



Joint Derby and Derbyshire Practice Guidance for responding to Adults and Child Victims of Modern Slavery

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1. About this guidance

Modern Slavery is a complex crime that takes several different forms. It encompasses slavery, servitude, forced and compulsory labour and human trafficking. Even though most people think that slavery only exists overseas, Modern Slavery in the UK is thriving. It is estimated that tens of thousands of people are in Modern Slavery in the UK today.

This guidance is intended to provide clear and up-to-date information on the key facts, and to help staff recognise the signs and respond effectively, so that more victims get help and perpetrators are brought to justice. This guidance is split between Adults victims (Section 8) and Child Victims (Section 9). The reason for the guidance is to address the situations that occur when a child may be accompanied with an adult. Therefore, it is important that staff understand both processes when referring potential victims into services. The guidance is aimed at staff:

- Who may encounter potential victims of modern slavery; and/or
- Are involved in supporting victims; and/or
- Are responsible for referring into the National Referral Mechanism (NRM).

For the purpose of this practice guidance, the term local authority refers to Derby City Council and Derbyshire County Council. Glossary terms in this guidance¹:

- **“Adult”** is any person aged 18 or over where there are no reasonable grounds to believe that person may be under 18.
- **“Adult at risk”** under Section 42 of the Care Act refers to an adult who has needs for care and support, who experiencing, or at risk, abuse or neglect and as a result of their care needs is unable to protect themselves.
- **“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.
- **“Competent authority”** is the competent authority for making decisions regarding modern slavery cases; in the UK this is the Single Competent Authority.
- **“Conclusive Grounds decision”** is a decision taken by the Single 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).
- **“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.
- **“Modern slavery”** unless otherwise specified, refers to both human trafficking and slavery, servitude, and forced or compulsory labour.
- **“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.
- **“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 Single Competent Authority.
- **“Reasonable Grounds decision”** is a decision taken by the Single Competent Authority as to whether the decision maker must agree with the statement that there are “reasonable grounds to believe, based on objective factors 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)”

Throughout this guidance reference will be made to relevant sections of the Governments Modern Slavery Act 2015 – Statutory Guidance for England and Wales (Sept 2022) for example: SGMS 1.2/3.

The Guidance is here: [Modern Slavery: statutory guidance for England and Wales - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/guidance/modern-slavery-statutory-guidance-for-england-and-wales)

¹ Glossary descriptions taken from the Governments Modern Slavery Act 2015 – Statutory Guidance for England and Wales (published 18 May 2023)

2. What is Modern Slavery?

Modern Slavery is a serious and often hidden crime in which people are exploited for criminal gain. It can be difficult to spot and often go unreported. Modern Slavery or Human Trafficking is essentially the recruitment, movement or receipt of a person by deception or coercion into a situation of exploitation.

- 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.

Whilst varied in nature, all involve one person depriving another person of their liberty in order to exploit them for personal or commercial gain.

- It is NOT 'people smuggling'
- Victims are not consenting and are subject to continual exploitation.
- It not only covers the trafficking of individuals from foreign countries in or out of the UK, but also those individuals who have been trafficked domestically – be they of foreign nationality or UK citizens.

3. Who is at risk of becoming a victim of Modern Slavery?

Anyone can be a victim of Modern Slavery – men, women or children. They can be British citizens living in the UK, EU nationals, or those from outside the EU. However, it's normally more prevalent amongst the most vulnerable or within minority or socially excluded groups.

Modern Slavery disproportionately impacts women. Approximately two-thirds of victims are women, and a third are men. Every fourth victim of Modern Slavery is a child.

Poverty, limited opportunities at home, lack of education, unstable social and political conditions, economic imbalances and war are some of the key drivers that contribute to someone's vulnerability in becoming a victim of Modern Slavery.

In terms of vulnerable adults, Modern Slavery victims may often be people with:

- Substance misuse issues
- Debts, in their country of origin or as a result of their illegal migration
- Mental health problems
- Learning disabilities

Those often at highest risk are migrant workers who usually don't speak English, have few friends and depend upon their employers. They may not understand their rights and how to enforce them, which can result in individuals settling for what they think is normal or a 'better than nothing' situation.

4. Where do Modern Slavery victims come from?

Victims of over 100 nationalities have been identified in the UK (2022 NRM data), but the most common nationalities of potential Adult and Children victims are:

ADULTS		CHILDREN	
1. Albania	7. India	1. United Kingdom	7. Iran
2. United Kingdom	8. Afghanistan	2. Albania	8. Romania
3. Eritrea	9. Romania	3. Sudan	9. Iraq
4. Sudan	10. Iraq	4. Eritrea	10. Somali
5. Vietnam	11. Ethiopia	5. Afghanistan	11. Ethiopia

6. Iran	12. Nigeria	6. Vietnam	12. Nigeria
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5. Modern Slavery Act Duty to Notify

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. 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.

6. First Responder Organisations

First Responder Organisation is 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 a means of ensuring that adult victims receive the necessary support and assistance in the period immediately after their identification as a potential victim (SGMS Section 4.6). The current statutory and non-statutory First Responder organisations are:

- Police forces
- certain parts of the Home Office:
- UK Visas and Immigration
- Border Force
- Immigration Enforcement
- National Crime Agency
- Local Authorities
- Gangmasters and Labour Abuse Authority (GLAA)
- Salvation Army
- Migrant Help
- Medaille Trust
- Kalayaan
- Barnardo's
- Unseen
- Tara Project (Scotland)
- NSPCC
- BAWSO
- New Pathways
- Refugee Council

First Responders are members of staff at First Responder Organisations who have a responsibility for discharging one of more functions of the First Responder Organisation and who have been trained to discharge those functions:

- 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).
- Provide a point of contact for the Single Competent Authority (SCA) to assist with the Reasonable Grounds and Conclusive Grounds decisions and to request a reconsideration.

7. Decision Making Single Competent Authority (SCA)

As part of the reform of the NRM, the Home Office launched the Single Competent Authority (SCA). The SCA is now responsible for all NRM decisions regardless of an individual's nationality or immigration status. The SCA sits within the Home Office and replaces previous arrangements. The creation of a single process for all NRM referrals is to improve the service to victims, reduce decision-making timescales and increase the certainty of NRM decisions. The information below provides an overview of the SCA.

- Decisions about who is recognised as a victim of modern slavery are made by trained specialists in the SCA (SGMS Section 4.13).
- All referrals to the NRM from First Responders must be sent to the SCA for consideration (SGMS Section 4.16). The SCA also manages the data on NRM referrals.

Key points:

- The SCA considers cases of all potential victims referred to the NRM by First Responder Organisations.
- The **Reasonable Grounds** (RG) threshold is met when there are reasonable grounds to believe that an individual is a victim of slavery or human trafficking.
 - The decision maker must agree with the statement that there are “reasonable grounds to believe, based on objective factors 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)”
 - A decision maker should consider whether the RG 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.
 - 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 Section 8.11 of this guidance.
- The SCA will make a **Conclusive Grounds** decision no sooner than 45 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.
 - This decision is based on evidence made available to the SCA. 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.
- The SCA will also consider whether to issue Discretionary Leave to remain for confirmed victims who do not have a right to remain in the UK.

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
- 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 0724 345 duty lines operate on usual business days between 10am and 4pm.

8. Adult Victims of Modern Slavery

8.1 What are the general indicators for ADULTS of Modern Slavery and exploitation?

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 (SGMS Section 3)

- Believe that they must work against their will
- Be unable to leave their work environment or home environment
- Allow others to speak for them when addressed directly
- Have false identity or travel documents (or none at all)

- Show signs that their movements are being controlled
- Feel that they cannot leave
- Show fear or anxiety
- 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
- Be found in or connected to a type of location likely to be used for exploiting people
- Be unfamiliar with the local language
- Not know their home or work address
- 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

8.2 What is the most common type of Modern Slavery?

According to recent estimates, there are roughly 40.3 million victims of Modern Slavery around the world, of which 24.9 million are estimated to be in conditions of forced labour.

Forced labour is any work or service which people are forced to do against their will, under threat of punishment. Almost all slavery practices contain some element of forced labour. It is the most extreme form of people exploitation.

Modern Slavery is most often found in industries with a lot of workers and little regulation. These include:

- Agriculture and fishing
- Hospitality
- Construction, mining and quarrying
- Market trading and illegal activities
- Beauty (e.g. nail bars)
- Domestic work
- Prostitution and sexual exploitation
- Car Washes
- Manufacturing, processing and packages

Prior to 1 October 2019, the most common form of exploitation for both adults and children was recorded as labour exploitation (though referrals for criminal exploitation were not recorded separately during this period). In quarter 4, labour exploitation was the most common form of exploitation for adults, whilst criminal exploitation was most common for children. It is important to note that this does not reflect changes in exploitation type in real terms, rather the change in the way in which exploitation types are recorded.

Overall, female potential victims were most commonly referred for sexual exploitation, whilst males were most often referred for labour and criminal exploitation.

The Home Office has produced a typology which identifies 17 types of Modern Slavery offences in the UK: [A typology of modern slavery offences in the UK \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/654441/typology-of-modern-slavery-offences-in-the-uk.pdf)

8.3 The Section 45 Defence (the Statutory Defence)

Potential victims of modern slavery may be suspected or accused of committing criminal offences. Section 45 provides for a statutory defence for potential victims who have been forced, threatened or deceived into committing certain crimes.

This provision strengthens 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 producing or selling illegal drugs.

Adults who raise the defence must meet all 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. Relevant characteristics' mean age, sex and any physical or mental illness or disability.

The defence does not apply to the most serious crimes, such as sexual offences or offences involving serious violence e.g. Murder, Manslaughter, Perverting the course of justice and offences against the Person Act 1861 e.g. threats to kill, soliciting murder, wounding with intent to cause grievous bodily harm etc.

The full list of excluded offences is provided in Schedule 4 of the Modern Slavery Act 2015, please refer to [Modern Slavery Act 2015 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2015/31/schedule/4)

A useful introduction to the Section 45 Defence can be found here [Section 45 NCA - YouTube](#)

8.4 What can be done to help potential victims of Modern Slavery?

Modern Slavery is complex, varied and hard to detect. However, there is a way to help bring these cruel acts to an end. Just by being aware of the signs to spot and by remaining vigilant, anyone can help to report suspicions about potential victims; the premises where victims might be held and businesses and workplaces in which victims might be forced to work. The more people who can recognise and report Modern Slavery, the more effectively victims can be safeguarded and traffickers brought to justice.

Professionals (including the police, social workers, immigration and relevant support organisations) are working together to identify and safeguard potential victims in line with the UK's legal obligations and should be familiar with the National Referral Mechanism, the official system of identification and assistance for potential victims of trafficking, and the rights of victims.

8.5 How might people react to being reported as suspected victims of Modern Slavery?

Victims may not recognise themselves as a victim or want to talk to the authorities or be formally referred for support. This should not prevent information about potential Modern Slavery being passed to the police. Victims can be traumatised and there are a number of barriers that may make it difficult for them to come forward or co-operate with the authorities:

- | | |
|--|---|
| • Unaware they are a victim | • Fears over immigration status |
| • Unaware help is available | • Involvement in criminal activity |
| • Language barriers and/or mistrust in their interpreter | • Controlled by witchcraft |
| • Controlled movement | • Lack of trust in authorities |
| • Fear of repercussions (for themselves or their families) | • Self-blame |
| • Always accompanied by a perpetrator | • Stigma |
| • Isolation | • Stockholm syndrome |
| | • Substance addiction |
| | • Feel they are still better off than in their home country situation |

8.6 How should concerns about Modern Slavery be reported in Adult Social Care?

If you are worried about or suspect that a person may be a potential victim of Modern Slavery, you should follow local authority's agreed safeguarding procedure, which may include completing the online NRM form. Web links to the electronic form are at the end of this guidance. Victims may not be aware that they are

being trafficked or exploited, and may have consented to elements of their exploitation, or accepted their situation. If you think that modern slavery has taken place, the case should be referred to the NRM so that the Single Competent Authority (SCA) can fully consider the case. You do not need to be certain that someone is a victim.

If the person has vulnerabilities outlined under the Care Act 2014 or appears to lack capacity to an underlying cognitive disability, the local authority Adult Care department may need to be notified and given consideration under the Derby & Derbyshire Safeguarding Adults procedures.

Additionally, the case should always be reported by **Calling**:

- **999, if the person is at immediate risk**
- **'Call Derbyshire' 01629 533190 - [Derbyshire Safeguarding Adult Referral](#)**
- **Derby City Council 01332 642855 (Office hours) AND 01332 – 956606 (Out of Office) - [Derby Safeguarding Adults Referral](#)**
- **101, if a non-emergency – ask for Modern Slavery Human Trafficking Team**

When calling the Police or the Local Authority (LA), make it clear that you are reporting a suspected case of Modern Slavery and Human Trafficking.

8.7 What is the National Referral Mechanism?

The NRM is the Government funded process for victim identification and support, designed to help all the different agencies involved in a modern slavery case cooperate and share information about potential victims. Support for Adult victims referred into the NRM may include:

The Salvation Army is the government contracted provider for the Victim Care Contract (VCC). Support can cover Material Assistance and Financial Support.

Note: for UK Nationals; those with existing Leave to Remain Immigration Status and EA nationals, safe house accommodation and financial support will be dependent upon risk of staying in the city/county, eligibility for homelessness assistance and eligibility for DWP benefits:

Contact for referrals into the NRM: **0800 808 3733** MST@salvationarmy.org.uk

8.8 Why enter the NRM?

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 (5.10). Support for adult victims may include:

- Access to the Government funded support through the VCC provided by The Salvation Army Support (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

Therefore, it is important that, where the Adult 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 above. This may also require the assistance of an appropriate interpreter.

First Responders are required to record that they have obtained consent when completing a referral through the Modern Slavery Portal Modern Slavery Portal: Material Assistance / Translation Services / Information on rights and services <https://www.modernslavery.gov.uk/start>

Potential victims and victims of modern slavery (and their dependents) are provided with appropriate material assistance including a “welcome pack” when entering VCC accommodation (SGMS Annex F):

- Safe and secure accommodation – **Note:** UK Nationals and those with Recourse to Public Funds may not have an automatic right to accommodation through the NRM. See Section 8.16 for further details.
- Welcome Pack - Toothbrush and toothpaste; Soap; Shampoo; Feminine hygiene products; Suitable undergarments
 - If required - for victim and dependents necessary items of clothing to provide for three sets of clothing, including those they already own, until they receive their first financial support payment
- Translation and interpretation services
- Information on and access to – where eligible:
 - Medical treatment, assistance and counselling (including registering with a GP)
 - Legal aid, legal representatives and legal advice
 - Assistance during criminal proceedings
 - The labour market, vocational training and education and how to apply for a National Insurance number
 - Immigration advice
 - Benefits and financial support
 - Bank Accounts / Budgeting
 - Pre/Post-natal support groups / Birthing partners
 - Mental health services
 - Substance dependency services
 - Sexual health services
 - Specialist counselling
 - Access to ESOL classes
 - Preparation for work
 - Support with submitting claims e.g. asylum, benefits, or legal
- Victims may be able bring a civil claim against a perpetrator where they have suffered damages.
- Victims with a positive Conclusive Grounds decision are provided with at least 30 calendar days of move-on support. Victims with a negative Conclusive Grounds decision are provided with 9 working days of move-on support.
- Non-EEA nationals will automatically be considered for a grant of Discretionary Leave if they do not already have the right to remain. EEA nationals may apply for discretionary leave. Victims will need a positive Conclusive Grounds decision to be considered for Discretionary Leave.
- Where victims do not have an active asylum claim they may be eligible to claim asylum.
- Non-British nationals referred into the NRM may wish to return home. 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.

8.9 Financial Support

The Essential Living Rate is to help a potential or confirmed victim pay for weekly living needs such as food, clothing and toiletries. (SGMS Annex F) It is paid at the rate of:

- £47.39 per week; or
- £14.74 per week for those living in catered accommodation provided by MSVCC.

And

- £26.47 per week - All potential victims will be paid the Recovery Rate. 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.

Where applicable:

- £47.39 per week for each child dependent
- Additional weekly payments for very young children:

- £5 per week up to the child's first birthday
- £3 per week from the day after the child's first birthday until their third birthday.
- Weekly payments of £3 for pregnant women.
- One-off maternity grant of £300 per expected child, for an individual who is within eight weeks of their expected due date or who enters support with a dependent child of less than six weeks old.

Note: 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.

8.10 The Salvation Army Victim Care Contract (VCC)

Where the potential victim is a non UK national and/or has No Recourse to Public Funds the VCC Prime will undertake an Initial Needs Based Assessment for potential adult victims following a referral into the NRM when the potential victim has consented to receiving support through the Victim Care Contract (SGMS Section 8). The VCC provides provision for families including vital maternity and baby items, childcare to enable mothers to attend specialist counselling, education and training.

If they need Emergency Accommodation this assessment will take place prior to a Reasonable Grounds decision, otherwise the Initial Needs Based Assessment will occur after a positive Reasonable Grounds decision.

This may occur via telephone interview. The purpose of the Initial Needs Based Assessment is to:

- Ascertain the immediate welfare needs of the victim and their dependents
- To determine whether the victim needs to be accommodated

An Initial Needs-Based Assessment should cover (SGMS Section 8), as a minimum:

- **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**

After the Initial Needs Based Assessment their support provider under the VCC will conduct a Detailed Needs Based Assessment. This assessment will identify the detailed support needs of the victim at the Reasonable Grounds stage. Need should continue be reviewed throughout the victim's time in support as appropriate (SGMS Section 8).

If the potential victim is a UK national or has Recourse to Public Funds, please see Section 8.16.

8.11 Informed Consent

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> (SGMS Section 5.23/5.24)

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.

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

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. Please refer to Section 11 in this guidance for links to Duty to Notify online forms.

On the occasion where the potential victims refuse to give consent then the option of Pre NRM Support can be offered. Please refer to Sections 8.15 and 8.16 in this guidance for Pre NRM Support and Emergency Accommodation.

8.12 Capacity to make a decision

It should be presumed that an individual has the capacity to make a decision about whether to consent to entering the NRM (SGMS Sections 5.19/20/21/22).

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

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 interest's 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.

8.13 What if the Person is Unsure of the Decision to Make? Pre NRM-Support and Emergency Accommodation

Survivors should be provided with the space and resources needed to fully explore their options outside of and within the NRM, according to the processes outlined in the [HTF Care Standards](#). For adults, entry into the NRM is voluntary as it is a policy scheme, rather than a statutory system. Therefore, it is important to obtain their informed consent to a referral. All children are required to be referred into the NRM; however, adults are required to consent to a referral into the NRM and to receive support and accommodation

Where the individual is unsure of their options, does not consent to an NRM referral or has consented but emergency accommodation is still required, can be referred into Derby City and Derbyshire County Councils commissioned support provided by Rebuild. See Section 8.15 in this guidance.

8.14 Police Safeguarding Referrals – PPN – and Safeguarding Enquiries

The Care Act 2014, Section 42 (2) requires a local authority to make statutory enquiries, or cause others to do so, where it has reasonable cause to suspect that an adult with care and support needs is experiencing, or is at risk of, abuse or neglect and as a result of those care and support needs is unable to protect him/herself against the abuse/neglect or the risk of it (see Care Act 2014, S42(1)). commonly called a 'Section 42' duty.

Where Police identify safeguarding concerns, they should submit a Police Protection Notice (PPN) to the local authority. Upon receipt, local authorities are required to discharge their safeguarding duties, namely, to initiate a safeguarding enquiry.

In the context of Modern Slavery, this requires consideration of the NRM referral, accommodation needs and meeting complex needs. This should be undertaken with the referring First Responder, Rebuild East Midlands and Housing within one day of receiving the referral.

8.15 Rebuild East Midlands

Rebuild East Midlands exists to empower and assist victims and survivors of modern slavery. Rebuild are available to offer assistance and advice in any situations where there may be victims of human trafficking and/or modern slavery. They can:

- meet directly with victims to offer independent guidance on their situation, and if necessary, explain their options including entering the NRM or alternatives
- offer advice and guidance to other professionals supporting victims with identification and expert advocacy
- give potential victims the option to disclose to an independent organisation and facilitate their engagement with the police should they choose to report

- use their cultural and language skills and a trauma-informed approach to build trust and engagement over time
- offer support and signposting with any other needs identified

Working in conjunction with the Derby and Derbyshire Modern Slavery Partnership, our agreed support for potential victims is:

- access to up to three working days Emergency Accommodation which will be either the pre-commissioned safe accommodation or B&B/Hotel type accommodation
- collection and transportation to emergency accommodation
- provision of personal hygiene packs
- clothing
- provision of three meals per day if placed in B&B or hotel accommodation
- interpretation and translation services
- offer a minimum of one daily contact to the service user
- non-directive advice & support commensurate with the best practice referenced within the Survivor Care Standards. Ensuring the potential victim is comfortable with making an informed decision regarding consent for an NRM referral
- a mobile phone may be provided to potential victims where required

Contact for Rebuild referrals:

07392 808943 – between 9am and 4 pm Monday to Friday - excluding Bank Holidays and planned office closures.

prenrm@rebuildproject.org or to send securely [REDACTED]

Referrals after this time can be made with prior agreement. See Referral Process at the end of this guidance.

If out of hours – refer to Rebuild on the next working day, ensuring any accommodation needs have been met.

8.16 Homelessness – Provision of Emergency Interim Accommodation

Councils will recognise they have a role in protecting vulnerable adults at risk. Councils and their partners will wish to develop other routes to ensure that adult victims of modern slavery who are not eligible for support under the Care Act, obtain any other support required. The hidden nature of modern slavery can make it difficult to detect, particularly if the victim is reluctant to reveal their experiences. Settling someone into accommodation is an opportunity to ensure that they are adequately supported and can be protected from further exploitation.

Section 188 (1) of the 1996 Housing Act states 'If the local housing authority have reason to believe that an applicant may be homeless, eligible for assistance and have a priority need, they must secure that accommodation is available for the applicant's occupation'.

The [Homelessness code of guidance for local authorities - Chapter 25: Modern slavery and trafficking - Guidance - GOV.UK \(www.gov.uk\)](#): 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'.

If housing authorities believe an individual may be vulnerable, as a result of being a victim of modern slavery and following a referral to the NRM, housing authorities should ensure that interim accommodation is available while they are waiting for an initial Reasonable Grounds decision and/or while the housing authority carries out its enquiries.

When assessing applications for homelessness assistance Local Authorities will need to carefully consider the circumstances of a potential victim leaving accommodation where they have been or are at risk of exploitation. It should not be considered reasonable for a victim to remain in such circumstances, or to consider an applicant to be 'intentionally homeless' when they have left accommodation because of violence or threats of violence that are likely to be carried out.

Potential victims (adults) 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 eligible for housing support through the Local Authority or be eligible for other support from the state where they are a UK National or have recourse to public funds.

A person who has been a victim of trafficking or modern slavery may have a priority need for accommodation if they are assessed as being vulnerable according to Section 189(1)(c) of the 1996 Act. In assessing whether they are vulnerable a housing authority should take into account the risk of the applicant being re-exploited and advice from specialist agencies providing services to the applicant, such as their assigned support provider under the NRM, or other organisations who are providing support including drug and alcohol services, local charities and the police. 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.

When eligible victims or potential victims are placed into interim emergency accommodation Councils will use the relief duty (Section 189B (2) duty) as part of the [Homelessness Reduction Act](#)

It is recommended that key agencies and councils work together in delivering the message of what each individual's options are in relation to their immigration status.

For households including children or particularly vulnerable adults who are owed duties under the Children Act 1989 or Care Act 2014, local authorities should consider having arrangements in place to manage a transition in responsibilities, so that there is no break in the provision of accommodation for applicants who cease to be eligible for support under the 1996 Act.

UK Nationals

UK Nationals do not have an automatic right to accommodation under the VCC and will require accommodation by a Housing Authority, for example:

- Emergency Relief Duty
- Out of Area Placement
- Transfer of Duty to other Housing Authority
- Potential Victim presents – or assisted to present – at other Housing Authority

An applicant who is a potential victim of modern slavery may have left an area or have a need to be placed away from an area where they have a local connection due to a risk of violence or domestic abuse. A housing authority cannot refer an applicant to another housing authority if they or anyone who might reasonably be expected to reside with them, would be at risk of violence or domestic abuse in that area.

If the Housing Authority is unable to provide appropriate accommodation for safety reasons, a request for accommodation under the VCC should be made by completing a s.213 notice.

Please see Section 8.10 of this guidance (Initial Needs-Based Assessment) for the type of information required.

Non-UK Nationals

Where the housing authorities believe an individual may be vulnerable, because of being a victim of modern slavery, following identification, housing authorities should ensure that interim emergency accommodation is available, irrespective of eligibility for assistance.

When eligible victims or potential victims are placed into interim emergency accommodation, Councils will use the relief duty (Section 189B (2) duty) as part of the Homelessness Reduction Act.

For individuals whose status is not known, or for those with limited or no recourse to public funds, Councils can provide emergency accommodation whilst enquiries are being carried out; whilst referrals into the NRM are considered and a Reasonable Grounds decision is received.

The provision of interim emergency accommodation will allow the individual to be supported and decisions made regarding referral to the NRM or other provision as appropriate.

In circumstances where an applicant is found not to be eligible for assistance, the housing authority must provide, or secure the provision of, information and advice as set out in Section 179. If (Section 188) interim accommodation has been provided, notice periods should take account of the needs of the applicant and the time required for them to access assistance.

See Section 8.8 and 8.10 for support available to potential victims pending a referral to the NRM

See Section 12 for the process of identification and referral for support and housing assistance. Referrals for interim emergency accommodation will be made by First Responders, typically Police and Social Care.

Homeless Service Contact Details

Derby City Housing contact:

- with children or expecting a child - 01332 640085 between 8.30am and 5pm, Monday to Friday
- over 18 years of age with no dependent children - 01332 640085 / 888777 between 8.30am and 5pm, Monday to Friday. Outside of these opening times your call will be diverted to the emergency out-of-hours team support. 01332 956606
- Make clear the referral is for a potential victim of modern slavery and NRM Safe House provision is not immediately accessible.

Derbyshire Housing contacts:

- Amber Valley - 01773 570222
- Bolsover - 01246 242424
- Chesterfield - 01246 345825
- Derbyshire Dales - 01629 761287 - Please use Homeless portal <https://hpa2.org/refer/DDDC>
- Erewash - 0115 907 2244
- High Peak / Staffordshire Moorlands - 0345 129 7777
- North East Derbyshire - 01246 231111
- South Derbyshire - 01283 595795

Outside of Office Hours call P3 for advice and assistance - telephone 0808 1692 333

Make clear the referral is for a potential victim of modern slavery and NRM Safe House provision is not immediately accessible.

8.17 When a Child Turns 18, pending an NRM Decision

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 (SGMS 9.46)

Where a child has entered the NRM and is known to be supported by the local authority and has received a positive Reasonable Grounds decision and subsequently turns 18 years of age, their consent is required to continue with the NRM process.

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 83 Published by the Home Office May 2023 for continued support nrm@modernslavery.gov.uk, or NRM Duty Line: 0300 0724 345) 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.

In order to assist with the Conclusive Grounds (CG) decision, the potential victim needs to be contacted to confirm if they wish to continue with the NRM process.

If the potential victim wishes to continue with the NRM process, a postal consent form will need to be completed and signed by the individual. In addition, any new information or additional statements that you believe will assist the Single Competent Authority (SCA) to make the CG decision should be forwarded with the consent form.

Should the individual wish to withdraw from the NRM process, a withdrawal form will need to be completed and signed by the individual. The SCA can be contacted to discuss the case if required.

The details of the potential victim who has turned 18 will be emailed to the local authority by the SCA, along with the consent and withdrawal forms.

This needs to be provided to Children's Services and allocated to the assigned social worker to complete.

9. Child Victims of Modern Slavery

This section outlines the key points in relation to concerns that a child or young person under 18 has been trafficked or is a victim of modern slavery. The hyperlinks below, refer to related chapters within the Derby and Derbyshire Safeguarding Children Partnership Procedures.

RELATED CHAPTERS

[Making a Referral to Social Care Procedure](#)

[Children at Risk of Exploitation \(CRE\) Procedure](#)

[Derby and Derbyshire Runaway or Missing from Home or Care Protocol](#) (see Documents Library, Protocols)

RELATED GUIDANCE

[Safeguarding Children Who May Have Been Trafficked: Practice Guidance \(2011\) Department for Education](#)

[Care of Unaccompanied Migrant Children and Child Victims of Modern Slavery - Statutory Guidance for Local Authorities \(2017\)](#)

[National Referral Mechanism: Guidance for Child First Responders \(March 2016\)](#)

[Sexual Offences Act 2003 s59A](#)

[Modern Slavery Strategy](#)

[Modern Slavery Act 2015](#) – particularly Part 5 Protection of Victims, Sections 48, 51 and 52

[Duty to-Notify the Home Office of Potential Victims of Modern Slavery](#)

[Independent Anti-Slavery Commissioner](#)

[The Slavery and Trafficking Survivor Care Standards](#)

[Modern Slavery Training: Resource Page](#)

[Royal College of Nursing Modern Slavery – Professional resources](#)

A cohesive multi-agency approach is essential to protecting child victims of modern slavery from further risk from their exploiters and of further exploitation (SGMS Section 9)

Support for child victims of modern slavery is provided through local authorities rather than the VCC (SGMS Section 9). 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 the Derby & Derbyshire Safeguarding Children Procedures 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 available in one-third of local authorities and the Government has committed to rolling out ICTGs across England and Wales. See Section 9.6 in this guidance on Barnardo's.

www.legislation.gov.uk/ukpga/2015/30/schedule/4/enacted

9.1 Identification and Assessment

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. (SGMS 9.33)

All practitioners who come into contact with children in their work need to be able to recognise children who may have been victims of modern slavery. The nationality or immigration status of the child does not affect any agency's statutory responsibilities to safeguard and promote their welfare.

Identification may be difficult, as children might not show obvious signs of exploitation. See **Children at Risk of Exploitation (CRE) Assessment Toolkit** (Documents Library, Assessment Tools) for indicators of exploitation. Some children may be unaware they have been exploited; while other children may appear to participate in hiding that they have been exploited, however they must be considered as a victim.

See also **Derby and Derbyshire Safeguarding Children Partnership Children at Risk of Exploitation Strategy 2018-2021** (Documents Library, Local Strategies).

Parents and relatives may also be involved in the exploitation of the child. Children are likely to be very loyal to their parents or carers so you must not expect them, of their own initiative, to seek protection against such people. They may also be cared for by adult/s who are not their parents (children in these circumstances are potentially being privately fostered) or who cannot prove they hold parental responsibility or have parents' agreement. Please see [Derby City Private Fostering](#) and [Derbyshire Private Fostering procedures](#)

All agencies should also establish whether any person involved in the exploitation of children for any reason are themselves parents or carers of children. In which case an assessment of the needs of their own children, or those who they care for, should be undertaken by Children's Social Care. If the alleged exploiter works in a position of trust with children and young people the **Allegations Against Staff, Carers and Volunteers Procedure** must be used.

Adults accompanying potentially exploited children may themselves have been exploited or coerced, consideration must be given to this and referrals as vulnerable adults made as necessary.

9.2 What is the most common type of Modern Slavery?

Prior to 1 October 2019, the most common form of exploitation for both adults and minors was recorded as labour exploitation (though referrals for criminal exploitation were not recorded separately during this period). In quarter 4, labour exploitation was the most common form of exploitation for adults, whilst criminal exploitation was most common for minors. It is important to note that this does not reflect changes in exploitation type in real terms, rather the change in the way in which exploitation types are recorded.

For those exploited as minors, criminal exploitation is driven by an increase in the identification of 'county lines' cases. 'County lines' is used to describe drug gangs in large cities expanding their reach to small towns.

In many cases, vulnerable individuals are exploited to transport substances, and mobile phone 'lines' are used to communicate drug orders.

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.' (SGMS 9.31)

CCE includes a number of types of exploitation, including

- forced labour
- forced theft
- benefit fraud
- acquisitive crime
- drug cultivation and production,
- county lines
- child sexual exploitation

Overall, female potential victims were most commonly referred for sexual exploitation, whilst males were most often referred for labour and criminal exploitation.

The Home Office has produced a typology which identifies 17 types of Modern Slavery offences in the UK: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/652652/typology-modern-slavery-offences-horr93.pdf

9.3 The Section 45 Defence (the Statutory Defence)

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

Potential victims of modern slavery may be suspected or accused of committing criminal offences. Section 45 provides for a statutory defence for potential victims who have been forced, threatened or deceived into committing certain crimes. (SGMS Annex H).

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 where:

- 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. Relevant characteristics' mean age, sex and any physical or mental illness or disability.

The defence does not apply to the most serious crimes, such as sexual offences or offences involving serious violence, offences against the Person Act 1861.

The full list of excluded offences is provided in Schedule 4 of the Modern Slavery Act 2015, please refer to www.legislation.gov.uk/ukpga/2015/30/schedule/4/enacted

The European Court of Human Rights – 16 February 2021 - judgment V.C.L. AND A.N. v. the United Kingdom held, that not referring children into the NRM, found in a criminal situation, was a violation of

- Article 4 (prohibition of forced labour) of the European Convention on Human Rights, and
- Article 6.1 (right to a fair trial)

All children found in criminal situations must be referred into the NRM.

9.4 General indicators for CHILD victims of Modern Slavery and exploitation?

- 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
- 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 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
- 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
- Gang association or isolation from peers or social networks
- Self-harm or significant changes in emotional well-being.
- The finding of unaccompanied children carrying telephone numbers for calling taxis
- The discovery of cases involving illegal adoption

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

For detailed indicators of child victims and specific types of modern slavery (SGMS Annex A)

9.5 Presumption of Age

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. This includes being supported by the ICTG (Barnardo's) service where available.

9.6 Barnardo's Independent Child Trafficking Guardianship Service

Barnardo's is commissioned by the Home Office to provide direct, specialist support to trafficked children, Derby and Derbyshire are early adopters of this service. Barnardo's help these young victims cope with the practical and emotional traumas of being trafficked. Their specialist support workers help them to understand what is happening with social care services, the police and immigration – in ways that they can understand. The service will:

- build trusting relationships with trafficked children to help them build a positive future
- help children navigate the criminal justice, immigration and social care systems
- give emotional and psychological support
- train professionals working with children so they can spot the signs of trafficking and know how to support trafficked children

- give practical support, such as help with housing, medical needs and education

A referral to Barnardo's must be made at the same time as a referral to Children's Social Care. See Pages 26, 28 and 30 for referral process.

Contact for Barnardo referrals – 0800 043 4303

Referral Form - <https://www.gov.uk/government/publications/child-trafficking-advocates-early-adopter-sites>

9.7 Multi Agency Intervention

Prompt decisions are needed when any concerns relate to a child who may be exploited to avoid the risk of the child being moved again. Children who have been exploited are likely to have complex or serious needs and there will often be child protection concerns. See **Derby City and Derbyshire Thresholds document** (Documents Library, Guidance Documents). Anyone who has a concern regarding the possible exploitation of a child must immediately consult with their designated lead for child protection and make a referral to Children's Social Care. See **Making a Referral to Social Care Procedure**.

Practitioners should not do anything which would heighten the risk of harm or abduction to the child, such as consulting with or informing those suspected of exploitation that a referral is being made.

Where there are concerns that a child may be or is likely to suffer **Significant Harm**, Children's Social Care will convene a **Strategy Discussion / Meeting** involving health, police and other relevant agencies such as education providers, early years and voluntary sector services. In addition, input from the National Counter Trafficking Service, Independent Child Trafficking Service (ICTS) and Independent Child Trafficking Advocates must be sought for expert advice and consultation. See **Child Protection Section 47 Enquiries Procedure, Strategy Discussions / Meetings**.

The strategy discussion / meeting should give particular consideration to ensuring the safety of the child and the investigation of organised criminal activity. The strategy discussion/ meeting will:

- Develop a strategy for making enquiries into the child's views and their circumstances, if there are any other potential victims as well as a clear assessment of any persons or places which pose a risk; or
- Develop a plan for the child's immediate protection and / or a safety plan, including the supervision and monitoring of arrangements (for **Looked After Children** this will form part of the Care Plan);
- Consider what would be an appropriate safe placement particularly for 16 and 17-year-old young people;
- Agree what support the child requires, including what should be put in place to enable the child to communicate effectively and how the child and their family members are to be approached and what they will be told;
- Whether other specialist advice, support or assessment should be sought, including the local authority for Child at Risk of Exploitation Lead;
- Agree how photographs and identifying details are obtained at the earliest opportunity;
- Agree how any criminal investigations, assessments and legal action is to be coordinated, including consideration of a video interview.

See also **Care of Unaccompanied Migrant Children and Child Victims of Modern Slavery** (DfE)

Given the potentially complex nature of Section 47 Enquiries it may be appropriate to hold additional strategy discussions to ensure that informed decisions are made. If it is identified that a child may be being trafficked for the purpose of sexual or criminal exploitation, the **Children at Risk of Exploitation (CRE) Procedure** should be followed. If the exploitation may involve one or more abusers and/or a number of related and/or unrelated children, the **Investigating Complex (Organised or Multiple) Abuse Procedure** must be followed.

Where a child is believed to have been trafficked, the assessment should be carried out immediately as the opportunity to intervene is very narrow. Many trafficked children go missing from care, often within the first 48 hours. Provision may need to be made for the child to be in a safe place before any assessment takes

place. The assessment should take into account any psychological or emotional impact of their experiences of a trafficked child and any consequent need for psychological or mental health support. If the age of the person is uncertain and there are reasons to believe that they are a child, they should be presumed to be a child in order to receive immediate assistance support and protection (Section 51 of the Modern Slavery Act 2015). Age assessments should not be routine and only carried out where there is significant reason to doubt the person is a child. For more information, see:

- **Age Assessment Joint Working Guidance, HO & ADCS;**
- **Age Assessment Guidance; Guidance to assist Social Workers and their managers in undertaking age assessments in England;**
- **Age Assessment Information Sharing Proforma.**

The adult purporting to be the child's parent, carer or sponsor should not be present at any interviews with the child, or at meetings to discuss future actions.

Approved interpreters should be used when the child's preferred language is not English; under no circumstances should the interpreter be the sponsor or another adult purporting to be the parent, guardian or relative.

Where it is found that the child is not a member of the family with whom they are living and is not related to another person in this county, consideration should be given to whether the child needs to be moved from the household and /or legal advice sought on making a separate application for immigration status.

Any criminal action regarding fraud, trafficking, deception and illegal entry to this county is the remit of the Police, where appropriate Children's Social Care should assist the Police in this process and refer both children and adults at risk.

9.8 National Referral Mechanism and Duty to Notify

Once safeguarding processes have been initiated, the Police or Children's Social Care must refer the child firstly to the **National Counter Trafficking Service, Independent Child Trafficking Guardians (ICTG)** facilitated by Barnardo's, for Independent Child Trafficking Advocacy.

ICTG contact and referral form:

- 24/7 referral and support line: **0800 043 4303;**
- For general enquiries email: **countertrafficking@barnardos.org.uk**
- **Referral form.**

For guidance on roles and responsibilities of Independent Child Trafficking Advocates (ICTAs), see **Interim Guidance for the three Independent Child Trafficking Advocates Early Adopter Sites – Greater Manchester, Wales and Hampshire**. In addition to the above, a referral should be made into the **National Referral Mechanism** using the **NRM Referral Form**. Agencies do not need a child's consent to do this, but the child should be informed as to why the referral is being made. Signed consent is only needed from an adult if they themselves are being referred. If a referral to the NRM is required for the child and adult, Adult Safeguarding procedures apply. See **Derby Safeguarding Adults Board website or Derbyshire Safeguarding Adult Board**.

The National Referral Mechanism (NRM) is a victim identification and support process which is designed to make it easier for all the different agencies that could be involved in a trafficking and now modern slavery case – e.g. police, Home Office UK Visas and Immigration Directorate, Local Authorities and non-governmental organisations (NGOs) – to co-operate, to share information about potential victims and facilitate their access to advice, accommodation and support.

An NRM referral should 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>

Making this referral discharges the Duty to Notify.

Referring children into the NRM encourages the sharing of information between agencies and can help to ensure an appropriate safeguarding response. It also helps the UK collect evidence and build an

understanding of the patterns of child slavery. This helps to shape policy and can aid police investigations into modern slavery and trafficking. Nationality and immigration issues should be discussed with the United Kingdom Visas and Immigration (UKVI) only when the child's need for protection from harm has been addressed and should not hold up action to protect the child. There should also be liaison with the embassy / consulate for the child's nationality to help establish their identity and if appropriate, their safe return home.

Since 1 November 2015, certain frontline staff, who encounter a potential victim of modern slavery have been required to notify the Home Office under Section 52 of the Modern Slavery Act.

This requirement applies to the Police, Local Authorities, the National Crime Agency and the Gangmasters and Labour Abuse Authority.

For potential child victims, the duty to notify should be discharged by referring the child into the National Referral Mechanism (NRM). All cases of Modern Slavery and Human Trafficking must be notified to the Local Authority Lead for recording and monitoring.

9.9 Support Available to Children through the NRM

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. (See SGMS Annex G)

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 support they need
- access to
 - health and mental health provision
 - education
 - appropriate and safe accommodation
 - counselling.
 - translation and interpretation
 - information on rights and services
- standards of living
- 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.
- Where possible, children should have the NRM process explained to them in a language they can understand and in age-appropriate terms.
- Support in criminal proceedings

9.10 Trafficked Children Who Go Missing

There are two main reasons why trafficked children go missing. Firstly, even when children are in the care of Social Care, the trafficker has control over and contact with the child and removes them under pre-arranged orders. Secondly, children go missing because they are scared of their trafficker.

Traffickers employ a range of methods to control the children, including: the removal of identity documents; threats of punishment by UK authorities if they are caught; physical or sexual violence; emotional abuse; the use of "juju" (magic /spells / witchcraft); and threats to the child's family. Children are effectively groomed to believe that if they do not go back to their traffickers, or if they disclose anything to authorities, that they or their families will suffer. Research has identified that 60 per cent of trafficked children in Local Authority care go missing.

Any child suspected as a victim of trafficking who goes missing must be considered at high risk of further trafficking and there should be an immediate strategy discussion / meeting with all practitioners involved. Decisions taken at the strategy discussion / meeting include:

- Referral to NRM;
- Plan of action to identify whereabouts;

- Alerts and plan for safe return, including safe accommodation;
- Need for any border alerts / notifications to other local authorities.

Also see Derby and Derbyshire Runaway or Missing from Home or Care Protocol (see [Documents Library, Protocols](#)).

9.11 When a Child Turns 18, pending a NRM Decision

Where a child has entered the NRM and is known to be supported by the local authority and has received a positive Reasonable Grounds decision and subsequently turns 18 years of age, their consent is required to continue with the NRM process.

In order to assist with the Conclusive Grounds (CG) decision, the potential victim needs to be contacted to confirm if they wish to continue with the NRM process.

If the potential victim wishes to continue with the NRM process, a postal consent form will need to be completed and signed by the individual. In addition, any new information or additional statements that you believe will assist the Single Competent Authority (SCA) to make the CG decision should be forwarded with the consent form.

Should the individual wish to withdraw from the NRM process, a withdrawal form will need to be completed and signed by the individual.

The SCA can be contacted to discuss the case if required.

The details of the potential victim who has turned 18 will be emailed to the local authority by the SCA, along with the consent and withdrawal forms.

The children's social worker assigned to the case should discuss with the potential victim and complete as appropriate.

Sections 8.8 to 8.17 of this guidance must be read when undertaking this discussion, covering:

- Why enter the NRM?
- Material Assistance / Translation Services / Information on rights and services
- Financial Support
- The Salvation Army (Victim Care Contract (VCC))
- Informed Consent
- Capacity to make a decision
- What if the Person is Unsure of the Decision to Make? Pre NRM Support and Emergency Accommodation
- Rebuild East Midlands
- Homelessness – Provision of Emergency Interim Accommodation

9.12 Contacts for Children

Please see the [Local Contacts](#) in the Derby and Derbyshire Safeguarding Procedures

Please see the [List of Agency Decision Makers, Designated Managers and Nominated Officers in Derby City](#)

Please see the [Local Contacts for Derbyshire County](#)

10. Support for Practitioners Derby / Derbyshire

Support can be found by contacting the Local Authority Lead for Modern Slavery / Human Trafficking or the Police. Please contact:

Derby		
██████ – Prevent and Integration Manager	██████████	████████████████████

██████████n – Cohesion and Integration Officer	██████████	████████████████████
Derbyshire		
██████████, Community Safety Manager	██████████	████████████████████
██████████, Senior Community Safety Officer	██████████ (main office number)	J ████████████████████

Derbyshire Police – 101 or 0300 122 8057 and ask for Adult Exploitation Investigation Unit (non-emergency - 999 if emergency) Email: AEIU@derbyshire.police.uk (Mon - Fri, office hours only)

11. NRM Forms and Guidance

NRM 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>

NRM e-form - <https://www.modernslavery.homeoffice.gov.uk/start>

NRM e-form Prompt Sheet - <https://www.modernslavery.homeoffice.gov.uk/paper-version-download?hof-cookie-check>

Duty to Notify (complete online referral form Section 1-4 and 7 (Do not include any personal details without the victims permission) <https://www.modernslavery.gov.uk/start>

12. ADULT Victims Referral Process

Step 1 – Record Referral and Complete Statutory Safeguarding Assessment and initiate Safeguarding Enquiry. Action safeguarding duties as appropriate and/or action eligible care and support needs in line with statutory duties and Human Rights Assessments. Notify LA Modern Slavery Leads of potential case.

Step 2 - Clearly explain: 1. what Modern Slavery is - why the person may be a potential victim; 2. the National Referral Mechanism; 3. the referral process and potential outcomes; 4. what they are consenting to and where their details will be sent; 5. they can choose to leave the NRM at any point.

Step 3 - Agree level of consent to enter the National Referral Mechanism – NRM:

- Consent to the NRM referral (mandatory) and if yes:
 - Consent for NRM support (optional) - support can include advice independent emotional and practical help delivered by specialist charities and non-UK national, accommodation and protection.
 - Consent to engage with police (optional).
- No consent but other support required.

Step 4 - Following potential victims decision: If **No Consent** received follow **Step 5**.
If **Consent** received follow **Step 6**.

Step 5 - No Consent or person is unsure of Consent to the NRM referral:

Refer potential victim to the Pre NRM-Provider – Rebuild East Midlands - for support, advise Rebuild East Midlands of any care and support needs and any known risks Complete Risk Assessment Referral – **See Sections 10 and 11 for referral form and Contacts. Contact Homeless Prevention Team for emergency accommodation making it clear this is a potential victim of Modern Slavery – see Step 9c.**

Please note Case remains with referring LA.

Step 5a - If no consent received within 3 working days of referral to Rebuild East Midlands – exit from support and signpost to other services as needed. e.g. Housing. Complete and submit online National Referral Mechanism form – Duty to Notify - <https://www.modernslavery.homeoffice.gov.uk/start> / <https://www.modernslavery.homeoffice.gov.uk/paper-version-download> - Notify LA Leads.

Process Ends.

Step 5b - If consent received follow **Step 6**.

Step 6 – If Consent to NRM Referral received - Complete online National Referral Mechanism form – Completing, sections dependent upon level of consent, support and accommodation needs - <https://www.modernslavery.homeoffice.gov.uk/start> / <https://www.modernslavery.homeoffice.gov.uk/paper-version-download>

Depending on level of consent:

- **No NRM Support or Accommodation Required follow Step 7.**
- **NRM Support but no Accommodation Required follow Step 8.**
- **NRM Support and Accommodation Required follow Step 9.**

Submit Form.

See Section 8.10/11 of this guidance for the Victim Care Provider (Salvation Army - SA) contact details.

Step 7 - No NRM Support or Accommodation Required - No further action required – notify LA leads.

Process Ends.

Step 8 - Requires NRM Support but no Accommodation Required - Contact Salvation Army (SA); advise that individual does not require accommodation. Maintain contact with SA to confirm Outreach Support in place – Notify LA Leads. **Process Ends.**

Step 9 - NRM Support and Accommodation Required:

- **If No Recourse to Public Funds follow Step 9a.**
- **If British National or has recourse to Public Funds follow Steps 9b / 9c / 9d.**

Step 9a - NRPF - Contact SA; advise that individual is destitute and requires immediate NRM support and agree arrangements for collection. If SA are unable to collect the same day for entry to NRM accommodation - Refer potential victim to Rebuild East Midlands for support, if not already involved and complete Risk Assessment Referral – **See Sections 10 and 11 for referral form and Contacts.** Contact Homeless Prevention Team for emergency accommodation making it clear this is a potential victim of Modern Slavery and potential NRM Accommodation is pending – see Step 9c.

Maintain contact with SA and Rebuild East Midlands to ensure victim has entered the NRM. Notify LA leads.
Please Note - Case remains with referring LA until entry into the NRM.

Process Ends.

Step 9b - British National or has Recourse to Public Funds:

1. Contact SA; advise that individual is a British National / Has Recourse to Public Funds and agree arrangements for Outreach Support. Maintain contact with SA to confirm Outreach Support in place
2. Contact the relevant Homelessness Prevention Services for emergency accommodation and Assessment for Housing Duty – No automatic right to enter NRM Accommodation.
3. Notify LA Leads.

Step 9c – Action for Homeless Services:

[Homelessness code of guidance for local authorities - Chapter 25: Modern slavery and trafficking - Guidance - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/homelessness-code-of-guidance-for-local-authorities-chapter-25-modern-slavery-and-trafficking-guidance): **Section 8.16 refers.** UK Nationals do not have an automatic right to accommodation under the VCC and will require accommodation by a Housing Authority, for example:

- Emergency Relief Duty
- Out of Area Placement
- Transfer of Duty to other Housing Authority
- Potential Victim presents – or assisted to present – at other Housing Authority

An applicant who is a potential victim of modern slavery may have left an area or have a need to be placed away from an area where they have a local connection due to a risk of violence or domestic abuse. A housing authority cannot refer an applicant to another housing authority if they or anyone who might reasonably be expected to reside with them, would be at risk of violence or domestic abuse in that area.

If the Housing Authority is unable to provide appropriate accommodation for safety reasons, a request for accommodation under the VCC should be made by completing a s.213 notice.

Step 9d - British national or has Recourse to Public Funds:

Review Adult Reasonable Grounds Decision - maximum 5 days – If Positive RG Decision - Arrange case conference between Housing, Social Care, Police, LA Leads to determine discharge of the Duty to provide safe and appropriate accommodation to meet duties under Section 188(1) of the Housing Act (1996).

If assessment determines that the Duty to provide Safe and Appropriate accommodation cannot be met, complete s.213 letter. Contact Salvation Army and advise Housing Authority is unable to meet the Duty and discuss appropriateness of NRM Safe House Accommodation. See Section 8.10 for minimum assessment requirements.

If assessment determines that the Duty to provide Safe and Appropriate accommodation can be met, discharge duty. Maintain liaison with NRM Outreach Support Provider.

If Negative RG Decision signpost to other services as needed. e.g. Housing.

Process Ends.

13. CHILD Victims Referral Process

Modern Slavery Act 2015 – Statutory Guidance - 5.45. 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>
5.46. Making this referral discharges the Duty to Notify. **9.33.** 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. **9.35.** 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.

Referring Agencies – Including First Responders Must:

1. **Make a Safeguarding Referral for the Child to Initial Response Team / Starting Point.**
2. **Make a referral** to Barnardo's Independent Child Trafficking Guardianship Service.

On receipt of referral – LA Must:

1. Immediately follow S47 Enquiry procedure - instigate safeguarding discussion between Social Care, Police Risk and Referral Unit, LA Modern Slavery Lead, Health, Barnardo's, Education, YOS if criminality involved – as a minimum. Other organisations working with or supporting adult and/or child invited as required. **2.** If out of hours, telephone safeguarding meeting must be held. **3. Set** time for Strat meeting to be held within 24 Hours of referral. **4. Liaise with Police** to complete a Contextual Risk Enquiry – are others at risk? **5. Prepare** for need to provide Safe Accommodation.

1. **Hold S.47 Strat Meeting** with Police, Social Care, CP Lead, LA Modern Slavery Lead, Health, Barnardo's, Education, Housing, YOS, and others as appropriate, other NGO if involved.

Within S.47 Strategy Meeting:

1. **Agree** S.17/S.47 Threshold.
2. **Complete** NRM and Section 45 Statutory Defence Discussion and determine if NRM referral required
 - a. If no modern slavery/trafficking inc. no criminality that is possibly exploitation, follow normal Child Protection procedures - Modern Slavery **Process Ends**, unless further submission made.
 - b. If modern slavery/trafficking inc. criminality that is possibly exploitation present, follow **Steps 3 to 12**;
3. **Agree** when to complete NRM referral.
4. **Appoint** Barnardo's Guardian.
5. **Appoint** Key Worker for NRM completion and NRM Support Plan.
6. **Agree** Interim Safety Plan.
7. **Secure and Agree** Safe Accommodation.
8. **Agree** next steps of NRM completion and notify key partners.
9. **Set** date for follow up strategy, participants and thresholds discussion with CPM within 5 working days.
10. **Arrange** follow up meetings as required.
11. If locations outside of area are identified liaise with relevant social care department.
12. **Record** as Modern Slavery on case management system.

Following agreement of Strategy Meeting Partners – Key Worker to complete online National Referral Mechanism Form for each potential Child victim – www.modernslavery.homeoffice.gov.uk/start

Ensure Child NRM Support Plan is completed and monitored in line with Modern Slavery Statutory Guidance.

Review Child NRM Reasonable Grounds Decision with SCA within five days and agree support as required, in liaison with Independent Child Trafficking Guardian – If Negative Decision received, skip next step.

If Positive RG decision received - Maintain contact with SCA and Independent Child Trafficking Guardian pending outcome of Child NRM Conclusive Grounds Decision and agree ongoing support as required.

Implement exit from support plan on receipt of Negative Reasonable Grounds Decision or if accepted into the NRM, on receipt of a Conclusive Grounds Decision.

If Child turns 18 before a Conclusive Grounds Decision, consent into the Adult NRM is required. See section 9.11

Process Ends.

14. Adult Pre-NRM Risk Assessment

Potential victim name:		Name of referrer:	
Date of birth:		Referral agency:	
First language:		Contact number (please provide numbers for ongoing daily updates if the referrer will be going off shift or handing over to an out of hours service):	
Interpreter required?		Has an NRM referral been completed? Yes / No	NRM reference number (if known):
Contact number:			First responder details (if known):

Risk	Yes / No / N/K	If Yes – Provide brief details	Is referrer: recipient, other agency, potential victim taking any actions to mitigate this risk? (if so, what actions?)
Person is at risk of violence			
Person is dependent on drugs or alcohol (please note this will mean alternative accommodation is required.)			
Person has known mental health difficulties and/or learning difficulties			
Person has physical disabilities and/or injuries that require adjustments		<i>If known, provide details of the adjustments that need to be made</i>	
Person may harm themselves (self-harm)			
Person may be hostile/aggressive towards others			
Person may go missing			
Person may be re-trafficked			
Person does not engage/cooperate			
Person has known medical conditions or care and support needs			
Person is pregnant			

Person has been prescribed medication		<i>If known, provide details of who is responsible for making arrangements for any collection, administration etc.</i>	
Person has allergies and/or specific dietary requirements (for health, religious or cultural reasons)			
Person using their own mobile phone or being provided with one by Your Space			
Person is at risk in a particular location			
Suitability of accommodation (either accommodation provider or other depending on the risks identified above)			
Transport to accommodation is required. Any known risks which need to be considered in providing this?			
Hotel/B&B Minimum Standards			

**Contact for Rebuild East Midlands referrals: 07392 808943 – between 9am and 4pm
Monday to Friday - Referrals after this time can be made with prior agreement.**