



Home Office

Victims of modern slavery – Competent Authority guidance

Version 7.0

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About this guidance

This guidance gives information for staff in the Single Competent Authority (SCA) in the Home Office, to help them decide whether a person referred under the National Referral Mechanism (NRM) is a victim of modern slavery. It reflects relevant provisions of the Modern Slavery Act 2015 and the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015.

This guidance comes into effect on 29 April 2019 and applies to all decisions made on or after that date.

This guidance is to help staff in the SCA:

- decide whether a person is a victim of modern slavery because they are either:
 - a victim of human trafficking
 - a victim of slavery, servitude, and forced or compulsory labour
- ensure victims' rights are protected
- collaborate effectively with different agencies and organisations that could be involved in a modern slavery case (for example, the police, local authorities, National Crime Agency and non-governmental organisations)

This guidance in respect of trafficking references is based on the Council of Europe Convention on Action Against Trafficking in Human Beings (the Convention), which focuses on:

- protecting victims of trafficking and safeguarding their rights
- preventing trafficking
- promoting international co-operation on trafficking
- prosecuting traffickers

To find out more about this treaty see the [Council of Europe Convention on action against trafficking in human beings](#).

The Convention requires the UK to take a victim-centred approach to tackling all types of trafficking. Human trafficking is a criminal offence and may be linked to organised crime. One of the primary principles of the UK's approach to tackling human trafficking is to provide services to help victims recover and access justice.

As part of implementing the Convention, the government created the NRM in 2009.

Contacts

If you have any questions about the guidance and your line manager or senior caseworker cannot help you or you think that the guidance has factual errors then email NRM Reform, Modern Slavery Unit.

If you notice any formatting errors in this guidance (broken links, spelling mistakes and so on) or have any comments about the layout or navigability of the guidance then you can email [Guidance – making changes](#).

Published

Below is information on when this version of the guidance was cleared:

- version **7.0**
- published for Home Office staff on **29 April 2019**

Changes from last version of this guidance

- changes to reflect that the Single Competent Authority is now responsible for receiving and considering all NRM cases, and the two former Competent Authorities within National Crime Agency and Home Office have ceased operating
- removal of immigration-related issues and considerations
- addition of information regarding nationality
- addition of information regarding forced marriage
- addition of information regarding sham marriage
- addition of information regarding when to make a decision on a child case
- consolidation of actions and notifications required following a NRM decision

Related content

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Introduction to modern slavery and discretionary leave

Modern slavery is a serious and brutal crime in which people are treated as commodities and exploited for criminal gain. The true extent of modern slavery in the UK, and indeed globally, is unknown. Modern slavery, in particular human trafficking, is an international problem and victims (who may be European Economic Area (EEA) or non-EEA nationals) may have entered the UK legally, or on forged documentation or clandestinely, or they may be British citizens living in the UK.

Modern slavery includes human trafficking, and slavery, servitude and forced or compulsory labour. Exploitation takes a number of forms, including sexual exploitation, forced manual labour and domestic servitude, and victims come from all walks of life. For more information, see [‘What is modern slavery?’](#).

Victims may be unwilling to come forward to law enforcement or public protection agencies, not seeing themselves as victims, or fearing further reprisals from their abusers. Victims may also not always be recognised as such by those who come into contact with them.

The scale of modern slavery in the UK is significant. Modern slavery crimes are being committed across the country and there has been year on year increases in the number of victims identified. Work by the Home Office Chief Scientific Adviser has estimated that in 2013 there were between 10,000 and 13,000 potential victims of modern slavery in the UK.

In few other crimes are human beings used as commodities over and over again for the profit of others. Victims endure experiences that are horrifying in their inhumanity. The UK is determined to protect vulnerable people from exploitation and provide enhanced support to victims.

Discretionary leave

As of August 2018 the guidance on providing [Discretionary leave to victims of modern slavery](#) was updated and made publicly available on the GOV.UK website. The guidance explains the circumstances in which it may be appropriate to grant discretionary leave to remain (DL) to individuals confirmed as victims of modern slavery by the NRM, and the considerations that must be made before such a decision is made. It also deals with extending DL or curtailing leave as necessary. The term ‘modern slavery’ includes human trafficking, and slavery, servitude and forced or compulsory labour. For internal users see: Discretionary leave for victims of modern slavery.

Related content

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The legal framework on modern slavery

This section tells you about the legal framework on modern slavery, including human trafficking.

International framework

The UK government signed the Council of Europe Convention on Action against Trafficking in Human Beings on 23 March 2007. The Convention was ratified by the UK on 17 December 2008, and came into force on 1 April 2009. This led to the creation of the UK's NRM in 2009.

The NRM is a victim identification and support process. It is designed to make it easier for all the different agencies that could be involved in a trafficking case (for example, the police, Home Office – including Border Force, UK Visas and Immigration and Immigration Enforcement – the National Crime Agency, local authorities, and non-governmental organisations) to co-operate, share information about potential victims and facilitate their access to advice, accommodation and support.

The Convention requires that potential victims of trafficking are provided with a period of a minimum of 30 days recovery and reflection, during which they will receive support, including accommodation, subsistence and access to relevant medical and legal services, if they are recognised as a victim. The UK provides this support to potential victims referred to the NRM for a longer period of a minimum 45 days.

Domestic framework and the Devolved Administrations

In 2014, the Home Secretary committed to extending the support offered through the NRM, including accommodation and subsistence, to victims of all forms of modern slavery. This change in the NRM for supporting cases identified in England and Wales came into force on 31 July 2015. In Northern Ireland, this support was extended to victims of all forms of modern slavery from March 2016 and in Scotland from April 2018.

Related content

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The Modern Slavery Act 2015

The Modern Slavery Act received royal assent on 26 March 2015 since which time the majority of provisions in that act have come into force in England and Wales. This includes a number of provisions extending existing support for victims of human trafficking to victims of slavery, servitude and forced or compulsory labour.

These provisions apply to England and Wales only. Further details can be found in this [circular on the Modern Slavery Act 2015](#).

A number of similar measures were introduced in Northern Ireland through the [Human Trafficking and Exploitation \(Criminal Justice and Support for Victims\) Act \(Northern Ireland\) 2015](#).

The Human Trafficking and Exploitation (Scotland) Act was passed by the Scottish Parliament on 1 October 2015.

Related content

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NRM review, pilots and the SCA

This section tells you about the 2014 NRM review and pilots that ran 2015-2017.

The [interim review of the national referral mechanism for victims of human trafficking](#) was published on 11 November 2014 and recommended that the support system for identifying and supporting victims of human trafficking should be overhauled.

The key recommendations of the report included:

- extending the NRM to cover all adult victims of modern slavery
- strengthening the first responder role – the point when potential victims are first identified and referred by creating new anti-slavery safeguarding leads, supported by increased training and feedback
- streamlining the referral process by removing the ‘reasonable grounds’ decision once the successful implementation of accredited slavery safeguarding leads has occurred – allowing direct referral to specialist support for potential victims
- establishing new multi-disciplinary panels, headed by an independent chair, with a view to ceasing the sole decision making roles of UKVI and the UK Human Trafficking Centre (UKHTC) (later the Modern Slavery Human Trafficking Unit (MSHTU))
- creating a single case working unit within the Home Office to replace the caseworking units in the National Crime Agency and UK Visas and Immigration

The then Home Secretary welcomed the findings of the report, which acknowledged that there is no simple, one size fits all approach. She stated that she would carefully consider all of the recommendations and set out the government’s response in the Home Office’s Strategy on modern slavery, which was published on 28 November 2014.

In light of the review report above, changes to the NRM were piloted from July 2015 in West Yorkshire police force area and the South West police force areas (Avon and Somerset, Devon and Cornwall, Dorset, Wiltshire, and Gloucestershire). For further information see: [An evaluation of the National Referral Mechanism pilot](#).

Taking into account lessons learned from the pilot, a package of reforms to the NRM were announced in October 2017. For details of these reforms see: [National referral mechanism](#).

As part of these reforms, in order to achieve quicker and more certain decision making that stakeholders and victims have confidence in, the government committed to creating the SCA, a single expert unit to handle all cases referred by frontline staff.

From 29 April 2019 the new SCA is responsible for all cases referred into the NRM, replacing MSHTU and the previous Home Office Competent Authorities.

This new SCA exists within the Serious and Organised Crime directorate of the Home Office. The SCA now makes all NRM decisions, regardless of nationality or immigration status of the potential victim.

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Key steps in the NRM process

This section provides you with a summary of the key steps in the NRM process.

Current process

To establish whether a person is a victim of any form of modern slavery (including human trafficking, and slavery, servitude, and forced or compulsory labour) 2 decisions are made:

1. A reasonable grounds decision to establish whether someone is a potential victim.
2. A conclusive grounds decision on whether they are in fact a victim.

These decisions are made by the SCA.

The key steps in the NRM process are as follows:

- 1. Identify a potential victim of modern slavery and refer to the NRM.** See [Referrals to the NRM](#).
 - first responders, who are specified statutory authorities and Non-Governmental Organisations, have a responsibility to identify potential victims and refer cases to the SCA
- 2. Reasonable grounds decision made by the SCA to determine whether it either:**
 - suspects but cannot prove this person is a potential victim of human trafficking
 - suspects but cannot prove this person is a victim of slavery, servitude, and forced or compulsory labour
 - concludes there are not reasonable grounds to believe this individual is a victim of any form of modern slavery

‘Suspect but cannot prove’ is a relatively low threshold, lower than the criminal standard of proof, or conclusive grounds test. See [Making a reasonable grounds decision](#).

If there is a positive reasonable grounds decision the person is given a minimum 45 day recovery and reflection period in England, Wales and Northern Ireland. In Scotland the person is supported for the period set by Ministers, currently 90 days, or until a conclusive grounds decision is made, whichever is the earlier, however in some cases support may be offered beyond the 90 days if a conclusive grounds decision has not yet been made. Support relates to the immediate and ongoing needs of the potential victim while the SCA makes a substantive conclusive grounds decision.

This reasonable grounds decision should be made within 5 working days of referral to the NRM where possible.

The reasonable grounds decision acts a filter for potential victims referred to the NRM based on the information available at that time. This will be followed by a substantive conclusive grounds decision on whether someone is formally recognised as a victim, with a higher threshold.

1. Conclusive grounds decision made by the SCA

The conclusive grounds decision should generally be made as soon as possible after 45 calendar days. A decision can only be made when sufficient information about the case has been shared or made available by interested parties to the SCA. See [Making a conclusive grounds decision](#).

The test to use for the conclusive grounds decision is whether, ‘on the balance of probabilities’, there are sufficient grounds to decide that the individual being considered is a victim of human trafficking or slavery, servitude, and forced or compulsory labour. This threshold is higher than the reasonable grounds test, but lower than the criminal standard of proof.

The SCA must first consider whether there are sufficient grounds to decide that the individual is a victim of trafficking.

If there are not sufficient grounds, then the SCA must go on to consider if there are sufficient grounds to decide that the individual is a victim of slavery, servitude, and forced or compulsory labour.

Following a positive conclusive grounds decision by the SCA, the SCA will take a further decision on whether an individual qualifies for a grant of discretionary leave, in line with the Convention and the UK Government’s commitment to extend this provision to victims of slavery, servitude and forced or compulsory labour across the UK. See: [Discretionary leave](#).

Related content

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Single Competent Authority

Decisions about who is recognised as a victim of modern slavery are made by trained specialists in the SCA. The SCA replaced the previous Competent Authorities on 29 April 2019.

All referrals to the NRM from first responders must be sent to the SCA for consideration. The SCA also manages the data on NRM referrals.

The SCA makes decisions on all NRM cases, regardless of nationality or immigration status of the individual. The SCA therefore considers a case for:

- a UK national
- an European Economic Area (EEA) national
- a non-EEA national

Related content

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Referrals to the NRM

This section gives information for SCA staff about how a potential victim of modern slavery is referred to them and what they must do when they receive a referral.

How does the SCA receive a referral?

The SCA receives a referral from a first responder.

First responders are designated organisations which can refer potential victims of modern slavery in the UK into the NRM. First responders are:

- the Home Office (including UK Border Force, UK Visas and Immigration, and Immigration Enforcement)
- local authorities
- Health and Social Care Trusts (HSC Trusts (Northern Ireland))
- police
- National Crime Agency (NCA)
- Trafficking Awareness Raising Alliance (TARA)
- Migrant Help
- Kalayaan
- Gangmasters and Labour Abuse Authority
- Medaille Trust
- Salvation Army
- Barnardo's
- National Society for the Prevention of Cruelty to Children (NSPCC).
- Unseen UK
- New Pathways
- BAWSO
- Refugee Council

When a first responder suspects a person is a potential victim of modern slavery, they will submit a referral to the SCA, who will log the referral.

The SCA will then decide the case.

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Official - sensitive: end of section

How does the SCA acknowledge a referral?

The SCA process for acknowledging a referral is set out below.

When staff at the SCA receive the referral form they must:

1. Check the referral form has a signature for adults and check there is sufficient information on their case before sending the appropriate acknowledgement.
 - if a potential victim is referred to the NRM but consent has not been obtained for example, because a case was identified on the basis of papers rather than face-to-face at an interview or other encounter, a postal consent form can be used by the first responder to obtain consent from the potential victim prior to submitting the referral or prior to the SCA accepting the referral
 - separate postal consents forms are to be used for:
 - England and Wales
 - Scotland and Northern Ireland
2. If the potential victim has any immigration history on the Home Office database (CID):
 - check that a special condition has been added to the record by the first responder (special conditions tab - special needs type – PVoT case) and if not then set this up
 - check that a barrier to removal has been raised on CID by the first responder and if not set this up
 - create a NRM Referral case type on CID
3. Acknowledge they have received the referral form by sending an acknowledgement notification. This should be sent to:
 - the first responder
 - the Salvation Army for cases in England and Wales where the adult has consented to support, Trafficking Awareness Raising Alliance (TARA) and Migrant Help in Scotland, or Migrant Help or Women's Aid in Northern Ireland, where the adult has consented to support
 - the allocated social worker that is detailed on the referral (child cases)

- ICTA (where applicable)
4. Set up the RG case type with a start date consistent with the date of receipt.
 5. Make sure the responsible local authority is aware of a child referral from the first responder.

The duty to notify

From 1 November 2015, specified public authorities have a duty to notify the Secretary of State of any person encountered in England and Wales who they believe may be a victim of modern slavery.

Therefore, certain frontline staff who encounter a potential victim of modern slavery are required to notify the Home Office under Section 52 of the Modern Slavery Act.

This requirement applies to the police, Local Authorities, the National Crime Agency and the Gangmasters and Labour Abuse Authority.

UK Visas and Immigration, Border Force and Immigration Enforcement must also comply with the duty as a matter of Home Office policy.

It applies to potential victims identified in England and Wales only.

This duty is intended to help build a more comprehensive picture of the nature and scale of modern slavery.

For further information, please see the [Duty to notify](#) guidance, available on GOV.UK.

What does the duty to notify mean in practice?

There are 2 ways to satisfy the duty to notify depending on whether a case has been referred to the NRM or not:

1. Sending an NRM referral form to the SCA

When a NRM referral form is sent to the SCA this will satisfy the duty to notify.

As children do not need to consent to enter the NRM this method to satisfy the duty to notify in cases involving children must always be used.

Once a case has been referred to the NRM in the normal way there is no need to send a copy of the form to the duty to notify mailbox.

2. Sending an MS1 form to a dedicated mailbox

Where an adult does not consent to the referral they should not be referred into the NRM. In such cases an [MS1 form](#) should be completed and sent to the duty to notify

inbox to satisfy the duty to notify. The MS1 form should be completely anonymous if the potential victim does not consent to their details being shared.

A duty to notify referral should not be relied upon to safeguard potential victims. Existing safeguarding processes should still be followed in tandem with a notification.

Timescales for satisfying the duty to notify

If the NRM referral form is used this should be sent to the SCA as soon as practicable.

If sending the MS1 form to the duty to notify mailbox this should be done as soon as practicable. Unless there are exceptional circumstances, this should be within a month of encountering a victim.

Ensuring victims can access secure accommodation and support

Potential victims of modern slavery (i.e. those with a positive reasonable grounds decision) are entitled to a minimum 45 days supported recovery and reflection period in England, Wales and Northern Ireland. In Scotland potential victims are supported for the period set by Ministers, currently 90 days, or until a conclusive grounds decision is made, whichever comes earlier, however in some cases support may be offered beyond the 90 days where a conclusive grounds decision has not yet been made. First responders and SCA staff must ensure that this support is provided following a positive reasonable grounds decision. Support is provided to those who request it.

In most cases, this will be (where they are eligible) provided following a positive reasonable grounds decision, but in cases where an individual is destitute it may be provided from the day of referral.

Requests for support must be made:

- in England and Wales to:
 - the Salvation Army through their 24 hour Referral Line: 0300 303 8151, email to mst@salvationarmy.org.uk
- in Scotland:
 - follow local arrangements with Trafficking Awareness Raising Alliance (TARA) 0141 276 7724 (for female victims of sexual exploitation) or Migrant Help 07837 937737 or 07789 791 110
- in Northern Ireland:
 - for male potential victims of human trafficking, follow local arrangements with Migrant Help 013 0420 3977 or 07766 668 781
 - for female potential victims of human trafficking (sexual exploitation or domestic servitude) contact Women's Aid 028 9024 9041 or Migrant Help (cases of forced labour) 013 0420 3977 or 07766 668 781

For children, requests for support must always be made to the local authority children's services at the earliest opportunity, for example, by the first responder when making the referral to the NRM. For more information about contacting local authorities, see Local authority children's services.

In Northern Ireland, contact must always be made with the relevant Health and Social Care Trust Children's Services.

The NHS Charging Regulations exempts victims and suspected victims of modern slavery (which includes human trafficking, as well as slavery, servitude and forced or compulsory labour) from charges for specified NHS hospital treatment.

Suspected victims are those to whom the SCA has issued a positive reasonable grounds decision. For more details of the provision in each part of the UK see:

- [Provision of Health Services to Persons Not Ordinarily Resident Regulations \(Northern Ireland\) 2015](#)
- [National Health Service \(Charges to Overseas Visitors\) Regulations 2015](#)
- [The National Health Service \(Charges to Overseas Visitors\) \(Scotland\) Regulations 2008](#)

Further details are in the National Health Service (Charges to Overseas Visitors) Regulations 1989 taking into account all other amending Regulations made since affecting Wales.

Spouses, civil partners and dependent children of those potential victims exempt under the above regulations may also be exempt from National Health Service (NHS) charges for hospital treatment in certain circumstances.

Some services or treatments are exempt from charges and available on the NHS to all people, including potential victims of trafficking or modern slavery, regardless of immigration status including:

- accident and emergency services (not including emergency treatment if admitted to hospital)
- family planning services (this does not include termination of pregnancy)
- treatment for most infectious diseases and sexually transmitted infections where specified
- (England only) treatment required for a physical or mental condition caused by torture, female genital mutilation, domestic violence or sexual violence (this does not apply if the patient has come to the UK for the purpose of seeking that treatment). However, anyone that presents in such circumstances in Scotland would receive NHS treatment regardless of their ability to pay

Potential victims of human trafficking across the UK are also entitled to:

- translation and interpretation services (when appropriate)
- counselling and information in a language they can understand (particularly regarding their legal rights and the services available to them)

- help to make sure their rights and interests are presented and considered at appropriate stages of criminal proceedings against offenders
- access to education for children

Potential victims who are not housed in specialist accommodation (including those housed by asylum support) must still be offered outreach support to make sure their entitlements are met under Article 12 of the Council of Europe Convention on Action against Trafficking in Human Beings. The support providers listed above can again advise on these arrangements.

If there are reasons to believe a child has been trafficked and the child is living in an appropriate region then they may also have access to an Independent Child Trafficking Advocate (ICTA).

The ICTA model provides one-to-one support for children who have no one with effective parental responsibility for them in the UK. This includes unaccompanied asylum seeking children. It also introduces for the first time an expert ICTA regional co-ordinator. The regional co-ordinator will not offer one-to-one support for children, they will work with professionals who are themselves working directly with these children. The role will focus on children who do have a figure with effective parental responsibility for them in the UK, including victims of county lines and child sexual exploitation.

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Assessment of modern slavery by the SCA

This section provides definitions of modern slavery, including human trafficking, and slavery, servitude and forced or compulsory labour.

It addresses some of the myths about modern slavery and clarifies that human smuggling is not the same as human trafficking.

Myths about modern slavery

SCA staff must be able to separate myth from reality relating to modern slavery and its victims.

Myth	Reality
The person did not take opportunities to escape so is not being coerced.	Remaining in an exploitative situation could indicate a willingness to remain there and/or an absence of coercion. But there are many reasons why someone may choose not to escape an exploitative situation, for example: <ul style="list-style-type: none"> • fear of reprisal for the person or for family members at home • vulnerability • Stockholm syndrome (psychological dependency on the person exploiting them) • lack of knowledge of their environment • grooming • belief that the trafficker or modern slavery facilitator will fulfil their promise • fear of witchcraft • violence or threats of violence • not knowing how and where to seek help
UK nationals cannot be victims of modern slavery.	UK nationals can and have been victims of modern slavery.
Crossing a border is required in order to be trafficked.	Trafficking does not have to occur across borders; it can occur within a country.
Modern slavery is a necessary evil in some cultures and so must be accepted.	Abusive people may use 'culture' as a justification for modern slavery or trafficking other human beings. Modern

Myth	Reality
	slavery is a crime in the UK and child modern slavery is child abuse, not a 'cultural' issue.
It cannot be modern slavery when organiser and victim are related, married, living together or lovers.	Close relationships are often used to exploit and control others. This is especially relevant in child modern slavery. There have been numerous incidents where 'boyfriends' have groomed women and children into sexual exploitation or family members have colluded (intentionally or unintentionally) in the exploitation.
A person is not a victim of modern slavery when they say they have a better life than previously.	Some people are willing to tolerate their situation because they may perceive it as a 'stepping stone' to a better future and may compare it favourably to experiences at home. This doesn't mean they cannot be a victim of modern slavery.
A person is not a victim of modern slavery when they reject an offer of help.	It is not uncommon for victims to reject offers of help at first. This is not unique to victims of modern slavery.

What is modern slavery?

Modern slavery encompasses:

- human trafficking
- slavery, servitude and forced or compulsory labour

In all UK referrals, the SCA must consider whether the person is a victim of human trafficking. If someone is found not to be a victim of trafficking, the SCA must go on to consider whether they are the victim of another form of modern slavery, which includes slavery, servitude and forced or compulsory labour.

Human trafficking

The essence of human trafficking is that the victim is coerced or deceived into a situation where they are exploited. Article 4(a) of the Council of Europe Convention on Action against Trafficking in Human Beings (the Convention) defines 'human trafficking' as:

'the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other

forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.’

Human trafficking consists of 3 basic components:

- action
- means
- purpose of exploitation

As noted in the [Office of the United Nations High Commissioner for Refugees \(UNHCR\) guidelines](#) on international protection:

‘An important aspect of this definition is an understanding of trafficking as a process comprising a number of interrelated actions rather than a single act at a given point in time. Once initial control is secured, victims are generally moved to a place where there is a market for their services, often where they lack language skills and other basic knowledge that would enable them to seek help. While these actions can all take place within one country’s borders, they can also take place across borders with the recruitment taking place in one country and the act of receiving the victim and the exploitation taking place in another. Whether or not an international border is crossed, the intention to exploit the individual concerned underpins the entire process.’

Components of adult trafficking	What it means
Action	recruitment, transportation, transfer, harbouring or receipt, which includes an element of movement whether national or cross-border; which is achieved by a...
Means	threat or use of force, coercion, abduction, fraud, deception, abuse of power or vulnerability; for the purpose of...
Exploitation	for example, sexual exploitation, forced labour or domestic servitude, slavery, financial exploitation, removal of organs

All 3 components must be present in an adult trafficking case. However, in a child trafficking case the ‘means’ component is not required as they are not able to give informed consent.

Child human trafficking will therefore consist of 2 basic components: ‘action’ and ‘purpose of exploitation’.

Components of child trafficking	What it means
Action	recruitment, transportation, transfer, harbouring or receipt, of 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, removal of organs of child

The definition of trafficking is not met unless all the constituent components are there, even if one or more is present.

Guidance on the components of human trafficking

As explained above, human trafficking consists of 3 basic components:

- action
- means
- purpose of exploitation

Action

To be a victim of human trafficking, the person needs to be subjected to the act of either:

- recruitment
- transportation
- transfer
- harbouring
- receipt

As noted in the Office of the United Nations High Commissioner for Refugees (UNHCR) guidelines on international protection:

‘An important aspect of this definition is an understanding of trafficking as a process comprising a number of interrelated actions rather than a single act at a given point in time. Once initial control is secured, victims are generally moved to a place where there is a market for their services, often where they lack language skills and other basic knowledge that would enable them to seek help. While these actions can all take place within one country’s borders, they can also take place across borders with the recruitment taking place in one country and the act of receiving the victim and the exploitation taking place in another. Whether or not an international border is crossed, the intention to exploit the individual concerned underpins the entire process.’

Means

An **adult** victim of human trafficking must have been subject to a ‘means’ – the threat or use of force or other form of coercion to achieve the consent of a person having control over another person.

The **apparent** consent of a victim to be controlled and exploited is **irrelevant** when one or more of the following has been used to get that consent:

- the threat or use of force
- abduction
- fraud
- deception
- the abuse of power or of a position of vulnerability
- the giving or receiving of payments or benefits

It is not necessary for there to have been ‘means’ for a child to be a victim, because children cannot give informed consent. Any child who is recruited, transported, or transferred for the purpose of exploitation is considered to be a potential victim, whether or not there have been ‘means’, though in many cases the means will be present. See [Child victims](#) for further guidance on handling a child’s case.

A potential victim of trafficking who may have been a victim as a child, but only identified and referred into the NRM after reaching adulthood, is treated under child criteria in assessing whether they were trafficked. The practical effect of this is that they do not have to meet the means test. However, as an adult at the time of referral they must still provide consent for the referral.

Different types of **means** that may be present in human trafficking cases are explained below.

Trafficking: means – deception

An example of deception may be that the recruiter or employer has provided the worker with maliciously false, inaccurate, or misleading information. For example, a person who ends up being exploited through prostitution may originally have been under the impression there were legitimate education or employment opportunities (for example in the service industry, as a dancer, or for childcare).

There are also less straightforward cases, for example where people have been aware they would be working consensually in the sex industry in the UK but they were misled as to the conditions of the environment, particularly the degree of control (over freedom and earnings) before they arrived. Where the situation such individuals find themselves in amounts to exploitation, this could be a modern slavery case.

Trafficking: means – physical coercion

Physical coercion refers to the threat of the use of force or the actual use of force against the victim of trafficking or their family members. Physical coercion could also be more subtle measures of control, for example withholding travel or immigration documents.

Trafficking: means – psychological coercion

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

- blackmail
- ritual oaths – there is evidence to suggest witchcraft or ritual oaths can be used to make an individual fearful and compliant
- forcing someone to pay an excessive amount of money for substandard accommodation
- making significant deductions from an individual's 'salary'
- threats of rejection from, or disapproval by, a peer group or family members

There does not necessarily have to be a direct personal relationship in psychological coercion. It could refer to wider issues, for example social stigma. This is particularly relevant in cases involving sexual exploitation or other forms of sexual violence. Other examples include:

- grooming - where vulnerable individuals are enticed over time to take part in activity in which they may not be entirely willing participants (for example, a trafficker may present themselves as a 'boyfriend' in a sexual exploitation case)
- 'Stockholm syndrome' – where due to unequal power, victims create a false emotional or psychological attachment to their controller

In both of these examples the individuals can often first appear to be 'willing participants'. Due to their age and dependent status, children are especially vulnerable to physical and psychological coercion.

Trafficking: means – complex cases

There are also more complex cases where victims have been trafficked and subjected to exploitation in their own countries, and after escaping their situation travel to the UK to continue working in similar industries without such obvious control over movement or freedom.

An example of this may be where a child has been sexually exploited in their home country and then travels to the UK as an adult to work in prostitution. At first it may appear the individual is a willing participant, but you must consider any progression of control and coercion when you make your decision.

Exploitation

To be a victim, someone must have been trafficked for the **purpose of** 'exploitation' which may take the form of either:

- sexual exploitation
- forced labour or services
- slavery or practices similar to slavery

- servitude
- forced criminality
- removal of organs (also known as organ harvesting)

Trafficked for the ‘purpose of exploitation’ – what if someone hasn’t yet been exploited?

Under the Convention, a person is a ‘victim’ even if they haven’t been exploited yet, for example because a police raid takes place before the exploitation happens.

This is because, under the definition of trafficking, trafficking occurs once certain acts are carried out for the purpose of exploitation. So, it is the **purpose** which is key, rather than whether or not exploitation has actually occurred. Even if the UK authorities intervene and prevent exploitation taking place in the UK, victims may have experienced serious trauma in their home country or on the way to the UK and may still be in need of support.

Trafficking: exploitation – sexual exploitation

In the most cases involving human trafficking for the purpose of sexual exploitation, the victim is female; however, it is important to be aware that there are also male victims.

Female victims of sexual exploitation

The majority of female victims of trafficking identified in the UK are exploited through prostitution. Many are beaten, raped and abused. They may go abroad based on false promises of good jobs and economic opportunities, often out of ambition to earn money and make a better life for their children or family.

The forcible or deceptive recruitment of women and girls for forced prostitution or sexual exploitation is a form of gender-related violence. For more information on gender related violence, see:

- [Violence against women and girls](#)
- [Stolen Smiles: a summary report](#)

There is no typical experience of people who have been trafficked for sexual exploitation. Some are held captive, assaulted and violated. Others are less abused physically, but are psychologically tormented, and live in fear of harm to themselves and their family members. The way in which different people describe their experiences means you must not rely on victims to self-identify in explicit or obvious ways.

Male victims of sexual exploitation

Male victims of sexual exploitation may have additional barriers to disclosure. There is currently a limited research base to assess the exact extent of adult male sexual exploitation.

Child victims of sexual exploitation

Please refer to the detailed guidance regarding children who are being sexually exploited. See [Safeguarding children from sexual exploitation](#).

Trafficking: exploitation – forced labour

Forced labour is not restricted to a particular sector of the labour market but cases have been identified in these sectors:

- manufacturing
- food processing
- agriculture
- hospitality

For forced labour within the home, see the [domestic servitude](#) section.

As with other forms of trafficking related exploitation, a high level of harm and control or coercion is needed to trigger the UK's obligation under the Council of Europe Convention on Action against Trafficking in Human Beings.

Forced labour represents a severe violation of human rights and is a restriction of human freedom.

The International Labour Organisation (ILO) defines forced work as:

‘All work or service which is exacted from any person under the menace of any penalty and for which the person has not offered himself voluntarily’.

This definition is a useful indication of the scope of forced labour for the purposes of human trafficking. *Siliadan v France* 2005 (Application no. 73316/01) European Court of Human Rights took this as the starting point for considering forced labour threshold and held that for forced labour, there must be work:

- exacted under the menace of any penalty which is performed against the will of the person concerned, that is, for which the person has not offered themselves voluntarily

Forced labour cannot be equated (considered) simply with either:

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

For more information on the indicators of trafficking, see the Human Trafficking – guidance for frontline staff.

Trafficking: exploitation – forced criminality

Forced criminality is understood as the exploitation of a person to commit:

- pick-pocketing
- shop-lifting
- drug trafficking or cultivation
- other similar activities which are subject to penalties and imply financial gain

As noted in European Directive 011/36/EU, these must be understood as a form of forced labour or services as defined in the [1930 ILO Convention \(No. 29\) concerning Forced or Compulsory Labour](#).

Therefore, the exploitation of a person for criminal activity only falls within the scope of the definition of trafficking in human beings when all the elements of forced labour or services occur.

In cases involving minors, criminal activity may appear not to have been forced but decision-makers should bear in mind that children cannot give informed consent. Not all children involved in criminality will have been trafficked; in assessing a case all the circumstances present must be taken into account to determine whether the child has been recruited, transported, transferred, harboured or received for the purpose of exploitation. Cases may be complex in nature, and the Competent Authority must consider cases on the specific facts of an individual case.

Trafficking: exploitation – removal of organs (organ harvesting)

This type of trafficking involves exploiting people by their internal organs, which are used for transplant. Traffickers can force or deceive their victims into giving up an organ. Organs commonly traded are kidneys and liver, but any organ that cannot regenerate and can be removed and re-used could be the subject of this illegal trade.

The [World Health Organization \(WHO\)'s Guiding Principles on Human Organ Transplantation \(1991\)](#) states the commercialisation of human organs is 'a violation of human rights and human dignity'.

Section 3 of the [Human Tissue Act 2004](#) requires 'appropriate consent' for organ donation. Section 33 of this act outlines the restriction on transplants involving a live donor. Section 3 of the Human Tissue (Scotland) Act 2006 provides that a part of a deceased person's body can be removed after that person's death and used for all or any of the purposes of transplantation, research, education, training or audit.

The EU Organ Directive (2010/53/EU) requires organ donation to be voluntary and unpaid. However, compensation may be granted to make good the expenses and loss of income related to the donation, but avoids any financial incentive.

The Council of Europe Convention against trafficking in human organs, once it has been adopted by the committee of ministers, will be the first legally binding international instrument devoted solely to organ trafficking.

Trafficking: exploitation – domestic servitude

Domestic servitude often involves people working in a household where they are:

- ill treated
- humiliated
- subjected to exhausting working hours
- forced to live and work under unbearable conditions
- forced to work for little or no pay

The problems of domestic workers held in servitude are made worse by the fact it is often very difficult for them to leave their employers and seek help. Abusive employers create physical and psychological obstacles by, for example, instilling fear in the domestic slave by threatening them, or their relatives, with further abuse or deportation, or by withholding their passport.

Children living in domestic servitude may not see it as exploitation because they may have been used for domestic servitude in their home countries and it may appear like an extension of the same arrangement. Some children may have been groomed and see the domestic servitude as normal work they have to do in return for food and lodgings. There is evidence to suggest if children are kept in domestic servitude by powerful members of their community or family members they are unable to report the abuse due to the psychological control. For more information on psychological coercion see [Trafficking: means – psychological coercion](#).

For more information on domestic servitude, see the [United Nations Office on Drugs and Crime - Domestic 'service' or domestic slavery?](#)

Human smuggling is not human trafficking

The SCA must not confuse human trafficking with human smuggling. Human smuggling is also called people smuggling.

Human smuggling occurs when an individual seeks the help of a facilitator to enter a country illegally, and the relationship between both parties ends once the transaction ends. Many of those who enter the UK illegally do so by this route. **Human smuggling is not a form of modern slavery.**

The purpose of **human smuggling** is to move a person 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 that person's freedom and integrity.

There are several factors which help distinguish smuggling and modern slavery (trafficking):

- with trafficking, a victim's entry into a state can be legal or illegal but smuggling is characterised by illegal entry
- trafficking can take place both 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, which indicates 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 their destination and the transaction ends

Unclear cases

Trafficking victims may indeed start out believing that they are being smuggled, will have control over how their debt is repaid and will be free to go about their business once the agreed fee has been settled. Some may well end up in a potentially exploitative situation, where they are debt bonded and forced to work to pay off their 'debts', which in many cases are increased by their trafficker over time to retain control over them.

As noted in '[Smuggled or Trafficked?](#)' by Jacqueline Bhabha and Monette Zard staff in the Competent Authority must appreciate that in some cases the distinction of smuggling and trafficking can be blurred. There are certainly 'pure' cases of trafficking and smuggling. For example, there may be trafficking cases where children are kidnapped without their parents' consent, or in which migrant workers are defrauded and forced from the outset.

At the other end of the spectrum, there are completely transparent cross-border transportation agreements where a fee is mutually agreed and the relationship between transporter and transported ends upon arrival. However at the point of departure and at multiple stages of the journey, it may well be unclear which category – trafficking or smuggling – is at issue.

In less clear cases, the Competent Authority must consider the information in this section of the guidance and use their judgment in order to reach a decision.

Unclear cases: illegal adoption

Not every illegal adoption would be considered exploitation. A child might, for example, be sold or adopted illegally but not exploited. The purposes of baby-selling and human trafficking/modern slavery are not necessarily the same.

Some people assume that baby-selling for adoption is a form of human trafficking because it results in a profit by selling another person. However, illegally selling a child for adoption would not constitute trafficking where the child itself is not to be exploited. Baby-selling generally results in a situation that is non-exploitative with respect to the child. Where the 'parents' are looking to adopt the child and give it a loving home it should be considered as an illegal adoption case but not a case of trafficking or modern slavery.

Trafficking/modern slavery, on the other hand, implies exploitation of the victims. If an adopted child is subjected to coerced labour or sexual exploitation, then this can meet the exploitation element of human trafficking/modern slavery. Where the child is given to 'parents' via illegal adoption who intend to exploit the child then this may fall under an exploitation purpose that would be considered as an element of trafficking or modern slavery.

In some cases where the baby is forcibly removed from the mother, or the mother is forced or exploited to give birth, the mother may be a victim of trafficking or modern slavery.

Unclear cases: forced marriage

Forced marriage is a crime and victims of forced marriage deserve help and support.

The joint Home Office and Foreign & Commonwealth Office Forced Marriage Unit (FMU) provides direct support and advice for victims and those at risk through its public helpline. The support offered ranges from providing information and guidance to organising rescue and repatriation to the UK (for victims overseas).

The FMU can be contacted at tel: +44 (0) 20 7008 0151, email: fmu@fco.gov.uk

However, a forced marriage alone would not necessarily mean that a person is a victim of modern slavery. Cases referred to the NRM must be considered in accordance with this guidance to see whether all components of the definition of either trafficking or slavery, servitude or forced and compulsory labour are present.

Unclear cases: sham marriage

Individuals may enter into a marriage or civil partnership when there is actually no genuine subsisting relationship, but in order to gain an advantage, such as for immigration purposes. The existence of a marriage which does not appear to be genuine may be an indicator of coercion or exploitation, but will not be in all cases. Each of the components of trafficking or slavery, servitude or forced and compulsory labour must be considered in accordance with this guidance.

Slavery, servitude and forced or compulsory labour

Modern slavery includes trafficking, but also encompasses cases of slavery, servitude and forced or compulsory labour. Some people may not be victims of human trafficking, but are still victims of modern slavery. SCA decision makers must decide whether, if someone is not a victim of trafficking, they are nonetheless a

victim of another form of modern slavery. This section gives guidance on those cases.

In addition to victims of trafficking, modern slavery includes:

- victims of slavery
- victims of servitude
- victims of forced or compulsory labour

Slavery, servitude and forced or compulsory labour may also be present in trafficking cases. However, not every person who is exploited through forced labour has been trafficked. For example in some cases, a person may have been seriously exploited, but there was no action (element of movement), which means they do not meet the definition of a trafficking victim. In such cases protection and support is still available through the NRM where the person is a victim of slavery, servitude, and forced or compulsory labour, and [Discretionary leave](#) may be available.

Slavery, servitude and forced or compulsory labour are prohibited by Article 4 of the European Convention on Human Rights and illegal across the UK, but each jurisdiction has its own legislative framework of prohibitions. For the purposes of the NRM the UK recognises that slavery, servitude and forced or compulsory labour have the same meaning as they do under Article 4 of the European Convention on Human Rights. This ensures a consistent approach for victims across the UK.

Modern slavery: forced or compulsory labour (victim not trafficked)

UN Convention No. 29 concerning forced or compulsory labour defines 'forced or compulsory labour' as 'all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily'.

Labour is the provision of any service, not just manual labour. 'Penalty' may go as far as physical violence or restraint, but it can also take subtler forms of a psychological nature, such as threats to denounce victims to the police or immigration authorities when their employment status is illegal. Consent is a factor in forced and compulsory labour, but a victim may have given consent in a situation where they felt they had no viable alternative, in which case they could still be subject to forced or compulsory labour.

For a person to be a victim of forced or compulsory labour there must have been 2 basic components:

- means
 - threat of penalty – for example, threat or use of force, coercion, abduction, fraud, deception, abuse of power or vulnerability
- service
 - as a result of the means an individual provides a service for benefit, for example, begging, sexual services, manual labour, and domestic service

However, there does not need to be a means used for children as they are not able to give informed consent.

Child forced or compulsory labour (victim not trafficked as there has been no element of movement) will therefore consist of one basic component:

- service
 - a child provides a service for benefit, for example, begging, sexual services, manual labour, and domestic service

Where a case meets the test for forced and/or compulsory labour, they would receive a positive conclusive grounds decision. The concepts of servitude and slavery are explained below for completeness.

For more information, see the [Convention](#) and [explanatory report](#).

Modern slavery: servitude

‘Servitude’ means an obligation to provide a service that is imposed by the use of coercion.

Servitude 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 that the situation is unlikely to change.

Modern slavery: slavery

The 1926 Slavery Convention defines slavery as ‘the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised’.

This concept of ownership is what makes slavery distinct – for example a situation where an individual was being controlled by another would not meet this threshold, unless there was clear evidence the person was being used as a commodity. It is a form of servitude with the additional concept of ownership.

Related content

[Contents](#)

The components of modern slavery: slavery, servitude and forced or compulsory labour

This section gives further guidance on the components that apply to victims of slavery, servitude and forced or compulsory labour where the victims have not been trafficked. Because slavery and servitude are more serious forms of forced and compulsory labour, once the Competent Authority has determined whether an individual is a victim of this form of exploitation they can make the NRM decision.

This includes further guidance on the components of:

- means
- service

The components of modern slavery – slavery, servitude and forced or compulsory labour: means

For an individual to be a victim of slavery, servitude and forced or compulsory labour where the victims have not been trafficked, they must have been subject to a means, or threat of penalty through which that service was derived.

The UN Convention No. 29 concerning forced or compulsory labour defines 'forced or compulsory labour' as 'all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily'.

'Penalty' may go as far as physical violence or restraint, but it can also take subtler forms of a psychological nature, such as threats to denounce victims to the police or immigration authorities when their employment status is illegal. Consent is a factor in forced and compulsory labour, but a victim may have given consent in a situation where they felt they had no viable alternative, in which case they could still be subject to forced or compulsory labour.

Slavery, servitude and forced or compulsory labour must include this threat of penalty.

Deception must of itself constitute a threat of penalty to establish means.

Different types of **means** that may be present in modern slavery cases are explained below.

Slavery, servitude, and forced or compulsory labour: means – physical coercion

Physical coercion refers to the threat of the use of force or the actual use of force against the victim of modern slavery or their family members. Physical coercion could also be more subtle measures of control, for example withholding travel or immigration documents.

Slavery, servitude, and forced or compulsory labour: means – psychological coercion

Psychological coercion refers to the threat or the perceived threat to the victim's relationships with other people. Examples of psychological coercion include any of the following:

- blackmail
- ritual oaths – there is evidence to suggest witchcraft or ritual oaths can also be used to make an individual fearful and compliant
- forcing someone to pay an excessive amount of money for substandard accommodation
- making significant deductions from an individual's 'salary'
- threats of rejection from, or disapproval by, a peer group, family
- anger or displeasure by the person considered to be a partner by the victim

There does not necessarily have to be a direct personal relationship in psychological coercion. It could refer to wider issues, for example social stigma. This is particularly relevant in cases involving sexual exploitation or other forms of sexual violence. Other examples include:

- grooming – where vulnerable individuals are enticed over time to take part in activity in which they may not be entirely willing participants (for example the 'boyfriend' method is fairly common in sexual exploitation)
- 'Stockholm syndrome' – where due to unequal power, victims create a false emotional or psychological attachment to their controller

In both of these examples the individuals can often first appear to be 'willing participants'. Due to their age and dependent status children are especially vulnerable to physical and psychological coercion.

Slavery, servitude, and forced or compulsory labour: means – complex cases

There are also more complex cases where victims have been a victim of modern slavery and subject to exploitation in their own country, and after escaping their situation travel to the UK to continue working in similar industries without such obvious control over movement or freedom.

An example of this may be where a child has been sexually exploited in a home country and then travels to the UK as an adult to work in prostitution. At first it may appear the individual is a willing participant but you must consider any progression of control and coercion when you make your decision.

Slavery, servitude and forced or compulsory labour: service

For a person to be a victim of slavery, servitude, and forced or compulsory labour where the victims have not been trafficked, there must have been a service derived via the threat of penalty.

The UN Convention No. 29 concerning forced or compulsory labour defines 'forced or compulsory labour' as 'all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily'. Labour is the provision of any service, not just manual labour.

'Service' or labour includes: forced labour, domestic servitude, sexual services and forced criminality. These forms of service could take place in a variety of industries or in private homes.

Servitude and slavery are more serious forms of forced or compulsory labour. For the purposes of the NRM you will only need to determine whether an individual has been the victim of slavery, servitude, and forced or compulsory labour. Definitions for servitude and forced or compulsory labour are within [Slavery, servitude and forced or compulsory labour](#).

Related content

[Contents](#)

Child victims

This section tells you about child victims of modern slavery, and how to deal with cases of potential child victims.

Determining whether a child is a victim of modern slavery

To determine whether a child is a victim of modern slavery, SCA staff need knowledge and understanding about child victims of modern slavery, as characteristics and issues may be different to adult victims.

In cases of potential child victims, you must remember that it is not possible for a child to give informed consent, so you do not need to consider the means used for the exploitation. You must also keep in mind the child's:

- added vulnerability
- developmental stage
- possible grooming by the perpetrator

No child's case should be considered without contacting individuals who specialise in children from the local authority with responsibility for the area the child resides.

Like victims of other forms of child abuse, a child who is a victim of modern slavery will describe the behaviour that has to be assessed against indicators of child abuse and modern slavery. Children may not be familiar with the words 'slavery' or 'trafficking' or be able to label their experience as abuse.

Where an adult is referred to the NRM on the basis of modern slavery that took place when they were a child, see [Potential child victims of modern slavery who are now adults](#).

Duty to refer child victims to the local authority

Modern slavery is child abuse and requires a child protection response.

Potential victims under 18 years of age should be immediately referred to the relevant local authority children's services (or the Health and Social Care Trust Children's Services in Northern Ireland) by the Competent Authority if they haven't been referred already by the first responder.

The relevant police force must be informed and involved, so you should discuss this with the local authority to be clear who will take responsibility for involving the police.

Identifying potential child victims of trafficking

A number of children arrive in the UK accompanied by adults who are either not related to them or in circumstances which raise child protection concerns, for example, there may be:

- no evidence of parental permission for the child to travel to the UK or stay with the adult
- little or no evidence of any pre-existing relationship with the adult or even an absence of any knowledge of the accompanying adult
- evidence of unsatisfactory accommodation arranged in the UK

These irregularities may be the only indication that the child could be a victim of modern slavery. As noted in the guide to identification of possible victims of trafficking (Koordineringsenheten for Ofre for Menneskehandel, Norway, November 2008), children who are in a trafficking situation are often very reluctant to give information, and often relate their experiences in an inconsistent way or with obvious errors. More often than not this will be because their stories are made up by their trafficker or modern slavery facilitator.

Children under 18 travelling unaccompanied by adults or with an adult who is not their parent should not be assumed to be victims of modern slavery just based on this factor alone, as their situation may be perfectly legitimate or unrelated to modern slavery. If a child referral is made where no indicators are present the SCA should ask frontline staff to make additional enquiries as appropriate, which might establish whether or not any indicators of modern slavery are present.

Consent of child victims

As explained above, 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, whether or not they have been forced or deceived. This is because it is not considered possible for children to give informed consent.

Staff in the SCA must consider any child who has been recruited, transported, transferred, harboured or received for the purpose of exploitation, as a victim of modern slavery, whether or not there are 'means'.

Where an adult was a victim of modern slavery as a child, but only referred to the NRM in adulthood, they will be assessed against the child criteria for the purposes of determining whether they are a victim of modern slavery but as they are an adult at the time of the referral, they must consent to their case being referred to the NRM.

Financial gain involving child victims

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 their vulnerability. Poor and displaced families may hand over care of their children to traffickers who promise to provide them with a source of income, education or skills training, but ultimately exploit them.

Parents and relatives may also be involved in the exploitation of the child. The children are likely to be very loyal to their parents or carers so you must not expect them, of their own initiative, to seek protection against such people. For more information, see the [UNHCR Handbook](#) for the protection of internally displaced persons.

School registration

Children trafficked into the country may be registered at a school for a term or longer, before being moved to another part of the UK or abroad. This pattern of registration and de-registration may be an indicator that a child has been trafficked. It has been identified as a particular concern in schools situated near ports of entry, but you must be alert to this possibility in all schools.

However, you must always bear in mind not all children who move between schools have been victims of trafficking. For example, there may be instances of children from communities that move around – Gypsy, Roma, traveller or migrant families – who collectively move school. For more information, see:

- [Safeguarding children who may have been trafficked](#)
- [Safeguarding children in Scotland who may have been trafficked](#)

Child victims who claim asylum

Some children who are under the control of a trafficker may say they are unaccompanied when claiming asylum. They might have entered the UK with a trafficker who may or may not be a family member. In such cases the trafficker may have told the child that by doing so they will be granted permission to stay in the UK and be entitled to claim welfare benefits.

Potential child victims of modern slavery who are now adults

In some cases, a potential victim of modern slavery may have been a victim as a child, but only identified and referred into the NRM after reaching adulthood. In these circumstances, the SCA should treat the potential victim as having been a child at the time of the modern slavery incident and follow the guidance covering children within the NRM decision making process. This means assessing the case as if they were a child to make a reasonable grounds and conclusive grounds decision.

However, an adult who enters the NRM who may have been a victim as a child would be treated as an adult for the purposes of support, services and safeguarding,

for the purposes of requiring consent to enter the NRM and for immigration leave purposes.

Establishing age

In some cases a person referred to the NRM may claim to be a child but it is suspected that they are an adult.

It is sometimes difficult to establish the age of a potential child modern slavery victim where there is a dispute over age.

In such cases the SCA and other agencies within the NRM will continue to treat the individual as a child until age is established. However, whether an individual is a child or an adult must be established before the SCA reaches its conclusive grounds decision. The first responder should have commissioned an age assessment where appropriate. The SCA should check whether this has been commissioned.

There is guidance on assessing the age of a potential child modern slavery victim on Horizon.

Where an age assessment has been conducted by the local authority and has determined that the potential victim is an adult, the SCA must seek consent from the potential victim to remain in the NRM before the case is progressed any further.

It may be the case that the potential victim challenges the outcome of an age assessment. The SCA must accept the determination of the local authority until such time as any challenge is concluded.

Independent Child Trafficking Advocates

Section 48 of the Modern Slavery Act 2015 provides for Independent Child Trafficking Advocates (ICTAs). Section 48 has not been commenced but ICTAs have been implemented in some regions in advance of them being rolled-out nationally.

Further information can be found at [ICTAs](#)

ICTAs will represent and support children in these regions where there is reason to believe that they may have been trafficked. They advocate on behalf of the child to ensure the child's best interests are reflected in the decision making processes undertaken by the public authorities who are involved in the child's care and support.

The ICTA model will provide one-to-one support for children who have no one with effective parental responsibility for them in the UK. This includes unaccompanied asylum seeking children. It also introduces for the first time an expert ICTA regional co-ordinator. Whilst the regional co-ordinator will not offer one-to-one support for children, they will work with professionals who are themselves working directly with these children. The role will focus on children who do have a figure with effective parental responsibility for them in the UK, including victims of county lines and child sexual exploitation.

A 24 hour contact/helpline number for the ICTA Service Provider (**0800 043 4303**) is available for clarification purposes, advice and emergency contact.

When to make a NRM decision on a child case

As in cases involving an adult, for all cases where the potential victim is currently a child, a NRM decision should be made as soon as possible, providing there is sufficient information to make the decision and it is in the child's best interest to make the decision at that time. Where possible, the SCA should seek to make a decision before the individual reaches the age of 18, but should not do so at the expense of the child's best interests and only where there is sufficient information available to do so.

As in cases involving an adult, if the child is subject to criminal proceedings, the SCA should consider the child's case as a matter of urgency and inform all interested parties as soon as the decision is made. A decision should only be made where there is sufficient information available to do so.

Information to be considered in a child case may come from a variety of sources including but not limited to local authorities, ICTAs, and police. The SCA must ensure it has sought information from all appropriate sources before making a decision.

Further guidance on child victims

There is information on the SCA's statutory duty to safeguard and promote the welfare of children on Horizon.

Further information on 'Care of unaccompanied migrant children and child victims of modern slavery' is available [here](#)

There is further guidance available for [first responders dealing with child cases](#)

The Child Trafficking Advice Centre (CTAC), part of the National Society for the Prevention of Cruelty to Children (NSPCC), operate a child trafficking advice and information line which offers direct assistance to professionals dealing with children who show signs of having been trafficked.

They have a national remit and are staffed by qualified social workers and a police liaison officer. They can offer staff in the SCA advice on how to address the child's needs and your statutory duties in regard to safeguarding children from harm. It also offers guidance by telephone and a case consultancy service by appointment in addition to free training on child trafficking. The advice line number is 0808 800 5000.

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Indicators of modern slavery

This section tells SCA staff about the behaviours a victim may demonstrate, to help them consider a potential victim's case.

Victims may:

- be reluctant to come forward with information
- not recognise themselves as having been trafficked or enslaved
- may tell their stories with obvious errors

It is not uncommon for traffickers or modern slavery facilitators to provide stories for victims to tell if approached by the authorities. Errors or lack of reality **may** therefore be because their initial stories are composed by others and learnt.

Victims' early accounts may also be affected by the impact of trauma. In particular, victims may experience post traumatic stress disorder, which can result in symptoms of:

- hostility
- aggression
- difficulty in recalling details or entire episodes
- difficulty concentrating

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

See Victims of modern slavery – guidance for frontline staff for more information on:

- why victims may be reluctant to disclose information/don't self identify
- obstacles to victims coming forward
- victims' willingness to co-operate

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Self-identification

This section explains how self-identification as a victim of modern slavery must be considered when reviewing a potential victim's case.

The SCA must not rely solely on a person self-identifying, but explore objective supporting evidence. Self-identifying or otherwise must be considered with the factual evidence.

Whether or not someone identifies themselves as a victim, the SCA must consider if there are objective signs. Such indicators will help the SCA identify potential victims of modern slavery. It is important that the SCA does not rely on victims to identify themselves, but instead knows how to recognise and identify the signs of modern slavery. For more information on what to look for, see [Assessment of modern slavery by the SCA](#).

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The 2 stage NRM consideration process

This section explains the 2 stage NRM process for identifying victims of trafficking, stipulated by the Council of Europe Convention on Action against Trafficking in Human Beings.

Part 1

The first part is the reasonable grounds test, which acts as an initial filter to identify potential victims.

Part 2

The second is a substantive conclusive grounds decision as to whether the person is in fact a victim. This 2 stage test covers all human trafficking cases in any part of the UK and also gives further consideration to slavery, servitude, and forced or compulsory labour.

Making a reasonable grounds decision

Timescales

The expectation is that the SCA will make a reasonable grounds decision within 5 working days, where possible, of the NRM referral being received.

Reasonable grounds decisions for cases in immigration detention will be considered as soon as possible.

If the potential victim is the subject of criminal proceedings, it is important that the reasonable grounds decision is made before the court hearing to prevent confusion with remand processes. Staff in the SCA must find out the date of any court hearing.

In some cases a person may already have been convicted and sentenced when the referral is received.

Standard of proof for reasonable grounds decision

The reasonable grounds test

This is designed to determine whether someone is a potential victim. When the SCA receives a referral, they must decide whether on the information available it is reasonable to believe that a person is a victim of human trafficking or slavery, servitude and forced or compulsory labour.

The test the SCA must apply is: whether the statement 'I suspect but cannot prove' the person is a victim of human trafficking, or the person is a victim of slavery, servitude, and forced or compulsory labour:

- is true
- whether a reasonable person having regard to the information in the mind of the decision maker, would think there are reasonable grounds to believe the individual had been a victim of human trafficking or slavery, servitude and forced or compulsory labour

It may not be initially clear to the SCA whether a potential victim has been subject to human trafficking or slavery, servitude, and forced or compulsory labour. So to reach a positive reasonable grounds decision the SCA just needs to determine that, on the information available, it is reasonable to believe that a person is a victim of modern slavery; the SCA does not need to distinguish at the reasonable grounds stage which form of modern slavery they have experienced.

Reasonable suspicion would not normally be met on the basis of an unsubstantiated claim alone, without reliable, credible, precise and up to date:

- intelligence or information
- evidence of some specific behaviour by the person concerned

Where reliable, credible, precise and up to date intelligence, information or evidence is present, it must be considered in reaching a reasonable grounds decision.

Evidence gathering

The reasonable grounds decision has consequences for the potential victim in terms of protection and support (and potential further stay in the UK if they are subject to immigration control). The SCA decision may be subject to external scrutiny and judicial review so it must be of the highest possible standard, taking into account the expert views of those surrounding the individual.

If staff in the SCA are unsure about their decision, they must seek guidance and assistance from their SCA lead and request more information from the first responder or support provider.

During the gathering of evidence the SCA may become aware of reference numbers that individuals have related to non-NRM cases, such as a Port Reference number, Home Office reference number or reference numbers used by a local authority. The SCA should keep these details on the NRM record to assist with identification and information sharing.

When the SCA doesn't need further evidence

In some cases the SCA may have enough evidence to make a positive reasonable grounds decision.

A first responder or support provider may be in a position to provide information that meets or goes beyond the required standard of proof for the reasonable grounds test. In these circumstances the SCA must advise the first responder that:

- the case meets the reasonable grounds test
- any further information will be taken into account for the conclusive grounds decision

The SCA must make a positive decision as soon as they have sufficient information to decide there are reasonable grounds to believe the person is a victim of modern slavery, even if it is likely further information will be available at a later stage.

When the SCA may need to make further enquiries

Where it appears that the reasonable grounds test may be negative, the SCA must contact the first responder and/or support providers, police and local authority as appropriate to discuss their decision and give them the opportunity to provide any further information/evidence that may be available. This includes any known evidence highlighted by the first responder and/or support providers which has not yet been sent to the SCA.

Where a decision may be negative the SCA should make reasonable enquiries in a collaborative manner with agencies involved in the case, bearing in mind the relatively low threshold of the reasonable grounds test as well as the limited 5 working days timescale in which they are expected to make a decision where possible.

Where there is evidence the person may be a victim of crime at the reasonable grounds stage

If a person is a victim of human trafficking or slavery, servitude, and forced or compulsory labour then they are a victim of a crime.

The SCA can explore information about the alleged offence in consultation with Intel or the police, as part of the reasonable grounds assessment.

Prior to the commencement of Part 1 of the Modern Slavery Act 2015 trafficking offences in the UK were contained in the following legislation:

- Sections 59a of the Sexual Offences Act 2003 (as amended by the Protection of Freedoms Act) and Section 4 of the Asylum and Immigration (Treatment of Claimants) Act 2004 (as amended by the Protection of Freedoms Act)
- Section 22 Criminal Justice (Scotland) Act 2003 (as amended by Section 46 of the Criminal Justice and Licensing (Scotland) Act 2010)
- Section 47 Criminal Justice and Licensing (Scotland) Act 2010

Part 1 of the Modern Slavery Act 2015 introduces the consolidated slavery and trafficking offences, tougher penalties and sentencing rules, ensures the main offences are subject to the toughest asset recovery regime under the Proceeds of Crime Act 2002, introduces bespoke slavery and trafficking reparation orders, and

provides for the detention and then forfeiture of vehicles, ships and aircraft used for the purposes of trafficking.

It is not necessary to prove that an offence has taken place, or for there to be an ongoing criminal investigation to find that an individual is a victim of human trafficking or slavery, servitude, and forced or compulsory labour

If however, the SCA has considered the facts and/or consulted with the police and there is no evidence of either a crime having been committed or that there are grounds to suggest the person needs time to decide whether to cooperate in a criminal investigation, the SCA is entitled to consider such findings as part of their reasonable grounds assessment.

Interviews at the reasonable grounds stage

At the reasonable grounds stage, the decision may be more likely to be based on evidence gathered from the first responder rather than through an interview process given the limited 5 working days timescale in which the SCA is expected to make a decision where possible which might not allow time for interviews. In some cases that might also be an inappropriate time to carry out a formal interview.

For assessing credibility during the NRM process please see [How to assess credibility when making a reasonable grounds or conclusive grounds decision](#).

Negative decisions

If after contacting the first responder, support provider, police or local authority (in the case of children) there is not enough information or evidence to conclude that the reasonable grounds (or conclusive grounds test) is met, the SCA is entitled to make a negative decision.

Recording the reasonable grounds decision

As part of the SCA decision making process, staff at the SCA must keep a detailed consideration minute.

When issuing a negative decision the SCA must use this consideration minute as the basis for dealing with the key points in their decision.

When issuing a positive decision, the SCA must keep this minute on record.

The consideration minute must include all of the following:

- case summary
- objective information on country in question
- findings of fact with detailed reasoning (clear credibility findings including reference to which events the SCA accepts took place and which events the SCA does not accept took place)

- why the definition of human trafficking or slavery, servitude, and forced or compulsory labour is or is not met in respect of a reasonable grounds test
- decision outcome
- date of decision

Where the assessment of credibility undermines an individual's account to the point that the reasonable grounds standard of proof can no longer be met, the SCA must conclude that the subject is not a victim of modern slavery.

Quality assuring the reasonable grounds (or conclusive grounds) decision (second pair of eyes)

To make sure the decision taken is in line with policy, a second caseworker or manager who has appropriate experience in modern slavery work must review a negative NRM decision. Details of the officer responsible for the second pair of eyes review must be kept on record.

The SCA may undertake a second pair of eyes review of positive NRM decisions if they wish, but they are not obliged to do so provided there are sufficient alternative local quality assurance measures in place.

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Making a conclusive grounds decision

When the SCA makes a positive reasonable grounds decision, after the minimum recovery and reflection period they then have to conclusively decide whether the individual is a victim of modern slavery.

The SCA is responsible for making a conclusive decision on whether, 'on the balance of probabilities', there are sufficient grounds to decide that the individual being considered is a victim of human trafficking or slavery, servitude, and forced or compulsory labour. We refer to this as the conclusive grounds decision.

The SCA's consideration of the case is in 2 parts:

1. Are there sufficient grounds to decide that the individual is a victim of trafficking?
2. If not, are there sufficient grounds to decide that the individual is a victim of slavery servitude, and forced or compulsory labour?

There are therefore three potential outcomes for each case:

- the individual is recognised as a victim of modern slavery (human trafficking)
- the individual is recognised as a victim of modern slavery (slavery, servitude and forced or compulsory labour)
- there is insufficient evidence to recognise the individual as a victim of modern slavery

Timescale for conclusive grounds decision

The expectation is that a conclusive grounds decision will be made as soon as possible following day 45 of the recovery and reflection period in England, Wales and Northern Ireland. In Scotland, a potential victim may be supported for the period set by ministers (currently 90 days), or until a conclusive grounds decision is made, whichever comes sooner. As a matter of policy, a decision should not be made in a case in Scotland until after day 45. There is no target to make a conclusive grounds decision. The timescale for making a conclusive grounds decision will be based on all the circumstances of the case.

As in adult cases, for cases where the potential victim is currently a child, a decision should be made as soon as possible, providing there is sufficient information to make the decision and it is in the child's best interest to make the decision at that time. Where possible, in some cases the SCA should seek to make a decision before the individual reaches the age of 18, but should not do so at the expense of the child's best interests.

As in adult cases, if the child is subject to criminal proceedings, the SCA should consider the child's case as a matter of urgency and inform all interested parties as soon as the decision is made. A decision should only be made where there is sufficient information available to do so.

Requests to delay making a conclusive grounds decision

In some cases the SCA may receive a request to hold off making a conclusive grounds decision, for example until an interested party can submit further information they deem relevant to a case. The SCA must consider the circumstances of the request, whether the additional information is required for the decision, and as such whether it is appropriate to keep the individual in the recovery and reflection period rather than proceeding with a decision.

Standard of proof for conclusive grounds decision

At the conclusive grounds decision stage, the SCA must consider whether, 'on the balance of probabilities', there is sufficient information to decide if the individual is a victim of modern slavery.

The balance of probabilities

The 'balance of probabilities' essentially means that, based on the evidence available, modern slavery is more likely than not to have happened. This standard of proof does not require the SCA to be certain that the event occurred.

In reaching their decision the SCA must weigh the balance of probabilities by considering the whole modern slavery process and the different and interrelated actions that need to have taken place. To make their decision, they must weigh the strength of the evidence presented, including the credibility of the claim, and use common sense and logic based on the particular circumstances of each case. See [Assessment of modern slavery by the SCA](#).

Evidence gathering

SCA staff may need to gather and be provided with more information to make a conclusive grounds decision.

During the gathering of evidence, the SCA may become aware of reference numbers that individuals have related to non-NRM cases, such as a Port Reference number, Home Office reference number or reference numbers used by a local authority. The SCA should keep these details on the NRM record to assist with identification and information sharing during the evidence gathering process.

The SCA must make every effort to request all available information that could prove useful in establishing if there are conclusive grounds.

If they cannot make a conclusive grounds decision based on the evidence available, they must gather evidence or make further enquiries during the recovery and reflection period.

The SCA must gather this information, where appropriate, from:

- the first responder
- support provider
- police
- local authority (in the case of children)
- Independent Child Trafficking Advocate (ICTA)

Some of the indicators on the referral form may not be apparent on the initial encounter but will become clear during subsequent interviews with an interpreter and/or at a safe location (for example in a police station). The SCA must be mindful of any ongoing process which may be able to provide additional information.

Police and intelligence reports relating to the alleged crime can provide objective evidence to strengthen a claim. The SCA must also give due weight to the reports and views of:

- local authority children's services (for child victims)
- the organisation supporting the individual

The SCA must also take into account any medical reports submitted, particularly those from qualified health practitioners. See [View of experts during the NRM process.](#)

In cases where it is likely that the person will be issued a negative conclusive grounds decision, the SCA should ensure all relevant questions have been asked. This might include asking another frontline agency, the legal representative or the support provider to obtain further information or answers to any outstanding questions on behalf of the SCA as appropriate.

When is the adult potential victim of modern slavery interviewed?

Interviews are more likely to be relevant to a conclusive grounds decision rather than a reasonable grounds decision, although there is no requirement for the SCA to conduct an interview.

Modern slavery interviews do not have to be carried out with potential victims in all NRM cases. When the SCA is considering the evidence it may be the case that the information submitted on the individual's situation is so compelling that an interview is not necessary or it may be possible to clarify the modern slavery issues as part of another process, such as by asking relevant questions during an asylum interview. (See [Asylum/modern slavery interviews.](#))

If the information provided is slim or contradictory, an interview may help to clarify things – for example by allowing the potential victims to comment on any inconsistencies. A victim might also be asked to account for inconsistencies by other methods, such as in writing.

The SCA must note the case record if there is insufficient information available through other methods to make a conclusive decision and whether an interview is therefore required.

Before they proceed, the SCA must balance the benefits of an interview against the potential risks in terms of potentially re-traumatising the potential victim.

They must therefore always attempt to gather all available information before deciding to interview.

The SCA should carefully consider the timing of an interview including whether any interview during the first 45 days of the recovery and reflection period is appropriate based on the facts of the individual case, balanced with the need to not unduly delay decision-making.

Some victims may be highly vulnerable and there may be circumstances in which it would be right to delay the interview. If a victim is unable to attend an interview due to their psychological instability or other compassionate circumstance, then their legal representative or support provider should write to the SCA to explain the reasons for this and provide a realistic timescale as to when they can be interviewed and documentary evidence should be provided from a qualified practitioner in all cases. It is the SCA's discretion as to whether the interview is delayed or not.

Where the SCA have questions that need to be put to a potential victim but there are concerns that the individual may be re-traumatised, the SCA must consider submitting questions in writing via the support provider, police or local authority (in the case of children).

The SCA in seeking to arrange an interview will determine who is best placed to carry out an interview of the potential victim, and whether it would be beneficial for the support provider to be present during the interview. The SCA will expect the person designated to carry out the interview to look at whether any other arrangements need to be considered for example in respect of whether the potential victim has a preference regarding the gender of the interviewer and interpreter.

Under normal circumstances the person designated to carry out the interview should meet a prior request for a gender specific interviewer and interpreter for the interview. Where a request for a gender specific interviewer is made by the applicant on the day of the interview, the request must be met as far as is operationally possible. If the potential victim's preference cannot be accommodated for operational reasons, the person designated to carry out the interview must try to accommodate any other requests, for example, a gender preference for the interpreter. But again this will be subject to what is operationally possible.

The presence of children in interviews

The presence of children in an interview situation can hamper the ability and willingness of potential victims to disclose information about their experiences, especially when these have been of a violent or sexual nature. The person

designated to carry out the interview must schedule the interview in a manner to allow it to take place in private.

Interview transcript

If the SCA conducts an interview it must keep a verbatim (word for word) record of the interview and keep a copy on the NRM case record or follow any updated guidance on recording of interviews as appropriate.

If the interview is conducted by an SCA officer they must be trained in interviewing in accordance with existing policy.

Interviews and criminal trials

Where a witness in an ongoing prosecution needs to be interviewed for the purposes of the NRM, the interview should be carried out by an officer who is achieving best evidence (ABE) trained (the national protocol for interviewing children and vulnerable adults who are part of a criminal investigation). Alternatively, the SCA may wish to commission the police to ask any outstanding questions on their behalf.

In criminal trials, evidence from witnesses must be given independently and therefore the SCA must take care not to offer, or appear to offer, potential inducements (incentives) to the victim. Any form of inducement might undermine the credibility of evidence obtained and adversely affect the prosecution's ability to bring cases to court.

Interviewing children

Interviewing children suspected to be victims of modern slavery must be kept to a minimum. Where you need to establish victim status under the Council of Europe Convention on Action Against Trafficking in Human Beings, where possible, the child should only be interviewed by either:

- trained specialist child protection police
- social work professionals

As the SCA, you must avoid interviewing a child specifically for the purpose of reaching a decision under the NRM if either:

- there are specialists in other agencies capable of doing so
- the modern slavery issues have already been clarified in other interviews, such as part of the asylum process

If you need more information to make an NRM decision, the SCA must request this information from the first responder. If more information is still required, you must consider asking the local authority or police to interview the child on your behalf.

If the SCA has to interview potential child victims of modern slavery, it must do so in a sensitive manner which takes into account their age and maturity.

Only officers who have received appropriate training can interview in child cases.

For assessing credibility during the NRM process please see [How to assess credibility when making a reasonable grounds or conclusive grounds decision](#)

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Recording the conclusive grounds decision

There are 3 potential outcomes on the case:

- the individual is recognised as a victim of modern slavery (human trafficking)
- the individual is recognised as a victim of modern slavery (slavery, servitude and forced or compulsory labour)
- there is insufficient evidence to recognise the individual as a victim of modern slavery

As part of the SCA decision making process, staff at the SCA must keep a detailed consideration minute.

When issuing a negative decision, the SCA must use this consideration minute as the basis for dealing with the key points in their decision.

When issuing a positive decision, the SCA must keep this minute on record.

The consideration minute must include all of the following:

- case summary
- objective information on country in question
- findings of fact with detailed reasoning (clear credibility findings including reference to which events the SCA accepts took place and which events the SCA does not accept took place)
- why the definition of human trafficking or slavery, servitude, and forced or compulsory labour is or is not met in respect of a conclusive grounds test
- decision outcome
- date of decision

Where the assessment of credibility undermines an individual's account to the point that the reasonable grounds standard of proof can no longer be met, the SCA must conclude that the subject is not a victim of modern slavery.

When the SCA comes to a decision they must consider that victim service providers need to prepare the person for the outcome and that the decision may directly impact on any criminal investigation.

Quality assuring the conclusive grounds decision (second pair of eyes)

As with a negative reasonable grounds decision, a negative conclusive grounds decision must also be reviewed by a second caseworker or manager. See [Quality assuring the reasonable grounds \(or conclusive grounds\) decision \(second pair of eyes\)](#).

Multi-agency assurance panels

In all new cases routed directly to the SCA, any negative conclusive grounds decision that has been through the second pair of eyes review will also be subsequently reviewed by a multi-agency assurance panel.

The multi-agency assurance panel will review the case and provide the SCA with their review, which will either state the panel agrees with the reasons for the negative decision or whether further consideration of the case by the SCA is suggested. A manager or other experienced member of staff within the SCA must subsequently take note of the review from the panel and decide whether further consideration of the case is required.

The SCA must give consideration to the review from the multi-agency assurance panel but it is not obliged to consider a case further if stated by the panel. If the SCA proceeds with issuing the negative decision it must feedback to the panel the reasons for doing so.

Multi-agency assurance panel members will comprise a range of representatives from relevant agencies, organisations and partners, including NGOs, with a background or relevant interest in modern slavery issues and in protecting vulnerable individuals.

Multi-agency assurance panel members should consist of individuals from the following areas:

- police / law enforcement;
- local authority (adult/child respectively);
- NGO (adult/child respectively)

It is recognised that there will be times when a full complement of agencies attending each panel will not be possible. In these circumstances, the panel would be quorate if there is a Chair and two panel members in attendance.

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Actions for the SCA following a NRM decision

If the SCA makes a positive reasonable grounds decision, the potential victim should be provided with support if they want it for a minimum of 45 days during a recovery and reflection period in England, Wales and Northern Ireland. In Scotland, the potential victim will be supported for the period set by ministers (currently 90 days) or until a conclusive grounds decision is made, whichever comes earlier, however in some cases support may be offered beyond 90 days where a decision has not yet been made.

This temporary period provides the conditions for a full evaluation to conclusively decide if the person was a victim of modern slavery at the date of the reasonable grounds decision. This is a not an immigration decision.

The recovery and reflection period is a legal concept that triggers certain rights and measures under the Council of Europe Convention on Action against Trafficking in Human Beings. This recovery and reflection period covers positive reasonable grounds decisions in all modern slavery cases.

If the SCA decides that there are not reasonable grounds to accept the person is a potential victim of modern slavery, they will not offer support for a recovery and reflection period.

Following a positive reasonable grounds decision that an individual is a potential victim and the subsequent recovery and reflection period the SCA must make a conclusive grounds decision as to whether the individual is or is not a confirmed victim of modern slavery.

Where the SCA is minded to make a negative conclusive grounds decision it must ensure it has sought all necessary information before doing so. They must have discussed the case with the relevant interested parties as appropriate during the recovery and reflection period to make sure that all available information has been gathered, for example:

- the support provider
- the police
- first responder
- local authority (in the case of children)
- ICTA (where appointed)

In cases where it is likely that the person will be issued a negative conclusive grounds decision, the SCA should ensure all relevant questions have been asked. This might include asking another frontline agency, the legal representative or the support provider to obtain further information or answers to any outstanding questions on behalf of the SCA as appropriate.

If the SCA decides that there are not conclusive grounds to accept the person is a victim of modern slavery, the SCA must not offer any further recovery and reflection period.

In all NRM cases, when a decision is made the SCA must take the following actions:

Action 1: Record the decision

The SCA must update the case outcome on SCA records:

Positive RG – Pos RG made
Negative RG – Neg RG made

Positive CG – Pos CG made
Negative CG – Neg CG made

The SCA should draft a consideration minute explaining the reasons for the decision and keep it on record.

The SCA should complete the appropriate decision letter for the case outcome.

Action 2: Notify the individual of the decision

The SCA should issue the decision letter to the adult concerned or through their appointed representative, where applicable (or local authority in the case of a child victim).

For a negative decision, the SCA must include a copy of the consideration minute providing full details of what they have considered and explaining their decision.

The SCA must not serve a decision letter or other modern slavery papers on a child under any circumstances. All modern slavery papers must be served on the child's appointed representative or the local authority.

Action 3: Notify agencies of the decision

The SCA must notify the following of their decision:

- the first responder (all cases)
- support provider (all supported adult cases and family cases; the Salvation Army if supported in England and Wales, the Trafficking Awareness Raising Alliance or Migrant Help if the adult is being supported in Scotland or Migrant Help or Women's Aid if the adult is being supported in Northern Ireland)
- the local authority (in the case of children)
- ICTA (where appointed)

The SCA should update the Home Office database (CID) as appropriate (NRM Referral case type, special condition, removal barrier)

Action 4: Notify agencies of the decision where criminal proceedings are involved

If the individual is the subject of criminal proceedings several agencies need to be notified as soon as the NRM decision is made.

The SCA must ensure that the police (National Human Trafficking Unit in Scotland) are notified of the NRM decision as soon as they make it.

The SCA must use the notification letter for the police or contact them by email or telephone as appropriate.

Generally, the SCA must ask the police to notify prosecutors (the Crown Prosecution Service, the Crown Office and Procurator Fiscals Service in Scotland, or Prosecution Service in Northern Ireland) of the NRM decision as soon as they make it.

Actions for the SCA where a NRM decision is suspended

In a small proportion of cases people who are being processed through the NRM will go missing. SCA staff must, however, still make a decision on the case and copy it to all relevant parties if sufficient information is available to make the decision.

If someone who has claimed asylum goes missing it may be appropriate to treat their asylum claim as withdrawn. The SCA must inform the appropriate Home Office immigration team dealing with the asylum case so they can consider whether to take this action.

In cases where modern slavery indicators are present but are insufficient to reach the appropriate standard of proof at the reasonable grounds or the conclusive grounds stage, and it is not possible to gather more information because the individual is missing, the SCA must take the following actions:

Action 1: report the potential victim as a vulnerable missing person to the police and arrange for a missing person marker to be added to the police national computer (PNC).

Action 2: notify the following that the case has been suspended:

- first responder
- the support provider (all supported adult and family cases)
- the local authority (in the case of children)
- ICTA (where appointed)

Action 3: if the potential victim is the subject of criminal proceedings, several agencies need to be notified as soon as the NRM decision is suspended.

The SCA must ensure that the police (National Human Trafficking Unit in Scotland) are notified of the suspended NRM decision as soon as they make it.

Generally, the SCA should ask the police to notify prosecutors (the Crown Prosecution Service, or the Crown Office and Procurator Fiscals Service in Scotland, or Prosecution Service in Northern Ireland) of the suspended NRM decision as soon as they make it.

SCA staff must:

- record the case as either 'Suspended pre RG' or 'Suspended pre CG'
- ensure that Home Office immigration casework teams are aware of the issue of modern slavery so the person is recognised as potentially at risk if they are encountered again

Next steps for live immigration cases following a NRM decision

Where an immigration case is present, the SCA must notify the appropriate Home Office immigration casework teams of an NRM decision in order for them to consider necessary next steps in live immigration cases.

The SCA is not responsible for considering any steps in live immigration cases. Appropriate teams will be informed so that they can consider immigration related issues and cases, including but not limited to immigration detention, immigration bail, and asylum case progression and decision

A positive conclusive grounds decision does not result in an automatic grant of immigration leave. However, the SCA will consider whether a grant of discretionary leave is appropriate following a positive conclusive grounds decision.

Only those with a positive conclusive grounds decision may go on to be considered for discretionary leave as a victim. Those with a negative conclusive grounds decision will not receive a consideration based on this criteria.

Appropriate immigration teams should also consider any outstanding immigration cases, such as an outstanding asylum application, following a negative reasonable grounds decision or any conclusive grounds decision.

Voluntary Returns

Individuals referred into the NRM may wish to return home at any point. The Home Office must inform them of the opportunity and options available to make a voluntary return. Support providers may also discuss this with the individual. It is important that the individual is involved in the process of return as soon as possible as this will aid their return and empower them to take control once they have returned.

The exact voluntary return programmes available may vary from time to time so potential victims should be provided with details of any relevant Assisted Voluntary Returns programmes available at the relevant time. Not all schemes will apply to all individuals, for example where there is a criminal case.

There may also be voluntary return packages available specifically for trafficking victims, in which case the Home Office must ensure that the victim is informed of these.

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Appeals against a reasonable grounds or conclusive grounds decision

Where an individual considers the SCA has made a decision incorrectly, an individual can challenge that decision by way of Judicial Review. However, it may be appropriate for the SCA to reconsider a decision.

Reconsideration of a reasonable grounds or conclusive grounds decision

If the first responder or support provider involved in the case wishes to submit additional evidence, or they raise specific concerns that the decision is not in line with published guidance, the SCA must look at whether they wish to reconsider the decision. This is not a formal right of appeal and the decision should only be reconsidered where there are grounds to do so.

This informal arrangement does not extend to other parties such as legal advisors and non governmental organisations outside the NRM. However those third parties could ask the support provider or first responder involved in the case to request a reconsideration. A support provider or first responder is not obliged to consider that request or provide reasons for not making a reconsideration request.

If a legal representative or non governmental organisation outside the NRM requests a reconsideration from the SCA they should be notified that:

‘Our policy in the published SCA guidance clearly set outs that reconsideration requests of NRM decisions may only be made by first responders or support providers involved in the case. You are not the first responder or support provider involved in this NRM case so under the published guidance we cannot reconsider the NRM decision based on your request. There is no breach of our policy as you are not entitled to make a reconsideration request in our guidance.

It is open to you to request a reconsideration via a first responder or a support provider involved in the case. If a support provider or first responder submits a reconsideration request in this case it may be considered in line with the published guidance’.

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Improper claims

Article 13 (3) of the Council of Europe Convention on Action against Trafficking in Human Beings allows for the recovery and reflection period not to be observed if either:

- grounds of public order prevent it
- it is found that victim status was claimed improperly

The second provision above prevents the illegitimate use of victim status. As such, where there is firm objective evidence that an improper claim has been made, as soon as this becomes known, the SCA must:

- issue a negative conclusive grounds decision
- curtail any remaining period of recovery and reflection

The SCA must notify the appropriate immigration unit for them to consider taking action to withdraw immigration bail as required.

If there is firm objective evidence that an improper claim has been made, as soon as this becomes known, the SCA must inform the appropriate immigration unit which will begin immediate withdrawal of the immigration bail and start appropriate action (if the person has any outstanding leave due to another immigration application this may continue to run unless found to have been claimed improperly also).

The SCA must not however take this action lightly. If they have any doubt they must follow standard processes and observe the full recovery and reflection period.

It is also possible that an individual who initially claimed to be a victim of modern slavery could be involved in the modern slavery of others. These cases must immediately be referred to the police or the Home Office criminal investigation team of Immigration Enforcement for appropriate action.

Where the SCA has made a positive conclusive grounds decision, but information later comes to light which suggests that the decision was flawed, the SCA should consider whether revocation is appropriate. If it is determined that it is appropriate to revoke the conclusive grounds decision, the SCA caseworker must write to the individual concerned, advising them that the decision has been revoked and the reasons for this.

If the individual has been issued a period of discretionary leave, the SCA must notify the appropriate immigration team for them to consider whether curtailment of this leave is appropriate.

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Monitoring case progress during the recovery and reflection period

30 day review

To make sure the potential victim has sufficient time for recovery and reflection and that a conclusive grounds decision can be made as near as possible to day 45 (although that may not be possible in every case), a review date for day 30 should be set to:

- monitor progress on the case
- check it is on target for a conclusive decision

Up to day 30 (and beyond where appropriate) the SCA must be gathering information to make the conclusive grounds decision. As part of this, they must contact as appropriate:

- support provider
- first responder
- investigating police force where relevant (or National Human Trafficking Police Unit in Scotland)
- local authority (in the case of children)
- ICTA (where appointed)

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Withdrawing from the NRM

An adult may decide they want to leave the NRM before they receive a reasonable grounds or conclusive grounds decision. Sometimes those adults are leaving the UK through a voluntary return.

If an adult leaves the UK prior to receiving a reasonable grounds decision from the NRM the SCA may treat this as a withdrawn case. The SCA should notify the support provider and first responder that the case has been treated as withdrawn from the NRM where appropriate.

If an adult wishes to withdraw from the NRM after they receive a positive reasonable grounds decision (or if they are in the UK and wish to withdraw prior to receiving this decision) they should write to the SCA expressing their wish to withdraw or use a consent to withdraw from the NRM template form. The SCA should notify the support provider and first responder of the decision to withdraw where appropriate. A person who withdraws from the NRM will not receive any further decisions or support from the NRM and their case will be regarded as concluded. This does not prevent a person being re-referred to the NRM in the future.

Children may not generally withdraw from the NRM. If the SCA receives a rare request from a local authority or embassy, for example, seeking a child be withdrawn from the NRM, the case should be referred to policy for advice.

Sometimes an adult has not withdrawn from the NRM and has not notified the SCA that they have left the UK but the SCA has strong evidence that an adult has left the UK and there is no evidence they plan to return at this time. They may for example be notified by a support provider that the adult has left the UK with no evidence they plan to return.

In the scenario above the SCA should proceed to take any outstanding NRM decisions in the case where possible. Even though the victim may no longer be seeking support from the NRM, taking a decision will allow statistics to be captured on the extent of modern slavery in the UK and may assist in ongoing criminal prosecutions as well as civil claims that might be brought by the victim in the future. If the victim cannot be notified of their decision as they are no longer in the UK, the SCA should notify the support provider and first responder of the decision and any other relevant parties where appropriate.

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How to assess credibility when making a reasonable grounds or conclusive grounds decision

SCA staff need to assess whether a potential victim's account of modern slavery is credible when making a reasonable grounds and conclusive grounds decision.

Assessing credibility – general

The SCA is entitled to consider credibility as part of their decision making process at both the reasonable grounds and conclusive grounds stages. When SCA staff are assessing the credibility of an account, they must consider both the external and internal credibility of the material facts.

If they fit the definition of human trafficking or slavery, servitude, and forced or compulsory labour, there is reliable supporting evidence and the account is credible to the required standard of proof, the SCA should recognise the person as being a victim of modern slavery.

In cases of child trafficking, the SCA must keep in mind the child's:

- added vulnerability
- developmental stage
- possible grooming by the traffickers and modern slavery facilitators

Assessing credibility: material facts

In assessing credibility the SCA should assess the material facts of past and present events (material facts being those which are serious and significant in nature) which may indicate that a person is a victim of modern slavery. It is generally unnecessary, and sometimes counter-productive, to focus on minor or peripheral facts that are not material to the claim.

The SCA should assess the material facts based on the following:

- are they coherent and consistent with any past written or verbal statements?
- how well does the evidence submitted fit together and does it contradict itself?
- are they consistent with claims made by witnesses and with any documentary evidence submitted in support of the claim or gathered during the course of your investigations?

Where there is insufficient evidence to support a claim that the individual is a victim of modern slavery (for example where the case is lacking key details, such as who exploited them or where the exploitation took place) staff at the SCA are entitled to

question whether the Reasonable Grounds or Conclusive Grounds threshold is met. However, you must also consider whether you need more information.

Assessing credibility – detail and consistency

Level of detail

The level of detail with which a potential victim presents their claim is a factor when the SCA assesses credibility. It is reasonable to assume that a victim giving an account of their modern slavery experience will be more expressive and more likely to include sensory details (for example what they saw, heard, felt or thought about an event) than someone who has not had this experience.

Where there is insufficient evidence to support a claim that the individual is a victim of modern slavery the SCA is entitled to question whether the reasonable grounds or conclusive grounds threshold is met. However, they must also consider whether they need more information.

Consistency

It is also reasonable to assume that a potential victim who has experienced an event will be able to recount the central elements in a broadly consistent manner. A potential victim's inability to remain consistent throughout their written and oral accounts of past and current events may lead the SCA to disbelieve their claim. However, before the SCA comes to a negative conclusion, they must first refer back to the first responder or other expert witnesses to clarify any inconsistencies in the claim.

Due to the trauma of human trafficking or modern slavery, there may be valid reasons why a potential victim's account is inconsistent or lacks sufficient detail.

Assessing credibility – considering gender and culture

SCA staff need to know how to consider gender and cultural issues in considering credibility.

When making reasonable grounds and conclusive grounds decisions the SCA must take into account the individual position and personal circumstances of the person and consider culture and gender issues.

Men and women from the same country of origin may have different experience due to their cultural, ethnic, gender and sexual identity. For example, women may be unable to disclose relevant details due to cultural and social norms.

Assessing credibility – mitigating circumstances

SCA staff need to know about the mitigating circumstances which can affect whether a potential victim's account of modern slavery is credible.

When the SCA assesses the credibility of a claim, there may be mitigating reasons why a potential victim of modern slavery is incoherent, inconsistent or delays giving details of material facts. The SCA must take these reasons into account when considering the credibility of a claim. Such factors may include, but are not limited to, the following:

- trauma (mental, psychological, or emotional)
- inability to express themselves clearly
- mistrust of authorities
- feelings of shame
- painful memories (including those of a sexual nature)

Children may be unable to disclose or give a consistent credible account due to additional factors such as:

- their developmental stage
- the on-going nature of abuse throughout childhood
- fear of traffickers or modern slavery facilitators, violence, or witchcraft

Delayed disclosure

A key symptom of post-traumatic stress is avoidance of trauma triggers, or of those things that cause frightening memories, flashbacks or other unpleasant physical and psychological experiences. Because of these symptoms a person may be unable to fully explain their experience until they have achieved a minimum level of psychological stability. The SCA must not view a delay in disclosing of facts as necessarily manipulative or untrue. It may be the result of an effective recovery and reflection period and the establishment of trust with the person to whom they disclose the information.

Difficulty recalling facts

As a result of trauma, victims in some cases might not be able to recall concrete dates and facts and in some cases their initial account might contradict their later statement. This may be connected to their traumatic experience. However, the need to be sensitive does not remove the need to assess all information critically and objectively when the SCA considers the credibility of a case.

Assessing credibility – potential prosecution of traffickers or facilitators of modern slavery

SCA staff need to know about how prosecution of traffickers or facilitators of modern slavery impacts reasonable grounds and conclusive grounds decisions.

When the SCA is deciding whether there are reasonable or conclusive grounds that a person is a victim of modern slavery, their decision may be influenced by whether

the alleged trafficker or facilitator of modern slavery is being prosecuted. However, their decision must not be dependent on:

- there being a criminal investigation
- whether the victim cooperates in any criminal proceedings

The victim identification process is independent of any criminal proceedings against those responsible for the modern slavery. The criminal standard of proof, that is 'beyond all reasonable doubt', is higher than that of the reasonable or conclusive grounds test.

Disclosure

The SCA must be aware that any deliberations could be subject to disclosure in any subsequent prosecution for modern slavery, as well as in any future judicial review or other litigation relating to the decision. Where an individual is being treated by the police as a potential victim and/or witness, they must make sure lines of communication with the senior investigating police officer are kept open.

The decision as to whether there is enough evidence to prove that an individual is a victim rests with the SCA. The SCA must be alert to the impact that the decision may have, not only on the victim, but on a criminal investigation and the criminal justice process.

Nationality

The purpose of the NRM is to identify and support victims of modern slavery. In determining such claims, the SCA will consider evidence from a range of sources and assess the credibility of a potential victim's case. Part of that assessment may include consideration of the potential victim's claimed nationality, within the context of their case and the claims they are a victim.

However, the SCA will not seek to make a definitive finding regarding a potential victim's nationality, as in most cases the claimed nationality will not be determinative of whether that individual is a victim or not, and may be peripheral to the modern slavery case. Equally any implied acceptance or rejection of the potential victim's claimed nationality is not determinative.

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View of experts during the NRM process

Evidence from local authorities and support organisations

Although police and intelligence reports can provide objective evidence to strengthen a claim, the SCA must give due weight and regard to the reports and views of the:

- local authority children's services (for child victims)
- ICTA or ICTA Regional Practice Coordinator (where appointed)
- organisation supporting the individual

When the SCA is deciding children's cases it is essential that they develop good working relations with the local authority social workers and other practitioners who have worked on the referral.

These organisations may have spent most time with the potential victim and established a degree of trust. Exploited people often don't trust or are afraid of the police or immigration officials. They may therefore not be willing to provide statements to law enforcement. In such circumstances non-governmental organisations may be able to provide more information on the individual's situation and you must consider any such supporting evidence. The SCA must also take into account any medical reports submitted, particularly those from qualified health practitioners.

Weight to give to expert reports

Potential victims of modern slavery may rely on documentary evidence to support their claim in the NRM.

Experience and qualifications of the individual providing the supporting evidence will be relevant in considering what weight to attach to an expert report and every case must be considered on its merits. However if there are clear, robust reasons why the reasonable or conclusive grounds test is not met, there is no requirement to accept the assessment of an expert report simply because it states the reasonable or conclusive grounds test is met.

The individual writing the report may not have access to the full range of information available to the SCA and all relevant evidence, including any documentary evidence, must be considered when making a reasonable or conclusive grounds decision.

Where an expert report is considered when assessing a claim under the NRM, and other information is available, all the information and relevant reports should be considered. If there are several expert reports all must be taken into account. A decision should not rely on an expert report alone without considering all relevant information. A decision should not rely on an expert report without making independent enquiries into the potential victim's circumstances and credibility.

Where a potential victim of modern slavery relies on medical evidence it should be from a medical practitioner who is qualified in the appropriate field including information such as the relevant physical or mental condition, when that condition has been diagnosed and why that condition or any treatment relating to it is relevant to modern slavery.

Any evidence supplied must be capable of being verified by the SCA where appropriate.

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Assessing victims who were exploited overseas or historic claims in the UK (historic claims)

A person who claims to have been trafficked or exploited overseas who subsequently travels to the UK of their own accord, independent of their alleged trafficker, and passes through a number of countries on the way, may still be considered to be a victim of trafficking for the purposes of the Council of Europe Convention on Action against Trafficking in Human Beings (the Convention) provided they satisfy all 3 elements of trafficking mentioned in this Guidance on the components of human trafficking .

This is because, although they may be far removed from their trafficking situation, they may still have been subjected to exploitation and may therefore be considered a victim of trafficking under the Convention. They may also still be traumatised by their experience.

Equally a person may have been exploited in the UK some time ago and still be traumatised by their experience.

These scenarios are often referred to as historic claims as they might be referred to the NRM long after the exploitation has ended.

However, if the experience took place some time ago, or if support could be accessed in another country, the SCA is entitled to take those factors into account in determining whether the victim requires a grant of leave in the UK

Unless the individual has made an asylum claim that falls under the arrangements provided by the Dublin III Regulation (EU) No 604/2013 and another European Union (EU) member state or Iceland, Norway, Switzerland or Liechtenstein is responsible for examining the asylum claim, the SCA must offer the potential victim support and protection in the UK under the Convention while their modern slavery case is considered within the NRM. For more information see the latest guidance on Dublin III.

With these cases the SCA must pass any details of the alleged trafficking or exploitation to the NRM Intelligence Hub so they can consider raising it with the authorities in the country where the offence was committed. This is to make sure the Home Office's obligations under Article 27 of the Convention are met.

Example scenario

Consider this situation:

- a person has travelled from a country where one or more of the 3 components of trafficking took place (for information on the 3 components, see [Guidance on the components of human trafficking](#))

- they escaped their situation and fled
- the person travelled through a number of countries before arriving in the UK
- when identified by a first responder it was reported that the individual travelled to the UK of their own free will and had not been exploited in the UK

Consider whether the person:

- is still under the influence of the trafficker
- needs time to recover from their trafficking ordeal
- has immediate support and health needs as a result of the exploitation

A person who presents themselves as a victim must be physically in the UK in order to receive NRM related protection and assistance under the Convention.

[See Potential child victims of modern slavery who are now adults](#) for more information.

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Consulting with and sharing information with the police during the NRM process

A potential victim of modern slavery is a potential victim of a crime. All cases should be referred to the police - either on the victim's behalf where they consent, or as a third party referral where they do not.

The Modern Slavery Act 2015 contains 2 main modern slavery offences punishable by up to life imprisonment:

- slavery, servitude and forced or compulsory labour
- human trafficking

The Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 also established new offences of human trafficking and slavery, servitude and forced or compulsory labour, punishable by up to life imprisonment.

All cases will be referred to the police by the SCA following receipt of the referral.

In cases where there is an immediate threat to the potential victim a referral to the police should already have been made by the first responder/frontline worker. Where this has not happened and the SCA considers there is an immediate threat to the potential victim, the SCA must refer a case to the police as soon as the information regarding immediate threat is known. Where there is not an immediate threat, the police should be updated by the SCA following the reasonable grounds decision. The update to the police should include the outcome of the reasonable grounds decision, the minute/reasons for the decision and the NRM referral form.

The police must record the case as a crime and a crime reference number must be shared with the SCA to add to the case record. When providing the crime reference number to the SCA the police should, wherever possible, indicate if an investigation is underway or likely to be undertaken. This will help to inform the SCA of any evidence that may support the conclusive grounds decision.

Where a negative reasonable grounds decision is made it is at the discretion of the police whether there is evidence of an alternative crime that warrants recording and any subsequent investigation.

When making a referral to the police the SCA should send the information to the police force for the area where they think the exploitation took place. If they do not know where the exploitation occurred or if the exploitation occurred overseas, the case should be referred to the police force in the area where the victim currently lives (or where they were encountered if their residence is unknown).

When sharing information with the police, the SCA should be aware that:

- potential victims are under no obligation to cooperate with the police themselves and some potential victims may not want the police to be involved at all
- in some cases there may be few details provided but it is not for the SCA to seek to filter the cases which are likely or unlikely to be of interest to the police – the police will decide which cases they wish to investigate and as such all cases must be referred to the police and the police also updated so they can make that assessment
- in some cases the police may not pursue a case unless the individual engages with them directly – it is not for staff in the SCA to press the police to pursue a criminal investigation or convince the potential victim to cooperate, however, staff in the SCA must note the outcome of the referral to the police on the record
- it may also be helpful to discuss a case with the police to gather any additional information to help with the conclusive grounds decision

All NRM cases should be referred to the police – either on the victim's behalf where they consent to this information being provided to the police, or as a third party referral where they do not, provided this can be done in a way which is compliant with the Data Protection Act (2018) and the General Data Protection Regulation and does not breach any duty of confidentiality owed to the victim under the common law.

Once received, the SCA is entitled to process information in accordance with the Data Protection Act 2018 and the General Data Protection Regulation and where appropriate refer this information to the police to support the detection and prevention of crime. The SCA does not require consent from the victim to do so. The intention is to do this in all cases referred into the NRM where there has not already been a police referral.

Any information staff at the SCA disclose must be in accordance with the law, in particular the Data Protection Act (2018) and the General Data Protection Regulation.

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Criminal investigations and prosecutions – impact on NRM decision-making

Although an active police investigation (or Crown Prosecution Service (CPS) or Crown Office and Procurator Fiscal Service (COPFS) prosecution) may give weight to a claim of modern slavery offences, potential victims are not obliged to cooperate with the police at any stage in the NRM process.

When considering the case you must not penalise a potential victim who is unwilling to cooperate with the police. Where you are considering a case with an ongoing investigation, you should liaise with the police to establish when an appropriate point to make a conclusive grounds decision would be taking into account timescales for decision-making, given any additional information the investigation might provide.

Staff in the SCA must be aware that the Criminal Procedures and Investigations Act 1996 (CPIA) places a requirement on the police and/or investigating body to record, retain and reveal to the prosecutor material obtained in a criminal investigation and which may be relevant to the investigation, and related matters or any person being investigated, or to the surrounding circumstances of the case, unless it is incapable of having any impact on the case.

Where there is any doubt about the relevance of the material that is held by the SCA it should be retained and may be used a part of a criminal investigation. Material is either unused or relevant. For more information about disclosure and retention of material including definitions of unused or relevant material see the disclosure guidance on Horizon.

Child modern slavery cases

It is essential the police are made aware of **all** child modern slavery cases so you must make sure they have been alerted and updated.

All agencies must ensure that child protection duties and legislation are observed and followed. For more information and guidance, see:

- [Safeguarding children who may have been trafficked](#)
- [Safeguarding children in Scotland who may have been trafficked](#)

Individuals charged with criminal or immigration offences

The situation a potential victim of modern slavery is found in may implicate them in a criminal or immigration offence.

If staff at the SCA have made a reasonable grounds or conclusive grounds decision that the person is a potential victim or victim of modern slavery the SCA must ensure that the police (National Human Trafficking Unit in Scotland) are notified of the decision as soon as they make it.

Generally the SCA should ask the police to notify prosecutors (the Crown Prosecution Service, the Crown Office and Procurator Fiscals Service in Scotland or Prosecution Service in Northern Ireland) of the decision as soon as they make it.

The CPS has issued detailed guidance on the circumstances prosecutors must consider when defendants charged with criminal offences might be victims of trafficking.

A new statutory defence for victims in the Modern Slavery Act and the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 also strengthens protections against inappropriate prosecution of victims of slavery and trafficking for crimes committed as part of their exploitation.

For more information, see:

- [CPS guidance on human trafficking and smuggling](#)
- [COPFS guidance on human trafficking](#)

Where there is reasonable suspicion a child who has committed a crime may have been trafficked and exploited as a victim of modern slavery, the SCA must take a child welfare response. The immediate priority in such cases is to safeguard and promote the welfare of the child. All relevant assessments, including those undertaken by the NRM, must be completed promptly to allow the police and CPS, COPFS or the Public Prosecution Service for Northern Ireland to take an informed decision on whether to progress the charges against the child.

It is vital that contact is made with the police to make sure children who may have been victims of modern slavery can be properly assessed before charges being brought or court proceedings conclude.

Generally the SCA should ask the police to notify prosecutors (the Crown Prosecution Service, the Crown Office and Procurator Fiscals Service in Scotland, or Prosecution Service in Northern Ireland) of any updates from the NRM as soon as they make it.

For more information, see:

- [Safeguarding children who may have been trafficked](#)
- [ACPO Lead's position on Child Protection and Cannabis Cultivation on Children and Young People Recovered in Cannabis farms](#)

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Sharing information with the CPS during the NRM process

Staff at the SCA may need to share information with the Crown Prosecution Service (CPS), Crown Office and Procurator Fiscal Service (COPFS) or Public Prosecution Service for Northern Ireland when a potential victim referred to the NRM is being prosecuted.

When a potential victim of modern slavery referred to the NRM is being prosecuted by the CPS, staff the SCA must make sure, where possible, that the NRM decision is made before the court hearing.

The SCA must ensure that the police (National Human Trafficking Unit in Scotland) are notified of the decision as soon as they make it.

Generally the SCA should ask the police to notify prosecutors (the Crown Prosecution Service, the Crown Office and Procurator Fiscals Service in Scotland, or Prosecution Service in Northern Ireland) of the decision as soon as they make it.

The decision to prosecute is a discretionary one taken by the CPS, COPFS or Public Prosecution Service for Northern Ireland but making a NRM decision as soon as possible and informing the police and asking them to notify the CPS, COPFS or Public Prosecution Service for Northern Ireland will make sure they can take an informed decision on whether to proceed with the prosecution.

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Record management and data handling during the NRM process

Confidentiality and data protection

Victims will have been in situations where contact with outsiders has been handled with suspicion. They may be concerned about risks to their health and safety. Careless handling of personal information greatly increases that risk. Inter-agency cooperation is essential in correctly identifying and sufficiently supporting victims but the data that gets transferred between agencies must be heavily protected.

Confidentiality is an important condition in work with victims of modern slavery. Victims have information about criminals who have trafficked and exploited them and this may make them vulnerable. The SCA must not disclose to anyone other than the police and those directly involved in the case the potential victim's address, support arrangements or any other details that may compromise their safety.

Where a notification of a decision is sent to a potential victim the SCA should not send this to an address where the victim was known to have been exploited. Notification of a decision must always be sent to a potential victim at a safe address.

Storing, transmitting and access to modern slavery case information

All modern slavery paperwork must, at a minimum, be given the government marking of 'official-sensitive'. More information on handling and protectively marking secure documents can be found on Horizon.

Consideration minutes

In all cases the SCA must record how the case progresses and keep detailed notes of their decisions. It is essential that they make a comprehensive written assessment of how the person's situation meets or does not meet the definition of a modern slavery victim. In their assessment they must refer to the documents submitted in support of the referral (for example those submitted by non-governmental organisations) and show the weight they have given to the information.

The SCA must also make sure that relevant databases are updated at each stage of the case, for example SCA systems and any local spreadsheets.

Modern slavery case record

A modern slavery record must be kept by SCA staff.

When modern slavery cases are concluded, all modern slavery case records must, at a minimum, contain:

- first responder referral form
- reasonable grounds decision letter
- reasonable grounds decision consideration minute
- confirmation that a negative decision has been checked and signed off by a second pair of eyes
- confirmation that accommodation has been offered to the potential victim as appropriate (where the reasonable grounds was positive)
- conclusive grounds decision letter (where the case has progressed to conclusive grounds)
- conclusive grounds decision consideration minute (where the case has progressed to conclusive grounds)
- notices to the support provider or local authority
- details of police or criminal and financial investigations team referral

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Disclosure of positive reasonable grounds and conclusive grounds decisions

As indicated above, the SCA should not routinely provide a copy of the decision minute for a positive reasonable grounds or positive conclusive grounds decision to the victim.

The guidance below does not apply to negative reasonable grounds or negative conclusive grounds decisions which must be disclosed.

Disclosure of completed referral forms

The SCA should not routinely provide a copy of a completed referral form to the victim. This is because there may be sensitive information included in the form that it is not appropriate to disclose. Although the form includes information about the potential victim, it should not be assumed that they 'own' this information. Any disclosure request will need full consideration and therefore this should be done via a subject access request.

Subject access requests

Decision minutes are considered to be within the scope of personal information. As such, the victim is entitled to make a subject access request to obtain this information, in accordance with Chapter 3, the Data Protection Act 2018 (DPA).

Any requests for decision minutes from victims or their legal representative should be considered as a subject access request and dealt with in accordance with Home Office guidance on [requests for personal information](#).

All subject access requests should be in writing, and should specify that the victim is seeking a copy of the consideration minute which accompanies their NRM decision.

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The SCA or Central Team must respond to the subject access request within 40 days.

Tribunal requests

Rule 45 of the tribunal procedure rules enables the tribunal to give directions to the parties relating to the conduct of any appeal or application. This may include directions providing for a party to provide further details of his case or any other information which appears to be necessary to the determination of the appeal.

Even where it is the view of the SCA that the content of the minute will not add anything in terms of merits of this individual's asylum claim, the fact that the decision letter is complemented by a fuller record of the decision-making process, and the evidence relied on which underpins that and has not been disclosed, may be sufficient for someone to argue that its content 'appears to be necessary to the determination of the appeal'.

In addition, Rule 50 of the tribunal procedures rules provides tribunals with the ability to issue a summons requiring a witness to attend and answer any questions, or produce any documents in their custody or under their control, relating to any matter in issue in an appeal.

As such, the SCA should provide copies of decision minutes to the Tribunal where instructed to do so.

Those minutes should be carefully examined and, where appropriate, redacted accordingly. Home Office guidance on redaction is available on Horizon.

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Home Office role within and outside the NRM – immigration aspects related to the current process

This section of the guidance provides more information about the Home Office's immigration role separate to the NRM where a person claims to be a victim of human trafficking or slavery, servitude and forced or compulsory labour.

Home Office staff, for example within Border Force, Immigration Enforcement and UKVI, identify and refer cases to the NRM.

These other Home Office staff will also perform functions which are separate to the SCA role but which relate to that role; these functions will not be carried out by SCA staff. For example, the appropriate Home Office team will be responsible for:

- applying its policy to release potential victims of modern slavery from immigration detention unless there is a public order reason not to do so
- processing asylum claims where a person claims to be a victim of modern slavery after they have had their final decision from the NRM
- processing other immigration claims where a person claims to be a victim of modern slavery
- supporting voluntary returns where a person claims to be a victim of modern slavery

The SCA will consider whether to issue Discretionary Leave to a confirmed victim.

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Home Office Immigration role in the NRM process

There are some immigration functions which appropriate immigration teams may perform during the NRM process.

Assistance with evidence gathering via interviews – Asylum/modern slavery interviews

NRM decisions and asylum decisions are two distinct and separate decisions. An asylum interview may provide information that is also of relevance to the NRM decision where modern slavery issues are clarified and investigated as part of the asylum process. There may therefore be good reasons to conduct a single interview in asylum claims relating to a person within the NRM process but this is not always possible. Those conducting the interview must ensure that all significant inconsistencies are put to the applicant at interview, as this will be relevant in the consideration of both the asylum claim and modern slavery case.

The Home Office should not take an asylum decision unless the potential victim has had a negative reasonable grounds decision and should not take a negative asylum decision until the potential victim has had a conclusive grounds decision from the NRM.

Status interviews

The appropriate Home Office team may interview potential victims of modern slavery to establish identity and immigration status. A status interview should be conducted by a warranted immigration officer.

Assistance with evidence gathering (other)

At any time in the NRM process SCA staff can gather evidence on immigration history as this may be needed during the process to check facts presented in the modern slavery case.

Assisted Voluntary Returns (AVR)

If the person decides at any point in the NRM process that they do not wish to remain in the UK, the SCA must advise them of the assisted voluntary programmes available at the relevant time. They should be notified of any programmes specifically aimed at victims of modern slavery. See the Assisted Voluntary Returns guidance for more information.

The SCA must still make a decision on the case and copy it to all relevant parties if sufficient information is available, and the potential victim has not withdrawn consent. In cases where modern slavery indicators are present but are insufficient to reach

the standard of proof required, and it is not possible to gather more information because the individual has left the UK, the SCA must suspend the decision and then follow the guidance for [withdrawn cases](#).

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Other applications under the Immigration Rules

A grant of leave under the Immigration Rules is not considered automatically at the end of the NRM process.

If an individual wants to remain for a reason covered by the Immigration Rules they must make an application using the relevant application form and by paying any fee that applies (unless a fee waiver is applicable), for example but not limited to overseas domestic workers who have been conclusively identified as a victim of modern slavery.

Any such application will not be considered by the SCA but by the relevant teams responsible for processing such cases.

Applications under the Immigration Rules for Overseas Domestic Workers

If the SCA makes a positive conclusive grounds decision and the victim is a person who has previously been granted leave to enter or remain as a domestic worker in a private or diplomatic household, they may apply under these rules.

If the SCA knows that a victim who is being issued a positive conclusive grounds decision may be eligible for these rules the SCA should include a reference to the relevant rules and the time line for making an application under that rule in the positive conclusive grounds decision letter.

A confirmed victim of modern slavery must apply under the Overseas Domestic Worker rule within 28 days of a positive conclusive grounds decision from the NRM or other outstanding decision.

Applications under this Immigration Rule will not be considered by the SCA but Temporary Migration caseworkers. The relevant team will, when in receipt of an application under the Rules, check with the SCA that the latter has no outstanding action in respect of the applicant such as an outstanding NRM decision before considering the application.

Where a person is not eligible for a grant of leave after a conclusive grounds decision

Where a conclusive grounds decision is made (whether positive or negative) and the person is not eligible for a grant of leave they should be offered assistance in making a voluntary return.

Normal immigration procedures will apply as there will no longer be a barrier to removal on the grounds of modern slavery. Any other reasons that are raised must be handled in line with existing procedures for handling further representations.

Victims who do not have a right to remain in the UK are expected to return home.

Victims who are assisting with police enquiries from abroad

There may be some people who have expressed a willingness to assist the police with their enquiries but who still wish to return home. In these situations the appropriate Home Office immigration casework team must consider:

- whether the person could help the police and participate in any future legal proceedings remotely (from overseas)
- if they will require temporary leave to return to the UK

Where such a person is conclusively found to be a victim of modern slavery, the SCA must:

- issue the positive conclusive decision to the person (or their appointed representative)
- notify all relevant parties and update SCA systems with the outcome
- arrange for any outstanding immigration activities to be completed in line with existing immigration procedures
- advise the person about Assisted Voluntary Returns

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Last minute claims to be a victim of human trafficking or modern slavery

When removal directions are due to be carried out on an individual and they make a late claim to be a victim of modern slavery, the SCA must carefully consider the claim.

The assessment of the claim must give due regard to the [credibility](#) of the case and any factors that may have led to [delayed disclosure](#).

If the SCA considers there are reasonable grounds to believe the claimant is a potential victim of modern slavery, they must inform all interested parties as soon as possible, including appropriate immigration teams who should consider the deferral of removal directions.

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Information sharing with Immigration Intelligence

There is no requirement to make a referral to Immigration Intelligence on every NRM case nor any specific point within the life of the NRM case when a referral should be made. The SCA should make a referral when they have information that would be of value to Immigration Intelligence.

Immigration Intelligence require information that may assist in helping to identify those individuals who may be involved in organised immigration crime so that mitigation can be put in place to protect victims and disrupt criminality.

Staff should follow relevant local procedures at the time to share information with Immigration Intelligence.

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Information sharing with IEI

The SCA should share information with Immigration Enforcement International (IEI) where it appears a victim or trafficker entered the UK on a genuine visa.

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Contact for further information

SCA staff need to know who to contact for more help with a specific case involving victims and potential victims of modern slavery.

If they have read the relevant guidance and still need more help with this category, they must first ask their SCA Lead.

If the question cannot be answered at that level, the SCA Lead may contact policy for advice.

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