

PART F – Modern Slavery and Human Trafficking

Safeguarding Policy and Procedures
2023-2024

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1. Introduction

1.1 The **Modern Slavery Act**, enacted in March 2015, was an important milestone in the fight against slavery and for social justice. It unified and simplified previous legislation and gave law enforcement new powers, including increased sentencing and protection for survivors. Section 54 of the Modern Slavery Act 2015 requires certain organisations to develop a slavery and human trafficking statement each year. The slavery and human trafficking statement sets out what steps organisations have taken to ensure modern slavery is not taking place in their business or supply chains. The Councils statement can be found on the website.

1.2 Modern Day Slavery is a term that covers:

- Slavery
- Servitude
- Human Trafficking

1.3 **Modern Slavery**

Modern slavery is a complex crime, often crossing international borders and involving multiple forms of exploitation. It is usually hidden. The common factors are that a victim is, or is intended to be, used, or exploited for someone else's (usually financial) gain, without respect for their human rights.

1.4 Victims may be any age, gender, and ethnicity, may have been brought from overseas or be vulnerable people from the UK. They are usually forced to work illegally against their will in many different sectors. Victims may not be aware that they are being trafficked or exploited and may appear to have consented to elements of their exploitation or accepted their situation.

1.5 Modern slavery takes many forms. There are currently four broad ways in which perpetrators may seek to exploit victims:

1. **Labour Exploitation** - exploitation usually involves unacceptably low pay, poor working conditions or excessive wage deduction, but is not solely about this. In order to constitute modern slavery, there will also be some form of coercion meaning that victims cannot freely leave for other employment or exercise choice over their own situation. Where the perpetrator is taking advantage of a child or vulnerable person, an offence can be committed without the element of coercion. Lincolnshire has been the centre of recent, high profile labour exploitation crime;
2. **Domestic Servitude** - typically involves victims working in a private family home where they are ill-treated, humiliated, subjected to unbearable conditions or working hours, working for little or no pay. The victim could be used in this way by their own family members or partner, or by an employer. Again, it is very difficult for them to leave, for example because of threats, the perpetrator holding their passport, or using a position of power over the victim;
3. **Sexual Exploitation** - Victims are coerced into sex work or sexually abusive situations. This includes child sexual exploitation. Victims may be brought to the UK on the promise of legitimate employment or moved around the UK to be sexually exploited. In some cases, they may know they will be involved in sex work

but are forced into a type or frequency they did not agree to. Victims are more commonly female but can also be male;

- 4. Criminal Exploitation** - Criminal exploitation forces a person to commit a crime for someone else's gain. For example, victims could be coerced into shoplifting, pickpocketing, entering into a sham marriage, benefit fraud, begging or drug cultivation such as cannabis farming.

1.6 Human Trafficking

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

- **Action** – recruitment, transportation, transfer, harbouring or receipt, which can include either domestic or cross-border movement;
- **Means** – threat or use of force, coercion, abduction, fraud, deception, abuse of power or vulnerability – however, there does not need to be a means used for children as they are not able to give informed consent;
- **Purpose of exploitation** – for example sexual exploitation, forced labour or domestic servitude, slavery, financial exploitation, illegal adoption, removal of organs.

1.7 Slavery, Servitude And Forced Or Compulsory Labour

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

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

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

1.9 There will be cases of exploitation that do not meet the threshold for modern slavery – for example someone may choose to work for less than the national minimum wage, or in undesirable conditions, without being forced or deceived. In these instances, cases should be referred to the Police or Gangmasters & Labour Abuse Authority (GLAA).

1.10 Slavery and servitude are more serious versions of forced or compulsory labour. You can find more information on the indicators of modern slavery online:

<https://www.gla.gov.uk/who-we-are/modern-slavery/who-we-are-modern-slavery-spot-the-signs/>

2. Recognising Signs of Modern Slavery

2.1 The signs of slavery are often hidden, making it difficult to recognise victims. Here are some of the common signs to be aware of:

- Physical appearance: victims may show signs of physical or psychological abuse. They may look malnourished or unkempt or appear withdrawn.
- Isolation: victims may rarely be allowed to travel on their own or seem under the control and influence of others. They may rarely interact or appear unfamiliar with their neighbourhood or where they work.
- Poor living conditions: victims may be living in dirty, cramped or overcrowded accommodation, or living and working at the same address.
- Few or no personal items: victims may have no identification documents, and very few personal possessions. They may always wear the same clothes. What clothes they do wear may not be suitable for the work they do.
- Unusual travel times: they may be dropped off or collected for work on a regular basis either very early or late at night
- Reluctant to seek help: victims may avoid eye contact or appear frightened or hesitant to talk to strangers. They may fear law enforcers for many reasons, such as not knowing who to trust or where to get help, fear of deportation, fear of violence to them or their family.

2.1 The Unseen mobile app can be downloaded for more information on spotting the signs of slavery and for help to report any concerns.

<https://www.unseenuk.org/about-modern-slavery/download-the-app/>

3. Supporting Adult Victims of Modern Slavery

3.1 The UK Trafficking Survivor Care Standards have been developed to support frontline professionals across Lincolnshire, who through their day-to-day work, may come into contact with potential adult victims of modern slavery.

<https://www.humantraffickingfoundation.org/-trafficking-survivor-care-standards>

3.2 Nonprescriptive steps to consider when coming into contact with a potential adult victim of modern slavery include:

- **Step 1: A professional identifies or is made aware of a potential victim of modern slavery**
 - **Put potential victim at ease** – Frontline professionals have a responsibility to put the potential victim at ease. All professionals communicating with the

potential victim must take care with the verbal and body language they use. A few simple words or expressions of positivity, kindness, and recognition of what a potential victim has been through can help to establish that.

- **Immediate physical needs** – The potential victim may be scared, hungry and exhausted. They may be suffering from headaches, general pain, disability, or mental health problems, making it hard for them to concentrate. They may be more receptive to questions if they have eaten or slept and received some reassurance that they are safe.
 - **Confidentiality** – Ensure that potential victims are made aware from the outset of your duty of confidentiality. Any personal information shared by potential victims should not be disclosed to any third party or agency without their prior informed consent unless there is a clear risk of immediate serious harm. This is crucial to initiating a working relationship of trust.
 - **Understand the process** – At every stage you must help the potential victim to understand the process. It's important to remember that potential victims are used to pleasing others and sometimes their survival has depended on this. They may be reluctant to assert needs or raise queries in case this implies criticism or ingratitude. If someone nods and smiles gently check, they actually understand what you are saying. Actively ask if they need or are worried about anything, giving multiple chances to voice needs.
 - **Attentiveness** – Demonstrate attentiveness to the potential victim's specific, individual needs. This is especially reassuring to people who have been subjugated and forced to obey others. It is helpful to encourage the potential victim to make small choices for themselves to meet their needs, for example where they prefer to sit, or whether they would like to have the window open or the heating on. This shows immediate respect for their needs and may help them to make further choices and assertions as mutual trust is established.
 - **Trusting** – On initial contact the potential victim may not trust authorities and may appear unwilling to cooperate, especially if they are in the presence of their controller or around other potential victims. A lack of trust may also be due to their previous experiences with the authorities in the UK or in their country of origin, or the controllers' use of the actions of the authorities as an effective threat to maintain control over them. Be mindful of this as it may be appropriate to try and engage with them without anyone else present.
- **Step 2: Crisis Risk Assessment**
 - **Contact** – Safety of all involved should be prioritised. If you feel it is an emergency and the potential victim, or other individuals linked to the potential victim are in a life-threatening situation, or still in a place of exploitation, you should call the Police on 999.
 - **Health** – Some victims will require immediate counselling or medical attention for example for infectious diseases (e.g. tuberculosis) but not all

signs of distress or physical injury will be obvious. There could also be drug/alcohol misuse and associated behaviours.

- **Interpreters** – An interpreter who can work face-to-face with the potential victim should ideally be provided if they cannot speak English. If unable to provide this quickly a telephone interpreter should be sought. You should check that the interpreter speaks the correct dialect and that they are the gender desired by the potential victim. Do not use an interpreter who apparently is an associate, friend, or family member of the potential victim. Regardless of their appearance they may be linked to the person controlling them.
- **Step 3: Contact Adult Safeguarding Lead/Deputy or Modern Slavery Single Point of Contact As Soon As Possible**
 - If the potential victim is not at immediate risk of harm you should contact, your adult safeguarding lead/deputy or modern slavery single point of contact Designated Safeguarding Officer or Deputy Designated Safeguarding Officer as soon as possible so they can assist you with advice regarding further steps to safeguard the potential victim.
 - If deemed appropriate to report an adult safeguarding concern to Adult Safeguarding, Lincolnshire County Council this can be done by calling 01522 782155 (Monday to Friday, 8am to 6pm) or 01522 782333 (outside of office hours).
- **Step 4: Initial Needs and Risk Assessment Strategy Meeting to be Instigated**
 - **Victim focused** – The potential victim should be placed at the centre of the decision making regarding their support. Ensure that the potential victim knows the role and responsibilities of any frontline professional who is working with them and they are given enough time to respond and ask questions when they need to.
 - **Cultural sensitivity** – It is important to research the cultural background of the potential victim in terms of gender, religion and ethnicity to ensure any assessments are conducted in a culturally sensitive and tactful way, with a view to minimising any distress to potential victims. This may also influence the potential victim's choice of interpreter and advocate.
 - **Gather information** – Draw relevant information from all agencies involved with the potential victim, by checking any existing risk assessments or disclosures made to others.

4. Duty to Notify

- 4.1 In England and Wales, First Responder Organisations have a duty to notify the Secretary of State when they become aware of a potential victim of modern slavery. The 'duty to notify' is set out in Section 52 of the Modern Slavery Act 2015 and a full list of First Responder Organisations can be found online:

<https://www.gov.uk/government/publications/human-trafficking-victims-referral-and-assessment-forms/guidance-on-the-national-referral-mechanism-for-potential-adult-victims-of-modern-slavery-england-and-wales>

- 4.2 In respect of adults, the duty is discharged by referring a potential victim into the National Referral Mechanism (NRM) where they consent, or by completing a 'Duty to Notify' referral where they do not consent. Where there may be concerns about a potential victim's capacity to independently make a decision about whether to consent to entering the NRM steps should be taken to support them to make that decision.

- 4.3 To make a referral or complete a Duty to Notify complete use the online Report Modern Slavery service:

<https://www.modernslavery.gov.uk/start>

- 4.4 Things to consider prior to completing the NRM referral:

- Prior to filling out the referral it's crucial that you adopt a person-centred approach, explaining the purpose of the process and who will have access to the information.
- Consider completing the referral with multi agency input from Police, charities, health teams and other relevant organisations.
- When speaking to the potential victim consider whether any uniform might increase their anxieties, avoid a structured interview format, and try to gather information as part of an organic conversation.
- It is essential that the potential victim is not required to answer any questions in front of other people who may potentially be controlling them or may also be another potential victim. This can be any other person present including family members or people who the potential victim describes as a friend or partner.
- If English is not the preferred language use an interpreter. Ensure the interpreter has no links with the potential victim and that they understand they are to interpret the potential victim's exact words rather summarise.
- If you do not have access to a computer for the interview, you can download and print the NRM prompt sheet to help you. The prompt sheet contains the questions you will need to ask and the type of information needed for a referral to be made, however, you will still need to complete the online form after the interview - the potential victim will not be referred until you do.

4.5 Things to consider when completing the NRM referral:

- The referral should not, unless due to urgent need, be completed over the telephone.
- Disclosing a full history is difficult for any potential victim. There are many reasons for this including fear or the way traumatic events have been processed. Take time to consider an account rather than dismissing anything that is said because it seems flawed.
- If the potential victim is not at urgent risk, it is important to send the referral with as much information as is useful to identify them as a potential victim. In most cases it is likely that it will take time to obtain all of the potential victim's information as they are traumatised, and trust needs to be built. Make sure to note on the referral that you may not have obtained all information. As more information is identified it can be sent with the potential victim's consent.
- If the referral is completed urgently it is important to note that on the referral, that this should not prejudice the decision and that there are more likely to be inconsistencies as a result.
- Remember that the exploitation does not necessarily fit into one 'type' of exploitation and to disclose relevant indicators disclosed to you.
- You do not need to select a set number of indicators to equate to a person being a potential victim. It could be that just one demonstrates this.
- Summarise the potential victim's vulnerabilities and their needs.

4.6 Things to consider when completing the Duty to Notify referral

- It must be anonymised if the potential victim does not consent for their personal details to be used.

4.7 If it is known that another organisation has already notified the Secretary of State a potential victim by completing a 'Duty to Notify' referral then an additional referral is not required. It would be good practice to seek confirmation in writing from the First Responder who completed the referral if that is the case

5. National Referral Mechanism (NRM) Frequently Asked Questions

5.1 What is the NRM?

The NRM is the framework for recognising potential victims of Modern Slavery and ensuring that they receive the appropriate support.

5.2 How to access the support?

Referrals for potential adult victims can only be made – with their consent – and by a person who works for a First Responder Organisation.

5.3 Who provides the support?

The current adult Victim Care Contract is provided by the Salvation Army although in some areas of the UK they work closely with other charities that provide support on their behalf.

5.4 What support is available?

The support available will depend upon the potential victim's needs and wishes. It could include:

- Access to emergency accommodation or outreach support if already in safe and secure accommodation
- Financial support
- Access to material assistance, medical care, and counselling
- Access to translation and interpretation services
- Access to legal aid for immigration advice
- Assistance to return to their home country if not a UK national

5.5 How long will the support last?

If the potential victim receives a positive '*reasonable grounds*' decision, they will be entitled to a minimum of 45 days support.

Following that initial 45-day period of support, if they then receive a positive '*conclusive grounds*' decision they will receive, at a minimum, a further 45 days support. However, that could potentially be longer dependent upon circumstances.

If, following the initial 45-day period of support a negative '*conclusive grounds*' decision is made then support will only be available for a further 9 working days, however, that could potentially be longer dependent upon circumstances.

5.6 What support is available if a potential victim decides not to be referred?

Support will very much be dependent upon the potential victim's circumstances as well as support services available locally. However, it's important to note that because someone has initially said 'no' to a referral that they can't change their mind at a later date – there is no time frame for them doing so.

5.7 Salvation Army Modern Slavery Referral Helpline; 0800 808 3733 (available 24/7)

6. Reporting Concerns about Modern Slavery or Human Trafficking

- 6.1 Anybody subject to this policy may witness, be informed of, or see during the course of their duties, a modern slavery or human trafficking concern. The duty to refer applies to everybody to whom this policy applies.
- 6.2 If you think that modern slavery has taken place, the case should be referred to the NRM so that a competent authority can fully consider the case. You do not need to be certain that someone is a victim.
- 6.3 Please ensure that your concern and any action taken is reported to the Designated Safeguarding Officer or Deputy Safeguarding Officer using the safeguarding report a concern form available on the Intranet.

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