed Code of Conduct (TICC) when they believe someone may be a victim of modern slavery.

15.82. In all cases professionals working with potential victims and victims should support victims to self-refer to appropriate NHS health services as necessary. Health and wellbeing should be an immediate primary concern for all professionals working with victims.

15.83. Support providers should clearly explain to victims what medical support is available to them and how this is accessed, including as a minimum:

- What may constitute a medical emergency and how to access emergency medical assistance
- Registering with a GP and the services provided by GPs, including providing access to mental health services, such as counselling, Community Mental Health Teams (CMHTs) and Improving Access to Psychological Therapies (IAPT).
- Eligibility for exemptions from surcharges

15.84. The support detailed in this section is available to victims throughout their time in the NRM.

Emergency medical assistance

15.85. Adult victims at any stage of the NRM process; before a Reasonable Grounds decision, during the Recovery Period, and after a Conclusive Grounds decision, can receive emergency medical treatment through the NHS.

15.86. Victims should be given a full explanation and adequate time to make informed decisions and provide consent. Exceptions to this are limited to cases in which the person is at risk of harm or in an emergency situation.

GP registration and health screening

15.87. Regardless of immigration status, all adults and children can register with an NHS registered GP. The Guidance for vulnerable patients and those detained (available here) makes provision for situations where patients are unable to provide the relevant documentation.

15.88. Victims living or staying temporarily in the vicinity of a GP practice, including those in safehouse or other MSVCC accommodation, are able to register without 'proof of address' providing the GP practice has space for new patients.

15.89. Adult victims who enter the NRM should receive relevant health screening to assess any unmet physical or psychological medical needs. This screening should be provided by an NHS registered GP.

Psychological health and counselling

15.90. For adult victims, Community Mental Health Teams (CMHTs) support people living in the community with serious mental health problems. There are also services such as Improving Access to Psychological Therapies (IAPT) that provide evidence-based psychological treatments for adults with mental health problems including anxiety and depression. These services are accessed through a GP or relevant health agency and may include:

- Having someone to talk to during a mental health crisis
- Support with drug and alcohol addiction issues

Access to support and charging (fees)

15.91. Chapter 7 of the Guidance on implementing the overseas visitor charging regulations sets out the DHSC guidelines for vulnerable patients. This guidance provides that

"Individuals given a Reasonable Grounds decision are suspected victims of modern slavery and are exempt from charge until a final determination is given by one of the CAs (unless a final determination is not required, which would be highly unusual). They will continue to be exempt from charge if the CA confirms them as being a victim of modern slavery with a 'Conclusive Grounds' decision."

The guidance also provides that:

"The spouse/civil partner and dependent children of those exempt under this regulation are also exempt from charges in their own right, as long as they are here lawfully."

15.92. Those whom the relevant competent authority confirm not to be victims of modern slavery are no longer exempt from charge, other than for courses of treatment already under way, which remain free of charge until complete or until the person leaves the country.

15.93. Some services or treatments are exempt from charges and available on the NHS to all people, including potential victims of trafficking or modern slavery, regardless of immigration status. These are set out in the NHS Entitlements: migrant health guide and include:

- accident and emergency services (not including emergency treatment if admitted to hospital)
- family planning services (this does not include termination of pregnancy)
- treatment for most infectious diseases and sexually transmitted infections where specified
- treatment required for a physical or mental condition caused by torture, female genital mutilation, domestic violence or sexual violence

Surcharges

15.94. Usually, there is a surcharge for some NHS services. However, victims may be entitled to exemptions including:

- free NHS prescriptions
- free NHS dental treatment
- free NHS sight tests
- help with the cost of glasses or contact lenses
- help with the cost of travelling to receive NHS treatment
- free NHS wigs and fabric supports

15.95. This help is provided to people who meet specific exemption criteria, including adults over the age of 60 and pregnant women.

15.96. Victims of modern slavery who do not meet these exemption criteria may be able to apply for a NHS Low Income Scheme certificate if they have capital of less than £16,000. They may be eligible for either:

- HC2 certificate (full help with health costs)
- HC3 certificate (limited help with health costs).

15.97. Applications for both an HC2 and HC3 certificate are made by completing a HC1 form. Victims can get a HC1 form in the following ways:

- HC1 forms are available at Jobcentre Plus offices and NHS facilities or available online here.
- In England, a HC1 form can be ordered for postal delivery here
- In Wales, a HC1 form can be ordered by calling **0845 6031108**

15.98. Victims who are asylum seekers are able to apply for a HC2 certificate for full help with health costs. Partners/spouses and dependent children of victims who complete the form will also be able to receive the same support.

Assistance during criminal proceedings (Victims' Code)

15.99. Victims of modern slavery can access information and support under the Victims' Code. They are entitled to receive services under the Code regardless of their resident status or whether they have report the crime to the police, anyone has been charged or convicted of a criminal offence or they decided they do not want to co-operate with the investigation.

15.100. The Victims' Code sets out the services and a minimum standard for these services that must be provided to victims of crime by organisations in England and Wales, including the police, Crown Prosecution Service and HM Courts and Tribunals Service.

15.101. Under the Victims' Code, victims have the right to be able to understand and to be understood, including where necessary, to have access to interpretation and translation services.

Special measures during criminal proceedings

15.102. The Youth Justice and Criminal Evidence Act 1999 introduced a range of measures that can provide support for vulnerable and intimidated witnesses. The measures are collectively known as "special measures". Victims of modern slavery are vulnerable witnesses.

15.103. In all cases of modern slavery, witnesses in criminal proceedings may be eligible for special measures (section 46 Modern Slavery Act 2015 amends the Youth Justice and Criminal Evidence Act 1999 to make provision for victims of modern slavery). It will be for the prosecutor to make an application to the court for special measures, but

the court will decide on whether these will be granted. In all cases of modern slavery, the investigating officer and prosecutor must discuss with the victim where any special measures should be applied for.

15.104. Special measures may include:

- Giving evidence through a TV link
- Video recorded evidence
- Screens around the witness box
- Removal of wigs and gowns
- Evidence given in private (no public members in court)
- Use of communication aids
- Examination through an intermediary

Further information on special measures can be found here.

Other assistance

15.105. Victims may be eligible for other assistance including:

- **TV Links for witnesses outside the United Kingdom:** where victims are giving their evidence from outside the UK, the prosecutor will make an application to the court under section 32 of the Criminal Justice Act 1988. Further information is provided here.
- **Communication needs:** In the case of a vulnerable witness who has a communication need an intermediary may be used to enable them to give their best evidence. A Ground Rules Hearing should always take place when an intermediary is to be used, in which the methods by which they will facilitate communication between the witness and the court will be agreed. Further information is provided here.
- **Reporting restrictions:** can be applied for under section 46 of the Youth Justice and Criminal Evidence Act 1999 to protect the identity of the witness
- **Anonymity:** Where there may be safety concerns for the victim, pseudonyms can be used for witness statements if desired. Further information is provided here.

Interpretation during proceedings

15.106. A victim acting as a witness who has difficulty in speaking or understanding English is entitled to an interpreter. If a witness requires an interpreter for interview or the taking of a statement, the police must arrange for one to be present.

15.107. For witnesses who are giving evidence at court, it is the responsibility of the prosecution to arrange interpreters at court. The CPS is also responsible for ensuring that the interpreter is appropriately qualified to carry out the assignment. In practice, the Victim Liaison Units

(VLUs) will arrange relevant interpretation services for witnesses at court when the prosecution has identified need and language.

VTS for those helping the police with enquiries

15.108. If a victim has a positive Conclusive Grounds decision from a competent authority they may qualify for VTS under Appendix VTS 3.1 (c) of the Immigration Rules. See Temporary Permission to Stay as a Victim of Human Trafficking or Slavery for more information.

Access to the labour market, vocational training and education

15.109. Adult victims are able to access the labour market, education and vocational training providing they have an immigration status that allows them to do so.

15.110. If there is any reason why a support worker believes that the victim working would be inappropriate, it should be clearly explained to the victim in a language they understand. However, adult victims with the right to work are eligible to work while in the NRM. Victims with the right to work should be allowed to seek employment.

15.111. Victims may pursue any training or education that is lawfully available to them.

15.112. Where appropriate, support providers should provide signposting to information regarding education, training, or accessing the labour market providing the victim has the right to work. Local Anti-Slavery partnerships will have up to date information and advice on pathways in to work.

Applying for National Insurance Numbers

15.113. Victims are able to apply for a National Insurance Number if all of the following criteria are met:

- They have received a positive Reasonable Grounds decision, **and**,
- They are not already in possession of a National Insurance Number, **and**,
- They have the right to work in the UK or have recourse to public funds

15.114. Victims of modern slavery, who have been granted VTS in the UK, receive their National Insurance Number via an agreement with DWP, who either trace or allocate a National Insurance Number from the details provided to them by the Home Office. The Home Office are then advised of the National Insurance Number and notify the individual. This allows a victim of modern slavery to receive a National Insurance Number at the

earliest opportunity to enable them to move seamlessly from existing support into benefits.

15.115. Where the victim has not been granted VTS but has a right to work or claim benefits in the UK and a positive Reasonable Grounds decision, the individual must make an application to DWP directly.

15.116. Each case will be examined on its own merits and assessed against current policy for allocating a National Insurance Number. If the individual has the right to work in the UK an employment inspired number will be allocated.

15.117. If they do not have the right to work but have recourse to public funds, DWP will need to await the outcome of their claim to benefit. If benefit entitlement is established, a benefit inspired National Insurance Number can be allocated.

15.118. If a National Insurance Number has been used fraudulently, DWP will not issue a victim with a new number. Instead, HMRC will cleanse the record to ensure that the information held on their account is relevant to them only. This can be requested by emailing ni-act.centralmailbox@hmrc.gov.uk.

Job seeking and welfare benefits

15.119. Each Jobcentre Plus District Manager is empowered to use their staff resources flexibly to deliver an effective level of service in their local area as the prevalence of victims varies from area to area.

15.120. In those areas where it is known that victims are being supported, each Jobcentre Plus district has identified a lead officer on modern slavery issues. That lead officer should work closely with MSVCC support providers to establish effective working relationships, particularly for the purposes of accessing DWP benefits and services. This can include a ‘warm handover’ for those victims needing additional help to make a claim to benefits.

15.121. Jobcentre staff should be sensitive to the challenges faced by victims. DWP provides specific information to jobcentre staff on working with claimants who are possible or confirmed victims of modern slavery.

15.122. Where a claimant indicates that they are a victim of crime (including modern slavery) and they feel that this will adversely affect their ability to meet the conditions of entitlement to benefits, they should be supported by the same work coach for each appointment to ensure consistency.

15.123. As each victim will be affected in a different way, work coaches should use their discretion to tailor support based on individual

15.124. help the work coach to understand the main barriers to the victim finding work and how these can be overcome.

15.125. They can also provide the victim with greater flexibility around certain requirements such as when appointments need to be attended at the job centre, when the claimant is available for work and the types of jobs for which they would be expected to look.

15.126. The claimant will usually learn what support is available from discussions with their adviser or work coach as the support provided will depend on the individual needs of the claimant.

Access to welfare benefits

15.127. DWP provides support for victims of modern slavery through the benefit system if they satisfy the qualifying conditions set out in the Habitual Residence test. The Habitual Residence Test has two elements:

- a legal right to reside; **and**
- an objective assessment of factual evidence of habitual residence

15.128. Victims of modern slavery, who are not UK nationals, have access to benefits on the same basis as any other migrant coming to this country. In line with the existing rules governing migrants' access to benefits, modern slavery victims can access income-related benefits if they satisfy the Habitual Residence Test.

Right to reside

15.129. A victim can satisfy the legal right to reside if they can demonstrate they have a legal right to be in this country. A victim may have the right to reside if they are:

- A UK or Irish citizen; **or**
- An EEA or Swiss citizen and are employed or self-employed in the UK; **or**
- A citizen of a country outside the EEA or Switzerland and have permission to stay in the UK with recourse to public funds.

15.130. Further information on the right to reside can be found here.

Habitual residence

15.131. Decision makers assess a wide variety of factors to determine whether someone is factually habitually resident. These include evidence of intention to remain and attachment to the UK. Each case is treated on its own merits, in the light of the person's individual circumstances.

Easements

15.132. For claimants that have been identified as victims of modern slavery, an easement may be applied. Applying an automatic easement may not be in the best interest of the victim in every case, and work coaches should consider whether victims would benefit more from tailoring their work-related activities and helping them into work. This can include, where appropriate, access to a range of support such as English language courses, pre-employment support and work experience.

15.133. Where appropriate to victims of modern slavery, work coaches can use the Domestic Emergency provision to "switch off" work related requirements for a period of up to a month at a time. Consideration to individual needs is paramount and work coaches will need to be flexible and ensure that requirements that are set are reasonable in light of the claimant's circumstances.

15.134. Where there are other circumstances that would prevent a person from working such as a health condition, disability or attending court as a witness or defendant, work related activities can be tailored.

Access to legal representation

15.135. Any victim of modern slavery can appoint their own legal representative where they can afford to do so. It is advised to use a solicitor registered with or regulated by an officially accredited body such as the Law Society, Solicitors Regulation Authority or the Office of the Immigration Services Commissioner (OISC).

15.136. If a victim cannot afford a legal representative, they may be eligible for legal aid (see below) or they can try and find a *pro bono* legal representative. As with paid representatives, it is advised to use a solicitor regulated with an officially accredited body.

Access to legal aid

15.137. Information in this section refers to legal aid in England and Wales. Information regarding legal aid in Scotland is available here and in Northern Ireland here.

Criminal legal aid

15.138. Victims can receive legally aided representation in criminal proceedings against them.

Civil legal aid

15.139. All potential victims or victims of modern slavery can apply for legal aid for all civil legal services listed in Schedule 1, Part 1 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO).

15.140. These civil legal services are available to adults and children. Further information on civil legal aid for children can be found at paragraph 16.62.

15.141. All applicants for legal aid must meet the relevant statutory criteria, which includes means and merits tests.

15.142. Victims and support providers can check the eligibility to access civil legal aid here.

Legal aid for victims of modern slavery

15.143. Section 47 of the Modern Slavery Act 2015 amended the Legal Aid, Sentencing and Punishment of Offenders (LASPO) Act 2012 to allow victims of 'slavery, servitude and forced or compulsory labour' to apply for legal aid for the same types of cases as human trafficking victims.

15.144. These civil legal services are accessible to potential victims and victims of modern slavery with a positive Reasonable Grounds decision or a positive Conclusive Grounds decision.

15.145. These civil legal services are also subject to the statutory criteria of means and merits tests.

Legal aid for immigration advice on permission to stay

15.146. Potential victims or victims of modern slavery with a positive Reasonable Grounds or a positive Conclusive Grounds decision can access legal aid for advice on an application for permission to stay.

Legal aid for advice on an asylum claim

15.147. Potential victims and victims of modern slavery may apply for legal aid in relation to an asylum claim at any point. Legal aid for asylum advice is not tied to the NRM decision making process.

Legal aid for employment law advice

15.148. Potential victims and victims of modern slavery may apply for legal aid in relation to employment law advice for claims under employment law arising in connection with their exploitation.

Legal aid for a civil claim of damages

15.149. Potential victims and victims of modern slavery can apply for legal aid for advice on a claim for damages arising as a result of their being a victim of modern slavery.

Exceptional Case Funding

15.150. An individual requires legal advice but their legal issue is not listed schedule 1, Part 1 of LASP, legal aid may be available via the Exceptional Case Funding (ECF) scheme.

15.151. This could be, for example, for general immigration legal advice or pre-National Referral Mechanism advice in the case of adult potential victims or victims of modern slavery.

Pursuing a civil claim for compensation

15.152. Victims may be able bring a civil claim against a perpetrator where they have suffered damages.

15.153. While being a victim of modern slavery is not its own grounds for compensation, victims can be compensated for a range of damages, such as:

- personal injury
- losses from theft or damage to property
- losses from fraud
- being off work
- medical expenses
- travel expenses
- pain and suffering
- loss, damage or injury caused to or by a stolen vehicle

15.154. Victims may be able to apply for legal aid to pursue a compensation claim against their exploiter where they meet the relevant legal aid criteria.

Making a claim for publicly funded compensation

15.155. Victims of violent crime are able to apply for compensation under the Criminal Injuries Compensation Scheme (the Scheme). Under the Victims' Code, victims will be told how to apply for the Scheme by the police when such crimes are reported.

15.156. The Scheme is government funded and exists to compensate victims who suffer serious physical or mental injury as a direct result of a

violent crime. The Scheme is for those injured in England, Scotland and Wales. Northern Ireland has its own scheme.

15.157. The rules of the Scheme and the value of the awards paid are approved by Parliament, and the Scheme is administered by the Criminal Injuries Compensation Authority independently of Government, as an Executive Agency of the Ministry of Justice.

15.158. The Scheme is intended to be one of last resort and where the opportunity exists to pursue compensation elsewhere, applicants should do so. As a result, the Criminal Injuries Compensation Authority may defer making a decision on a claim until an applicant takes all reasonable steps to obtain other compensation. An award under the Scheme will take account of other compensatory payments to the applicant, such as a criminal compensation order or damages from a civil court.

15.159. There are strict eligibility criteria and an applicant must apply as soon as it is reasonably practicable to do so. This should normally not be later than two years after the incident occurred. The rules of the Scheme state that no award can be made unless an applicant has been the victim of a crime of violence and the incident has been reported to the police.

15.160. Whilst applicants to the Scheme must demonstrate that they were ordinarily resident in the UK at the time of the incident, the Scheme includes a list of exceptions to this rule, including recognised victims of human trafficking (those with a positive Conclusive Grounds decision) and those granted asylum. Victims of modern slavery can request that their claim be deferred to await a Positive Conclusive Grounds decision via the National Referral Mechanism.

15.161. Under the Scheme victims of modern slavery who have suffered an injury as a result of a crime of violence can apply for compensation. Compensation is based on the injuries sustained rather than the offence the injuries resulted from, or, in cases of sexual assault or abuse, may be based on the duration and nature of the abuse/assault. The Scheme is designed to compensate the most serious injuries and minor injuries may not be eligible.

15.162. Support providers should make victims aware that where they have suffered an injury as a result of a crime of violence, and meet the criteria, they may be eligible for compensation through the Scheme.

15.163. If a victim or support worker needs help to complete an application, they can contact the CICA's Customer Service Centre advisors on **0300 003 3601**. The helpline is available Monday to Friday from 08:30 to 17:00 except Wednesday when they are open from 10:00 to 17:00. Information about the Scheme can also be found at the following link: https://www.gov.uk/guidance/criminal-injuries-compensation-a-guide

Travel to appointments

15.164. Victims with a positive Reasonable Grounds decision are provided with assistance for *ad hoc* and scheduled travel for journeys to appointments to facilitate their recovery.

15.165. Victims may be expected to walk to appointments that are within a three-mile safe walking distance. Where the potential victim or victim is unable to walk that distance, or it is unsafe for them to do so, transport assistance will be provided.

15.166. The following list is non-exhaustive - travel assistance may be provided from allocated accommodation to:

- Law Enforcement Agencies
- Solicitors
- Courts
- Asylum interviews
- Medical Institutions (for appointments) – these costs may be met by the NHS if a HC2 or HC3 certificate has been granted
- School (for dependent school age minors) where the school is outside of appropriate walking distance (as set out in Department for Education Home-to-school travel and transport statutory guidance) or when it is unsafe for them to walk to school

15.167. The Home Office may fund, or part fund, travel for other journeys through the Modern Slavery Victim Care Contract as necessary to support the victim's recovery.

Support in transitioning to alternative support services

15.168. Support providers should work with the potential victim during the Recovery Period, as early as it is appropriate to do so, to consider their options for when they leave Modern Slavery Victim Care Contract support (MSVCC).

15.169. Following a Conclusive Grounds decision, adults are provided with a further period of move-on support to allow victims time to transition out of MSVCC support.

15.170. Victims with a negative Conclusive Grounds decision are provided with up to 14 working days of move-on support from the date of receipt of the decision by the individual or the party acting on their behalf. Victims with a positive Conclusive Grounds decision are provided with at least 45 calendar days of move-on support. Guidance on determining what, if any, ongoing recovery needs a victim has, and whether MSVCC support continues to be necessary, is set out in the Recovery Needs Assessment guidance.

15.171. Victims may apply for some form of leave if they do not have permission to stay in the UK, and it is appropriate to do so. Non-EEA and EEA nationals with a positive Conclusive Grounds decision are automatically considered for VTS to stay if they do not already have the right to remain. Further information can be found in this guidance at Temporary Permission to Stay as a Victim of Human Trafficking or Slavery.

15.172. Where victims do not have permission to stay in the UK, they may be eligible for support to voluntarily return to their country of origin.

Extension requests

15.173. In some cases, individuals who have received a negative Reasonable or Conclusive Grounds decision, or a Public Order or Bad Faith Disqualification, require a longer move-on period than up to 14 working days before exiting Modern Slavery Victim Care Contract (MSVCC) support.

15.174. Only an MSVCC support provider can make an extension request. Legal representatives cannot make extension requests directly and should contact the support provider if they believe an extension request is necessary.

15.175. If an MSVCC support provider considers that it is not appropriate for an individual to exit support in the usual period after a negative Reasonable or Conclusive Grounds decision, or following a Public Order or Bad Faith Disqualification they should make an extension request to the Single Competent Authority (SCA). The SCA considers extension requests on a case-by-case basis.

15.176. Where individuals think they require an extension before exiting the service, they should discuss the possibility with their support provider who may decide to put in an extension request on their behalf. If an individual believes an extension request should be made, but the support provider is not willing to make the request, the individual should raise a complaint through the official MSVCC complaints procedure. An individual can begin this procedure by informing their support provider they would like to make a complaint.

15.177. In all instances, support providers should ensure that they have explored all options for assisting an individual in transitioning to alternative support services before making an extension request, taking into consideration the 'Assessing Destitution Guidance'. Where appropriate this will include signposting to voluntary returns as soon as possible to discuss a return to the country of origin.

Making an extension request

15.178. All extension requests must be made in writing at the earliest opportunity and sent to the Modern Slavery Victim Care Contract Prime Contractor who will then pass the request to the Home Office.

15.179. When making an extension request, support providers should:

- Clearly state the facts of the case including how many previous extension requests have been made.
- State the period the request is for.
- Provide all relevant background information regarding the case and the individual.
- Explain why it is not appropriate for the individual to transition to other services at this time.
- Explain any planned actions and interventions, and realistic timescales for completing these.
- Where interventions to help the individual move-on have not started the support provider must give reasons as to why such action has not already commenced or been undertaken.
- Attach any relevant, additional documentation relating to the request, e.g., a request from police or bail conditions.

15.180. All extension requests should be submitted in good time before the individual is required to leave MSVCC support. Subsequent extension requests should be submitted prior to the end of the agreed date from the previous extension request.

15.181. If an extension request is agreed, it will be for a period relevant to the reasons for request and decided by the SCA, but no more than 28 days. Requests for a period of more than 28 days at a time will only be granted in exceptional circumstances. There is no limit on the number of extension requests that can be submitted.

15.182. The Home Office will aim to provide a response to an extension request within 48 hours, where possible.

15.183. The support provider should not wait until the extension date to exit an individual from support when their circumstances change in such a way as to enable them to transition to alternative support services. For example, the individual receives the ID documentation necessary to transition to alternative support services.

Circumstances in which the Home Office may grant an extension request

15.184. Extension requests will generally be agreed if an individual is taking steps to move on from MSVCC support such as applying for other support they are entitled to, or if they do not have any other support options. Reasons for granting an extension request include, but are not limited to where the individual:

- Would be destitute without support at the end of the move-on period because they are not eligible for and would not have the means to access alternative adequate accommodation and / or financial support to meet their essential living needs (The Single Competent Authority should refer to the 'Assessing Destitution Guidance').
- Has applied for asylum support, state benefits, or other support they can apply for and has provided evidence that their application has been delayed through no fault of their own and they cannot access other interim support such as a Universal Credit advance payment.
- Has leave/right to remain in the UK and has applied for and is awaiting key documentation to enable them to access services necessary for transitioning to alternative support services (such as ID documentation or a biometrics card).
- Has leave/right to remain in the UK and is waiting for confirmation of state support.
- Is returning to their country of origin but is awaiting key documents or appropriate travel arrangements to enable this.
- Has exceptional physical or mental health needs that mean they are delayed in being able to apply for alternative support options and require temporary ongoing support beyond the end of the move-on period whilst they access other support.
- Is waiting for a Competent Authority to determine if it will reconsider a decision.

15.185. The support provider should not wait until the extension date to exit an individual from support when their circumstances change in such a way as to enable them to transition to alternative support services. For example, the individual receives the ID documentation necessary to transition to alternative support services.

Circumstances in which Home Office is unlikely to grant extension requests

15.186. Extension requests will not usually be granted where:

- The requested support is provided to assist an individual's recovery from modern slavery, or where what is requested could be provided through another service, or where the individual is not engaging with the move-on process but has alternative support options.
- The individual chooses to delay or not apply for support they can apply for (for example asylum support or Universal Credit and benefits).
- The individual is refused another form of support due to non-compliance with the terms on which that support is provided and they could access this support by complying with its terms to avoid destitution.

Continued support during reconsideration of a Reasonable Grounds or Conclusive Grounds decision

15.187. When an individual has received a negative decision, they are required to exit Modern Slavery Victim Care Contract support. If they have submitted a reconsideration request, they are still required to exit support unless an extension request is also made and approved.

15.188. If the relevant competent authority agrees to reconsider the negative decision, and the individual is still in support, they will not be expected to exit support while the reconsideration is being decided.

Extension requests following a Public Order or Bad Faith Disqualification

15.189. Individuals who have been disqualified from the NRM on the grounds of Public Order or Bad Faith are disqualified from receiving modern slavery specific support. A support provider can only request an extension to support, and the Single Competent Authority will only agree an extension to support for an individual who is disqualified from the NRM if they:

- Would be destitute and unable to meet their essential living needs at the end of the move-on period.
- Have applied for asylum support, state benefits, or other support they can apply for and have provided evidence that their application has been delayed through no fault of their own and they cannot access other interim support such as a Universal Credit advance payment.
- Have exceptional physical or mental health needs that mean they are delayed in being able to apply for alternative support options and require temporary ongoing support beyond the end of the move-on period whilst they access other support.

15.190. Generally, an individual is not considered to be destitute if they have the means to access alternative adequate accommodation and / or financial support to meet their essential living needs, for example by applying for asylum support or mainstream benefits. The Single Competent Authority and support providers should refer to the 'Assessing Destitution Guidance'.

Decision Making

15.191. The decision to grant or not grant the extension will be recorded by the Home Office and the decision and rationale will be shared with the Modern Slavery Victim Care Contract Prime Contractor who will notify the support provider about the outcome of the extension request. If an extension request is not made on behalf of the individual, or is made but is not agreed, the individual is required to exit support at the end of the move-on period.

Transitioning to asylum support for victims with an active asylum claim

15.192. Where victims do not have an active asylum claim they may be eligible to claim asylum. Further information on how to make an asylum claim is available here.

15.193. Victims with an active asylum claim will transition into asylum accommodation if they would otherwise be destitute and their needs can be met in asylum accommodation.

15.194. When someone is entering asylum accommodation from Modern Slavery Victim Care Contract accommodation the support provider is required to conduct a needs assessment.

15.195. If the victim is already in asylum support, they will continue to remain in asylum accommodation and receive the support provided to asylum seekers until a decision is made on their asylum case. See asylum accommodation for more information.

Temporary Permission to Stay as VTS

15.196. Non-EEA and EEA nationals will automatically be considered for a grant of VTS if they do not already have the right to stay. Victims will need a positive Conclusive Grounds decision to be considered for VTS.

15.197. VTS may be available where a victim is assisting public authorities with their enquiries in relation to their exploitation.

15.198. Full guidance on when VTS will be granted to victims of modern slavery is contained in Annex: Temporary Permission to Stay as a Victim of Human Trafficking or Slavery.

15.199. The guidance explains the circumstances in which it may be appropriate to grant VTS to individuals confirmed as victims of modern slavery by the NRM, and the considerations that must be made before such a decision is made. It also deals with extending VTS or cancelling stay as necessary.

EU Settlement Scheme

15.200. EEA nationals may be entitled to apply to the EU Settlement Scheme (EUSS) - information about the scheme and eligibility can be found here. Victims of modern slavery may also be considered for a grant of VTS and/or may have other applications, for example, on the basis of their family or private life or a humanitarian protection claim. Applications for victims of modern slavery under the EU Settlement Scheme may be more complex due to the nature of their experiences and victims may have challenges in evidencing their continuous residence in the UK.

15.201. The deadline for applications from EEA Nationals to the EU Settlement Scheme was 30th June 2021. However, EU Settlement Scheme guidance sets out the circumstances and process for submitting late applications to the scheme and provides examples of what might be considered 'reasonable grounds' for failure to meet the deadline. Such 'reasonable grounds' may include circumstances where a person is a victim of modern slavery and circumstances where a victim may have in place another type of leave such as VTS as a victim. However, it should be noted that there are wider reasonable circumstances which may also be relevant and a victim of modern slavery should therefore provide details of all circumstances considered to be relevant for making a late application.

15.202. Victims of modern slavery are advised to obtain specialist immigration advice so that they can be advised of the immigration options available to them. An advisor should be appropriately qualified and registered to the relevant level if working under OISC accreditation (Level 2) for more complex applications like VTS.

Voluntary returns

15.203. Non-British nationals referred into the NRM may wish to return home. This is known as 'voluntary return'. Ensuring that victims can return safely helps to reduce the risk of future exploitation.

15.204. A desire to return home is **not** a barrier to entering the NRM. Where victims express a desire to return, they should still be informed about the NRM and the immediate support available through it, including the option of a voluntary return.

15.205. Support providers are encouraged to discuss the option of voluntary return with all victims who do not have British nationality:

- The Government-funded Voluntary Return Service is available to victims who are non-British nationals at any time if they do not hold extant leave in the UK. It can provide assistance to return home such as flights or travel documents. In addition, all victims with a positive Conclusive Grounds decision, who do not have permission to stay, can apply for financial help of up to £2,000 which can be used to find somewhere to live, find a job or start a business in their country of origin. More detailed information on who is eligible for assistance to return home and/or financial support can be found at www.gov.uk/return-home-voluntarily/who or by calling **0300 004 0202**
- The Voluntary Returns Service will be able to provide help with regards to the exact voluntary return options available to each individual and the implications of taking any support, which will vary depending on a victim's personal circumstances.

15.206. For more information on voluntary returns see Voluntary and assisted returns guidance.

Other support for individuals following a negative Conclusive Grounds decision

15.207. Individuals with a negative Conclusive Grounds decision may still be eligible for support from other organisations. The support provider should signpost these individuals to other organisations who can meet their needs, including:

- Local Authority support.
- Asylum support through a new or existing asylum claim.
- Non-UK nationals without extant leave in the UK may be eligible for the Home Office Voluntary Returns Scheme.

15.208. Support providers should also make victims aware of the reconsideration request and extension request processes.

15.209. If a reconsideration request has not been made and no extension request has been submitted, the individual must leave support provided under the Modern Slavery Victim Care Contract (MSVCC) within 14 working days of receipt of the decision by the individual or the party acting on their behalf. The timeline to exit someone from support following a negative decision begins only once the potential victim or nominated legal representative has received the letter.

15.210. If an individual believes the negative decision made by the competent authority is incorrect, they can submit a reconsideration

request. Reconsideration requests should be submitted as soon as possible to the relevant competent authority. For more information see Reconsiderations.

15.211. If their support provider under the MSVCC, First Responder or ICTG, where appointed, believes that exiting the individual from support under the Modern Slavery Victim Care Contract cannot be done in a safe and secure way, a request for extension of support can be made. For more information see Extension Requests.

Advice following the death of a victim being supported by the MSVCC

15.212. In the event that a potential or confirmed victim of modern slavery passes away whilst being supported through the Modern Slavery Victim Care Contract (MSVCC) and has unspent financial support monies (either in cash or on their pre-paid payment card), any remaining monies should be dealt with by the representative of the individual's estate in accordance with UK law (see What to do when someone dies: step by step - GOV.UK (www.gov.uk). The MSVCC will not act on requests from friends or family for access to the deceased victim's unspent financial support payments; any enquiries of this nature should be directed to the representative of the deceased individual's estate.

15.213. Information on what to do if someone dies without a will can be found here. Information on who is entitled to a share of someone's estate if they die without making a will can be found here.

15.214. If someone dies with no will or known family, their property passes to the crown as ownerless property. Details of how to claim or refer an unclaimed estate can be found here.

Additional recovery costs support

15.215. In addition to financial support payments provided to potential and confirmed victims to meet essential living needs and assist recovery (see here), the Modern Slavery Victim Care Contract (MSVCC) may provide further financial support, by directly funding additional support services related to assisting individuals with their recovery from their modern slavery experience.

15.216. Potential and confirmed victims should request support with additional recovery costs via their support worker, who will seek approval from the Single Competent Authority where necessary. Potential and confirmed victims may be eligible to receive additional support with recovery costs where:

- The cost is to facilitate access to a provision or service that is related to, and will assist with, recovery from their modern slavery

experience that led to their positive Reasonable or Conclusive Grounds decision but is not already met by the victim's recovery needs financial support payment.

- What is being requested is not already available to them through other support structures, including MSVCC support, or wider government support they are entitled to. A non-exhaustive list of alternative support provision includes:
  - Access to work support and budgeting advances through DWP to facilitate access to work[12].
  - Counselling provided via the NHS, or NHS funding to travel to medical appointments.
  - Legal aid.
  - Statutory free childcare or help with childcare costs through the mainstream benefits system[13].
  - Free childcare provided by the Asylum Support system to attend an asylum interview[14].
  - Childcare available through friends or family.
  - Free transport to school for children Free school transport - GOV.UK (www.gov.uk)
- What is being requested is not already provided by the accommodation provider, if the victim is living in MSVCC, asylum, or other accommodation provided by a local authority.

15.217. Below is a non-exhaustive list of additional recovery costs the Home Office may fund via the MSVCC where the conditions outlined above are met:

- Private counselling when recommended by a GP or medical professional, not financially benefitting from the recommendation, and where it is unavailable through the NHS or cannot be accessed via the NHS within a reasonable timeframe. A decision on whether counselling can be accessed, via the NHS, within a reasonable timeframe, will be made on a case-by-case basis, taking into account the individual's specific circumstances.
- Childcare when a potential or confirmed victim needs to attend appointments which are linked to their recovery from exploitation and/or during which they may need to discuss their modern slavery experience, such as counselling appointments, asylum interviews, solicitor meetings and police interviews.
- Travel to recovery related appointments with law enforcement agencies, solicitors, courts, asylum interviews and other recovery

[12] Universal Credit advances - GOV.UK (www.gov.uk), Help with moving from benefits to work - GOV.UK (www.gov.uk)).
[13] Help paying for childcare: Free education and childcare for 2-year-olds - GOV.UK (www.gov.uk), Help paying for childcare: 15 hours free childcare for 3 and 4-year-olds - GOV.UK (www.gov.uk), Help paying for childcare - GOV.UK (www.gov.uk).
[14] Sites currently offering free childcare are Cardiff, Glasgow, Croydon, Leeds, Solihull, and Hounslow. A leaflet explaining how to book childcare should be included with the invitation to interview letter (see 'Childcare during asylum interviews' Asylum interviews (publishing.service.gov.uk)).

related appointments where outside of the three-mile radius safe walking distance (i.e., a six-mile roundtrip).

- Replacement travel or identification documents where necessary, where these have been lost due to their modern slavery experience and where such documentation is needed to assist recovery.
- Where necessary to facilitate access to recovery related services:
  - ESOL course registration fees.
  - Specialist GP medical reports and letters.
  - Document translation and interpretation.

Annex G – Detail of support available to children in England and Wales

16. This Annex sets out details of the type of support available to child victims.

Local authority support

16.1. The support Local Authorities provide to child victims is not dependent on a child remaining in the NRM. As such, children will continue to be supported in their existing situation by Local Authorities under their statutory duty to safeguard and promote the welfare of looked after children in their area.

16.2. Support may continue until children reach the age of 25 where the child was looked after, or until the age of 18 otherwise.

16.3. Where children have access to an ICTG, this support may end in line with the exiting/transition from ICTG provision set out in the ICTG guidance.

Standards of living

16.4. Where the child victim's standards of living lead to concern that a child is in need of help they should be referred to children's social care who, following an assessment, may decide support is necessary. Requests for support must always be made to the Local Authority children's services at the earliest opportunity. These will usually be made by the First Responder. See Referring a Child Victim into the NRM for more information.

16.5. Any child who is unaccompanied, who is separated from both parents and is not being cared for by an adult who by law has responsibility to do so must, by law, be accommodated by the Local Authority and will become "looked-after" 24 hours later by the Local Authority where their needs have been identified. This means the authority is required to provide them with care, accommodation and support (which will include making arrangements for education and healthcare) in the same way as any other child who is in the authority's care.

16.6. Local Authorities must allocate a social worker who will assess the child's needs and draw up a care plan which sets out how the authority intends to respond to the full range of the child's needs. This includes ensuring they have all the necessary legal and other support they need, including access to health, education and appropriate and safe accommodation, whether via a foster care arrangement, children's home or supported accommodation. If there is reason to believe that the child is a victim of modern slavery, including trafficking, this must be recorded in

their care plan. The social worker has responsibility for linking the child in with the right services including GP, school and mental health services if appropriate.

An Independent Reviewing Officer must be appointed for each looked after child, to provide independent oversight of the child's case and hold Local Authorities to account for the child's progress. The care plan must include health and education plans. All looked after children in care have an automatic right to an Independent Advocate provided by the Local Authority as a statutory provision for all looked after children. Child victims of modern slavery who are in care may particularly benefit from this advocacy.

16.7. Local Authorities must undertake regular reviews, chaired by the Independent Reviewing Officer. A review must take place no more than 20 days after the child becomes looked after; no more than 3 months after the first review; and then at intervals of not more than six months; and conclude with any revision to the care plan.

Medical support

16.8. For child victims who are looked after Local Authorities are responsible for making sure an assessment of physical, emotional and mental health needs is carried out for every child who is looked-after. The statutory health assessment should address the areas specified in The Care Planning, Placement and Case Review (England) (Amendment) Regulations 2021 (legislation.gov.uk)These include the child's physical, emotional and mental health. Before the first statutory review of the child's care plan, a medical practitioner must carry out an assessment of the child's state of health and provide a written report. After that, the child's state of health must be reviewed at least once every six months before a child's fifth birthday and at least once every 12 months after the child's fifth birthday. For more information see Promoting the health and wellbeing of looked after children statutory guidance for Local Authorities, Clinical Commissioning Groups and NHS England.

16.9. The statutory guidance for Local Authorities in England to support care of unaccompanied migrant children and child victims of modern slavery states that a looked after child's health plan should set out the objectives, actions, timescales and responsibilities arising from the health assessment. The health plan should cover the child's state of health, including their physical, sexual, emotional and mental health. This should include detail of how any psychological issues will be addressed. For example, these may result from the child's experiences at the hands of traffickers overseas or in the UK. Unaccompanied children may also require specialist mental health support to help them deal with the impact of loss and trauma. This may require referral to specialist mental health assessment and treatment.

Child mental health

16.10. For child victims Child and Adolescent Mental Health Services (CAMHS) will provide child or adolescent specific services. It operates in a similar way to adult mental health services but has access to a different group of professionals. These services focus more on psychological than pharmacological therapies. GPs and social workers will be able to facilitate access to counselling.

Translation and interpretation services for child victims

16.11. Local Authorities should have a clear policy on how they can obtain a suitable interpreter for a child who needs one. Local Authorities should ensure that reasonable endeavours are made to find an interpreter who speaks both the correct language and dialect of the child. Interpreters should be appropriately trained to understand the particular issues the child may face. For example, 'slavery' and 'trafficking' may not translate literally or easily and may need to be expressed in a different way to ensure the child fully understands the situation.

Information on rights and services for child victims

16.12. Access to information on rights and services should be provided to the child by the Local Authority children's service. Where an Independent Advocate is made available to look after a child victim of modern slavery, they can help provide clear information to the child and make sure their legal rights are upheld and that they are fairly treated. Where available, an ICTG may also be able to provide information, signposting and advocacy on behalf of the rights of the child.

16.13. Where possible, children should have the NRM process explained to them in a language they can understand and in age-appropriate terms. The Safeguarding strategy for unaccompanied asylum seeking and Refugee children is a joint strategy between the Home Office and the Department for Education, published in November 2017. It sets out additional actions by Government to safeguard and promote the welfare of unaccompanied asylum seeking children. In particular, Section 4 provides additional information on rights and entitlements, and states:

"Unaccompanied children may be unfamiliar with systems in the UK and may be mistrustful of officials depending on their treatment in their country of origin and in transit to the UK. Whatever their entry route into the UK, children may need help to understand where they are, what their rights and entitlements are, and support to understand what will happen to them next."

16.14. Local Authorities should aim to keep children informed their rights, entitlements and what is happening to them throughout the NRM process.

Support in criminal proceedings

16.15. Child Victims are automatically eligible to apply for Special Measures as set out in the Victims' Code. The prosecutor will discuss with the investigating officer, who must have discussed with the witness, which Special Measure, if any, would be most appropriate.

Access to legal aid

16.16. Legal aid for children is available under the same criteria as for adults. See section Access to legal aid. In addition, who are separated migrant children are also eligible for civil legal aid in relation to immigration matters and citizenship. This is irrespective of whether an individual is also a potential victim or a victim of modern slavery.

16.17. This includes, for example, immigration applications for entry clearance, leave to enter or to remain in the United Kingdom; applications for registration under the British Nationality Act 1981; and advice on the National Referral Mechanism where advice is already being given on permission to stay.

Access to education for child victims

16.18. All children should receive the same access to educational provision regardless of their immigration status. For children who do not speak English or have communication difficulties this should include access to language and communication support and schools will respond to each child according to their educational needs.

16.19. Under section 22 of the Children Act 1989 all Local Authorities in England are under a duty to promote the educational achievement of the children they look after, wherever they are placed. The authority must therefore give particular attention to the educational implications of any decision about the welfare of those children.

16.20. The Children and Families Act 2014 amended the Children Act 1989 to require Local Authorities in England to appoint at least one person for the purpose of discharging the Local Authority's duty to promote the educational achievement of its looked-after children wherever they live or are educated. That person (commonly known as the Virtual School Head) must be an officer employed by the authority or another Local Authority in England.

16.21. All maintained schools and academies must appoint a designated teacher for looked-after children. They act as a source of advice and expertise about the needs of looked-after children generally and those on

the school's role in particular. The designated teacher and the Virtual School Head have a role in making sure the child's Personal Education Plan (PEP), which is part of the child's overall care plan, is SMART and meets the child's needs. They should review the PEP on a termly basis and that information feeds into the wider care plan formal view.

16.22. Looked-after children, with limited exceptions, have top priority in school admissions. Local Authorities can direct an admission authority of a maintained school to admit a looked-after child even if the school is full. They must admit the child, or if it believes to do so would prejudice the efficient delivery of education, appeal to the Schools Adjudicator. For academies, the Local Authority would have to ask the Secretary of State for Education to consider a direction.

16.23. It is helpful to involve the child's education provider in discussions about risk assessment and planning and to make them aware that the child is, or may be, at risk of being a victim of modern slavery. The school, academy or other education provider should ensure that any inappropriate contact from adults or other children, as well as if a child is missing from education, is reported to the Local Authority in order to protect the child from further harm. The Department for Education statutory schools safeguarding guidance Keeping Children Safe in Education is what schools and colleges must have regard to when carrying out their duties to safeguard and promote the welfare of children.

Annex H – The section 45 defence (the statutory defence)

17. This Annex provides details of the Section 45 Defence (the statutory defence)

17.1. Potential victims of modern slavery may be suspected or accused of committing criminal offences. Section 45 of the Modern Slavery Act 2015 provides for 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.

17.2. The defence does not apply to the most serious crimes, such as sexual offences or offences involving serious violence. The full list of excluded offences is provided in Schedule 4 of the Act. The defence does not provide for blanket immunity from prosecution for criminal acts committed by victims of modern slavery: a nexus must be established between the circumstances of the exploitation and the crimes committed and there are a number of other conditions which must be established which are set out in the Act.

17.3. The section 45 defence is only available in England and Wales. For more information on the statutory defence in Northern Ireland see section 22 of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015. In Scotland, the Crown Office and Procurator Fiscal Service continues to apply the Lord Advocate's instructions to ensure that victims of modern slavery are not prosecuted in relation to offences committed as a consequence of their exploitation.

17.4. The defence, or an allegation of forced-criminality, may be raised by the suspect/defendant at any point in the criminal justice process from the point of arrest; including during trial proceedings.

17.5. It is important to note that the decisions made by the competent authorities for the purposes of the NRM (Reasonable Grounds and Conclusive Grounds decisions) are civil decisions, and the standard of proof required in criminal cases to establish the section 45 defence applies is different.

17.6. The decision of the relevant competent authorities as to whether a person had been trafficked for the purposes of exploitation is not binding on the Crown Court or the CPS. Unless there was evidence to contradict it or significant evidence that had not been considered, it is likely that the criminal courts will abide by the decision; see R v L(C) [2014] 1 All ER 113

at 28 and R v VSJ [2017] 1 WLR 3153 at sect; 20(viii). The decision should be scrutinised by the prosecutor to see the evidence that was available to the relevant competent authority, to what extent the evidence has been analysed, weighed and tested by the relevant competent authority and to assess the quality of any expert evidence relied upon.

17.7. A positive Reasonable Grounds or Conclusive Grounds decision may support the suspect/defendant's argument that they have been forced, threatened or deceived into committing the crime(s) for which they are accused. However, a positive decision does not automatically establish the statutory defence is applicable. The other criteria provided by the Act must still be met and, given the different standards of proof required in criminal proceedings, courts are not bound to accept NRM decisions.

17.8. Conversely, a section 45 defence may be established even if a suspect/defendant has not been referred into the NRM or has had a negative decision.

17.9. Whilst the NRM and the criminal justice system are distinct and separate processes, a decision by the relevant competent authority to recognise a suspect/defendant as a victim of modern slavery may still have a bearing on a criminal case. As such the competent authority must update the police, Crown Prosecution Service and the Court hearing the case (if relevant) at the Reasonable Grounds and the Conclusive Grounds stages as soon as a decision is made.

The section 45 defence for adults

17.10. The adult defence can be considered where the individual was over the age of 18 at the time the offence was committed. This defence is set out in section 45(1) of the Act.

17.11. Adults who raise the defence must meet all of the following criteria:

- the person does that act because the person is compelled to do it; **and**
- the compulsion is attributable to slavery or to relevant exploitation, as a direct consequence of being a victim of slavery; **and**
- a reasonable person in the same situation as the person and having the person's relevant characteristics would have no realistic alternative to doing that act. [15]

The section 45 defence for child victims

17.12. For those under the age of 18 at the time an offence was committed, the child defence can be considered under section 45(4) of the Act.

[15] Relevant characteristics' mean age, sex and any physical or mental illness or disability.

- the person commits the act as a direct consequence of their being, or having been, a victim of slavery; **and**
- a reasonable person in the same situation as the person and having the person's relevant characteristics would do that act. [16]

Further information

17.13. The CPS has issued detailed guidance on the circumstances prosecutors must consider when defendants charged with criminal offences might be victims of trafficking or slavery. For more information, see:

- CPS guidance on human trafficking and smuggling
- COPFS guidance on human trafficking

[16] Relevant characteristics' mean age, sex and any physical or mental illness or disability.