

Guidance on the National Referral Mechanism for potential adult victims of modern slavery (England and Wales)

TO NOTE: this is guidance for all adult cases identified across England and Wales before October 2015, and following that date for all cases outside of West Yorkshire police force areas, or in the South West (Avon and Somerset, Devon and Cornwall, Dorset, Gloucestershire, and Wiltshire police force areas). If you are unsure which police force area the individual was identified in, please check <https://www.police.uk/>.

For Scotland or Northern Ireland cases please see separate guidance and form.

For referral of potential child victims please refer to the specific child guidance and form.

Background

The National Referral Mechanism (known as the NRM) is the process by which people who may have been victims of modern slavery are identified, referred, assessed and supported in the United Kingdom.

This guidance is to assist First Responders in completing the form before it is submitted for consideration by the UK Human Trafficking Centre (UKHTC); cases with immigration issues will be referred on to the Home Office. The UKHTC and Home Office are the Competent Authorities for the NRM and referred to as such throughout this guidance.

More detailed advice on modern slavery and the National Referral Mechanism is available in 'Victims of modern slavery: guidance for frontline staff' on gov.uk.

What is modern slavery?

"Modern slavery" is a term that covers slavery, servitude and forced or compulsory labour and human trafficking. From 31 July 2015, in England and Wales, potential victims of slavery, servitude and forced or compulsory labour victims recognised with a positive reasonable grounds decision may also have access to support previously only offered to potential victims of human trafficking. In Scotland and Northern Ireland this support is currently only available to victims of human trafficking, and the NRM will not consider victims of slavery, servitude and forced or compulsory labour, which is why a separate form must be used.

The components of modern slavery

Human trafficking

For a person to have been a victim of human trafficking there must have been:

- ACTION (recruitment, transportation, transfer, harbouring or receipt, which can include either domestic or cross-border movement); which is achieved by a
- MEANS (threat or use of force, coercion, abduction, fraud, deception, abuse of power or vulnerability. However, there does not need to be a means used for children as they are not able to give informed consent); for the
- PURPOSE OF EXPLOITATION (e.g. sexual exploitation, forced labour or domestic servitude, slavery, financial exploitation, illegal adoption, removal of organs).

Slavery, servitude and forced or compulsory labour

For a person to have been a victim of slavery, servitude and forced or compulsory labour there must have been:

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- MEANS (being held through, either physically or through threat of penalty – e.g. threat or use of force, coercion, abduction, fraud, deception, abuse of power or vulnerability. However, there does not need to be a means used for children as they are not able to give informed consent); and
- SERVICE (as a result of the means an individual provides a service for benefit, e.g. begging, sexual services, manual labour, domestic service).

Forced or compulsory labour may be present in trafficking cases. However, not every person who is exploited through forced labour has been trafficked.

There will be cases of exploitation that do not meet the threshold for modern slavery – for example someone may choose to work for less than the national minimum wage, or in undesirable conditions, without being forced or deceived. These cases should not be referred into the NRM but you may want to refer to the police. Alternatively you can contact the pay and work rights helpline for more information on 0300 123 1100, or the Gangmasters Licensing Authority on 0800 432 0804.

Slavery and servitude are more serious versions of forced or compulsory labour. For more information on the indicators of modern slavery please see in 'Victims of modern slavery: guidance for frontline staff' on gov.uk.

Referring cases to the NRM

Modern slavery is a complex crime and may involve multiple forms of exploitation. 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 may have taken place, the case should be referred to the NRM so that a Competent Authority can fully consider the case. You do not need to be certain that someone is a victim.

If you think you have encountered a person who has been a victim of modern slavery in England and Wales, as described above, you should complete this form and send it to the UKHTC via email to UKHTC@nca.x.gsi.gov.uk or by fax to 0870 496 5534.

Adults will only be accepted into the NRM where the consent section of the form has been completed. Informed consent requires that the potential victim have the NRM, the referral process, and potential outcomes, clearly explained to them.

Access to support

Individuals who are recognised as a potential victim of modern slavery through the NRM have access to specialist tailored support, which may include access to relevant legal advice, accommodation, protection and independent emotional and practical help, for a period of at least 45 days while their case is considered. Support in England and Wales is currently delivered by The Salvation Army and a number of subcontractors. The Salvation Army will assess each potential victim to determine what support is most appropriate.

You must explain this process to the potential victim using the front-line worker guidance provided and seek their consent before filling out this form. If they consent to being referred they should sign the form on page 4, and also sign if they wish to access support, and then contact The Salvation Army as soon as possible to make the support referral via their 24 hour Referral Line: 0300 303 8151.

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COMPLETING THE FORM

This form should only be completed for adults when a member of staff from a designated frontline organisation (known as a first responder) suspects someone is a victim of modern slavery and where the individual concerned has understood the implications of, and consented to, a referral. It is not to be used as an interview record but as a means for a first responder to provide as much information as possible to competent authorities to enable a decision to be reached on whether the subject has reasonable grounds for being treated as a victim of modern slavery and to assist with the combating of this crime. Although this is not an interview record this does not prevent the first responder from approaching the potential victim to obtain further details where appropriate, while avoiding placing the potential victim under unnecessary additional stress or trauma.

Throughout the form, items marked with an asterisk should be supported by documentary evidence where possible.

Consent

Consent is required for an adult to be referred to the NRM. You must explain what the NRM is, what support is available through it and what the possible outcomes are for an individual being referred so they can give their informed consent. You should also make it clear that information may be shared or sought by the Competent Authorities from other public authorities, such as the police and local authorities, to gather further evidence on an NRM referral.

If the potential victim is under 18, or may be under 18, you should complete a child referral form. Child victims do not have to consent to be referred into the NRM and should be referred to wider child safeguarding processes for support. Please see the separate guidance and form for child victims.

Referring cases to the police

If an individual does not consent and sign the NRM form, it will not be accepted by the Competent Authorities. However, if you consider a crime has taken place then you can still make a third party referral to the police, so that they can be considered for investigation as a means to protect others from harm. Any information you have gathered on the cases should be provided to the police to assist.

Where a police referral has not been made by the first responder, this may also be done by the Competent Authority.

The indicators

To assist in making a primary assessment of whether an individual they have encountered is or may be a potential victim of modern slavery there are 20 general indicators listed. These indicators are not a definitive list and there may be other indicators that may raise concerns, therefore the option to highlight 'other' indicators has been included. It is not the case that by selecting a set number of indicators this will equate to a person being a victim; it could be that just one or a combination of factors that demonstrates that a person may be a victim, each case should be considered on its own merits. There are also sections for indicators of common forms of exploitation, however if you consider that an individual may have been exploited in a way not listed, this could still be modern slavery and should be recorded.

We recognise that first responders may be unable to provide significant detail about the individual and their potential modern slavery experience on this form, for example where an individual is

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seriously traumatised. However, it is important that all pertinent information available at this stage is provided on the form to support a timely reasonable grounds decision, so you should make every effort to provide as much information as possible. If further information about the case comes to light, this should be referred to UKHTC by email to UKHTC@nca.x.gsi.gov.uk or by fax to 0870 496 5534.