**Modern Slavery, Human Trafficking and the National Referral Mechanism**

**(August 2020)**

**One Minute Guide**

# What is Modern Slavery?

Modern Slavery is a complex crime which takes many forms. It encompasses **slavery, servitude**, **forced and compulsory labour** and **human trafficking.**

**Slavery:** To exercise “ownership” over an individual. To treat a person as an item of property and to do whatever you want with them.

**Forced or Compulsory Labour:** Through fear, violence, intimidation etc. Force an individual to provide work or a service. The work/service is NOT freely given.

**Servitude:** An aggravated form of Forced or Compulsory Labour. The difference being that with servitude, there is a degree of permanence or never ending state with the situation.

## Human Trafficking:

Human Trafficking consists of 3 component parts, the Action, the Means and the Purpose:



Within the term “Human Trafficking” the intended exploitation not only includes, Slavery, Forced Labour and Servitude but also includes:

**Sexual exploitation:** This includes but is not limited to sexual exploitation and abuse, forced prostitution and the abuse of children for the production of child abuse images/videos.

**Domestic servitude:** This involves a victim being forced to work, usually in private households,

performing domestic chores and child care duties.

**Criminal exploitation:** This is the exploitation of a person to commit a crime, such as pick pocketing, shop-lifting, cannabis cultivation, drug trafficking and other similar activities. In recent years “County

Lines” has become synonymous with Criminal Exploitation and Modern Slavery.

## Human Trafficking and children:

A child (under 18) cannot consent to their own exploitation. As such, we only need to show “the Action” and “the Purpose”. A child’s actions can appear entirely voluntarily but this does not make

them any less of a victim. We do **NOT** need to show that a child has been forced, threatened, coerced etc. (the Means) for an offence to be complete.

# Trafficking Vs Smuggling

**Trafficking** involves the ongoing exploitation of an individual. It can take place across international borders or within individual countries, cities or streets. It is a serious crime committed against an individual. Victims can be foreign nationals, illegal migrants or U.K. citizens. Anyone who is vulnerable is particularly susceptible to becoming a victim.

**Smuggling** involves crossing an international border illegally. Once the border is crossed, the relationship between the individual and the smuggler ceases. It is a crime committed against the State.

Whilst Trafficking and Smuggling are distinct offences, smuggled individuals can be particularly vulnerable and may become trafficked individuals during the course of their journey.

# The Modern Slavery Act 2015 (MSA)

The Modern Slavery Act was introduced in 2015 to consolidate existing offences, increase sentencing powers and introduce Risk, Protection and Reparation Orders.

Section 1 of the MSA concerns “holding” a person in a position of slavery, servitude or forced/compulsory labour.

Section 2 of the MSA concerns Human Trafficking.

**Modern Slavery is a serious crime which attracts a maximum penalty of Life imprisonment.**



# How do I raise a Safeguarding Concern about a child or an adult?

**Concerns about a child:** Any agency/organisation that suspects that a child may be a victim of human trafficking should make an immediate referral to Children and Families Service (CFS), and make a

report to North Yorkshire Police (to notify them that a potential crime has been committed).

**Concerns about an adult (18+ years) :** Where concerns exist you should consider whether:

* The individual has care and support needs
* Raising a safeguarding concern is in the public interest (e.g. there are also others at risk)
* The adult lacks mental capacity to consent and it is in their best interest
* The adult is subject to coercion or control to the extent they are unable to give consent
* It is the adult’s vital interests to prevent serious harm or distress or loss of life

Members of the public should ring Tel. No. 01609 780780 or raise a safeguarding concern via the online [screening tool available from the North Yorkshire](https://www.northyorks.gov.uk/new-adult-social-care) [County Council Website](https://www.northyorks.gov.uk/new-adult-social-care).

Professionals should use the:

* [Universal Referral Form](https://www.safeguardingchildren.co.uk/wp-content/uploads/2019/08/Universal-Referral-Form-v4.doc) for children, or
* The [Raising a concern form](https://www.northyorks.gov.uk/safeguarding-vulnerable-adults) for adults

# What else should happen? Notifying the National Referral Mechanism (NRM)

The National Referral Mechanism (NRM) Is the National framework for identifying, assessing and supporting potential victims of Modern Slavery.

Within the NRM, a number of organisations including Local Authorities, the Police and the NSPCC are designated **“first responders”.** These organisations must put in place processes to notify the Home

Office IF one of their employee’s encounters an individual who they have “reasonable cause to believe” **may** be a victim of modern slavery.

This notification takes two forms:

1. The National Referral Mechanism (NRM).
2. The Duty to Notify (DtN)

The NRM must be used where an adult has provided consent AND **all** children. The Duty to Notify form

must be used where an adult has refused consent (this form should never be used for children).

For an adult to provide their informed consent, you must explain what the NRM is, what support is available and what the possible outcomes are.

A NRM referral should clearly articulate the specific concerns held for the individual. It should also:

* Contain enough information to allow decision makers within the Home Office to make an informed decision.
* Include relevant information held by Partners

# Do I need to make a referral to CFS and submit an NRM referral?

Yes, established child safeguarding processes must be followed. Local Authorities have a responsibility to safeguard children regardless as to their status within the National Referral Mechanism.

# What happens next?

Once submitted, trained decision makers within the Home Office will make two key decisions:

1. Reasonable Grounds (RG)
2. Conclusive Grounds (CG)

The RG decision is made within 5 working days of submission. This is a key decision. A positive decision provides the gateway to statutory support for adults (housing, legal aid, counselling etc.). It also ensures that the Police record and investigate any Modern Slavery offences (if not already).

The CG decision is made **after** the victim has had at least 45 days to recover and reflect from their ordeal. A positive CG decision does not convey any automatic rights or entitlements but it is an official acknowledgement of their victim status.

# Where can I find out more information about the NRM?

Further information is available in the National Referral Mechanism Guidance which is available from Gov.uk [here](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).

For information and advice refer to the **Modern Slavery Helpline**: 0800 121 7100 or for more information click on this link:

[https://www.gov.uk/government/collections/modern-](https://www.gov.uk/government/collections/modern-slavery) [slavery](https://www.gov.uk/government/collections/modern-slavery)