

**Modern Slavery Toolkit**

**March 2023**

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# Policy Summary

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| **Document name** | Modern Slavery Toolkit |
| **Version** | v.3 |
| **Publication date** | March 2023 |
| **Review due date** | March 2026 |
| **Approved by** | Senior Management Team |
| **Status** | Mandatory (all named staff must adhere to guidance) |
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| **Service area** | Adult Safeguarding |
| **Target audience** | Adult Social Care and partners who deal with safeguarding |
| **Distribution** | Adult Social Care; HSAB members; Partnership Forum members |
| **Related document(s)** | North West Safeguarding Adults Policy 2020  HBC Safeguarding Adults in Halton: Procedures, 2020  HBC Criteria for Reporting Adult Safeguarding and Provider Led Concerns, 2020 |
| **Superseded document(s)** | Not Applicable |
| **Equality Impact Assessment** | Not Applicable |

**This Modern Slavery Toolkit has been based on the Pan Lancashire Anti-Slavery Partnership Modern Slavery Toolkit. We would like to acknowledge the use of this document in producing the Halton Modern Slavery Toolkit.**

# Introduction

Building on from the Modern Slavery Strategy Cheshire, this toolkit has been devised to help practitioners dealing with cases of modern slavery and where to find accessible resources available to them.

This document aims to explain what Modern Slavery and Human Trafficking are and how everyone in the borough can help tackle this complex and hidden crime. We may not be able to eradicate it completely, but we can make it more difficult for criminals who exploit others for their own personal gain.

We want everyone to know how to recognise Modern Slavery and Human Trafficking and have the confidence to report it, to ensure the victims are supported and criminals are brought to justice.

This toolkit should be used in conjunction with Halton’s Safeguarding Policy and Procedures, which can be found on the following link:

[**https://adult.haltonsafeguarding.co.uk/professionals/**](https://adult.haltonsafeguarding.co.uk/professionals/)

## What is Modern Slavery?

Modern Slavery is illegal and encompasses slavery, human trafficking, forced labour and domestic servitude. Traffickers and slave masters use whatever means they have to coerce, deceive and force individuals into a life of abuse, servitude and inhumane treatment.

A person commits an offence if:

* **The person holds another person in slavery or servitude and the circumstances are such that the person knows or ought to know that the other person is held in slavery servitude**

**Or**

* **The person requires another person to perform forced or compulsory labour and the circumstances are such that the person knows or ought to know that the other person is being required to perform forced or compulsory labour**

**Myths about Modern Slavery**

Those working with potential victims of modern slavery should understand some of the common misconceptions about this type of abuse 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 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 |

***(Source: Modern Slavery Statutory Guidance for England & Wales)***

The following section provides a pathway and detailed guidance of what to do in the event you have a disclosure of modern slavery or you recognise someone may be a victim of modern slavery.

**Yes – Call 999**

**2.**  Is there an immediate risk or danger

**Referral Pathway for Victims of Modern Slavery & Human Trafficking**

1. Any person has reasonable grounds to suspect a person may be the victim of Modern Slavery or Human Trafficking

Refer to No. 10 in guidance

Complete NRM and support through this process

ASC to complete NRM

**10. No**

**9. Yes**

**5. NO**

**4. YES**

**NO**

**And/Or**

Refer to your local Adult Social Care/Adult Safeguarding Team

**8.** Are you identified as a First Responder (see guidance)

**And/Or**

Refer to your local Children’s Social Care/SPOC

Contact the Modern Slavery Helpline

**08000 121 700**

**Your involvement may end here unless:**

You are able to speak to the potential victim safely or you observe that identified in 5a.

**7. No**

Do they give consent to receive support through the NRM

**5a.** Under the Care Act 2014 Does the person have:

1. Care and Support Needs
2. Are at risk of or suffering abuse or neglect, and
3. They cannot protect themselves

**YES**

**3.** Is the person under (or appears to be under) 18 years of age

CSC/SPOC to complete NRM

Inform victim of other services available – see guidance. Complete DTN form and send to the Home Office and Cheshire Constabulary

**7a. No**

**7b. Yes**

Safeguarding procedures will apply. Refer immediately to your own agency Adult Safeguarding Policy & Procedures and inform your Safeguarding Lead/Team

Refer immediately to your own agencies Safeguarding Policy & Procedures and inform your Safeguarding Lead

**Guidance to the Modern Slavery & Human Trafficking Pathway**

|  |  |
| --- | --- |
| **1.** | Trust your instinct – you only have to have reason to **believe** someone may be a victim, you don’t have to prove it |
| **2.** | Risk Assessment – In emergency cases and there is an immediate threat or emergency medical treatment is needed or the victim is still in the place of exploitation please call **999** |
| **3.** | Does the victim say they are (or appears to be under) 18 years of age then follow step 4, if not, follow step 5 |
| **4.** | Organisations will have their own safeguarding procedures to follow.  In the first instance, contact your Safeguarding Lead/Team who will take details and refer to Children’s Social Care.  If you are not a member of an organisation then you need to contact Children’s Social Care directly and immediately, giving as much information as you can.  Children’s Social Care will complete the National Referral Mechanism (NRM) and ensure the child/young person is protected from further abuse  **Children Social Care**: 0151 907 8305  **Emergency Duty Team**: 0345 050 0148 |
| **5.** | If you are unable to speak to the potential victim contact the Modern Slavery Helpline and report your suspicions with as much detail as possible on **08000 121 700**  ***At this point this may be the end of your involvement unless you can speak to the person or identify anything as outlined in 5a:***  If it is safe to do so, have a conversation with the person. Use an approved interpreter/language line – do not use anyone accompanying them |
| **5a.** | The Care Act 2014 is quite clear about the criteria to be met for adult safeguarding and many victims of modern slavery do not have care and support needs\* (e.g. they are able to care for themselves despite the situation they are in). Victims are also able to make decisions for themselves under the Mental Capacity Act even though exploitation involves coercion and control.  **However, if through conversation and/or from observation the potential victim does appear to have care and support needs or lacks the mental capacity to make an informed decision themselves then follow step 6, otherwise, follow step 7 onwards.**  \*People who are in need of practical support to enable them to live as well as possible with any illness or disability they may have |
| **6.** | Organisations will have their own safeguarding procedures to follow. In the first instance, contact your Safeguarding Lead/Team who will take details and refer to Adult Social Care.  If you are not a member of an organisation, then you need to contact Adult Social care immediately and give as much information as you can.  Adult Social Care will complete the National Referral Mechanism (NRM) and ensure the adult is protected from further abuse by working with adult and support services via an initial risk assessment and a safeguarding strategy discussion meeting.  **Adult Social Care**: 0151 907 8306  **Emergency Duty Team**: 0345 050 0148 |
| **7.** | Victims of modern slavery are potentially victims of crime but they still have to give consent to receive support through the NRM and you **must** obtain consent to refer them for that support. |
| **7a.** | If the potential victim does not give consent to have their details given to the NRM, inform them there are other services that can support them. They or you can contact the Modern Slavery Helpline in the first instance: **08000 121 700**  Inform the victim that by contacting the helpline they will receive support through services who can assist in housing, immigration, benefits, health care etc. (often victims can then be supported into the NRM process).  All staff in statutory and non-statutory settings are requested to complete the Duty to Notify Form with as much information as possible (this must not contain the personal victims details if they do not wish them to be used) and send to:  **The Home Office:** [dutytonotify@homeoffice.gsi.gov.uk](mailto:dutytonotify@homeoffice.gsi.gov.uk)  Alternatively if your organisation has a Safeguarding Lead/Team please inform them and they may complete this on your behalf – refer to your own internal procedures.  The Duty to Notify Form is included in the Appendices of this document |
| **7b.** | If the potential victim is willing to receive support this opportunity is through the National Referral Mechanism (NRM) following consent. See Steps 8 & 9. |
| **8. & 9.** | Firstly consider are you identified as a First Responder as only members of the following organisations can refer potential victims of Modern Slavery to the NRM:   |  |  | | --- | --- | | **First Responders** | **Contact Number (where applicable)** | | Cheshire Constabulary | Report non-urgent cases on 101 | | UK Border Agency | Immigration Enforcement: 0300 123 7000  Home Office General Enquiries: 020 7035 4848 | | Immigration and Visas | 0300 123 2241 | | Gangmasters Labour Abuse Authority (GLAA) | 0345 602 5020 (General Enquiries) | | Local Authorities (this only applies to Social Care professionals) | Adult Social Care: 0151 907 8306  Children’s Social Care: 0151 907 8305  Emergency Duty Team: 0345 050 0148  Integrated Adult Safeguarding Unit: 0151 511 8555  Housing Solutions Team: 0151 511 7979 | | Salvation Army | 0300 303 8151 (24 hour helpline) | | Barnados | 0208 550 8822 (General Enquiries) | | Unseen | 0303 040 2888 (General Enquiries) | | NSPCC (Child Trafficking Advice Centre) | 0808 800 5000 | | Refugee Council | 0207 3466 700 (General Enquiries) | | Medaille Trust | 0161 817 2260 | | National Crime Agency | 0370 496 7622 | | Migrant Help | 0808 8010 503 | | Kalayaan | 020 7243 2942 | | BAWSO | 0800 731 8147 | | New Pathways | 01685 379 310 |   NRM forms should be sent to: [nrm@nca.x.gsi.gov.uk](mailto:nrm@nca.x.gsi.gov.uk) |
| **8. & 10.** | If you are not a first responder but you have a Safeguarding Lead/Team in your agency, please contact them in the first instance immediately.  If you do not have a Safeguarding Lead/Team you can contact any of the First Responders above but we recommend you contact the Modern Slavery Helpline in the first instance: **08000 121 700** |

## Modern Slavery Legislation

There are many different characteristics that distinguish slavery from other human rights violations, however, only one needs to be present for slavery to exist. Someone is in slavery if they are:

* **Forced to work – through mental or physical threat**
* **Owned or controlled by an ‘employer’, usually through mental or physical abuse or the threat of abuse**
* **Dehumanised, treated as a commodity or bought and sold as ‘property’**
* **Physically constrained or has restrictions placed on his/her freedom of movement**
* **Human trafficking**

Contemporary slavery takes various forms and affects people of all ages, gender and races. Adults who are enslaved are not always subject to human trafficking. Recent court cases have found homeless adults, promised paid work opportunities enslaved and forced to work and live in dehumanised conditions, and adults with learning difficulties restricted in their movements and threatened to hand over their finances and work for no gains.

Human trafficking is the movement of a person from one place to another, using methods of deception, coercion, the abuse of power or of someone’s vulnerability and for the purposes of exploitation. It is possible to be a victim of trafficking even if their consent has been given to being moved. Human trafficking may occur across international borders or take place within one country.

Specified public authorities have a duty to notify the Secretary of State of any individual identified in England or Wales, as a suspected victim of slavery or human trafficking under [Section 52 of the Modern Slavery Act 2015](https://www.gov.uk/government/publications/circular-025-2015-duty-to-notify-the-home-office-of-suspected-victims-of-modern-slavery/circular-025-2015-duty-to-notify-the-home-office-of-suspected-victims-of-modern-slavery).

Halton Borough Council promotes that all those who meet a potential victim, complete the Duty to Notify Form (if the victim is unwilling to be supported through the National Referral Mechanism). Please see Appendix 3, 4 & 5 for further guidance regarding this process.

There are three components to human trafficking:

|  |  |
| --- | --- |
| **The Act (or action)** | Recruitment, transfer, transportation, harbouring or receipt of persons |
| **The Means** | Threat or use of force, coercion, abduction, fraud, deception, abuse of power or position of vulnerability, giving or receiving of payments or benefits used to control a person |
| **The Purpose (exploitation)** | To exploit a person through prostitution, other forms of sexual exploitation, forced labour or services, forced criminality, slavery, servitude or removal of organs from a person |



## How can you identify victims of modern slavery?

**Identifying Victims**

* Is the victim in possession of a passport, identification or travel documents? Are these documents in the possession of someone else?
* Does the victim act as if they were instructed, or coached by someone else?
* Do they allow others to speak for them when spoken to directly?
* Was the victim recruited for one purpose, and forced to engage in some other job?
* Was their transport paid for by facilitators, whom they must pay back through providing services?
* Does the victim receive little or no payment for their work?
* Is someone else in control of their earnings?
* Was the victim forced to perform sexual acts?
* Does the victim have freedom of movement?
* Has the victim or family been threatened with harm if the victim attempts to escape?
* Is the victim under the impression they are bonded by debt, or in a situation of dependence
* Has the victim been harmed or deprived of food, water, sleep, medical care or other life necessities?
* Can the victim freely contact family or friends? Do they have limited social interaction or contact with people outside their immediate environment?

**Sexual Exploitation**

Please be aware that ordinary residential houses/hotels are being used more and more as brothels. People forced into sexual exploitation may:

* Be moved between brothels, sometimes from city to city
* Sleeping on work premises
* Display a limited amount of clothing, of which a large proportion is sexual
* Display substance misuse
* Be forced, intimidated or coerced into provided sexual services
* Be subjected to abduction, assault or rape
* Be unable to travel freely e.g. picked up and dropped off at work location by another person
* Have money for their services provided collected by another person



**Forced Labour**

Where all the work is done under the menace of a penalty or the person has not offered themselves voluntarily and is now unable to leave. They may experience:

* Threat or actual physical harm
* Restriction of movement or confinement
* Debt bondage i.e. working to pay off a debt or loan, often the victim is paid very little or nothing at all for their services because of deductions
* Withholding of wages or excessive wage deductions
* Withholding of documents e.g. passport/security card
* Threat of revealing to authorities an irregular immigration status
* Their employer is unable to produce documents required
* Poor or non-existent health and safety standards
* Requirement to pay for tools or food
* Imposed place of accommodation (and deductions made for it)
* Pay that is less than minimum wage
* Dependence on employer for services
* No access to labour contract
* Excessive work hours/few breaks

**Child Abuse/Exploitation**

You may notice that a child/young person that is:

* Often going missing/truanting
* Secretive
* Has unexplained money/presents
* Experimenting with drugs/alcohol
* Associated with/being groomed by older people (not in normal networks)
* In relationships with significantly older people
* Taking part in social activities with no plausible explanation
* Seen entering or leaving vehicles with unknown adults
* Showing evidence of physical/sexual assault (including Sexual Transmitted Infections)
* Showing signs of low self-image/self-harm/eating disorder



**Criminal Activities**

The person is recruited and forced/deceived into conducting some form of criminal activity such as pick pocketing, begging, cannabis cultivation and benefit fraud.

Same indicators as forced labour but for cannabis cultivation you may also notice:

* Windows of a property are permanently covered from the inside
* Visits to the property as unusual times
* Property may be residential
* Unusual items taken into/coming from the property e.g. machinery
* Pungent smells coming from the property

**Domestic Servitude**

A particularly serious form of denial of freedom; this includes the obligation to provide certain services and the obligation to live in another person’s property without the possibility of changing those circumstances. They may:

* Be living and working for a family in a private home
* Not be eating with the rest of the family
* Have no bedroom or proper sleeping space
* Have no private space
* Be forced to work excessive hours ; “on-call” 24 hours a day
* Never leave the house without the employer
* Be malnourished
* Be reported as missing or accused of a crime by their “employer” if they try to escape

**Forced Marriage**

Forced marriage occurs when one or both people do not freely consent to the marriage, and victims are subjected to pressure, abuse and coercion. There are 15 million people in forced marriages today, with more than 3,500 reports of forced marriage in the UK. However these figures should be considered conservative as it is very hard to measure. Most victims are young women between the ages of 14-25. Among child victims, 44% were forced to marry before the age of 15 years old. The youngest recorded victims of marriage were 9 years old at the time they were forced to marry.

There are many reasons for forced marriage, unfortunately it is most commonly facilitated by family members. It is often used to preserve wealth inside the family or strengthen family connections. It is also used to control sexuality or unwanted relationships, to uphold cultural and religious ideals, to procure legal documentation and citizenship or to care for disabled family members to avoid stigma. Chastity and honour within the community is often a significant factor: in some cases, someone who has experienced rape is forced to marry her rapist to protect her reputation.

The UK Charity Refuge say that you could be a victim of forced marriage if:

* You did not say ‘yes’ to getting married
* You were not consulted or aware that you were getting married
* Your family or extended family used emotional pressure and/or physical violence to make you agree to a marriage
* You have been forced to stay in confinement and have not been allowed to discuss your marriage with anyone

They also say a person could be at risk of forced marriage if:

* Your family is arranging your marriage without your approval
* Your official papers or passport have been taken away
* You are being taken abroad and you are not sure why
* You have been told you must leave education against your will

Common signs of Forced marriage include:

* They become very withdrawn and down
* They stop spending time with their friends and won’t answer calls or texts
* The person is being bruised or injured where the family has used violence to try and pressure them into the marriage
* They suddenly get taken out of school or goes on a long holiday

The following charities include useful resources if dealing with cases of Forced Marriage:

[Karma Nirvana](https://karmanirvana.org.uk/) – UK Helpline: 0800 5999 247

[Forced Marriage Unit](https://www.gov.uk/guidance/forced-marriage#how-the-forced-marriage-unit-can-help) – Telephone: 020 7008 0151

[Runaway Helpline](https://www.runawayhelpline.org.uk/) – Freephone: 116 000

[Refuge](https://www.nationaldahelpline.org.uk/) - Helpline: 0808 2000 247

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 are present.

**Homelessness and Modern Slavery**

To be homeless or rough sleeping makes a young person or an adult, vulnerable when exposed to organised crime gangs and exploiters. They may approach the homeless community at soup kitchens, local rough sleeping spots and offer employment, accommodation, wages, a place to sleep and even drugs or alcohol.

Many homeless people already have substance misuse as additional vulnerabilities as well as mental health, learning disabilities and no family contact.

**Cuckooing**

Cuckooing is a form of criminal activity in which drug dealers take over the home of a vulnerable person in order to use it as a base for county lines drug trafficking. The crime is named as such from a cuckoo’s practice of taking over other bird’s nests.

Professional criminals are targeting the homes of adults with care and support needs so that the property can be used for drug-dealing. These criminals are very selective about who they target as ‘cuckoo’ victim, often the victims are lonely, isolated or are drug users themselves. These victims are often too scared to report the crime to the Police, for fear they may be suspected of being involved in drug-dealing themselves and face criminal charges.

Possible indicators of cuckooing in your area may include:

* An increase in visitors to a property who you do not recognise
* New and regularly changing residents (possibly with different accent to the local area)
* Change in the resident’s mood or demeanour (withdrawn, aggressive, emotional)
* Evidence of substance misuse or drug paraphernalia at the property
* Unexplained, sometimes unaffordable new things (clothes, jewellery, car etc.)
* Resident or young person going missing for long periods of time
* Young people seen in different cars driven by unknown adults
* Young people seemingly unfamiliar with their surroundings
* Truancy, exclusion or disengagement from school
* An increase in anti-social behaviour in the local area

## Recourse to Public Funds

**Who has recourse to public funds?**

A person who has recourse to public funds will be able to access benefits and housing assistance if they meet the relevant qualifying requirements.

A person will have recourse to public funds when they have one of the following types of immigration status:

* Indefinite leave to enter or remain (unless they are granted this as an adult dependent relative)
* Right of abode
* Exempt from immigration control
* Refugee status
* Humanitarian protection
* Leave to remain granted under the family or private life rules where they are accepted by the Home Office as being destitute or at risk of imminent destitution
* Discretionary leave to remain, such as:
* Leave to remain granted to a person who has received a conclusive grounds decision that they are a victim of trafficking or modern day slavery
* Destitution domestic violence concession
* Unaccompanied Asylum Seeking Child leave

There may be some instances when a person does not have a document to confirm their immigration status. A person in this position should not automatically be refused a service without further investigation into their circumstances, to ensure that they are not wrongly denied a service they may be entitled to.

**Who has no recourse to public funds?**

A person will have no recourse to public funds when they are ‘subject to immigration control’ as defined in [Section 115 of the Immigration and Asylum Act 1999](https://www.legislation.gov.uk/ukpga/1999/33/section/115). This means they have no entitlement to the majority of welfare benefits, including income support, housing benefit and a range of allowances and tax credits.

A person will be subject to immigration control when they have one of the following types of immigration status:

* Leave to enter or remain in the UK, which is subject to the ‘no recourse to public funds condition, such as:
* Leave to enter as a visitor
* Leave to remain as a spouse
* Leave to remain as a student
* Leave to remain granted under family or private life rules
* Leave to enter or remain in the UK that is subject to a maintenance undertaking, such as:
* Indefinite leave to remain as the adult dependent relative of a person with settled status (5 year prohibition on claiming public funds)
* No leave to enter or remain when they are required to have this, such as:
* A Visa overstayer
* An asylum seeker
* An appeal rights exhausted asylum seeker

When a person has leave to enter or remain that is subject to the No Rights to Public Funds condition, the term ‘no public funds’ will be stated on their residence permit.

**Human Rights Assessment**

A person who is in an excluded group can only be provided with support or assistance under the Care Act 2014, where this is necessary for the purpose of avoiding a breach of a person’s rights under the European Convention of Human Rights or European Union treaty rights.

The Local Authority will therefore conduct a human rights assessment to establish whether the person is able to return to their country of origin to avoid remaining destitute and homeless in the UK, therefore, preventing a breach of [Article 3 of the European Convention of Human Rights](https://www.equalityhumanrights.com/en/human-rights-act/article-3-freedom-torture-and-inhuman-or-degrading-treatment). This will involve consideration of whether there are any legal or practical barriers in place which may prevent the person from doing so.

A practical way of approaching the human rights assessment is to consider key questions in a staged process:

1. **Can the person freely return to their country of origin?**
2. **If so, would return result in a breach of the person’s human rights under the European Convention of Human Rights?**
3. **Would return result in a breach of the person’s rights under European treaties? (EEA nationals and dependant family members)**

In order to assist Local Authorities in documenting the decision making process, the NRPF Network have developed a Human Rights Assessment Template (please see Appendix 15), although questions will need to be tailored to each person’s specific circumstances. It is recommended that the human rights assessment is recorded separately to the Care Act needs assessment with the decisions and reasoning for each clearly set out.

The primary purpose of the human rights assessment is to establish the extent to which the Local Authority is required to support a person who is in an excluded group, but the assessment also performs other important functions:

* Explores solutions to the person’s destitution in the UK
* Facilitates an open conversation about all available options
* Seeks alternatives to enforced removal by the Home Office
* Provides transparency in the decision making process
* Documents why support does need to be provided to people who are in an excluded group
* Assists the local authority to identify what action to take in terms of progressing and resolving a case when support is provided

For further information and guidance regarding Human Rights Assessments, please refer to the [NRPF Network website](https://guidance.nrpfnetwork.org.uk/reader/practice-guidance-adults/assessments-when-the-exclusion-applies/#81-human-rights-assessment).

**(Source: NRPF Network)**

## Safeguarding Children, Young People and Adults at Risk

**Children** under the age of 18 cannot consent to be trafficked or exploited and child protection procedures will apply.

**Adult at Risk** as defined by the Care Act 2014 must be referred using adult safeguarding/protection procedures:

Where a local authority has reasonable cause to suspect that an adult in its area (whether or not ordinarily resident there) and that adult:

* Has needs for care and support (whether or not the authority is meeting any of those needs) **and**
* is experiencing, or is at risk of, abuse and neglect, **and**
* as a result of those needs is unable to protect himself or herself against the abuse or neglect or the risk of it

If a victim is identified as having care and support needs, or if a child under 18 years of age, the Integrated Adult Safeguarding Unit and Children’s Social Care, where appropriate, will work alongside care management to support the individual and carry out a risk assessment and strategy meetings may be held with multi-agency partners. The urgency of this will depend on the current risks to the child/adult as per safeguarding policy and procedures or through the NRM (what is the risk to an adult to return to their exploiters).

## Use of Interpreters

It is recommended that only official/approved interpreters are used and that the interpreter is aware of the sensitive nature of the situation. However, we also recommend:

* **The interpreter should NOT be someone known to the victim, always use an independent professional interpreter**
* **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**
* **It is best practice not to leave the interpreter alone with a victim, especially in waiting rooms or reception areas**
* **The interpreter should not have any other communication with the victim other than that intended**
* **The interpreter should not leave with the victim**
* **If a victim looks distressed when an interpreter is being used, cease the session immediately**

Halton Borough Council uses three main providers for translation/interpreter services, which are as follows:

|  |  |  |  |
| --- | --- | --- | --- |
| **Organisation** | **Telephone** | **Email** | **Website** |
| The Big Word | 0333 344 9473 | [ukgov@thebigword.com](mailto:ukgov@thebigword.com) | [www.thebigword.com](http://www.thebigword.com) |
| M-Four Translations | 0161 234 3193 | [M-Four.translations@manchester.gov.uk](mailto:M-Four.translations@manchester.gov.uk) |  |
| Beacon Languages | 0151 285 3850 |  | [www.beaconlanguages.com](http://www.beaconlanguages.com) |

To access these services you will need to liaise with your line manager in the first instance. There is further information regarding these services and how to access them available on the Halton Borough Council Intranet, which can be found by clicking [here](http://intranet/Pages/Interpretation%20and%20Translation-Guidance.aspx).

## Trauma Informed Code of Conduct for Professionals

This guidance is designed to enable professionals in all fields of discipline to:

* **Establish and maintain a mutual relationship of trust with survivors 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 survivors 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 “burn out”**

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

* Understand victim’s 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 or instilled beliefs and fears about exploiters, including exploiters’ use of existing belief systems and ritualised violence as a form of control

The full version of this guidance can be accessed from the Helen Bamber Foundation website using the following link:

[**Trauma Informed Code of Conduct for Professionals**](https://www.helenbamber.org/sites/default/files/2021-05/Trauma%20Informed%20Code%20of%20Conduct_April%202021.pdf)

## The National Referral Mechanism (NRM)

This is the framework for identifying victims of human trafficking and to ensure they receive the appropriate protection and support. This may include:

* Accommodation
* Protection
* Access to legal advice
* Emotional and practical help

**Adults must give their consent for their information to be shared for referral to the NRM** as it is a voluntary process and if they do, only a First Responder can do this.

Consent includes explaining what the NRM is, what support is available through it and what the possible outcomes are for an individual being referred.

It does **not** provide them with leave to remain, or that the referral would automatically result in a positive decision (and potentially the right to receive ongoing support).

**For those people who do not work for an organisation or have a Safeguarding Lead/Team** **or are not First Responders, please contact the Modern Slavery Helpline to enable the victim to receive the support they need as quickly as possible.**

Please find below an example of the pathway following an NRM referral:

|  |  |
| --- | --- |
| **1.** | The First Responder will complete the NRM online form:  <https://www.modernslavery.gov.uk/start?hof-cookie-check>  This takes about an hour and once completed the First Responder will be sent a link to download a copy.  The Single Competent Authority (SCA) will aim to make a reasonable grounds decision within 5 working days wherever possible |
| **2.** | The Local Authority will adhere to duty of care processes. If the victim has no recourse to public funding and there is no duty to provide housing/support under safeguarding/human rights legislation, the First Responder should contact the Salvation Army for accommodation and/or outreach support: **0300 303 8151** |
| **3.** | If the victim remains in the borough a plan should be developed around safety, housing, mental/physical wellbeing, legal advice, immigration option, work options, social/cultural needs.  An advocate/key worker from whichever support service the victim is working with should remain in contact with them until the result of the NRM is known. |
| **4.** | There is a minimum 45 day recovery and reflection period currently for the NRM.  Within the NRM outreach support people should receive: safe accommodation, translation and interpretation services, assistance accessing compensation, access to vocational training and employment opportunities, subsistence, access to relevant medical and legal services, assistance for safe repatriation and return.  What people won’t automatically receive is: leave to remain in the UK or right to work in the UK (unless they already have this or have been granted it through legal means during the NRM period). This support ends 14 days after a decision is made (or 45 days under the new Home Office recommendations) if positive, or 48 hours if negative but extensions can be applied for in particularly vulnerable cases. |
| **5.** | Alternatives to NRM support, may just be claiming treaty rights for EU, seeking legal advice re: asylum (which should be covered by Legal Aid) or other applications for leave to remain? |

**NRM Outcomes *(Please note these explanations are extremely condensed)***

The Single Competent Authority (SCA) will aim to make a reasonable grounds decision within 5 working days wherever possible. There is a detailed process that is undertaken following referral to the NRM and this guidance does not intend to set this out in full, however, there follows a short explanation of possible outcomes following referral to the NRM.

**The ‘Reasonable Grounds’ Decision**

To establish whether an individual is a victim of human trafficking two decisions **have** to be made. This may involve seeking additional information from the first responder or from specialist Non-Governmental Organisations (NGOs) or social services. The threshold at Reasonable Grounds stage for the trained decision makers is; “from the information available so far I suspect but cannot prove” that the individual is a potential victim of slavery, servitude, and forced or compulsory labour.

**The ‘Conclusive Grounds’ Decision**

The conclusive grounds decision is made as soon as possible after the minimum recovery and reflection period. This is based on the ‘balance of probabilities’ in that there are sufficient grounds to decide that the individual being considered, is a victim of human trafficking or slavery, and forced or compulsory labour.

**What if the decision is negative?**

If the SCA decides that there are not reasonable or conclusive grounds to accept the person is a potential victim of modern slavery, they will not offer support for a recovery and reflection period.

Each competent authority will have the same robust quality assurance processes in place. Multi-Agency Assurance Panels (MAAPs) review **all** negative Conclusive Grounds decisions made by the competent authorities and have the ability to ask the competent authority to review cases. MAAPs do not review cases prior to the existence of the Single Competent Authority. In some situations, individuals may request a reconsideration of a Reasonable Grounds or Conclusive Grounds decision, or challenge the decision by way of a Judicial Review.

**Reconsideration of a Reasonable Grounds or Conclusive Grounds Decision**

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, if additional evidence becomes available that would be material to the outcome of a case (there are no time limits on requests for reconsideration on the basis of new available evidence), or there are specific concerns that a decision made is not in line with the statutory guidance (if this is the case then the request for reconsideration should be within 3 months of a decision being issued). 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.

In instances where this applies, individuals are encouraged to approach someone involved in their case e.g. Support Provider or First Responder to submit a request for reconsideration to the competent authority that made the decision that is being disputed.

The relevant competent authority may wish to gather further information from the Support Provider or First Responder to help determine if it should accept a request for reconsideration. The relevant competent authority will not reject any request for reconsideration on the basis of who has submitted the request.

If a Support Provider or First Responder decides not to make a request for reconsideration for an individual, they must gain relevant competent authority approval for rejecting the request. The Support Provider or First Responder should then in turn notify the individual of the reasons for that rejection in writing.

The relevant competent authority must notify the requestor in writing, as to whether the decision is to be reconsidered or not. Where the decision is not going to be reconsidered, they must inform the requestor of the reasons for this. The relevant competent authority should inform the requestor within **9 days** as to whether the decision will be reconsidered or not.

Where a case referred to the relevant competent authority is given a negative Conclusive Grounds decision, it will be subject to review by the Multi-Agency Assurance Panels (MAAPs). Once the relevant competent authority has decided to reconsider a negative Conclusive Grounds decision, the individual will again be considered a potential victim in the NRM and they will be able to access support accordingly.

**Duty to Notify and/or No Consent to NRM**If consent is **not** given to refer to the National Referral Mechanism, then a Duty to Notify Form (DTN form) should be completed. Please see Appendix 3 for a link to the form.

This can be completed without the victim’s consent but **Section C** which contains details about the victim, their name, address etc. must be omitted. Adult victims who do not consent to the NRM may still give consent for their details to be given in the DTN form but a signature must be obtained for current data protection purposes to be fulfilled.

The NRM form is different to the Duty to Notify (MS1) Form and MS1 forms are only used when the victim wishes to remain anonymous.

For further detailed information regarding NRM, please refer to the [Modern Slavery Statutory Guidance for England and Wales](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1059234/Modern_Slavery_Statutory_Guidance__EW__Non-Statutory_Guidance__SNI__v2.8.pdf)



## Support for Victims

The Modern Slavery Act 2015 has been criticised for failing to establish a statutory framework for care services and for providing victims with a limited period of care on a non-statutory basis whilst awaiting a NRM outcome. The result is that victims of modern slavery are at risk of falling through gaps in the system and being re-trafficked.

Support that helps victims of modern slavery towards long-term safety, stability and wellbeing increases the likelihood that they will be able to give a full account of their trafficking or slavery background; that they will disclose intelligence about networks of criminal exploitation; and that they will cooperate with the authorities. It also helps prevent victims from returning to their exploiters where they had previously been reliant on them for accommodation or money. This has clear benefits for the victims themselves, but also assists those responsible for prosecuting alleged perpetrators of modern slavery or defending individuals who are suspected to be victims of exploitation.

**How much support do victim currently receive?**

The Home Office guidance accompanying the Modern Slavery Act 2015 states that support is offered to individuals who engage with the National Referral Mechanism and who are awaiting an official determination of their status as a victim of modern slavery. Following a positive reasonable grounds decision, adults are guaranteed support and assistance for a period of at least 45 calendar days. After a positive conclusive grounds decision, victims are guaranteed a further 45 days of “move-on” support. Those who are assessed as not being victims of modern slavery receive just 9 working days of move-on support.

Although the Home Office has said that these timeframes are not a cut-off point and this support will only come to an end where there is no longer an identified recovery need, a number of organisations working with modern slavery victims have described the end of the move-on period as a “cliff-edge”, with some individuals experiencing an abrupt cut off of financial and welfare support. The impact of this has in several cases been exacerbated by the Covid-19 pandemic.

**What is the Modern Slavery (Victim Support) bill?**

The Modern Slavery (Victim Support) Bill is draft legislation which proposes to amend and strengthen the Modern Slavery Act 2015 by requiring the Secretary of State to provide a much longer period of assistance and support to those going through the NRM process. Victims would be entitled to support services for the entire duration of their wait for reasonable or conclusive grounds decisions. The assistance and support would include accommodation, legal advice and representation; and help with repatriation. Following a positive conclusive grounds decision, a victim would be entitled to 12 months support or longer, depending on their circumstances

In addition, the current starting point of the Home Office’s Immigration Policy in respect of modern slavery victims is that an NRM-confirmed victim will not qualify for discretionary leave automatically; they must also satisfy one of three criteria, either that:

* **Leave is necessary owing to their personal circumstances,** or
* **That it is necessary to enable them to pursue compensation,** or
* **They are helping police with their enquiries**

The Victim Support Bill would further entitle any person who is receiving 12 months support following a positive conclusive grounds decision to leave, to remain in the UK for the duration of that support period. Exceptions may apply to sexual or violent offenders and individuals posing a genuine, present and serious risk to the public.

The Victim Support Bill also seeks to amend the Children Act 1989 to require local authorities to protect children in care who have been trafficked from the risk of re-trafficking, including by ensuring the child has accommodation that is suitable to their particular needs.

The Victim Support Bill was first introduced as a Private Members Bill in 2018. It had its first reading in the House of Lords in January 2020 and is still awaiting its second reading to be scheduled, in which Members of the House of Lords would debate its contents.

**(*Source: 2harecourt.com)***

## 10. Agency Responsibilities

**Police**

Law Enforcement Agencies (Police, National Crime Agency, Gangmasters and Labour Abuse Authority) have a 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 safeguarding children and vulnerable adults.

When the adult’s wishes and feelings have been established in relation to acceptance of support and local support arrangement are required, the police will need to initiate appropriate next steps. When there is a referral to the NRM and this is accepted, support will be activated as soon as is possible. Whilst a safe transfer can usually be undertaken the same day, this might not always be the case. If the NRM arrangements are immediate, it will normally be the police’s responsibility to arrange a safe transfer (non-immediate – adult social care)

Where there is to be a delay in accessing NRM support, or the adult has requested repatriation (or other support) the police will need to refer to Adult Social Care and Housing Solutions Service in order that interim arrangements can be made to provide the necessary support.

This will not be limited to but is likely to include:

* Accommodation
* Care and support coordination
* Money
* Food
* Travel including repatriation
* Support to access health services

Where there are children involved the Police must contact Children’s Social Care Services during office hours and EDT outside of office hours, so consideration can be given to the needs and potential risk of harm to those children.

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 of the UK, will be retained for intelligence purposes as a crime-related incident.

**Housing**

The Ministry for Housing Communities and Local Government published [guidance](https://www.gov.uk/guidance/homelessness-code-of-guidance-for-local-authorities) on providing homelessness services to victims of modern slavery.

The Housing Solutions Team will offer appropriate accommodation to ensure that the adult has basic accommodation. The location and type of accommodation should take into account accessibility and practicality in relation to ongoing support/police enquiries and the risks posed to the adult and the needs of any dependents. Arrangements should be made to avoid the adult having to vacate their room without any follow on accommodation being secured.

Where accommodation and support is to be provided under the NRM in another area, Adult Social Care will arrange a transfer to the care of the NRM to ensure that the vulnerable individual is escorted to the new location.

**Adult Social Care**

Local Authorities have a statutory duty to safeguarding child victims and adults at risk. Local authorities have responsibility for identifying potential victims and making referrals into the NRM.

Adult Social Care will provide a care support coordination service. This will involve wherever possible and practicable, direct face to face contact under the principles of Safeguarding Adults and Making Safeguarding Personal in order to establish/check the adults wishes and desired outcomes and to establish any welfare needs. It will be the responsibility of Adult Social Care to ensure that basic needs can be met within the support arrangements and access to any necessary support service is considered. This may include the provision of cash/food or other arrangements to meet essential needs. Where there is a significant operation across a number of individuals, Adult Social Care will liaise with the Emergency Planning Team to coordinate a multi-agency planning meeting to ensure that everyone is working together.

**Children’s Social Care**

Where a child or young person is identified as a victim or associated with a victim during a police operation, initial contact must be made with Children’s Social Care **0151 907 8305** during office hours or **0345 050 0148** outside of office hours. Children’s Social Care will be able to provide advice, information and help, including the provision of appropriate support where the child or young person is considered to have unmet needs or is at risk of harm.

**Emergency Planning**

If the slavery case involves a large number of victims, and therefore may require the establishment of an Emergency Rest Centre, the Council will follow its Major Emergency Response Plan. The Emergency Planning Team should be notified of the potential need for an Emergency Rest Centre at the earliest opportunity.

Email: [emergency.planning@halton.gov.uk](mailto:emergency.planning@halton.gov.uk)

**HMRC**

HMRC is committed to the cross government strategy to tackle modern slavery. While HMRC is not a ‘first responder’, it can use its wider enforcement powers around taxation, benefits and credits and the National Minimum Wage to target the activities of those who perpetuate these appalling crimes by going after the one thing they hold dear – their finances.

An exploitative employer of illegal workers is unlikely to be keeping their tax affairs in order, while employers who pay their workers less than the National Minimum Wage could be committing welfare fraud. HMRC is well placed to disrupt this activity, helping stop modern slavery in its tracks.

If you believe you have any information that would be of interest to HMRC, then you can contact their Illegal Working and Modern Slavery Team via their dedicated email address:

[Mailbox.illegalworking/modernslaveryreferrals@hmrc.gsi.gov.uk](mailto:Mailbox.illegalworking/modernslaveryreferrals@hmrc.gsi.gov.uk)

***(Source: Cheshire East Modern Slavery Protocol; Cheshire West and Chester Modern Slavery Victim Referral Pathway and Modern Slavery Statutory Guidance for England & Wales)***



## 11. Additional Information on Victim Support Services

Until the Modern Slavery (Victim Support) Bill comes in statute, any of the organisations listed below can offer support to assist victims. In particular, those who do not consent to the NRM process and/or wish to be repatriated to their own country who will need support to do so.

|  |  |  |
| --- | --- | --- |
| **British Red Cross (North West)** | **0151 702 5088** | <https://www.redcross.org.uk/about-us/what-we-do/modern-slavery-and-trafficking> |
| **Emotional Health and Wellbeing** |  | <https://hubofhope.co.uk/> |
| **Salvation Army** | **0300 303 8151** | <https://www.salvationarmy.org.uk/modern-slavery> |
| **Hope for Justice** | **0300 008 8000** | <https://hopeforjustice.org/> |
| **Migrant Help** | **0808 8000 630** | <https://www.migranthelpuk.org/contact> |
| **City Hearts** | **0151 709 9599** | <https://cityhearts.global/> |

**Housing Support for Victims of Modern Slavery**

The Localism Act 2011 Section 1 gives Councils special powers to provide accommodation/support even when there is no recourse to public funds. Section 5.3 states that where a person does not have eligible care and support needs and the local authority has decided not to use Section 19(1) of the Care Act 2014 to meet non-eligible needs, it will need to consider whether to use its general power of competence under Section 1 of the Localism Act, 2011. This gives the Local Authority a power to do anything that an individual generally may do, and may exercise this power in any way, including for benefit of residents.

## 12. Training Resources

The following links are for specific resources and training courses which are available nationally:

|  |
| --- |
| **Modern Slavery Guidance** |
| <https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/655504/6.3920_HO_Modern_Slavery_Awareness_Booklet_web.pdf> |
| **Identifying and Supporting Victims of Modern Slavery for Health Staff** |
| <https://www.e-lfh.org.uk/programmes/modern-slavery/> |
| **Promotional Materials** |
| <https://www.gov.uk/government/publications/modern-slavery-closer-than-you-think> |
| **Modern Slavery is closer than you think – you tube video** |
| <https://www.youtube.com/watch?v=Jv1H_fAoOG4> |

# Appendices

| Appendix no. | Name | Attachment |
| --- | --- | --- |
| 1 | **Modern Slavery Strategy Cheshire** | <https://adult.haltonsafeguarding.co.uk/docs/ModernSlaveryStrategy.pdf> |
| 2 | **Modern Slavery Statutory Guidance** | <https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1059234/Modern_Slavery_Statutory_Guidance__EW__Non-Statutory_Guidance__SNI__v2.8.pdf> |
| 3 | **Duty to Notify Form** | <https://www.modernslavery.gov.uk/start> |
| 4 | **Duty to Notify Guidance** | <https://www.gov.uk/government/publications/human-trafficking-victims-referral-and-assessment-forms/guidance-on-the-national-referral-mechanism-for-potential-adult-victims-of-modern-slavery-england-and-wales> |
| 5 | **Duty to Notify Factsheet** |  |
| 6 | **NRM Booklet - English** |  |
| 7 | **NRM Booklet - Urdu** |  |
| 8 | **NRM Booklet – Punjabi** |  |
| 9 | **NRM Booklet – Bengali** |  |
| 10 | **Glossary** |  |
| 11 | **Forced Marriage presentation** |  |
| 12 | **Useful Local Contacts** |  |
| 13 | **No Recourse to Public Funds Guidance** | <http://guidance.nrpfnetwork.org.uk/reader/practice-guidance-adults/> |
| 14 | **Human Rights Assessment Template (NRPF Network)** |  |