

The National Referral Mechanism and Referring Potential Child Victims of Modern Slavery – A Guide

Introduction

The National Crime Agency has stated that ‘The growing body of evidence we are collecting points to the scale being far larger than previously thought. The intelligence we are gaining is showing that there are likely to be far more victims out there, and the numbers of victims in the UK has been underestimated’. Figures show the number of suspected victims of slavery and human trafficking had more than doubled in three years. There were 3,805 people reported as potential victims in 2016 (NCA, 2017).

The National Referral Mechanism (NRM) entitles victims of slavery and trafficking to help and protection from the UK government. It identifies victims and refers them to organisations that will offer help and support.

The NRM gives victims the right to independent emotional, medical and practical help. This support could include:

- Finding temporary safe accommodation;
- Helping with medical treatment;
- Having someone to help cope with the experience;
- Providing an interpreter / translator to help communication;
- Protection: modern slavery and human trafficking is a crime (reporting to the police means the police have to respond).

Where a potential victim is recognised through the NRM they will have access to specialist tailored support for a period of at least 45 days while their case is considered.

Although Legal Aid is available for trafficked children this can only be accessed after the NRM has made a decision that there are reasonable grounds to suspect trafficking (University of Bedfordshire, The Children’s Society, 2017).

The NRM is also the mechanism through which the Modern Slavery Human Trafficking Unit (MSHTU) collects data about victims, to inform a better understanding of the extent of human trafficking.

Background

In 2009 the UK ratified the treaty of The Council of Europe Convention on Action against Trafficking in Human Beings which requires the UK to support and provide protection (address the needs and safeguarding of victims of all forms of trafficking), to prevent trafficking and to prosecute traffickers. At this time the UK introduced the National Referral Mechanism as part of the Convention.

Following the implementation of the Modern Slavery Act in 2015 the NRM was expanded to cover **all** victims of modern slavery. This means that in all UK referrals, the trained decision makers, (known as the Competent Authority), must consider whether the person is a victim of human trafficking and decisions are made according to the definition in the Council of Europe Convention. In England and Wales if a person is not considered to be a victim of trafficking, further consideration is given against the definitions of slavery, servitude and forced or compulsory labour.

What is trafficking and modern slavery?

- A child who is recruited, transported, transferred, harboured or received for the purposes of exploitation is considered to be a trafficking victim, whether or not they have been forced or deceived;
- Modern slavery is a crime;
- The Modern Slavery Act 2015 which applies in England and Wales provides for the offences of:
 - Human Trafficking;
 - Slavery;
 - Servitude and forced or compulsory labour including sexual or criminal exploitation.
- The legislation also increased the maximum jail term for people traffickers from 14 years to life;
- Criminal gangs look to maximise the profits from globalisation by coercing and controlling people, as they move them around the world like commodities;
- Modern slaves in the UK, often hidden in plain sight, include working in forced prostitution, construction, domestic and care services, nail bars, car washes and in agriculture. Cases have been identified involving children as young as 12 years old (NCA, 2017);
- People from Eastern Europe, Vietnam and Nigeria were the most common victims brought to the UK.

Referring a Child Victim for Support and Protection

It is not considered possible for a child to give informed consent to their own exploitation and so the permission of potential child victims is not required in order to make a referral.

Even if they understand what is happening, they may still appear to submit willingly to what they think is the will of their parents or accompanying adults.

Normal safeguarding procedures apply in terms of the duty to refer child victims to the Local Authority as child trafficking is child abuse that requires a child protection response.

The police should be notified in all potential cases of modern slavery.

Once Children's Services and the police have assessed indicators of modern slavery and a child has been protected or safeguarded, the next step for the referring authority (known as the 'first responder') is to refer the child to the NRM.

Referring a Child to the NRM

For children, a formal referral to the NRM is made by a first responder. Anyone outside the NRM who wishes to raise modern slavery concerns can do so through a first responder. The first responder will complete a referral form to pass the case initially to the Competent Authority. First responders are as follows:

The Home Office; Local Authorities Children's Services and designated persons within Safeguarding Children Boards (Child Protection Committees in Scotland); Health and Social Care Trusts; Police; POPPY Project; National Crime Agency (NCA); Trafficking Awareness Raising Alliance (TARA); Migrant Help; Kalayaan; Gangmasters Licensing Agency; Medaille Trust; Salvation Army; Barnardo's; National Society for the Prevention of Cruelty to Children (NSPCC); Unseen UK; New Pathways; BAWSO; Refugee Council.

They will complete the separate NRM referral form for children. There is one for children referred in England and Wales and one for children referred in Scotland and Northern Ireland. The forms can be downloaded from the [GOV.UK website](#) along with the guidance which includes a list of potential indicators of children who may have been trafficked or victims of slavery.

When completing the form they will give as much detail regarding the child's circumstances including the reasons for the referral. Indicators of human trafficking or modern slavery not listed can be added at section D.

Children do **not** need to sign the consent form including those where there is an age dispute but the victim is believed to be a child.

All referrals should be sent, in the first instance, to MSHTU. First responders can either send completed referral forms by fax to 0870 496 5534 or by email to MSHTU Competent Authority nrm@nca.x.gsi.gov.uk and should be sent as is reasonably practicable.

The Competent Authorities in the UK are:

- The NCA's Modern Slavery Human Trafficking Unit (MSHTU).
- The Home Office Visas and Immigration (UKVI).

What happens next?

Confirmation of receipt will be sent from the competent authority to the first responder who is now the first point of contact in relation to the referral, and will be kept informed of the progress of the case.

The NRM team is expected to make a decision within 5 working days of receipt of the referral, whether there are reasonable grounds to believe the individual is a potential victim of human trafficking or modern slavery. The threshold for reasonable grounds for the decision makers is: 'from the information available so far, I believe but cannot prove' that the individual is a potential victim of trafficking or modern slavery.

It may be that the first responder will need to supply further relevant information and intelligence in time, and keep the competent authority informed of progress e.g. in relation to the age assessment process, and work in partnership. This may mean working with the child further that will assist the competent authority in reaching a conclusive grounds decision.

If the NRM makes a positive reasonable grounds decision, the individual has a right to support during a 45 day recovery and reflection period. This temporary period provides the conditions for a full evaluation to conclusively decide if the person was a victim of human trafficking or modern slavery. It is not an immigration decision and no immigration detention or removal action will be taken against the subject during this time.

If the decision is negative, there will be no further modern slavery identification decision by the competent authority.

Children's Services should ensure a negative NRM decision does not have an adverse impact on the child's care and does not override the statutory duty placed on local authorities under the Children Act 1989 and 2004; the Children (Scotland) Act 1995; and the Children (NI) Order 1995.

Key Legislation

Modern Slavery Act 2015 (England and Wales) 2015

Human Trafficking and Exploitation (Scotland) Act 2015

Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015

Sources

Modern Slavery Helpline

<https://www.unseenuk.org/>

Tel: 08000 121 700 - for help, advice, information and to report a suspicion

National Referral Mechanism: Guidance for Child First Responders Version 2 (Home Office, 21 March 2016)

<https://www.gov.uk/government/publications/national-referral-mechanism-guidance-for-child-first-responders>

Modern Slavery Victims: Referral and Assessment Forms (GOV.UK, updated 2017)

<https://www.gov.uk/government/publications/human-trafficking-victims-referral-and-assessment-forms>

Victims of Modern Slavery: Guidance for Frontline Staff

<https://www.gov.uk/government/publications/victims-of-human-trafficking>

NCA Annual Report 2017

<http://www.nationalcrimeagency.gov.uk/publications/814-national-crime-agency-annual-report-2016-17/file>

National Crime Agency

<http://www.nationalcrimeagency.gov.uk/about-us/what-we-do/specialist-capabilities/uk-human-trafficking-centre/national-referral-mechanism>

Cut Off from Justice - The Impact of Excluding Separated and Migrant Children from Legal Aid (University of Bedfordshire, The Children's Society, August 2017)

https://www.childrenssociety.org.uk/sites/default/files/cut-off-from-justice_the-impact-of-excluding-separated-migrant-children-from-legal-aid.pdf

Contact Us

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