



## **Modern Slavery and Human Trafficking Practice Guidance**

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## 1. INTRODUCTION

The term 'Modern Slavery' encompasses a wide range of criminal offences involving exploitation; it is an illicit trade in which human beings are turned into commodities to be bought, sold and exploited for vast profits. The Modern Slavery Act 2015 places a duty on specified public authorities to report details of suspected cases of Modern Slavery to the National Crime Agency. This is achieved through the National Referral Mechanism (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. For this reason, victims of Modern Slavery are often 'held in plain sight'.

Slavery is a safeguarding issue and practitioners within the multi-agency partnership have an important role to play. Practitioners within teams wider than safeguarding, such as environmental health or trading standards who have access to premises, may be in a position to identify suspicious activity. It is therefore imperative that practitioners are equipped with the knowledge to recognise the signs of Modern Slavery and understand the procedures which should be followed if it is suspected that an individual is being trafficked, enslaved or exploited. This document provides guidance for professionals in Darlington who work with children and adults who are at risk of Modern Slavery.

This guidance should be read in conjunction with [Darlington Safeguarding Partnership Multi-Agency Policy and Procedures and Practice Guidance to Safeguard Adults at Risk of Abuse and Neglect](#) and [Darlington Safeguarding Partnership Multi-Agency Child Protection Procedures](#). There must be a clear interface with adult or child safeguarding procedures and all action taken in respect of cases of Modern Slavery must be in accordance with the Darlington Safeguarding Partnership Multi-Agency Safeguarding Adults Policy and Procedures and/or Darlington Safeguarding Partnership Multi-Agency Child Protection Procedures.

For useful information about tackling Modern Slavery in partnership and case studies of Modern Slavery, see the [Local Government Association publication: Modern Slavery: A Council Guide](#)

A potential victim of Modern Slavery is a potential victim of crime. All instances where an individual in Darlington may be a victim of Modern Slavery must be reported to Durham Constabulary (see Para 9 for the reporting process).

## 2. LEGISLATIVE FRAMEWORK

- 2.1 The UK government signed the Council of Europe Convention on Action against Trafficking Human Beings in March 2007. The Convention was ratified by the UK in December 2008 and came into force in April 2009. This led to the creation of the UK's National Referral Mechanism (NRM) in 2009.

2.2 There are a number of internationally agreed legal frameworks and protocols which encompass human trafficking and Modern Slavery, all of which are encompassed in the [Modern Slavery Act 2015](#)

- [European Convention on Human Rights](#)
- [The Palermo Protocol 2000](#)
- [Council of Europe Convention on Action Against Trafficking Human Beings](#)  
[International Labour Organisation Forced Labour Convention \(No. 29\)](#)
- [European Directive on preventing and combatting trafficking](#)

2.3 The Modern Slavery Act 2015 is based around the '4 Ps' framework:

- **Pursue** - prosecute and disrupt individuals and groups responsible for Modern Slavery
- **Prevent** - prevent people from engaging in Modern Slavery
- **Protect** - strengthen safeguards against Modern Slavery by protecting vulnerable people from exploitation
- **Prepare** - reduce the harm caused by Modern Slavery through improved victim identification and enforcement support

As well as the Modern Slavery Act 2015 there are a number of other pieces of legislation which have an impact on the role of the local authority in tackling Modern Slavery and supporting victims including:

- [Crime and Disorder Act 1998](#)
- [Housing Act 1996](#)
- [Care Act 2014](#)
- [Children Act 1989](#)
- [Children Act 2004](#) (as amended by the [Children and Social Work Act 2017](#))
- [Immigration Act 2016](#)

### 3. WHAT IS MODERN SLAVERY?

3.1 Modern Slavery is an umbrella term encompassing human trafficking, slavery, servitude and forced labour. All categories of Modern Slavery involve the violation of an individual's human rights involving the restriction of their freedom and exploitation. In the UK the following activities are accepted as amounting to Modern Slavery:

3.2 **Human Trafficking:** is when men, women and children are moved and forced into exploitation. The movement could be international but also within the country from one city to another or even just a few streets. A person can be a victim of human trafficking even if they have not yet been exploited but have been moved for the purposes of exploitation. It is important to note that UK citizens can be trafficked and that no one can consent to being trafficked.

3.2.1 **Adults:** Human Trafficking in relation to adults consists of three basic components, all of which must be present in adult trafficking:

- **Action:** the recruitment, transportation, transfer, harbouring on receipt, which includes an element of movement whether national or cross border.
- **Means:** the threat or use of force, coercion, abduction, fraud, deception, abuse of power or vulnerability
- **Exploitation:** for example, sexual exploitation, forced labour or domestic servitude, slavery, financial exploitation, unlawful adoption or removal of organs.

See here for a [brief guide to Modern Slavery and Human Trafficking](#)

3.2.2 **Children:** In respect of trafficking children the 'means' component is not required as a child is unable to give informed consent. Therefore, child human trafficking consists of two basic components both of which must be present:

- **Action:** the recruitment, transportation, transfer, harbouring on receipt of the child, which includes an element of movement whether national or cross border.
- **Exploitation:** for example, sexual exploitation, forced labour or domestic servitude, slavery, financial exploitation, unlawful adoption, removal of organs of the child

Any child who is recruited, transported or transferred for the purposes of human trafficking, is considered to be a potential victim whether or not they have been forced, coerced or deceived.

### 3.3 Examples of the 'means'

**Deception:** An example of deception may be that the recruiter or the employer has provided the worker with maliciously false, inaccurate or misleading information. For example, an individual who is exploited as a sex worker may have been given the impression that there were legitimate education or employment opportunities. There are also less straightforward cases, where people have been aware that they would be working consensually in the sex industry in the UK but were misled regarding the working conditions and environment in particular, the degree of control over freedom and earnings. Where such a situation is encountered, and individuals are being exploited, this may amount to Modern Slavery.

**Physical coercion:** This refers to the threat or use of force including abduction against the victim or their family members. More subtle measures of control could be used such as, withholding a passport or immigration documents.

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

- blackmail
- forcing someone to pay an excessive amount of money for sub-standard accommodation
- making significant deductions from the victim's 'salary'
- threats of rejection or disapproval from a peer group or family
- ritual oaths; there is evidence that witchcraft or ritual oaths are used to make children fearful and compliant

- grooming; this occurs when vulnerable individuals are enticed over time to take part in an activity in which they are not entirely willing participants; for example, a trafficker may present to a victim as a 'boyfriend' in a sexual exploitation case. Individuals can often appear to be 'willing participants' and children are especially vulnerable.
- Stockholm Syndrome; this describes instances where because of an inequality of power, victims create a false emotional or psychological attachment to their controller.

There does not have to be a direct personal relationship in psychological coercion. It can relate to wider issues, for example, social stigma. This is particularly relevant in cases involving sexual exploitation or other forms of sexual violence.

**Complex cases:** There are also complex cases where victims have been trafficked and subject to exploitation in their own country and after escaping the situation, travel to the UK as an adult to work in the sex industry. At first it may appear that the individual is a willing participant, but it is possible that their situation is a progression of control and coercion.

3.4 **Exploitation:** To be a victim an individual must have been trafficked for the purpose of exploitation which may take the form of:

- sexual exploitation
- forced labour or services
- slavery or practices similar to slavery
- domestic servitude
- forced criminality
- removal of organs (organ harvesting including egg harvesting)

**There is no requirement for the purpose (exploitation) to be achieved:** Under the Convention an individual who has been trafficked is a 'victim' even if the exploitation has not occurred, for example if a police operation takes place or the victim escapes before the exploitation has taken place. Under the legal definition trafficking occurs once certain acts are carried out for the purpose of exploitation. So, *purpose* is the key element, rather than whether the exploitation has taken place.

3.5 **Human Smuggling is not Human Trafficking:** Practitioners must not confuse human trafficking with human smuggling (also known as people smuggling). Human smuggling occurs when an individual seeks the help of a facilitator to enter the UK illegally; the relationship between both parties ends once the transaction is completed. Many people who enter the UK illegally do so by this method.

3.6 **Human Smuggling is not a form of Modern Slavery:** The purpose of human smuggling is to move an individual across a border illegally and it is regarded as a violation of state sovereignty. The purpose of Modern Slavery is to exploit the victim for gain or other benefit and is regarded as a violation of the individual's freedom and integrity.

There are several factors which help distinguish smuggling and Modern Slavery (trafficking):

- When an individual is trafficked, the victim's entry into a state can be either legal or illegal, but smuggling is categorised by illegal entry
- Trafficking can take place within and across national borders, but international travel is required for smuggling
- In the case of adults, trafficking is carried out with the use of force and/or deception. Smuggling is not characterised by these factors indicating that it is a voluntary act on the part of those being smuggled
- Trafficking involves the intended exploitation of people on arrival, while the services of smugglers usually end when people reach the destination and the transaction ends.

Practitioners must appreciate that in some cases the distinction between smuggling and trafficking is blurred. Some trafficking victims may start out believing that they are being smuggled and will have control over how the debt is paid and will be free to go about their business once the agreed fee is settled. However, some will find themselves in a potentially exploitative situation where they are 'debt bonded' and forced to work to pay their debt and controlled by a 'trafficker'.

- 3.7 **Illegal Adoption:** Not every case of illegal adoption should be considered as exploitation. A child may be sold or adopted illegally but not exploited. Illegally selling a child for adoption would not constitute trafficking where the child is not exploited. If, however an adopted child is subjected to coerced labour or sexual exploitation, this will meet the exploitation element of human trafficking or Modern Slavery. Where a child is given to 'parents' who intend to exploit the child, this may fall under an exploitation purpose which would be considered as an element of trafficking or Modern Slavery.

## 4. CATEGORIES OF MODERN SLAVERY

In the UK, the following activities are accepted as amounting to Modern Slavery:

- 4.1 **Sexual Exploitation:** In most cases involving human trafficking for the purposes of sexual exploitation, the victims are female. However, it is important to be aware that there are male victims of sexual exploitation and that men may face additional barriers to disclosure. There is currently a limited research base to assess the full extent of adult male sexual exploitation.

The majority of female victims of trafficking identified in the UK are exploited through the sex work industry. Many victims are beaten, raped and abused. They travel to the UK based on false promises of a better job and economic opportunities, often out of a desire to earn money and create a better life for their children or family.

There is no typical experience of people who have been trafficked for sexual exploitation. Some are held captive, assaulted and violated. Others do not experience physical abuse but are psychologically abused and live in fear of harm to themselves and their family members. Individuals will rarely self-identify as victims of sexual exploitation in explicit or obvious ways.

It should be noted that sexual exploitation can also occur outside of the context of Modern Slavery and that it may occur within other categories of abuse for example, domestic abuse or sexual abuse.

For further guidance see [Darlington Safeguarding Partnership Sexual Exploitation Referral Pathway](#).

Where sexual exploitation coexists with Modern Slavery the procedures outlined in this document should be followed.

All instances of children who are identified as experiencing sexual exploitation must be dealt with in accordance with the [Darlington Safeguarding Partnership Multi Agency Child Protection Procedures](#) and [Darlington Safeguarding Partnership Child Sexual Exploitation Procedure and Practice Guidance](#).

For potential indicators of sexual exploitation see **Appendix 3**.

4.2 **Forced Labour:** Forced labour is not restricted to a particular sector of the labour market, but cases have been identified in the following sectors;

- manufacturing
- food processing
- agriculture
- hospitality
- construction
- nail bars
- care homes
- domestic work
- car washes
- sex industry
- takeaways

It should be noted that forced labour cannot be equated with either:

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

See [Gangmaster and Labour Abuse Authority: The Nature and Scale of Labour Exploitation across all Sectors in the United Kingdom](#) (2018) for more information about the nature and scale of labour exploitation across all sectors within the United Kingdom.

For a list of potential indicators of Forced Labour see **Appendix 3**.

4.3 **Debt Bondage:** Debt bondage often accompanies other categories of Modern Slavery. Also known as bonded labour or debt slavery, internationally it is the most common form of Modern Slavery, but it is the least understood. Debt bondage occurs when an individual is forced to work to pay off a debt. They are coerced or deceived into working for little or no financial remuneration with no control over their debt. Most

or all of the money they earn goes to pay the debt, but the value of their work becomes greater than the original sum of money owed. The victims face coercion, threats and intimidation if they try to leave their employment, leaving them trapped in a cycle of exploitation with very few avenues of escape.

- 4.4 **Domestic Servitude:** Servitude means an obligation to provide a service which is imposed by the use of coercion. It is an ‘aggravated’ form of forced or compulsory labour. The fundamental distinguishing feature between servitude and forced or compulsory labour, is in the victim feeling that their condition is permanent, and the situation is unlikely to change.

For a list of potential indicators of Domestic Servitude see **Appendix 3**.

The problems of domestic workers held in servitude are exacerbated by the fact that it is often difficult for them to leave the employer’s household to seek help. Abusive employers create physical and psychological obstacles, for example, by instilling fear by threatening them with further abuse, or to harm their families or by threatening deportation, or withholding their passport.

Children living in domestic servitude may not see the situation as exploitative if they have been used for domestic servitude in their home country. Some children have been groomed and see domestic servitude as work which they must do in return for food and accommodation. There is evidence to suggest that if children are kept in domestic servitude by powerful members of the community or family members, they are unable to report the abuse due to psychological coercion and control.

For a list of potential indicators of Domestic Servitude see **Appendix 3**.

- 4.5 **Removal of Organs (organ harvesting):** This type of trafficking involves exploiting people by removing their internal organs which are used for transplant. In these circumstances, traffickers force or deceive the victim into giving up an organ. Organs commonly traded are the kidneys and the liver, but it can apply to any organ and includes ‘egg harvesting’ whereby women who are vulnerable through poverty, are exploited in circumstances which pose a high medical risk to the life and health of the **victim**.

- 4.6 **Forced Criminality and County Lines:** Forced criminality is understood as the exploitation of a person to commit crime such as:

- pickpocketing
- shop lifting
- drug cultivation
- drug trafficking and ‘county lines’
- other activities which are subject to penalties and imply financial gain

Thousands of children and vulnerable adults are being groomed to work as ‘drug mules’ within the UK, by dealers exploiting vulnerable people to expand across the country in a criminal enterprise known as ‘county lines’, whereby a criminal group establishes a network between an urban hub and county location to where drugs

(primarily heroin and crack cocaine) are supplied. For in depth guidance see [GOV.UK Criminal Exploitation of Children and Vulnerable Adults: County Lines](#).

In all criminal investigations Police and the CPS should consider whether the suspect is a victim of trafficking and whether modern slavery is a factor in the offending and whether the [statutory defence](#) (Modern Slavery Act 2015) may apply. The statutory defence must be raised at the earliest possible stage in the criminal justice process.

## 5. INDICATORS OF MODERN SLAVERY – HOW TO IDENTIFY A POTENTIAL VICTIM

- 5.1 Practitioners need to know and understand the signs which may indicate that a person is the victim of Modern Slavery, in order to decide whether to refer a case to Safeguarding and the National Referral Mechanism (NRM). Modern Slavery has been described as a ‘shape shifter’ which crosses boundaries and merges with other categories of abuse. The victims are often ‘hidden in plain sight’ and it is easy to miss the signs of abuse, often described as the ‘invisible shackles’ of Modern Slavery or the ‘invisible handcuffs of psychological imprisonment’.

For further guidance on how to identify potential victims of Modern Slavery see [Home Office: Victims of Modern Slavery frontline staff guidance \(identifying victims of Modern Slavery\)](#)

It can be difficult to identify victims of Modern Slavery which often coexists with other categories of abuse, such as domestic abuse or sexual exploitation. This can lead a practitioner to believe that they are dealing with domestic violence, child sexual exploitation, a labour dispute or other forms of coercion or control, meaning that they fail to identify the signs of Modern Slavery allowing the victims to remain ‘hidden in plain sight’.

It is common for traffickers or modern-day slavery facilitators to provide stories for victims to tell if approached by the authorities. Errors or lack of reality may be as a result of their initial accounts being composed by others and learned.

In circumstances where a victim’s trafficker or Modern Slavery facilitator is present when the victim is questioned, practitioners should look out for non-verbal communication and body language between the victim and trafficker or Modern Slavery facilitator.

Child victims may find it additionally hard to disclose, as the traffickers may have given them inaccurate information about the role of the authorities, and they may have had bad experiences with corrupt authorities in their home country or during their journey.

For general indicators of Modern Slavery see **Appendix 2**

For potential indicators of Sexual Exploitation see **Appendix 3**

For potential indicators of Domestic Servitude see **Appendix 3**

For potential indicators of Forced or Compulsory Labour see **Appendix 3**

For potential indicators in relation to Trafficked Children see **Appendix 4**

5.2 **Victims who are reluctant to self-identify and obstacles to victims coming forward;** Practitioners need to understand why people may not recognise themselves as a victim of Modern Slavery or trafficking or may be reluctant to be identified as such. Victims of Modern Slavery may initially be unwilling to disclose details of their experience, or identify as a victim because of a fear of the following:

- punishment by traffickers
- punishment by the authorities
- deportation
- juju (a spiritual belief system) or witchcraft rituals
- discrimination by their community or family
- threats against family and fears for the safety of family
- many victims trafficked into the UK consider the appalling conditions of their servitude in this country to be preferable to the alternatives in their country of origin

Victims may also fear being accused of being complicit in their situation; some exploited people may be viewed as 'colluding' with their 'employer' by accepting the protection of the person exploiting them from immigration authorities.

To minimise the risk of being identified as offenders, traffickers or Modern Slavery facilitators may become less physically aggressive or in the case of trafficked women, may become 'romantically involved' or provide small sums of money. Such perceived 'relationships' can add to the confusion when identifying victims of Modern Slavery.

Fear of reprisals against them or their children or families may prevent victims coming forward. In most trafficking situations, the perpetrators know or will establish personal information about the victim and their family and friends. It is very common for the perpetrators to use threats against the victim's family and children to manipulate and control the victim. The threat and fear of reprisal has a huge impact in a victim's willingness to cooperate with the authorities.

## 6. CHILD VICTIMS OF MODERN SLAVERY

6.1 In order to determine whether a child is a potential victim of Modern Slavery, practitioners need to be aware that the issues and characteristics may differ to those of adult victims. The crucial difference is that it is not necessary to demonstrate the 'means' to show that the child has been trafficked or held in slavery. This is because children cannot give informed consent, so it is not necessary to show that they were forced, coerced or deceived. If they are exploited or held in slavery, that is sufficient evidence to demonstrate that a slavery or trafficking offence has been committed.

A child is defined according to the Children Acts 1989 and 2004 (as amended by the [Children and Social Work Act 2017](#)) as anyone who has not yet reached their 18th birthday.

Working Together to Safeguard Children 2018 states that Section 47 enquiries should be initiated where there are concerns about all forms of abuse and neglect and this includes extra familial threat including radicalisation and sexual or criminal exploitation.

Child trafficking is abuse and requires a child protection response and it encompasses children who are trafficked into the UK and those who are trafficked within the UK.

All instances where children are believed to be victims of Modern Slavery must be dealt with in accordance with [Darlington Safeguarding Partnership Multi Agency Child Protection Procedures](#) and potential victims under the age of 18 years should immediately be referred to Darlington Borough Council Children's Services. In all such cases, referral to children's safeguarding will take precedence over a referral to the National Referral Mechanism (NRM) (see para 7). Any child (or anyone who may be a child) who is potentially a victim of Modern Slavery, regardless of their nationality or immigration status, must be appropriately safeguarded, supported and accommodated in accordance with the requirements of the Children Act 1989 and Working Together 2015. Every child within the NRM should be referred to the relevant Local Authority Children's Social Care and a strategy meeting/discussion should be convened under Section 47 Children act 1989. Child Trafficking should be considered in all cases of criminal exploitation.

**6.2 Trafficking children for financial gain:** Most children are trafficked for financial gain. This can include payment from or to the child's parents. In most cases, the trafficker also receives payment from those wanting to exploit the child once in the UK. Traffickers specifically target impoverished communities to exploit vulnerability. Poor and displaced families may hand over care of their children to traffickers who promise to provide a source of income, education or skills training, but ultimately exploit them. Trafficking is carried out by organised gangs and individual adults or agents. Trafficked children may be used for:

- sexual exploitation
- domestic servitude
- credit card fraud
- begging and other petty crime
- restaurant and catering work
- agricultural labour
- illegal cannabis farms
- benefit fraud
- drug trafficking
- illegal international adoption for the purpose of exploitation

**6.3 Internally trafficked children:** Trafficking within the UK for sexual exploitation (internal trafficking) is defined under S 58 Sexual Offences Act 2003.

The 'travel' needs only be from one location to another within a borough to constitute an offence. It is not necessary for an act of sexual abuse to take place - evidence of intent is sufficient to constitute an offence.

**For indicators of children who have been internally trafficked see Appendix 4.**

Internally trafficked children and young people can be coerced into recruiting their peers to accompany them when they are being moved from one location to another.

The traffickers exert strong control over their victims and often entice them into committing criminal offences, such as theft or drug related crime.

Victims are commonly subjected to physical abuse (including drug and alcohol abuse) and psychological abuse, as the victims are coerced into maintaining secrecy surrounding their circumstances.

All children who are believed to be victims of sexual exploitation must be dealt with in accordance with [Darlington Safeguarding Partnership Child Sexual Exploitation Procedure and Practice Guidance](#)

- 6.4 **Identifying potential child victims of trafficking:** The identification of trafficked children may be difficult, as they may not show obvious signs of distress or abuse. Some children may be unaware that they are the victims of trafficking, while others may actively participate in hiding the fact that they have been trafficked.

For indicators of child trafficking see **Appendix 4**.

Children who are in a trafficking situation are often reluctant to give information and are often inconsistent as a result of the trafficker/facilitator fabricating a cover story for the child to recount if questioned.

On discovery, children who are victims of Modern Slavery may not show any obvious signs of distress or imminent harm. Even if the child understands what is happening, they may still appear to willingly submit to the will of the parent or accompanying adult. Even when a child appears to have submitted willingly to the will of their parents or the accompanying adult, it is not considered possible for a child to give informed consent.

For a list of indicators of Modern Slavery in relation to children see **Appendix 4**.

- 6.5 **Consent of child victims is not required:** It is not possible for a child to give informed consent. Therefore, any child who is recruited, transported, transferred, harboured or received for the purposes of exploitation or is directed to perform labour, is considered to be a potential victim of Modern Slavery, regardless as to whether they have been coerced or deceived. It is therefore not necessary to prove the 'means' component of the human trafficking legislation. In these circumstances, practitioners must consider any child as a victim of Modern Slavery.

Parents and relatives may also be involved in the exploitation of the child. The child may be loyal to the parent or carer and practitioners should not expect them to seek protection from the adult of their own initiative.

- 6.6 **Internally trafficked children:** Trafficking within the UK for sexual exploitation (internal trafficking) is defined under [S 58 Sexual Offences Act 2003](#).

The 'travel' needs only be from one location to another within a borough to constitute an offence. It is not necessary for an act of sexual abuse to take place, evidence of intent is sufficient to constitute an offence.

Internally trafficked children and young people can be coerced into recruiting their peers to accompany them when they are being moved from one location to another.

The traffickers exert strong control over their victims and often entice them into committing criminal offences, such as theft or drug related crime.

Victims are commonly subjected to physical abuse (including drug and alcohol abuse) and psychological abuse as the victims are coerced into maintaining secrecy surrounding their circumstances.

- 6.7 **Care of unaccompanied and trafficked children:** [Statutory Guidance for Local Authorities on the care of unaccompanied asylum seeking and trafficked children \(DfE 2014\)](#) provides that where the age of a person is uncertain and there are reasons to believe that they are a child, they are presumed to be a child in order to receive immediate access to assistance, support and protection, in accordance with Article 10(3) of the European Convention on Action Against Trafficking in Human Beings.

Age assessments should only be carried out where there is significant reason to doubt that the claimant is a child. Age assessments should not be a routine part of a Local Authority's assessment of unaccompanied or trafficked children. Any child transported for exploitative reasons is considered to be a trafficking victim, whether or not they have been forced or deceived. This is partly because it is not considered possible for children in this situation to give informed consent. Even when a child understands what has happened, they may still appear to submit willingly to what they believe to be the will of their parents or accompanying adults. It is important that;

- 6.8 **Further guidance on child victims:** The Child Trafficking Advice Centre (CTAC) which operates within the National Society for the Prevention of Cruelty to Children (NSPCC) operates a child trafficking advice and information line which offers direct assistance to professionals dealing with children who may have been trafficked. The CTAC has a national remit and is staffed by qualified social workers and a Police Liaison Officer. **The advice line number is 0808 800 5000.**

See Para 8.2 for the role of Children's Social Care in responding to child victims of Modern Slavery.

## 7. THE 'DUTY TO NOTIFY': THE NATIONAL REFERRAL MECHANISM (NRM)

Section 52 of the Modern Slavery Act 2015 places a statutory duty on the specified public authorities to respond to suspected incidents of Modern Slavery and human trafficking. This is called the 'duty to notify'. The legislation allows a number of specified public authorities to undertake this task as outlined in Para 7.2. The following paragraphs outline the process of the National Referral Mechanism (NRM):

- 7.1 **The National Referral Mechanism (NRM):** The NRM has been established to identify victims of Modern Slavery and refer them to organisations which will offer support. It is the process by which people who may have been trafficked are identified, referred, assessed and supported by the UK government. In Modern Slavery cases, a number of organisations (such as police, the Home Office, UK Border Force, UK Visas and Immigration and Immigration Enforcement, the National Crime Agency, Local Authorities and non-government organisations), work together to safeguard potential victims and the NRM facilitates a coordinated multi-agency

response. The support available may include access to advice, accommodation, protection, emotional and practical help. The NRM applies to all victims of Modern Slavery. Individuals identified as potential victims of Modern Slavery are entitled to a minimum recovery and reflection period of 45 days.

## 7.2 **The ‘duty to notify’: how to refer a case to the National Referral Mechanism**

**(NRM):** Since 1 November 2015, Section 52 of the Modern Slavery Act 2015 has required that specified public authorities notify the Secretary of State of any individual identified as a potential victim of Modern Slavery in England and Wales. The ‘duty to notify’ applies to Police, Local Authorities, the National Crime Agency and the Gang Masters Licensing Authority. Other public bodies and non-government organisations are also being encouraged to make a voluntary notification, despite not being legally bound by this duty.

In England and Wales only designated First Responders can refer a case to the NRM for consideration by one of the UK’s two Competent Authorities (CA). First responders are:

- Police
- Local Authorities
- Home Office (including UK Border Force)
- National Crime Agency
- specified non-governmental organisations for children: Barnardo’s/NSPCC
- specified non-governmental organisations for children: The Salvation Army/Unseen/POPPY Project/Kalayaan/Medaille Trust

Trained specialists within the Competent Authorities determine whether those referred are victims of trafficking/Modern Slavery. The two Competent Authorities are:

- **The UK Human Trafficking Centre (UKHTC)** which deals with referrals from the police, local authorities, and NGO’s
- **The Home Office Immigration and Visas (UKVI)** which deals with referrals identified as part of the immigration process, for example, where trafficking or Modern Slavery may be an issue as part of an asylum claim

If it is believed that Modern Slavery is taking place, the case should be referred to the National Referral Mechanism (NRM) so that a Competent Authority can fully consider the case. It is not necessary to be certain that someone is a victim to make a referral. As children do not need to consent to be referred to the NRM, this method must always be used in cases involving children.

**It should be noted that the ‘Duty to Notify’ and the submission of a referral to the NRM should not be used as a means of safeguarding a victim. Safeguarding procedures must be invoked at the outset and must operate in tandem with the NRM notification. Every child within the NRM should be referred to the relevant Local Authority Children’s Social Care team at the outset and a strategy meeting should be convened under S 47 Children Act 1989.**

See [GOV.UK - Modern Slavery Referral](#) for guidance on the submission of the [referral form](#) to the NRM.

- 7.3 **Adult victims and consent:** Adults will only be accepted into the NRM if the consent section of the form has been completed and signed by the victim. Informed consent requires that the NRM, the referral process and the potential outcome be clearly explained to the victim.

The National Referral Mechanism (NRM) is a multi-agency process and when a potential victim consents to enter the NRM, they must be made aware that information will be referred in order to access the NRM.

When completing the NRM form, the victim should be informed that the case will be referred to the Police (either by the first responder or by a competent authority), as it is possible that criminal offences have been committed by the traffickers/facilitators. If the adult does not consent to the referral to the Police, then the referral should still be made, omitting the personal details of the victim.

If the potential victim does not wish to be referred to the NRM, a MS1 form should be completed and sent to [dutytonotify@homeoffice.gsi.gov.uk](mailto:dutytonotify@homeoffice.gsi.gov.uk). The MS1 form can be anonymous. The MS1 form and associated guidance is available at [www.gov.uk/government/publications/duty-to-notify-the-home-office-of-potential-victims-of-modern-slavery](http://www.gov.uk/government/publications/duty-to-notify-the-home-office-of-potential-victims-of-modern-slavery).

The Home Office has produced a [leaflet](#) for the information of those identified as a potential victim of Modern Slavery.

The Modern Slavery helpline number is **08000 121700**.

The Salvation Army Human Trafficking helpline is **0300 303 8151**.

- 7.4 **Decision making: Stage 1 – ‘Reasonable grounds’:** The NRM team has a target date of **5 days** from receipt of the referral in which to decide whether there are reasonable grounds to believe the individual is a potential victim of human trafficking or Modern Slavery. This may involve seeking additional information from the first responder or from specialist Non-Government Organisations (NGOs).

**Stage 2 ‘Conclusive Decision’:** If it is decided there are reasonable grounds to believe that the person is a potential victim of Modern Slavery, the person will be offered a reflection and recovery period of **45 calendar days** and in the case of adults, they can be provided with a place at a safe house, subsistence and access to relevant medical and legal services, and potential eligibility for discretionary leave if they are recognised as a victim. This can be extended if the victim needs this kind of support for a longer period, or if making the decision takes longer. During this time, further information is gathered relating to the referral from the first responder and other agencies.

They will then decide whether the person is a victim of Modern Slavery. The target for this decision is within the 45-day recovery period. During the minimum 45-day recovery and reflection period, the CA gathers additional information relating to the

referral from the first responder and other sources. Close collaboration between the Police and the CA is required.

This additional information is used to make a **conclusive grounds decision** on whether or not the referred person is a victim of Modern Slavery. The expectation is that a conclusive grounds decision will be made as soon as possible, following day 45 of the recovery and reflection period. There is no target to make a conclusive grounds decision within 45 days – the timescale will be based on all the circumstances of the case. The case manager works to the following conclusive grounds threshold; whether on the balance of probabilities it is more likely than not that the individual is a victim of Modern Slavery.

**7.5 Extensions:** Extensions to the 45 days can be granted where necessary. Reasons for an extension can include the victim suffering from serious health issues; severe mental health or psychological issues (including post-traumatic stress disorder) requiring a longer period of recovery and reflection; or high levels of victim intimidation. The length of the extension will be considered on a case by case basis, depending on the facts of the individual case.

If the 45-day recovery and reflection period has been extended, the CA, first responder and support provider must keep the extension under review. An extension review must occur every 28 calendar days, or when there is a change in the victim's circumstances.

**7.6 Positive conclusive grounds decision:** Both the first responder and the victim are notified of this decision. When a person is found conclusively to be a victim and has agreed to assist the Police with formal enquiries in the UK, the Police may make a formal request to the Home Office for them to be granted a period of discretionary leave to remain (DLR) on this basis. The period must not be less than 12 months and one day and no more than 30 months. This may be extended where necessary, for example, when a criminal prosecution takes longer than expected and the Police have confirmed or requested an extension. Both EEA and non-EEA nationals can apply.

**7.7 Requests for discretionary leave to remain:** Any requests for discretionary leave to remain (DLR) of a Modern Slavery victim should be sent to:

- the NRM team in the Home Office (UK Visas and Immigration or Immigration Enforcement) who made the positive conclusive grounds decision, for non-EEA cases
- [neyh.ukba.nrm@homeoffice.gsi.gov.uk](mailto:neyh.ukba.nrm@homeoffice.gsi.gov.uk) for Police requests in England, Scotland and Northern Ireland, for EEA cases

After the request is made, the CA may seek further information from the confirmed victim, such as asking them to complete an application form (FLR(O) or FLR(DL) as appropriate) and return it to the CA. No decision on whether to grant discretionary leave will be taken before a conclusive ground's decision is made. A victim cannot be prevented from leaving the UK if they so wish.

- 7.8 **Negative conclusive grounds decision:** If the CA decides that the referred person was not enslaved, the criminal investigation should nevertheless continue. If there are no other circumstances that would allow the referred person the right to live in the UK, they are supported by the government to return voluntarily to their country of origin. Alternatively, a limited number of rescue and rehabilitation centres are provided by charities and non-governmental organisations, for those who fall outside the NRM or who refuse consent for referral. Those who initially refuse consent may change their decision following their stay and can then be referred to the UKHTC.

A victim claiming asylum may also be entitled to accommodation provided by the National Asylum Support Service (NASS).

- 7.9 **Right of Appeal:** There is no statutory right of appeal for potential victims against an NRM decision. However, if a person can provide further details in ongoing assessments, others can on their behalf, or new substantive evidence emerges, the Competent Authority can be requested to reconsider their decision. Decisions can only be challenged through judicial review.

- 7.10 **Accommodating Adult Victims:** In England and Wales, potential victims of Modern Slavery will have access to support and first responders must contact support providers to arrange accommodation. The safety of the victim is paramount, and the first responder must make provision for accommodation as soon as a potential victim is identified, as there will be a significant risk from the trafficker or Modern Slavery facilitator. If an adult victim requires support or safe accommodation, the first responder must contact the Salvation Army's 24-hour referral line **0300 303 8151**.

- 7.11 **Meeting urgent health needs:** A potential victim may suffer a wide range of health and mental health problems and if a victim requires urgent medical assistance, this must be provided. Some services or treatments are exempt from charges and are available on the National Health Service to all people regarding of immigration status including:

- Accident and Emergency Services
- Family Planning Services
- treatment for most infectious diseases
- treatment required for a physical or mental condition caused by torture, female genital mutilation and domestic or sexual violence (applies in England only and does not apply if the subject has travelled to the UK for the purpose of seeking the treatment).

- 7.12 **Children and the National Referral Mechanism:** All instances where children are believed to be victims of Modern Slavery, must be dealt with in accordance with [Darlington Safeguarding Partnership Multi Agency Child Protection Procedures](#) and potential victims under the age of 18 years should immediately be referred to Darlington Borough Council Children's Services. In all such cases, referral to children's safeguarding will take precedence over a referral to the National Referral Mechanism (NRM). Any child (or anyone who may be a child) who is potentially a victim of Modern Slavery, regardless of their nationality or immigration status, must be

appropriately safeguarded, supported and accommodated in accordance with the requirements of the Children Act 1989 and Working Together to Safeguard Children 2018.

**Every child within the NRM should be referred to the relevant Local Authority Children's Social Care team at the outset and a strategy meeting should be convened under S 47 Children Act 1989.**

For a flowchart of the NRM process see **Appendix 6**

## **8. THE ROLE OF THE LOCAL AUTHORITY AND HOUSING**

The Local Authority can play a key role in tackling Modern Slavery which intersects with many different areas that councils are involved with, and a number of different officers may come across potential victims whilst going about their everyday duties. The role of the Local Authority can be separated into four areas:

- identification and referral of victims
- supporting victims - this can be through safeguarding children and adults with care and support needs and through housing/homelessness services
- community safety services and disruption activities
- ensuring that the supply chains Council's procure from, are free from Modern Slavery

Housing and homelessness services may see people who are at risk of trafficking through the provision of homelessness services, or through inspections of houses in multiple occupation (HMOs), they may come across Modern Slavery victims living in substandard accommodation.

After exiting the National Referral Mechanism, victims may approach the Local Authority for housing if they have decided to remain in the UK. Homelessness legislation provides a framework for the Local Authority to decide whether an individual has a statutory right to housing. Whilst the Local Authority must have regard to legislation and case law, it must also take into account the needs and individual circumstances of each person in making a decision about the legal obligation. Settling someone into accommodation is an opportunity to ensure that they are adequately supported and protected from further exploitation.

Community Safety Officers may encounter trafficking or Modern Slavery whilst working on issues around serious and organised crime, drugs or other local crimes such as begging or cannabis cultivation.

Similarly, Trading Standards, Licensing or Environmental Health and other regulatory services may encounter victims or perpetrators whilst inspecting premises, such as nail bars or regulating other businesses such as taxis and private hire firms.

Councillors may hear concerns from residents about particular businesses or houses in the area. Overview and scrutiny committees also play a vital role in seeking

assurance that clear governance processes are in place to respond to and provide support for victims of Modern Slavery.

Effective partnership working is key to tackling Modern Slavery. The Community Safety Partnership (CSP), Health and Wellbeing Boards (HWB) and Darlington Safeguarding Partnership (DSP) all have a role to play in identifying and supporting victims and tackling Modern Slavery.

For further guidance on the role of the Local Authority and partnership working and Modern Slavery with case studies, see the [Local Government Association Publication: Modern Slavery: A Council Guide](#)

## 9. WHAT TO DO IF MODERN SLAVERY/TRAFFICKING IS SUSPECTED

9.1 **Reporting Modern Slavery:** Practitioners within the multi-agency partnership and wider authorities (for example housing officers, environmental health teams or trading standards teams) or members of the public, may be in a position to identify potential victims of Modern Slavery, especially those who enter premises as part of their duties and observe suspicious activity.

A potential victim of Modern Slavery is a potential victim of crime. Practitioners must ensure that their actions do not compromise a Police operation or criminal investigation. **All instances where an individual may be a victim of Modern Slavery, must be reported to Durham Constabulary.**

Safeguarding is everyone's responsibility, and anyone can report suspicions of Modern Slavery to **Durham Constabulary** on **101**.

If a member of the public wishes to remain anonymous, they can contact Crimestoppers on **0800 555 111**.

**In the event of an emergency where a child or adult is at risk of immediate harm, such as serious injury or risk to life or may be imminently moved to a different location, contact the Police on 999.**

For [the referral pathways](#) for Modern Slavery see **Appendix 5**.

In cases involving child victims of Modern Slavery police should consider the use of Police Protection powers (Section 46 Children's Act 1989) should be considered to prevent further harm to the child and to prevent harm through lack of parental support/supervision until an assessment of need can be made by the Local Authority and an Interim Care Order sought if appropriate.

In some instances, adults may be trafficked or enslaved with their children. In such circumstances there must be close liaison and information sharing between Adult Social Care and Children's Social Care, in accordance with Safeguarding Policy and Procedures and the Children and Adults protocol.

For further guidance see [Darlington Safeguarding Partnership Practice Tool to Aid Decision Making](#) and [Darlington Safeguarding Partnership Multi-Agency Threshold Tool](#)

9.2 **Role of Children's Social Care:** In cases where a child (or someone who may be a child) has been rescued or is believed to be a potential victim of Modern Slavery and is not in imminent danger, a referral should be made in accordance with the multi-agency safeguarding procedures outlined in the [Darlington Safeguarding Partnership Multi-Agency Child Protection Procedures](#) and **Durham Constabulary** should be notified via the **101** telephone number. Safeguarding will always take precedence over the National Referral Mechanism.

9.2.1 **Referring a case to Children's Social Care:** In all instances where a child is suspected of being a victim of Modern Slavery/human trafficking must be referred to the Police and to Children's Social Care.

In some circumstances a rapid response is required to ensure the safety of the child. In the first instance, contact Durham Constabulary on **101** or if the child is at risk of immediate harm or in a situation where a child may be imminently moved to a different location, contact Durham Constabulary on **999**.

The case must be referred by telephone to Children's Social Care via the Childrens Initial Advice Team **01325 406252** in accordance with the [DSP Multi-Agency Safeguarding Children Procedures](#). Out of hours, the Emergency Duty Team (EDT) can be contacted on **01642 524552**.

Once Durham Constabulary and Children's Services have been notified by telephone, an Information Sharing Report which should be submitted to Durham Constabulary: [force.intelligence@durham.pnn.police.uk](mailto:force.intelligence@durham.pnn.police.uk)

9.2.2 **Assessments:** Prompt decisions are needed when the concerns relate to a child who may be trafficked, to avoid the risk of the child being moved again. Where a child has been trafficked, the assessment should be carried out immediately as the opportunity to intervene is very narrow. Children may not self-identify as a victim and may be loyal to their 'carers'. They are likely to be distrustful of the authorities. 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 an assessment takes place and for the possibility that they may not be able to disclose full information about their circumstances immediately. Specific action during the assessment of a child who is possibly trafficked should include:

- considering the need for an urgent Strategy Discussion/Meeting
- seeing and speaking with the child and family members as appropriate - the adult purporting to be the child's parent, sponsor or carer should not be present at interviews with the child, or at meetings to discuss future action
- liaison with the Police
- checking all documentation held by child, the family, the referrer and other agencies. Copies of all relevant documentation should be taken and together with

a photograph of the child, be included in the social worker's file. It is necessary to liaise with the Police in respect of documentation, as original documents may need to be secured for evidential purposes.

- checking with the Local Authority for children missing from education

**9.2.3 When the age of the victim is uncertain:** If the age of the potential victim is uncertain and there are reasons to believe that the person is a child, the victim should be presumed to be a child and receive immediate access to protection, support and accommodation as outlined in S 51(2) Modern Slavery Act 2015. If there are concerns that the potential victim is not a child, an age assessment should be undertaken by Adult Social Care. During this time the child should be provided with support and accommodation.

**9.2.4 Strategy meeting and S 47 enquiries:** An early Strategy Meeting/Discussion should take place to decide whether to conduct a joint interview with the child and, if necessary, with the family or carers. Under no circumstances should the child and their family members or carers be interviewed together.

**9.2.5 Interpreters:** In cases where English is not the child's first language, it may be necessary to use an interpreter. Family members or carers must not be allowed to act as an interpreter. An interpreter should be obtained from an approved list and must not be connected to the child.

**9.2.6 The 'Duty to Notify' the NRM and the role of Children's Social Care:** The Local Authority is a designated 'first responder' and if the Local Authority is in receipt of information about a child who is at risk of Modern Slavery, the Local Authority has a duty to notify the National Referral Mechanism (NRM). See [GOV.UK - Modern Slavery Referral](#) for guidance on the submission of the [referral form](#) to the NRM.

See paragraph 7 for further information on the National Referral Mechanism (NRM) and the duty to notify.

**It should be noted that the 'Duty to Notify' and the submission of a referral to the NRM should not be used as a means of safeguarding a victim. Safeguarding procedures must be invoked at the outset and must operate in tandem with the NRM notification.**

**9.2.7 Returning Trafficked Children to their Country of Origin:** In many cases, trafficked children apply to the UK Visas and Immigration (UKVI) for asylum or for humanitarian protection. For some, returning to their country of origin presents a high risk of being re-trafficked, further exploitation and abuse.

If a child does not qualify for asylum or humanitarian protection and adequate reception arrangements are in place in the country of origin, the child will usually have to return to the home country. It is important that this is handled sensitively and with assistance with reintegration, which is available through voluntary return schemes. There remains a duty of care towards any child who is in the process of being returned to their country of origin.

A risk assessment needs to be undertaken into the potential risks a child may face if they were to return home. A safe reception arrangement needs to be in place with arrangements for education, health care. Different countries have varying arrangements to support repatriated children and the specific conditions of the relevant country should be investigated.

If repatriation is being considered for a child, the agency should work closely with the relevant Local Authority in the victim's country of origin, in order to ensure that the receiving authority has made provision for a continuous package of care. In order to facilitate this process, it is possible to contact [Children and Families Across Borders \(CFAB\)](#) on **020 7735 8941**.

**9.2.8 Trafficked Children who are Looked After:** Trafficked children identified as Unaccompanied Asylum Seeking Children (UASC) may be accommodated.

The assessment of their needs to inform their Care Plan, should include a risk assessment of how the Local Authority intends to protect them from any trafficker being able to re-engage the child in further exploitative activities. This plan should include contingency plans to be followed if the child goes missing. Residential staff and foster carers should be vigilant and made aware of the the potential high risk to themselves and the child they are caring for. Trafficking is a serious offence often linked to organised and dangerous crime. Contingency plans, additional safety and security measures should be discussed with those involved and necessary action taken.

The Local Authority should continue to share with the regional UK Visas and Immigration office and the Police, any information which emerges during the placement of a child who may have been trafficked, concerning potential crimes against the child, risks to other children or relevant immigration matters.

**9.2.9 Trafficked Children who are missing:** Significant numbers of children who are categorised as UASC have also been trafficked. Some of these children go missing before they are properly identified as victims of trafficking. Such cases should be urgently reported to the UK Visas and Immigration and the Police. Local Authorities should consider seriously the risk that a trafficked child is likely to go missing.

**9.3 Role of Adult Social Care:** Social Care practitioners need to recognise and understand the signs which may indicate that an individual is a potential victim of Modern Slavery (see para 5). Adult social care practitioners may receive a referral from Health, a children's social worker, environmental health or asylum teams as a safeguarding concern, or a potential victim may have been referred to adult social care for another reason. It is the role of the social care practitioner to identify potential causes for concern and take appropriate action.

Prompt decisions are needed when the concerns relate to an adult who may be trafficked, to avoid the risk of the victim being moved again. Where an adult has been trafficked or enslaved, prompt action is required as the opportunity to intervene is very narrow.

In cases where an adult has been rescued or an individual is believed to be at risk of Modern Slavery but is not in imminent danger, a referral must be made to the Police by contacting **Durham Constabulary** on **101**.

Professionals should complete an Information Sharing report which should be submitted to: [force.intelligence@durham.pnn.police.uk](mailto:force.intelligence@durham.pnn.police.uk)

It is important that practitioners are aware that the [Darlington Multi-Agency Policy, Procedures and Practice Guidance to Safeguard Adults at risk of Abuse and Neglect](#) apply to potential victims of trafficking and slavery. Safeguarding will always take precedence over the National Referral Mechanism.

- 9.3.1 Referring cases to Adult Social Care:** Cases should be referred to Adult Social Care if the victim is receiving care and support for their needs or has an appearance of having care and support needs and as a result of the care and support needs, is unable to protect themselves. Before submitting a safeguarding concern, the consent of the potential victim should be sought, and their comments noted. If there is doubt as to whether the victim has capacity to consent to the safeguarding process, a capacity assessment should be completed. If the adult lacks capacity, a best interest decision should be made. If the adult has capacity and does not consent to the safeguarding process, then the concern must still be submitted for the attention of the Safeguarding Adults Managers.

A referral can be made by contacting the First Response Team on **01325 406111** or complete a [safeguarding adults concern form](#) and submit to [SSACT@darlington.gov.uk](mailto:SSACT@darlington.gov.uk) in accordance with [DSP Safeguarding Adults with Needs for Care and Support Procedures](#). Out of hours the Emergency Duty Team (EDT) can be contacted on **01642 524552**.

In the event of an emergency contact Durham Constabulary on **101**.

It should be noted that even in the absence of the consent of an adult with capacity, Durham Constabulary should be notified on **101** or via the submission of an Information Sharing report to: [force.intelligence@durham.pnn.police.uk](mailto:force.intelligence@durham.pnn.police.uk) (see para 8.3.5).

- 9.3.2 Assessment of care and support needs:** It should be noted that many adult victims of Modern Slavery do not self-identify and may not present as having obvious care and support needs and may not wish to cooperate with the authorities. For this reason, many victims are 'held in plain sight'. Some circumstances may require immediate attention as this may be the one chance to help the victim. Many victims have been trafficked because they are vulnerable for reasons of poverty, mental health issues, alcohol or drug dependency, learning disability or other factors. Sometimes human trafficking and Modern Slavery initially presents another category of abuse such as domestic abuse or sexual abuse, resulting in the practitioner not recognising that Modern Slavery is a factor. Adults with learning disabilities and mental health issues may be particularly vulnerable to trafficking and exploitation. Any individual or their representative can request an assessment of care and support needs. When any concern is raised, it is important that practitioners assess whether or not the adult has care and support needs.

**9.3.3 Mental Capacity and Advocacy considerations:** Adult social care practitioners may be asked to make an assessment of an adult's capacity, to consent to the safeguarding process or referred to the NRM. When any concern is raised, it is important that practitioners assess whether or not the adult has care and support needs and for those adults who currently receive support, whether the support plan needs to be reviewed to ensure it is appropriate in meeting the individual's ongoing needs.

If the individual lacks capacity to make a specific decision as a result of impairment of the mind or brain, the best interests process should be followed, and an advocate appointed. An assessment may need to be conducted again during the process, given that any mental capacity assessment is 'moment specific'.

Should an individual appear to have capacity but there is concern that the person is making unwise decisions as a result of 'undue influence', the evidence should be collated to demonstrate that whilst the individual has capacity, their decisions are a consequence of threats or intimidation by the traffickers/Modern Slavery facilitators (for example, threat of assault/threats to family in their home country/threat of going to prison) and are placing them in harm.

In cases where individuals have capacity but who are making unwise decisions due to coercion or undue influence, an application to invite the High Court to exercise its powers under Inherent Jurisdiction should be considered and where appropriate, action taken to issue such an application.

**9.3.4 When the age of the victim is uncertain:** Adult Social Care practitioners may be asked to complete an age assessment for a potential victim, where there is uncertainty about their age (see para 9.2.3).

**9.3.5 Initial Enquiries:** Information should be obtained from the referrer and the adult at risk, or their representative or advocate. If the victim's first language is not English, it may be necessary to use an interpreter. An interpreter must be from an approved list and must not be connected to the victim. Practitioners must make sure that if the victim is accompanied by a representative, that this person is not connected to the trafficker/facilitator. It should be noted that the organised crime groups are very sophisticated and often identify and recruit certain victims to take charge of and control others and that representatives or interpreters could be part of the abuse network. It may be appropriate to consider the use of an independent advocate. The views and wishes of the adult at risk should be obtained.

**9.3.6 Risk Management Response/Safeguarding:** If the adult has care and support needs or an appearance of care and support needs, and is at risk of or experiencing abuse within the context of Modern Slavery and is unable to protect themselves because of their care and support needs, follow the guidance in the [Darlington Multi-Agency Policy, Procedures and Practice Guidance to Safeguard Adults at risk of Abuse and Neglect](#). Victims often have multiple health issues and medical assistance must be sought where necessary (see para 7.11). The safety of the victim is paramount, and the practitioner must make provision for accommodation as soon as a potential victim is identified, as there will be a significant risk from the trafficker or

Modern Slavery facilitator. If an adult victim requires support or safe accommodation, the first responder must contact the Salvation Army's 24-hour referral line **0300 303 8151**. Victims often have health issues and if necessary, provision must be made for medical treatment.

In summary practitioners should:

- consider the person's immediate safety and involve the Police in this process
- obtain the victim's narrative, including their desired outcome
- inform them of the processes (NRM/safeguarding/Police investigation)
- consider a multi-agency meeting involving Police, Adult Social Care, the Home Office, Health and Advocates
- if the adult agrees, involve third sector partners which manage specialist human trafficking and Modern Slavery welfare
- consider continuity of care and protection planning if the person leaves the geographical location.

**9.3.7 The 'Duty to Notify' the NRM and the role of Adult Social Care:** The Local Authority is a designated 'first responder' and if the Local Authority is in receipt of information about a child who is at risk of Modern Slavery, the Local Authority has a duty to notify the National Referral Mechanism (NRM). See [GOV.UK - Modern Slavery Referral](#) for guidance on the submission of the [referral form](#) to the NRM.

See Para 7 for further information on the National Referral Mechanism (NRM) and the duty to notify.

**It should be noted that the 'Duty to Notify' and the submission of a referral to the NRM should not be used as a means of safeguarding a victim. Safeguarding procedures must be invoked at the outset and must operate in tandem with the NRM notification.**

**9.3.8 Adults and consent:** It is important to note that the victim is not obliged to cooperate with the Police or accept support through the NRM process. In cases where consent to inform the Police is not forthcoming, Durham Constabulary must nevertheless be notified and the force intelligence referral form should still be submitted to [force.intelligence@durham.pnn.police.uk](mailto:force.intelligence@durham.pnn.police.uk), omitting the victim's personal details. This enables the Police to develop a picture of Modern Slavery and organised crime groups and disrupt criminality.

In respect of adults, the NRM form includes a section to confirm whether the potential victim has indicated whether they will cooperate with the Police. If the victim indicates they will cooperate, they will be contacted by the Police, otherwise communication by the Police will be with the person who made the third-party referral. When an adult victim of Modern Slavery does not consent to a referral to the NRM, the first responder will complete the form MS1 and send to [dutytonotify@homeoffice.gsi.gov.uk](mailto:dutytonotify@homeoffice.gsi.gov.uk). (see para 7.3 Adult Victims and Consent) including the location of the victim and details and the intelligence.

9.3.9 **Repatriation considerations:** Should an individual wish to return to their country of origin, then arrangements should be made for this to take place. The combination of the individual having care and support needs and having been a recent victim of trafficking is challenging, and failure to adequately plan for the future may cause the individual to be targeted again. The duty of care still exists, and practitioners should seek assurances such as:

- who will meet them on arrival in their home country
- what accommodation is available
- initial subsistence
- health considerations

## 10. POLICE AND CROWN PROSECUTION SERVICE (CPS) AND STATUTORY DEFENCE

In all criminal investigations Police and the CPS should consider whether the suspect is a victim of trafficking and whether modern slavery is a factor in the offending and whether the [statutory defence](#) (S. 45 Modern Slavery Act 2015) may apply. The statutory defence enshrined in law the principle of non-punishment of victims for their involvement in criminal activities which they have been compelled to do as a consequence of being trafficked. The statutory defence must be raised at the earliest possible stage in the criminal justice process in order to reduce the risk of non-trafficked criminals being able to benefit from the statutory defence and to reduce the incidence of cases being discontinued once the statutory defence is raised.

## 11. MEMORANDUM OF UNDERSTANDING IN RELATION TO THE PROVISION OF TEMPORARY ACCOMMODATION AND SUPPORT TO VICTIMS

A Memorandum of Understanding (MOU) has been developed with Durham Constabulary and County Durham Safeguarding Adults Inter-Agency Partnership, in relation to the funding of reception centres, temporary accommodation, support to victims and repatriation considerations. See **Appendix 1** for the MOU.

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**MEMORANDUM OF UNDERSTANDING IN RELATION TO VICTIM RECEPTION CENTRES FOR POTENTIAL VICTIMS OF MODERN SLAVERY, TRAFFICKING and EXPLOITATION AND RELATED SUPPORT**

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**BETWEEN**

**Durham Constabulary**

**Durham Police Crime and Victim Commissioner**

**Darlington Borough Council**

**Durham County Council**

**British Red Cross**

**NHS County Durham Clinical Commissioning Group (in line with NHS England approach)**

**National Probation Service**

(In with the Salvation Army Modern Slavery Victim Care Contract)

**BACKGROUND**

Under the Modern Slavery Act 2015 and the Council of Europe Convention on Action against Trafficking in Human Beings (EACT), Durham Constabulary has the lead responsibility to support potential victims of modern slavery/trafficking. This requires working with a range of partner agencies and agreement to work collaboratively to achieve that support.

The Parties to this memorandum of understanding have agreed to work collaboratively to support potential victims of modern slavery, trafficking or exploitation.

The Parties wish to record the basis on which they will collaborate with each other in relation to modern slavery, inclusive of planned and unplanned operation and their roles and responsibilities.

This Memorandum of Understanding (MoU) sets out:

1. the parties to this agreement
2. the key objectives of this agreement
3. the principles of collaboration
4. the governance structures the parties will put in place; and
5. The respective agreed roles and responsibilities for the parties in relation to modern slavery

**PARTIES**

Durham Constabulary

Durham Police, Crime and Victims Commissioner

Durham County Council:

- Adults and Health Service
- Children and Young People Service
- Housing Solutions
- Civil Contingencies Unit

Darlington Borough Council:

- Adult Social Care
- Children Social Care
- Housing
- Civil Contingencies Unit

British Red Cross

NHS County Durham Clinical Commissioning Group

Salvation Army

## KEY OBJECTIVES

The parties to this agreement shall cooperate to assist the Police and any other appropriate Agency to provide the relevant and appropriate support to victims.

This includes but is not limited to:

1. Access to a place of safety (e.g. victim reception centre)
2. Risk assessment
3. Assessment of health and/or care and support needs (where appropriate)
4. Housing/accommodation assessment
5. Referrals to the National Referral Mechanism (NRM)

The MoU intends to make clear any financial and/or resource responsibilities upon parties to this agreement.

This memorandum is reflective of [the Modern Slavery Act 2015 – Statutory Guidance](#) for England and Wales (Home Office, April 2020) and therefore does not supersede any guidance nor does it form any legal relationship but moreover serves as a basis framework for effective partnership working.

## PRINCIPLES OF COLLABORATION

In line with the Modern Slavery Act (MSA) 2015, and Statutory Guidance, local law enforcement agencies have responsibility for proactively leading modern slavery investigations, identifying potential victims, making referrals into the National Referral Mechanism (NRM) arresting perpetrators and raising awareness in their jurisdictions. Police are responsible for working with Local Authorities and healthcare organisations/providers to safeguard children and vulnerable adults.

Operations led by police may be both planned and unplanned, with the potential for spontaneous occurrences of potential victims.

An essential requirement of any planned/unplanned operation of the police is to notify all relevant parties at the earliest opportunity to ensure appropriate and adequate planning for the support of victims as and is appropriate.

The lead officer of any operation(s) holds responsibility to ensure timely notification to agencies.

The parties agree to adopt the following principles:

1. Collaborate and co-operate. Establish and adhere to the governance structure set out in this MoU to ensure that activities are delivered, and action is taken as required;
2. Be accountable. Take on, manage and account to each other for performance of the respective roles and responsibilities set out in this MoU;
3. Be open. Communicate openly about major concerns, issues or opportunities relating to modern slavery, trafficking and exploitation.
4. Learn, develop and seek to achieve full potential. Share information, experience, materials and skills to learn from each other and develop effective working practices, work collaboratively to identify solutions, eliminate duplication of effort, mitigate risk and reduce cost. Behave in a positive, proactive manner;
5. Adhere to statutory requirements and best practice. Comply with applicable laws and standards including EU procurement rules, data protection and freedom of information legislation;
6. Act in a timely manner. Manage stakeholders effectively. Deploy appropriate resources. Ensure sufficient and appropriately qualified resources are available and authorised to fulfil the responsibilities set out in this MoU; and
7. Act in good faith to support achievement of the Key Objectives and compliance with these Principles.

## GOVERNANCE

Governance arrangements of this MoU will:

1. Provide strategic oversight and direction.
2. Be based on clearly defined roles and responsibilities at organisation, group and, where necessary, individual level. Align decision-making authority with the criticality of the decisions required.
3. Provide coherent, timely and efficient decision-making.

Modern Slavery, trafficking and exploitation sits under the governance arrangements of the Local Safeguarding Adults Partnerships for Durham and Darlington.

### Single Points of Contact

This MoU consists of representatives from each of the primary agencies involved in executing planned and unplanned operational responses to modern slavery.

Each single point of contact shall have responsibility for the creation and execution of identified activities and therefore it can draw upon any technical, commercial, legal and communications resources as appropriate to support the multi-agency response.

Core parties to this agreement (inclusive of signatories) include:

- Durham Constabulary
- Durham Police Crime and Victims Commissioner
- Durham County Council (as noted earlier)
- Darlington Borough Council (as noted earlier)
- NHS County Durham Clinical Commissioning Group
- British Red Cross
- Salvation Army
- National Probation Service

This Multi-Agency agreement outlines the tactical and operational management in line with agreed key objectives. A multi-agency agreed [referral pathway](#) will accompany this document. All agencies should be mindful of additional guidance (referenced within this MoU) and resources as outlined in Annex C.

Liaison and coordination shall be carried out as and when identified. There is a clear expectation upon all parties to keep agencies informed.

All parties will share information in line with the relevant information sharing protocols and in line with the General Data Protection Regulations May 2018.

## Definitions

For the purpose of this MoU and referral pathway, definitions relating children and adults are outlined below and in line with statutory guidance:

“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 2014 refers to an adult who has needs for care and support, who is experiencing, or at risk of, abuse or neglect and as a result of their care needs is unable to protect themselves;

“Child” is any person under the age of 18. Where there are reasonable grounds to believe a person may be under 18 it is presumed they are a child, unless and until their age is otherwise determined, for example, by an age assessment carried out by a Local Authority. Further information is provided within statutory guidance for presumption of age.

## Reporting

During planned/unplanned operations the Police will take the lead, this includes meeting obligations to notify the Home Office of suspected victims and/or referrals to the National Referral Mechanism (NRM).

A duty to notify the Home Office of suspected victims of modern slavery also applies to wider

agencies, for example, National Crime Agency (NCA), Local Authorities, Gangmasters Labour Abuse Authority (GLAA). For all suspected instances of modern slavery, an MS1 form should be completed and returned to [dutytonotify@homeoffice.gsi.gov.uk](mailto:dutytonotify@homeoffice.gsi.gov.uk).

For the purpose of this MoU the police will confirm whether an [MS1](#) has been completed and returned, or whether another agency will be tasked to complete (this is to prevent duplication of reporting for planned/unplanned operations).

For individual representations, all agencies will contact 101 in the first instance for advice and confirm which agency will complete the MS1 form in line with the duty to notify.

If a victim consents to engaging with the NRM during the course of planned/unplanned operations, [a referral form](#) should be completed and returned to [nrm@nca.x.gsi.gov.uk](mailto:nrm@nca.x.gsi.gov.uk) or by fax to 0870 496 5534. See accompanying pathway document for further guidance.

A copy referral should be sent to the Salvation Army ([MST@salvationarmy.org.uk](mailto:MST@salvationarmy.org.uk)) if they request support.

Parties shall be responsible for drafting reports into their respective organisation as and when required.

Every report should be marked in line with government classification requirements for example, OFFICIAL – SENSITIVE and should be shared on a need to know basis. An illustrative example may be a ‘debrief report’ to parties involved in operations.

Durham Constabulary as the lead agency for coordinating and managing modern slavery operations both planned and unplanned shall report to both the Durham and Darlington LSABs on an annual basis unless otherwise agreed. Any reports to the LSAB should consider marking appropriately.

### **Roles and Responsibilities**

The nature of modern slavery, trafficking and exploitation means that potential victims may present through a variety of ways and may also present in higher numbers or on an individual basis.

This MoU outlines some scenarios that may identify potential victims. In each instance potential resources and/or support requirements for those victims may vary.

### **Planned Operations**

Planned operations - led by the police. Due to the nature of these operations, the police will ensure there is sufficient time for advanced planning by linking with any relevant parties to this MoU.

At the earliest opportunity, parties to this MoU should be aware of any assessment of risk and allocation of resources that may be required.

This type of operation could include a number of victims, it is imperative that allocation of resources inclusive of identification of an appropriate victim reception centre is undertaken in a timely manner.

The provision of a Reception Centre may be required in some circumstances to support the response to a modern slavery/ trafficking situation. The purpose of the Reception Centre is two-fold:

1. To identify potential victims of modern slavery/trafficking and offer safeguarding/welfare support
2. To obtain evidence of any criminal activity potential victims highlight.

If a potential victim elects not to co-operate with the evidence gathering and does not want to support a criminal prosecution, this will not prevent that person being provided with multi-agency support and care in the Reception Centre.

### Unplanned Operations

A variety of unplanned operations may arise, illustrative examples (not exhaustive):

1. Unplanned operations – led by the police e.g. an alternative police operation relating to another unrelated crime, identifies a high number of people held in a lorry.
2. Unplanned operations – identified by another agency, e.g. Trading Standards in the course of their duties and licensing activity identify potential victim(s) of exploitation or domestic servitude.
3. Unplanned presentations– identified by another agency, e.g. spontaneous instance whereby potential victims present to social care.

All of the above may identify low or high numbers of potential victims. In all instances, it is imperative that allocation of resources inclusive of identification of any victim reception centre/temporary assistance centre and assessment needs is completed in a timely manner. For all large-scale instances and at the earliest opportunity, notification will be made to the respective Council Civil Contingencies Unit and relevant parties so that the most appropriate response can be agreed.

The CCU Duty Officer can be contacted to request support at any unplanned large-scale incident involving suspected modern-day slavery to:

- Act as single point of contact for Durham Constabulary or other referring agency in activating Durham County Council or Darlington Borough Council services.
- Set up and arrange staffing of temporary emergency assistance centres to offer immediate shelter and support to victims.

Each incident will be assessed on a case-by-case basis and a decision about the need, type, size and location of any assistance centre will be made in partnership with relevant internal and external partners. This includes Durham Constabulary, local authority tactical officers, and housing and social care teams and depending on the nature of the incident and support needs of those involved.

Options may include:

- Setting up an immediate short-term emergency assistance centre staffed by an on call local authority rest centre manager with support from multi agency partners until appropriate, alternative facilities can be identified to enable the National Referral Mechanism carried out.
- Finding appropriate short-term accommodation (e.g. B&B) until further appropriate, alternative facilities can be identified to enable the National Referral Mechanism to be fully implemented (see also Roles and Responsibilities)

*Short-term accommodation - A victim reception centre/emergency assistance centre may not always be required and in this instance any potential victims can be referred to relevant agencies for support, note, the police are the lead agency for modern slavery, and therefore should be informed. The allocation of resources may include assessment and care planning or safeguarding assessment.*

Accommodation needs – a Government Awarded Modern Slavery Victim Care Contract (MSVCC) is in place (2020) to meet the needs of potential adult victims for up to three days in a place of safety (PoS) upon immediate extraction from a situation of risk. Police will take the lead for referrals for PoS to the Salvation Army. For all children instances, referral to the respective Council and Children Services must take place. For Durham contact First Contact (Children) Social Care Direct (Adults) on 03000 267979 and for Darlington contact Children’s Initial Advice Team (Children) on 01325 406252 or First Point of Contact Team (Adults) on 01325 406111 and 01325 406252 (or Out of Hours Emergency Duty Team on 01642 524552)

In all of the above instances, support for victims to engage with the National Referral Mechanism should take place. Notification via 101 will take place and parties should agree who will take the lead for MS1 notifications and referrals to the NRM (primarily the police to prevent duplication where appropriate).

In all instances, consideration should be given to reporting concerns to Social Care.

**Referring cases to Adult Social Care:** Potential victims should be referred to Social Care in line with criteria, i.e. they are an adult with care and support needs or have an appearance of care and support needs and as a result of those needs is unable to protect themselves.

Social Care will take the lead for determining any safeguarding or assessment needs.

Before submitting a safeguarding concern the consent of the potential victim should be sought.

If there is doubt as to whether the victim has capacity to consent to safeguarding intervention a capacity assessment should be completed. If the adult lacks capacity a best interest decision should be made. If the adult has capacity and does not consent to safeguarding intervention, then the concern should be submitted only if there is a public interest or vital interest considerations apply and in line with the Data Protection Act 2018.

A referral can be made by contacting;

DCC First Contact (Children) Social Care Direct (Adult) on **03000 267979** (Same for Emergency Duty Team and applies outside of normal office hours)

DBC First Point of Contact Team (Adults) on **01325 406111** or complete a referral form and submit to [SSACT@darlington.gov.uk](mailto:SSACT@darlington.gov.uk) or Children's Initial Advice Team (Children) on 01325 406252 Out of hours the Emergency Duty Team (EDT) can be contacted on **01642 524552**. DBC staff will notify the police via the submission of an Information Sharing report to: [force.intelligence@durham.pnn.police.uk](mailto:force.intelligence@durham.pnn.police.uk) in the absence of the consent of an adult with capacity in line with their own guidance.

In all circumstances, staff will follow the related Safeguarding Policy and Procedures i.e. where urgent assistance is required or in an emergency situation by contacting 101 or 999.

If there are concerns for children all parties will follow the relevant guidance accessible via the Local Safeguarding Children Partnerships for [Durham](#) and [Darlington](#).

The parties shall undertake their and responsibilities in relation to operations as outlined in Annex A.

See Annex B – For potential cost considerations by agencies out with of business as usual (includes costs related to adults who are not eligible for local authority support for example accommodation).

The Lead party has principal responsibility for undertaking particular activities and so must determine how to undertake the task.

The Lead must strive to meet the Key Objectives and consult with the supporting parties in advance if the supporting parties are to have a role in respect of particular activities.

The supporting party will defer to the Lead on a particular activity but will have the opportunity to review and provide input to the Lead before they take a final decision on any activity.

All input must be provided by the supporting party in a timely manner and must as a minimum be considered by the Lead, with a response provided in writing to the supporting party, even if not acted upon.

The Lead party must consider carefully and amend any operations accordingly if the concern raised by the supporting party involves a monetary or a personnel resource of the supporting party. Any negotiation as to action should be confirmed in writing.

## **ESCALATION**

If any party to this agreement identifies any issues, concerns or complaints about operations outlined in this MoU, that party shall notify the other party with a view to seeking to resolve the issue by a process of consultation.

If the issue cannot be resolved within 14 days, the matter shall be escalated to appropriate senior officers/signatories of the parties for resolution.

If either party receives any formal inquiry, complaint, claim or threat of action from a third party (including, but not limited to, claims made by a supplier or requests for information made under the Freedom of Information Act 2000) in relation to operations, the matter shall be promptly referred to the senior officers/signatories from each party.

No action shall be taken in response to any such inquiry, complaint, claim or action, to the extent that such response would adversely affect any operations, without an acknowledgment in writing from the senior officers/signatories of this MoU, although each acknowledgment need not necessarily contain an agreed consent.

## **TERM AND TERMINATION**

This MoU shall commence on the date of signature by all parties and shall be reviewed on an annual basis and in conjunction with any legislative change(s) or notable change for example, the anticipated government funded places of safety.

Any party may terminate this MoU by giving at least three months' notice in writing to the other party at any time.

## **VARIATION**

This MoU, including the Annexes, may only be varied by written agreement of all Parties.

All parties commit to alert other(s), and to prioritise any variation to this agreement resulting from relevant legislative change(s) and/or related statutory guidance for their own agency or other parties in relation to modern slavery.

## **CHARGES AND LIABILITIES**

Except as otherwise provided, the parties shall each bear their own costs and expenses incurred in complying with their obligations under this MoU.

The parties agree to share the costs and expenses arising in respect of the Project between them in accordance with the Contributions Schedule set out in B to this MoU.

Both parties shall remain liable for any losses or liabilities incurred due to their own or their employee's actions and neither party intends that the other party shall be liable for any loss it suffers as a result of this MoU.

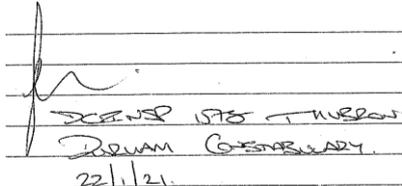
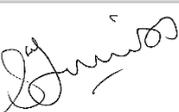
## **STATUS**

Nothing in this MoU is intended to, or shall be deemed to, establish any partnership or joint venture between the parties, constitute either party as the agent of the other party, nor authorise either of the parties to make or enter into any commitments for or on behalf of the other party.

## **GOVERNING LAW AND JURISDICTION**

This MoU shall be governed by and construed in accordance with English law and, without affecting the escalation procedure set out in Clause 6, each party agrees to submit to the exclusive jurisdiction of the courts of England and Wales.

## SIGNATORIES

Signed for and on behalf of Durham Constabulary	
Signature:	 STEPHEN THUBRON DURHAM CONSTABULARY 22/1/21
Name:	Stephen Thubron
Position:	Detective Chief Inspector, Durham Constabulary
Date:	22/01/2021
Signed for and on behalf of National Probation Service	
Signature:	
Name:	Kay Nicholson
Position:	Head of NPS Durham Probation Delivery Unit, National Probation Service North East
Date:	19/01/2021
Signed for and on behalf of Durham County Council, Adult and Health Services	
Signature:	
Name:	Lee Alexander
Position:	Head of Adult Care
Date:	08/02/2021
Signed for and on behalf of Durham County Council, Housing Solutions	
Signature:	
Name:	Stuart Timmiss
Position:	Head of Development and Housing
Date:	12/02/2021
Signed for and on behalf of Durham County Council, Children and Young Peoples Services	
Signature:	
Name:	Helen Fergusson
Position:	Head of Children's Social Care
Date:	05/02/2021

Signed for and on behalf of Durham County Council, Children and Young Peoples Services	
Signature:	
Name:	John Pearce
Position:	Corporate Director, Children and Young People's Services
Date:	15/02/2021
Signed for and on behalf of Durham County Council, Adult and Health Services	
Signature:	
Name:	Jane Robinson
Position:	Corporate Director of Adult & Health Services
Date:	22/02/2021
Signed for and on behalf of NHS County Durham Clinical Commissioning Group	
Signature:	
Name:	Gill Findley
Position:	Director of Nursing and Quality
Date:	12/02/2021
Signed for and on behalf of Durham Police Crime and Victim Commissioner	
Signature:	
Name:	
Position:	
Date:	
Signed for and on behalf of British Red Cross	
Signature:	
Name:	
Position:	
Date:	
Signed for and on behalf of Darlington Borough Council Housing Services	
Signature:	
Name:	Anthony Sandys
Position:	Assistant Director – Housing and Revenues
Date:	22/04/2021

Signed for and on behalf of Darlington Borough Council People Services	
Signature:	
Name:	James Stroyan
Position:	Director of People
Date:	22/04/2021

## CONTACT POINTS

### Name: Durham Constabulary

Tel No: 101

### Name: Durham County Council – Adult and Health Services (Social Care Direct)

Tel No: 03000 267979

E-mail: [scdsecured@durham.gov.uk](mailto:scdsecured@durham.gov.uk)

### Name: Durham County Council – Housing Solutions

Tel No:

E-mail: [housingsolutions@durham.gov.uk](mailto:housingsolutions@durham.gov.uk)

### Name: Durham County Council/Darlington Borough Council – Civil Contingencies Unit

Tel No: 03000 264654

E-mail: [ccuenquiries@durham.gov.uk](mailto:ccuenquiries@durham.gov.uk)

### Name: British Red Cross – Emergency Response Officer

Office Address: British Red Cross, Adelaide Court, Belmont, Durham, DH1 1TW

Tel No: 0300 023 0700 (24 hrs/7 days)

E-mail: [CRCC@redcross.org.uk](mailto:CRCC@redcross.org.uk) (For use by Local Resilience Forum Agencies only)

### Name: Darlington Borough Council – Housing Services

Tel No: 01325 405333

E-mail: [housing@darlington.gov.uk](mailto:housing@darlington.gov.uk)

## **ANNEX A – Roles and Responsibilities for Modern Slavery by Operation Type**

### **Planned and Unplanned Operations (Police led - intelligence led, numbers potentially known)**

#### **Durham Constabulary**

Overall Lead of the operation and investigation.

Notification to other agencies in line with single point of contact arrangements for planned operations (advance notice).

Immediate extraction of potential victims and protection (which may include a victim reception centre for planned/unplanned instances)

Identification and sourcing victim reception centre (Civil Contingencies Unit only in unplanned instances and a group of victims)

Lead and manage any Victim Reception Centre

Liaison with colleagues, for example, Major Incident procedures, Tactical Coordination

Update and brief all relevant agencies in line with locally agreed procedures (e.g. Civil Contingencies Unit)

Evidence Gathering/interviews.

Media and communications including statements/ social media monitoring and provision.

Linking with wider partners Communication Officers.

On-site security and overnight welfare and safety support within any VRC.

Provision of vetted and appropriate number and proficient interpreters (for any evidential purposes) in line with any PCVC commissioned services such as Victim Services.

Liaise with representatives of the Modern Slavery Human Trafficking Unit (MSHTU)/Single Competent Authority (SCA) – and linking with the National Crime Agency, UK Visas and Immigration and Department of Work and Pensions in terms of potential immigration and related issues.

Notify the Home Office of potential victims of Modern Slavery (if an NRM referral is not being made).

Link with Salvation Army for immediate support for example transfer from a VRC to a three-day place of safety, and/or referral for emergency accommodation.

Arrange the provision of suitable transport for taking potential victims to the centre/safe place or police station, other accommodation (transport to emergency accommodation or NRM accommodation is met by the Modern Slavery Victim Care Contract) *see important note*.

#### **NHS County Durham Clinical Commissioning Group (in line with NHS England approach)**

Where it is identified by the lead (police) that a potential victim requires support from a GP (whether temporary or permanent resident) or other Primary Care provider the NHS CDCCG will support to access an appropriate/signpost to the relevant service.

Identify and advise on appropriate health access for VRC for example, nurse practitioners, GP's.

Identification of other health related referrals e.g. Mental Health (usually through GP), Dentist (via NHS England) and provide advice to relevant professional/agencies to undertake.

Ensure any medication needs are met, i.e. linking with GP's and/or pharmacies or other health provision.

Notification to other partners and/or providers of support requirements relating to health for planned/unplanned instances and centre support.

Ensure appropriate briefing to NHS providers and coordinating service provision and through liaison with local authority.

Ensure any media requests/responses and/or communications including statements/staff messages are in line with police and local authority position as appropriate or identified.

Continued support and advice to primary care providers to ensure that any cases are reported to the police to 101 and local guidance for children and adults are followed for example, ensuring the victim stays within the location of the service until police arrive where consent is obtained for an adult (utilising side rooms and providing reassurance and comfort) and/or following legislative and statutory guidance for reporting concerns for children.

### **Local Authority Housing and Social Care**

Immediate short-term accommodation for spontaneous/individual representation for the purpose of pre-assessment under the Homeless Act.

Responding to any requirement to undertake any assessment of need and/or capacity and/or any human rights act assessment for those with no recourse to public funds.

Access to interpreters for the purpose of 'assessment' in line with commissioned services.

Undertake any housing assessment, and provision of accommodation where eligible.

Provide accommodation if eligible under the Homeless Act and in priority need (see also Annex B)

Provide support for unaccompanied children (via Children Services in line with child protection procedures).

Link with relevant Civil Contingencies Unit for advice and assistance if deemed appropriate for coordination of responses e.g. temporary emergency centre.

Inform County Councillors as appropriate.

Media and communications including statements/ social media monitoring and provision in consultation/direction of police as appropriate.

Liaise with relevant agencies for welfare needs e.g. food through co-ordination with related charities/agencies e.g. Salvation Army, Food Banks, British Red Cross – Humanitarian support.

### National Probation Service

Ensure relevant enquiries are carried out with the local police force and Single Competent Authority to establish if any previous NRM referrals and/or investigations have been made for any prisoners on release who make disclosure they are victim of modern slavery.

Appropriate risk assessment and risk management of any offenders disclosing they are potential victims of modern slavery.

### Salvation Army

Responsible for delivery of the Modern Slavery - Victim Care Contract (MSVCC)

Will provide accommodation (e.g. 3-day place of safety on receipt of local law enforcement referral, and/or 45-day recovery and support)

Provision of support and outreach support services to adult victims of modern slavery and human trafficking and their dependents

Providing flexible support tailored to individual recovery needs to those in the National Referral Mechanism.

### British Red Cross

Provide welfare, emotional wellbeing and basic first aid (not medication) to victims within the Victim Reception Centre.

### Wider Support

The Local Authority may also draw upon wider support networks available for example food banks, humanitarian support as appropriate.

**Important Note:** Adult victims of modern slavery, trafficking and exploitation are free to leave places of safety/victim reception centres at any time. It is imperative that agencies work together to assist victims to engage in the National Referral Mechanism if appropriate. New provision for the up to three days in a place of safety should be considered as an opportunity for all agencies to undertake relevant assessments, provide advice and support and reassure potential victims with a view to supporting that engagement with the National Referral Mechanism.

Transport of victims relating to emergency accommodation and the NRM sits with the Modern Slavery Victim Care awarded contract, should barriers exist to transport liaison will take place between agencies to agree a solution, this should be the exception.

## ANNEX B – Potential Cost implications for agencies

All agencies will consider what activity can be carried out under a 'business as usual' approach, and whether any situation of risk or emerging situation may trigger Critical Incidents and/or Civil Contingencies Unit (CCU) processes.

**Important Note;** The First Responder can request emergency accommodation for the potential victim under the Modern Slavery Victim Care Contract (MSVCC) in cases where an individual is destitute or at risk of becoming destitute, is **not eligible** for Local Authority support, or where the available Local Authority support is not suitable. Emergency Accommodation will also be provided under the MSVCC for potential victims where there is reason to believe other accommodation available to them may be unsafe or unsuitable. (see also [Annex F of Statutory Guidance](#) – updated January 2021).

Cost Description	Funded by:	Authorisation required in line with:
Victim Reception Centre (Planned operation)	Police	Internal agency procedures.
Emergency Reception Centre (Unplanned operation)	Resilience/CCU (24-hour period)	Locally agreed procedures.
Eligible accommodation needs (Planned operation)	Local Authority Housing	No
No eligible accommodation needs e.g. (Planned operation and 3-day place of safety required)	Home Office via Salvation Army	Modern Slavery Victim Care Contract
Eligible accommodation needs (unplanned operation)	Local Authority Housing	No
No eligible accommodation needs e.g. (unplanned operations and 3-day place of safety required)	Home Office via Salvation Army	Modern Slavery Victim Care Contract
Welfare Support	British Red Cross (wider voluntary sector)	Internal agency procedures
Transport to VRC	Police	Internal agency procedures
Transport to emergency accommodation if no eligible needs and/or place of safety on immediate extraction	Home Office via Salvation Army (see statutory guidance)	Government Awarded Modern Slavery Victim Care Contract
Transport from VRC/place of safety	Responsibility of the agency whose function requires that transfer e.g. child or adult leaving the centre to be accommodated by the local authority	Internal agency procedures
Interpretation Evidential/Criminal Investigation	Police and/or Home Office via Salvation Army	Internal agency procedures and/or Modern Slavery Victim Care Contract
Interpretation (assessments)	Local Authority and/or via Home Office via Salvation Army	Internal Agency procedures and/or Modern Slavery Victim Care Contract

## ANNEX C – Links to relevant forms and information

<b>Forms</b>
<a href="#">NRM Referral Form (Adults) - Guidance</a>
<a href="#">NRM Referral Form (Child) and (Adult)</a>
<b>National Guidance and Support</b>
<a href="#">Modern Slavery Act 2015 – Statutory Guidance (Home Office)</a>
<a href="#">NRM Referral Guidance</a> (HM Government)
<a href="#">MSHTU- Dealing with Potential Victims of Modern Slavery – Best Practice Guide</a> (National Crime Agency)
<a href="#">Care of Unaccompanied Migrant children and child victims of Modern Slavery</a> (Department for Education)
<a href="#">Modern Slavery – A Council Guide</a> (Local Government Association and Anti-Slavery Commissioner)
Government <a href="#">Voluntary Returns Service</a> (VRS) 0300 004 0202 (Monday – Friday between 09.00 and 17.00)
<b>Relevant Legislation (not exhaustive)</b>
<a href="#">Modern Slavery Act 2015</a> <a href="#">Civil Contingencies Act 2004</a> <a href="#">Human Rights Act 1998</a> <a href="#">Care Act 2014</a> <a href="#">Children Act 1989</a> <a href="#">Children Act 2004</a> <a href="#">Housing Act 2004</a> <a href="#">Environmental Protection Act 1990</a>
<b>Local Guidance</b>
At a Glance Toolkit (Durham Safeguarding Adults Partnership website and Darlington Safeguarding Partnerships)
<a href="#">Joint multi-agency Procedure and Practice Guidance</a> – Modern Slavery (Darlington Safeguarding Adult/Children Partnership)
<a href="#">Managing Emergencies</a> (Darlington Borough Council)
<a href="#">Emergency Planning</a> (Durham County Council)
<b>Leaflets</b>
<a href="#">HM Government ‘Help for Adult Victims of Modern Slavery’ – available in 12 languages</a>

## Appendix 2

### General Indicators of Modern Slavery (Adults and Children):

- ❖ The person acts as if instructed by another
- ❖ Distrustful of Authorities
- ❖ Injuries apparently a result of assault or controlling measures
- ❖ Evidence of control over movement, either as an individual or as a group
- ❖ Found in or connected to a type of location likely to be used for exploitation
- ❖ Restriction of movement and confinement to the workplace or to a limited area
- ❖ Passport or documents held by someone else
- ❖ Lack of access to medical care
- ❖ Limited social contact / isolation
- ❖ Limited contact with family
- ❖ Signs of ritual abuse and witchcraft (juju)
- ❖ Substance misuse
- ❖ Person forced, intimidated or coerced into providing services
- ❖ Does not know home or work address
- ❖ Perception of being bonded by debt
- ❖ Money is deducted from salary for food or accommodation
- ❖ Threat of being handed over to authorities
- ❖ Threats against the individual or their family members
- ❖ Being placed in a dependency situation
- ❖ No access or limited access to bathroom or hygiene facilities
- ❖ Accommodated in poor and overcrowded conditions
- ❖ Self identifies as a victim

## Appendix 3

### Indicators of Sexual Exploitation

- ❖ Advertises for sexual services offering individuals from particular ethnic or national groups
- ❖ Sleeping on work premises
- ❖ Movement of individuals between brothels or working in alternate locations
- ❖ Individuals with very limited amounts of clothing or a large proportion of their clothing is 'sexual'
- ❖ Only being able to speak sexual words in local language or language of client group
- ❖ Having tattoos or other marks indicating 'ownership' by their exploiters
- ❖ Person forced, intimidated or coerced into providing services of a sexual nature
- ❖ Person subjected to crimes such as abduction, assault or rape
- ❖ Someone other than the potential victim receives the money from clients
- ❖ Health symptoms (including sexual health issues)

### Indicators of Domestic Servitude

- ❖ Living with and working for a family in a private home or place of accommodation
- ❖ Not eating with the rest of the family or being given only leftovers, or inadequate food
- ❖ No private sleeping place or sleeping in shared space for example, the living room
- ❖ No private space
- ❖ Forced to work in excess of normal working hours or being 'on-call' 24 hours per day
- ❖ Employer reports them as a missing person
- ❖ Employer accuses person of theft or other crime related to the escape
- ❖ Never leaving the house without permission from the employer

## Indicators of Forced or Compulsory Labour

- ❖ No access or limited access to earnings or labour contract
- ❖ Excessive wage reductions, withholding wages, or financial penalties
- ❖ Dependence on employer for a number of services for example, work, transport and accommodation.
- ❖ Any evidence workers are required to pay for tools, food or accommodation via deductions from their pay
- ❖ Imposed place of accommodation
- ❖ Found in poor living conditions
- ❖ Found in overcrowded accommodation
- ❖ Evidence of excessive working days or hours
- ❖ Deceived about the nature of the job, location, or employer
- ❖ Employer or manager unable to produce documents required when employing migrant labour
- ❖ Employer or manager unable to provide record of wages paid to workers
- ❖ Poor or non-existent health and safety equipment or no health and safety notices
- ❖ Any other evidence of labour laws being breached

### Indicators in relation to children;

- ❖ Child has entered the country illegally
- ❖ No documentation or false documents or no identification
- ❖ In possession of cash or goods not accounted for
- ❖ Malnourished
- ❖ Accompanied by adult who insists on remaining with child at all times
- ❖ Child has a prepared story similar to that of other children
- ❖ Exhibits maturity not expected of child of such an age
- ❖ Shows signs of physical/sexual abuse/has sexually transmitted infection or unwanted pregnancy
- ❖ There are gaps in the child's history
- ❖ Child is among a number of unrelated children in one address
- ❖ Child is known to beg for money
- ❖ Child performs excessive household chores and rarely leaves the residence
- ❖ Quality of relationship between child and adult carers is poor
- ❖ Child has not been registered with GP practice or enrolled in school
- ❖ Child is excessively afraid of deportation
- ❖ Child is accompanied by an adult where the relationship is unclear
- ❖ Has adult boyfriend/girlfriend who provides money or gifts
- ❖ Child is known to frequent various locations where CSE is a risk and/or moves between various locations with adults
- ❖ Whilst resident in the UK the child:
  - does not appear to have money, but has a mobile phone
  - receives unexplained/unidentified phone calls whilst in placement/temporary accommodation
  - has a history of missing links and unexplained moves
  - is required to earn a minimum amount of money every day, works in various locations, has a limited amount of movement and is known to beg for money
  - is being cared for by an adult who is not the parent and the quality of the relationship between child and carer is poor
  - is one among a number of unrelated children found in one address

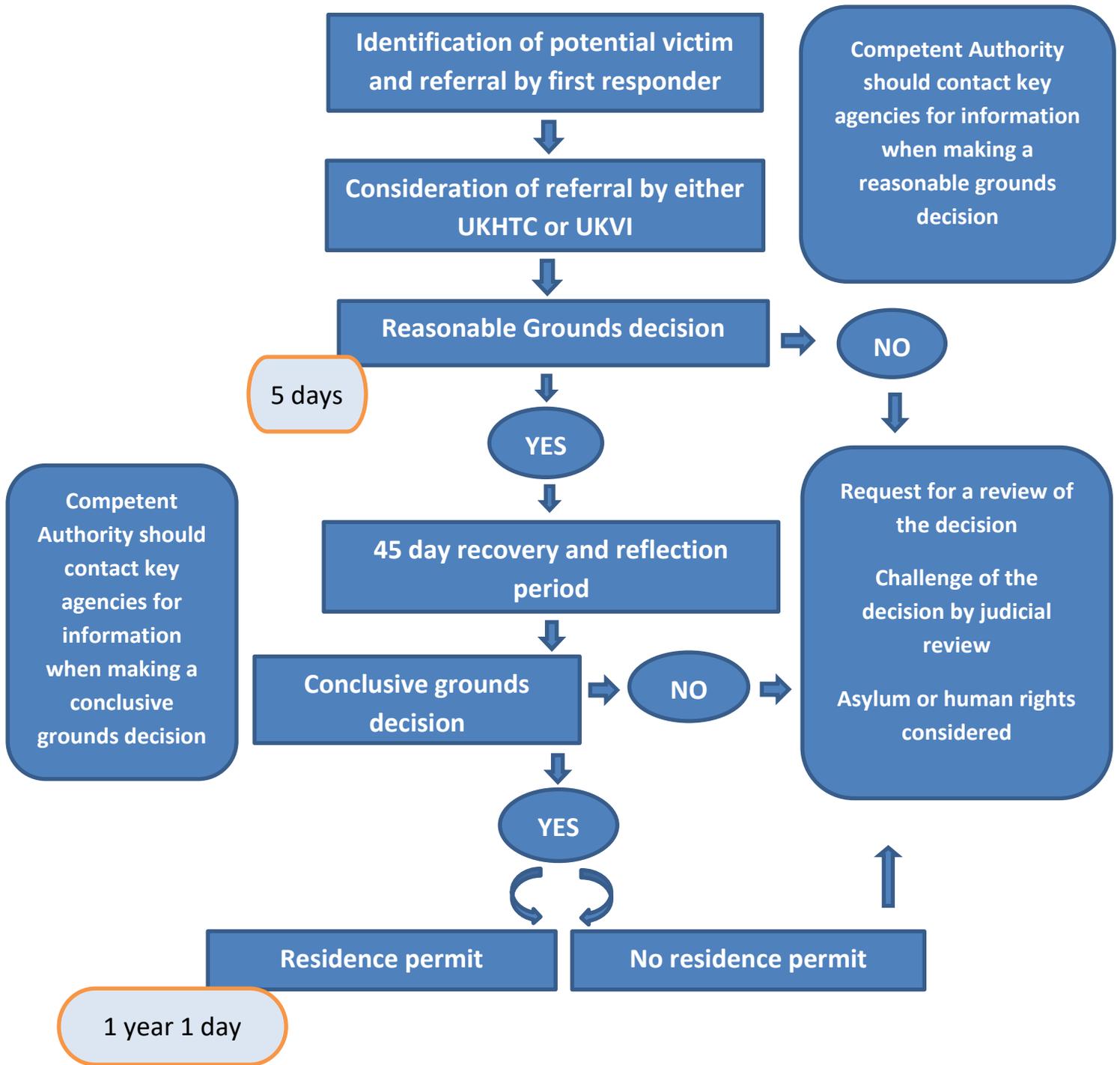
- has not been registered with a GP practice and has not been enrolled in school
- ❖ For children internally trafficked within the UK, indicators include:
  - physical symptoms which indicate physical or sexual abuse
  - behaviour indicating exploitation
  - phone calls or letter being received by the child from outside the usual range of contacts
  - the child persistently going missing and returning looking well cared for, despite having no known base
  - the child possesses large amounts of money or acquires expensive clothes/mobile phones without explanation
  - the child has low self-esteem or demonstrates self-harming behaviour, truancy or failing to engage with education
- ❖ For children who have been trafficked from overseas, indicators include:
  - child has entered the country illegally, has no passport or means of identification or has false documentation
  - child is unable to confirm the name and address of the person meeting them on arrival
  - their journey or visa is arranged by someone other than themselves or their family
  - child has a prepared story similar to those given by other children
  - child is unable or reluctant to give details of accommodation or other personal details
  - child has no evidence of parental permission for the child to travel to the UK or stay with the adult
  - child has little or no evidence of a pre-existing relationship with the accompanying adult
  - child has no knowledge of the accompanying adult

## Modern Slavery Referral Pathway

For a flowchart of the Referral Pathway see [\*MSHT Referral Pathway DSP1.\*](#)

Appendix 6

National Referral Mechanism (NRM) Referral Pathway:



## References

[The Care Act 2014](#)

[The Children Act 1989](#)

[The Children Act 2004 \(as amended by the Children and Social Work Act 2017\)](#)

[Children and Social Work Act 2017](#)

[Council of Europe Convention on Action against Trafficking Human Beings](#)

[Crime and Disorder Act 1998](#)

[Darlington Safeguarding Partnership Multi-Agency Policy and Procedures and Practice Guidance to Safeguard Adults at Risk of Abuse and Neglect](#)

[Darlington Safeguarding Partnership Multi-Agency Child Protection Procedures](#)

[Darlington Safeguarding Partnership Child Sexual Exploitation Procedure and Practice Guidance](#)

[EU Organ Directive \(2010/53/EU\)](#)

[European Convention on Human Rights](#)

[European Directive on preventing and combatting trafficking](#)

[European Directive 011/36/EU](#)

[Gangmaster and Labour Abuse Authority: The Nature and Scale of Labour Exploitation across all Sectors in the United Kingdom](#)

[Housing Act 1996](#)

[Immigration Act 2016](#)

[International Labour Organisation Forced Labour Convention \(No. 29\)](#)

[The Modern Slavery Act 2015](#)

[Modern Slavery Strategy \(2014\)](#)

[Modern Slavery: A Council Guide \(LGA\)](#)

[National Crime Agency \(NCS\) County Lines Violence, Exploitation and Drug Supply 2017](#)

[Palermo Protocol 2000](#)

[Safeguarding Adults Under the Care Act 2014: Understanding good practice: Dr Adi Cooper and Emily White](#)

[Section 3 Human Tissue Act 2004](#)

[S 58 Sexual Offences Act 2003](#)

[Statutory Guidance for Local Authorities on the care of unaccompanied asylum seeking and trafficked children \(DfE 2014\)](#)

[Working Together to Safeguard Children 2018](#)

[The World Health Organisation's \(WHO\) Guiding Principles on Human Organ Transplantation \(1991\)](#)

## Useful Links

### General

[Brief Guide to Modern Slavery and Human Trafficking](#)

[Gangmaster and Labour Abuse Authority: The Nature and Scale of Labour Exploitation across all Sectors in the United Kingdom](#)

[GLAA-Labour Exploitation Spot the signs](#)

[Home Office: Victims of Modern Slavery: Resource page](#)

[Home Office: Victims of Modern Slavery frontline staff guidance \(identifying victims of Modern Slavery\)](#)

[BASW: Victims of Modern Slavery front line staff guidance](#)

[NHS England: Modern Slavery Awareness \(video\)](#)

[Children and Families Across Borders \(CFAB\)](#)

[www.gov.uk/government/publications/duty-to-notify-the-home-office-of-potential-victims-of-modern-slavery](http://www.gov.uk/government/publications/duty-to-notify-the-home-office-of-potential-victims-of-modern-slavery)

[National Crime Agency \(NCS\) County Lines Violence, Exploitation and Drug Supply 2017](#)

[neyh.ukba.nrm@homeoffice.gsi.gov.uk](mailto:neyh.ukba.nrm@homeoffice.gsi.gov.uk)

[nrm@nca.x.gsi.gov.uk](mailto:nrm@nca.x.gsi.gov.uk)

[dutytonotify@homeoffice.gsi.gov.uk](mailto:dutytonotify@homeoffice.gsi.gov.uk)

### Safeguarding Children

[GOV.UK Safeguarding children who may have been trafficked: practice guidance](#)

[GOV.UK Care of unaccompanied migrant children and child victims of slavery](#)

[GOV.UK Child Sexual Exploitation: Definition and guide for practitioners](#)

[National Referral Mechanism \(NRM\) –guidance for child first responders](#)

[National Referral Mechanism Form \(Child\) England and Wales](#)

### Safeguarding Adults

[LGA Safeguarding Resources](#)

[National Referral Mechanism Form \(Adult\) England and Wales](#)

[LGA Councillors' Briefing: Safeguarding Adults](#)

### Darlington

[force.intelligence@durham.pnn.police.uk](mailto:force.intelligence@durham.pnn.police.uk)

[SSACT@darlington.gov.uk](mailto:SSACT@darlington.gov.uk)

[childrensfrontdoor@darlington.gov.uk](mailto:childrensfrontdoor@darlington.gov.uk)

## Useful Contacts

Child Trafficking Advice Centre (CTAC) advice line number **0808 800 5000**

Childrens Initial Advice Team (Childrens Social Care Darlington Borough Council) **01325 406252**

Children and Families Across Borders (CFAB) **0207 735 8941** [info@cfab.org.uk](mailto:info@cfab.org.uk)

Crimestoppers **0800 555 111**

Durham Constabulary **101** or in the event of an emergency **999**

Emergency Duty Team **01642 524552**

First Response Team (Adult Social Care Darlington Borough Council) **01325 406111**.

Modern Slavery Helpline **08000 121 700**.

Modern Slavery and Human Trafficking Unit (MSHTU) **0844 778 2406**

Salvation Army Human Trafficking helpline is **0300 303 8151**

## Glossary

<b>CA</b>	Competent Authorities
<b>CTAC</b>	Child Trafficking Advice Centre
<b>DBC</b>	Darlington Borough Council
<b>DfE</b>	Department for Education
<b>DSP</b>	Darlington Safeguarding Partnership
<b>DLR</b>	Discretionary Leave to Remain
<b>EDT</b>	Emergency Duty Team
<b>EEA</b>	European Economic Area
<b>ECHR</b>	European Convention on Human Rights
<b>EPCAT</b>	End Child Prostitution in Asian Tourism
<b>EU</b>	European Union
<b>ILO</b>	International Labour Organisation
<b>LGA</b>	Local Government Association
<b>MSHTU</b>	Modern Slavery and Human Trafficking Unit
<b>NASS</b>	National Asylum Support Service
<b>NCA</b>	National Crime Agency
<b>NRM</b>	National Referral Mechanism
<b>NSPCC</b>	National Society for the Prevention of Cruelty to Children
<b>UKHTC</b>	UK Human Trafficking Centre
<b>UASC</b>	Unaccompanied Asylum-Seeking Children