



This briefing paper provides an overview of current UK policy and legislation on modern slavery and trafficking, with a focus on migration. There is also information about services and support in the Yorkshire and Humber region, as well as national organisations. It does not provide legal advice.

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## **Definitions and context**

1. Local authorities and other bodies have a duty to act if they suspect a case of modern slavery. More information about how to do this and how to spot the signs of modern slavery is given later in this document. The terminology can appear confusing, and this section explains the key concepts.
2. The UK government states that, 'Modern slavery comprises slavery, servitude, forced and compulsory labour and human trafficking.'<sup>1</sup>

*Someone is in slavery if they are:*

*Forced to work through mental or physical threat;*

*Owned or controlled by an 'employer', usually through mental or physical abuse;*

*Dehumanised, treated as a commodity or bought and sold as 'property';*

*Physically constrained or have restrictions placed on their freedom of movement.'<sup>2</sup>*

3. Trafficking is a form of modern slavery, and is essentially the control of a person in order to exploit them. Human trafficking can take place on a very large scale and involve organised criminal groups, or it can take the form of one person exploiting another. It can involve the movement of victims between countries, or it can take place in one location and involve no movement at all. For trafficking to take place there must be an act (for example recruitment or transport), means (for example threat, abduction or force), and purpose (for example sexual exploitation or forced labour). The act is what marks it out as trafficking – for an offence of slavery, only the means and purpose need to be present. The international legal definition of trafficking in persons given below is

<sup>1</sup> Home Office (2017) *Modern Slavery Awareness Booklet*. <https://www.gov.uk/government/publications/modern-slavery-awareness-booklet>

<sup>2</sup> Hope for Justice (2017) *Responding to Modern Slavery (Training Booklet)*

found in the UN Protocol relating to trafficking to which the UK is a party.<sup>3</sup> It requires countries to criminalise trafficking, to take steps to prevent and prosecute traffickers, and to protect victims of trafficking.

*“Trafficking in persons” shall mean 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.’*

Source: *United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children* (2000) Article 3(a)

4. For children, the legal definition does not include coercion or deceptive means – it is recognised that children are vulnerable and cannot consent to exploitation in any circumstances whether or not coercive means are used.

*‘The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered “trafficking in persons” even if this does not involve any of the [listed] means’.*

Source: *United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children* (2000) Article 3(c)

5. The term ‘exploitation’ covers a wide range of situations in which an individual’s body, human rights and dignity are violated for the benefit of another person. The UN definition is given below.

*‘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.’*

Source: *United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children* (2000) Article 3(a)

6. Exploitation not only occurs in the sex industry, but in many other areas of work. Exploitation in the context of modern slavery is commonly divided into two categories: sexual exploitation and labour exploitation. The term ‘labour exploitation’ is used to refer to exploitation of a person’s labour in a wide range of sectors *outside* of the sex-sector. Exploitation can occur in a variety of industries including: agriculture, construction, fishing, food processing and manufacturing, hospitality, care and domestic work – sectors that migrants are known to work in. Most victims of sexual exploitation are female (90% in 2018)<sup>4</sup> and have often been brought to the UK with the promise of legitimate employment.

<sup>3</sup> United Nations (2000) *United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*. [www.ohchr.org/EN/ProfessionalInterest/Pages/ProtocolTraffickingInPersons.aspx](http://www.ohchr.org/EN/ProfessionalInterest/Pages/ProtocolTraffickingInPersons.aspx)

<sup>4</sup> National Crime Agency (2019) *Modern Slavery and Human Trafficking: National Referral Mechanism Statistics – End of Year Summary 2018*. <http://www.nationalcrimeagency.gov.uk/publications/natio-referral-mechanism-statistics/2018-nrm-statistics>

## Numbers, trends and profile of slavery victims

7. In 2018 5,368 potential victims identified in the UK were from abroad, out of a total of 6,993 (77%). After the UK, the countries with the highest number of referrals were Albania, Vietnam, China, Romania, Sudan, and Eritrea.<sup>5</sup> New arrivals to the UK are particularly vulnerable to trafficking for labour exploitation for a range of reasons including: language barriers, low awareness of labour rights, precarious immigration status, and reliance on low-skilled and irregular work.
8. People smuggling (illegally transporting people across international borders for a fee) is not the same as modern slavery or trafficking as the individuals being smuggled have given their consent. However, those being smuggled are at risk of involvement in trafficking.
9. Modern slavery and trafficking are prevalent across the globe. According to the International Labour Organization (ILO) there are more than 40 million victims of slavery worldwide, a quarter of a million of them being children.<sup>6</sup>
10. A 2018 UN report on human trafficking<sup>7</sup> looked at overall global trends, highlighting an increase in numbers of trafficked persons, due either to an increase in trafficking, greater detection rates, or a combination of the two. 30% of victims are children (23% girls and 7% boys). Most victims are females with an increasing number of girls being trafficked. Trafficking for sexual exploitation is the most commonly detected form although this varies between regions – for example the UK and Belgium reported more victims of forced labour than sexual exploitation.
11. Almost 7,000 potential victims were newly identified in the UK in 2018,<sup>8</sup> however the Walk Free Foundation estimated that there could be as many as 136,000 victims in the UK.<sup>9</sup>

## Policy and legislation

12. Local authorities and certain other organisations have a duty to notify the Home Office of a suspected case of modern slavery.<sup>10</sup> The Home Office has produced a booklet that provides guidance for public sector workers to help them recognise the signs of modern slavery.<sup>11</sup>

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<sup>5</sup> National Crime Agency (2019) *Modern Slavery and Human Trafficking: National Referral Mechanism Statistics – End of Year Summary 2018*. <http://www.nationalcrimeagency.gov.uk/publications/natio-referral-mechanism-statistics/2018-nrm-statistics>

<sup>6</sup> International Labour Organization and Walk Free Foundation (2017) *Global Estimates of Modern Slavery: forced labour and forced marriage*. [http://www.ilo.org/global/publications/books/WCMS\\_575479/lang-en/index.htm](http://www.ilo.org/global/publications/books/WCMS_575479/lang-en/index.htm)

<sup>7</sup> UN Office on Drugs and Crime (2018) *Global Report on Trafficking in Persons*. <https://news.un.org/en/story/2019/01/1029912>

<sup>8</sup> National Crime Agency (2019) *Modern Slavery and Human Trafficking: National Referral Mechanism Statistics – End of Year Summary 2018*. <http://www.nationalcrimeagency.gov.uk/publications/natio-referral-mechanism-statistics/2018-nrm-statistics>

<sup>9</sup> Walk Free Foundation (2018) *The Global Slavery Index 2018*, p 94. <https://www.globalslaveryindex.org/resources/downloads/>

<sup>10</sup> Home Office (2016) *Duty to Notify the Home Office of Potential Victims of Modern Slavery Guidance for Specified Public Authorities*. <https://www.gov.uk/government/publications/duty-to-notify-the-home-office-of-potential-victims-of-modern-slavery>

<sup>11</sup> Home Office (2017) *Modern Slavery Awareness Booklet*. <https://www.gov.uk/government/publications/modern-slavery-awareness-booklet>

13. If you think someone might be a victim, you should follow your organisation's safeguarding procedures. More information on how to do this is provided at the end of this document. If there is an immediate risk of harm, call the police on 999. If there is not an immediate risk of harm you can call the police on 101 or the Modern Slavery Helpline on 08000 121 700.

### National Referral Mechanism (NRM)

14. The UK National Referral Mechanism (NRM) was introduced in 2009 and is the means through which modern slavery victims are identified and assisted, to comply with the UK's obligations under the Council of Europe Convention on Action against Trafficking in Human Beings (ECAT).<sup>12</sup> To be formally identified as a modern slavery or trafficking victim, individuals must be referred to the Single Competent Authority (SCA)<sup>13</sup> by a designated 'first responder.'
15. The SCA is part of the Home Office but separate from the immigration system. 'First responders' are organisations authorised to refer a potential victim to the NRM. They include police forces, certain parts of the Home Office, local authorities, the GLAA, and several VCS (voluntary and community sector) organisations involved in supporting modern slavery victims such as the Salvation Army, Barnardo's, Migrant Help and the Refugee Council. Guidance is available for frontline officials on identifying and dealing with potential victims under the NRM,<sup>14</sup> and for first responders.<sup>15</sup> Referral forms can be accessed online.<sup>16</sup>
16. In some cases there may be a delay in disclosure for reasons such as a fear of the authorities, the impact of trauma, and communication difficulties. Migrants are most likely to face these barriers, as they may not speak English and may have been told by those controlling them that they will be detained or deported if they disclose their situation to the authorities, or that there will be consequences for family members in their country of origin. Referral to the NRM is voluntary for adults and informed consent must be obtained. There are many reasons why an individual may not wish to be referred, and it is important that these are discussed and that the individual is informed of their options.
17. Certain public bodies are not only authorised, but have a duty under the Modern Slavery Act to notify the Home Office of a suspected victim.<sup>17</sup> These include local authorities and the police. An NRM form must be completed (or MS1 form for anonymous cases). If the individual is destitute, the Salvation Army should be contacted and will assess the need for immediate support.

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<sup>12</sup> Council of Europe (2005) *Council of Europe Convention on Action against Trafficking in Human Beings and its Explanatory Report*. <https://www.coe.int/en/web/anti-human-trafficking/about-the-convention>

<sup>13</sup> Previously there were two competent authorities: the UK Human Trafficking Centre which dealt with UK or EEA nationals with no active immigration issue, and the Home Office which made decisions on non-EEA nationals subject to immigration control and those with a current migration issue.

<sup>14</sup> Home Office (2016) *Victims of Human Trafficking: guidance for frontline staff*.

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

<sup>15</sup> <https://www.gov.uk/guidance/report-modern-slavery-as-a-first-responder>

<sup>16</sup> <https://www.gov.uk/government/publications/human-trafficking-victims-referral-and-assessment-forms>

<sup>17</sup> Home Office (2016) *Duty to Notify the Home Office of Potential Victims of Modern Slavery*

*Guidance for Specified Public Authorities*. <https://www.gov.uk/government/publications/duty-to-notify-the-home-office-of-potential-victims-of-modern-slavery>

18. Once the referral has been made, there is a two-stage decision-making process:

### **NRM decision-making process**

#### Stage one – ‘Reasonable Grounds’

A decision as to whether there are ‘reasonable grounds’ to believe the referred person is a potential victim of modern slavery should be made within five days. Emergency support is available for those who are destitute. The individual is granted a ‘reflection and recovery’ period of 45 days, in order to begin to recover from their ordeal and to reflect on what they want to do next. During this period the potential victim may be provided with support, including financial support, and accommodation (often in a location some distance from where the modern slavery has taken place).

#### Stage two – ‘Conclusive Decision’

During the 45-day recovery and reflection period a more detailed assessment is made. Following this assessment a ‘conclusive decision’ will be made, whether on the balance of probability ‘it is more likely than not’ that the individual is a victim of modern slavery. The first responder and the potential victim are both notified of the decision; a positive decision gives the potential victim formal modern slavery victim status. They receive an additional 45 (recently increased from 14) days ‘move-on’ support. Those receiving a negative decision receive nine (recently increased from two) days support. From April 2020, victims will be able to access drop in support for up to six months after leaving the NRM.

19. For migrants in the NRM, there may be ongoing issues relating to their immigration status. If an individual receives a positive decision, they can apply for discretionary leave to remain in the UK, which is usually not for more than 30 months, and often for less. Outstanding asylum decisions should be taken before discretionary leave is considered.<sup>18</sup> Many victims are awaiting a decision on an asylum claim whilst going through the NRM. A positive NRM decision may support an individual’s asylum claim, depending on the circumstances of the modern slavery. Uncertainty of immigration status adds further complexity to a survivor’s circumstances. Survivors from EU countries may need to apply for settled status under the EU Settlement Scheme.
20. There is no formal right of appeal, but *‘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.’*<sup>19</sup> Decisions can also be challenged through judicial review.
21. Support for individuals is managed by the Salvation Army (under a contract with the Home Office) who subcontracts to service providers around the country. Information on provision in Yorkshire and Humber is at the end of this briefing.

<sup>18</sup> Home Office (2018) *Discretionary leave considerations for victims of modern slavery*.

<https://www.gov.uk/government/publications/interim-operation-guidance-discretionary-leave-for-victims-of-modern-slavery>

<sup>19</sup> Home Office (2019) *Victims of modern slavery – Competent Authority guidance* p.65.

<https://www.gov.uk/government/publications/victims-of-trafficking-guidance-for-competent-bodies>



22. The National Crime Agency publishes statistics on referrals to the NRM. The statistics for 2018 showed:<sup>20</sup>
- There was a 36% increase from the previous year in the number of potential victims referred to the NRM (from 5,142 in 2017 to 6,993 in 2018), attributed at least partially to improvements in awareness and reporting.
  - A 48% increase in the number of minors referred (from 2,118 to 3,137) is attributed to more referrals of vulnerable children being used to traffic drugs along county lines (from inner-city areas to provincial towns).
  - There was no change in the top nationalities (Albania, the UK and Vietnam). UK referrals increased by nearly 100% (from 820 to 1,625).
  - The most common exploitation type continued to be labour exploitation (this includes criminal exploitation).
23. Referrals made by police forces in Yorkshire and Humber increased from 136 in 2017 to 218 in 2018. Data is also available at a local authority level. In 2018, referrals were made by 14 councils in the region (Bradford, Calderdale, Doncaster, East Riding of Yorkshire, Hull, Kirklees, Leeds, North East Lincolnshire, North Lincolnshire, North Yorkshire, Rotherham, Sheffield, Wakefield and York). The local authority making the highest number of referrals was North Yorkshire (29).<sup>21</sup> Nationally, local authority referrals have increased from 153 in 2013 to 1,342 in 2018. The Local Government Association (LGA) has expressed concern that this increase represents additional pressure on children's services, adult social care, and housing.<sup>22</sup>

## Children

24. Consent is not required to refer children to the NRM, but the child should be informed and must be referred to Children's Services, who are responsible for the child's care and accommodation. Guidance is available for first responders referring children<sup>23</sup> and for safeguarding child victims.<sup>24</sup> Statutory guidance is available for councils caring for children who are victims of modern slavery.<sup>25</sup>
25. Trafficked and unaccompanied children in the UK are 30 times more likely to go missing than other children their age according to a report by ECPAT UK and Missing People.<sup>26</sup> They are also more likely to go missing than other looked after children. In 2017 24% of modern slavery victims went missing from care

<sup>20</sup> National Crime Agency (2019) *Modern Slavery and Human Trafficking: National Referral Mechanism Statistics – End of Year Summary 2018*. <http://www.nationalcrimeagency.gov.uk/publications/natio-referral-mechanism-statistics/2018-nrm-statistics>

<sup>21</sup> National Crime Agency (April 2019) *National Referral Mechanism Statistics: Quarter 1 2019 – January to March* <https://nationalcrimeagency.gov.uk/who-we-are/publications/291-modern-slavery-and-human-trafficking-national-referral-mechanism-statistics-january-to-march-2019/file>

<sup>22</sup> Sharman, L. (2019) *Modern slavery referrals by councils 'spiral'*. <https://www.localgov.co.uk/Modern-slavery-referrals-by-councils-spiral/47074>

<sup>23</sup> Home Office (2016) *National Referral Mechanism: guidance for child first responders*. <https://www.gov.uk/government/publications/national-referral-mechanism-guidance-for-child-first-responders>

<sup>24</sup> Home Office (2011) *Safeguarding children who may have been trafficked*. <https://www.gov.uk/government/publications/safeguarding-children-who-may-have-been-trafficked-practice-guidance>

<sup>25</sup> Department for Education (2017) *Care of unaccompanied migrant children and child victims of modern slavery: Statutory guidance for local authorities*. <https://www.gov.uk/government/publications/care-of-unaccompanied-and-trafficked-children>

<sup>26</sup> ECPAT UK and Missing People (December 2018) *Still in Harm's Way: An update report on trafficked and unaccompanied children going missing from care in the UK*. <https://www.ecpat.org.uk/still-in-harms-way>

(246 of 1,015), and 15% of unaccompanied children (729 of 4,756). 190 of these children have not been found. The report also highlights an increase in the number of children identified or suspected as victims, from 590 in 2014-15, to 1,015 in 2017 – this is thought to be due at least in part to improved recording.

26. Following an initial trial in 23 local authorities, Independent Child Trafficking Advocates (ICTAs) have been established in several early adopter sites since 2017 (none in Yorkshire and Humber). ICTAs provide specialist independent support for child victims of modern slavery where there is no one with parental responsibility (in addition to existing statutory service provision) and advocate on behalf of the child to ensure that any decisions made by public bodies are in the child's best interests.<sup>27</sup> The ICTA service is currently provided by Barnardo's and has been evaluated.<sup>28</sup> Interim guidance is also available.<sup>29</sup>

### Modern slavery legislation

27. The 2014 Modern Slavery Strategy sets out the government's approach to tackling modern slavery and focuses on law enforcement, prevention, protecting potential victims, and support for victims.<sup>30</sup> The UK became the first country to pass legislation to combat modern slavery with the 2015 Modern Slavery Act.<sup>31</sup> The Act created a legal duty for specified public authorities (including local authorities) to notify the National Crime Agency of a potential case of modern slavery. Section 45 of the Act makes provision for a legal defence for those forced to commit criminal offences by those exploiting them.
28. The independent Anti-Slavery Commissioner role was created in 2014.<sup>32</sup> Kevin Hyland was appointed, but resigned in May 2018 citing a lack of independence from government, and was succeeded by Sara Thornton, former head of the National Police Chiefs' Council, in May 2019.
29. The Act requires organisations with an annual turnover of over £36m to publish an annual Slavery and Human Trafficking Statement setting out steps taken to ensure modern slavery is not taking place in their business or supply chains. Support for employers includes industry specific factsheets<sup>33</sup> on how to protect workers and spot signs of slavery, and a Modern Slavery Assessment Tool.<sup>34</sup>
30. The government publishes an annual report on modern slavery. The 2018 report highlighted an increase of 49% in modern slavery offences recorded by the police, to 3,337 offences in the year to March 2018. 130 defendants were

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<sup>27</sup> <https://www.gov.uk/government/publications/child-trafficking-advocates-early-adopter-sites>

<sup>28</sup> Kohli, R., Connolly, H., Stott, H., Roe, S., Prince, S., Long, J. and Gordon-Ramsay, S. (2019) *An evaluation of Independent Child Trafficking Guardians – early adopter sites: Final report*

<https://www.gov.uk/government/publications/an-evaluation-of-independent-child-trafficking-guardians-early-adopter-sites-final-report>

<sup>29</sup> Home Office (2019) *Interim Guidance for Independent Child Trafficking Guardians – Early Adopter Sites*

<https://www.gov.uk/government/publications/child-trafficking-advocates-early-adopter-sites>

<sup>30</sup> HM Government (2014) *Modern Slavery Strategy*. <https://www.gov.uk/government/publications/modern-slavery-strategy>

<sup>31</sup> <http://www.legislation.gov.uk/ukpga/2015/30/contents/enacted>

<sup>32</sup> <https://www.antislaverycommissioner.co.uk/>

<sup>33</sup> <https://www.gov.uk/government/publications/modern-slavery-industry-factsheets>

<sup>34</sup> <https://www.local.gov.uk/topics/community-safety/modern-slavery/modern-slavery-supply-chains/modern-slavery-assessment-tool>

prosecuted under the Modern Slavery Act in 2017, compared with 51 in 2016. In July 2018, there were 850 active police investigations, compared with 188 in November 2016.<sup>35</sup>

### Regulating employers

31. The Gangmasters (Licensing) Act was passed in 2004<sup>36</sup> in the wake of the Morecambe Bay tragedy earlier that year when 23 Chinese cockle pickers drowned whilst working in dangerous and exploitative conditions. The Act created the Gangmasters and Labour Abuse Authority (GLAA, formerly the Gangmasters Licensing Authority)<sup>37</sup> which aims to protect workers from exploitation through licensing of labour providers in the farming, food processing and shellfish gathering industries. The GLAA seeks to protect the most vulnerable workers in these sectors – often these are migrants. The GLAA ensures employment agencies, gangmasters or other labour providers who supply workers to these industries are licensed and meet employment standards.
32. The powers and scope of the GLAA were expanded under the 2016 Immigration Act.<sup>38</sup> The authority now has additional police-style powers to investigate labour exploitation and abuse, and can impose additional sanctions on employers where there is breach of labour law.

### Scrutiny of policy and legislation

33. There has been ongoing scrutiny of government policy and legislation relating to modern slavery, resulting in continuing amendments to policy and practice.
34. A review of the NRM was undertaken in 2014<sup>39</sup> acknowledging criticisms of the system, which is now undergoing reform. The National Audit Office and Public Accounts Committee have each published reports critical of the government's implementation of the Modern Slavery Act.<sup>40</sup> A Home Affairs Select Committee inquiry,<sup>41</sup> launched in July 2018, into progress made since the Modern Slavery Act came into force, took evidence from the Snowdrop Project in South Yorkshire,<sup>42</sup> and Mark Burns-Williamson OBE, Police and Crime Commissioner, West Yorkshire and Chair, National Anti-Trafficking and Modern Slavery Network.<sup>43</sup>

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<sup>35</sup> HM Government (2018) *2018 UK Annual Report on Modern Slavery*. <https://www.gov.uk/government/publications/2018-uk-annual-report-on-modern-slavery>

<sup>36</sup> <https://www.legislation.gov.uk/ukpga/2004/11/contents>

<sup>37</sup> <https://www.gla.gov.uk/>

<sup>38</sup> <http://www.legislation.gov.uk/ukpga/2016/19/contents/enacted>

<sup>39</sup> Home Office (2014) *Review of the National Referral Mechanism for victims of human trafficking*. [www.gov.uk/government/publications/interim-review-of-the-national-referral-mechanism-for-victims-of-human-trafficking](http://www.gov.uk/government/publications/interim-review-of-the-national-referral-mechanism-for-victims-of-human-trafficking)

<sup>40</sup> House of Commons Committee of Public Accounts Committee (2018) *Reducing Modern Slavery*

<https://www.parliament.uk/business/committees/committees-a-z/commons-select/public-accounts-committee/inquiries/parliament-2017/reducing-modern-slavery-17-19/>

National Audit Office (2018) *Reducing Modern Slavery* <https://www.nao.org.uk/report/reducing-modern-slavery/>

<sup>41</sup> <https://www.parliament.uk/business/committees/committees-a-z/commons-select/home-affairs-committee/inquiries/parliament-2017/modern-slavery-inquiry-17-19/>

<sup>42</sup> <https://www.parliament.uk/business/committees/committees-a-z/commons-select/home-affairs-committee/news-parliament-2017/modern-slavery-evidence-17-191/>

<sup>43</sup> <https://www.parliament.uk/business/committees/committees-a-z/commons-select/home-affairs-committee/news-parliament-2017/modern-slavery-evidence-17-192/>



35. A pilot of reforms was run in West Yorkshire and the South West of England, from August 2015 to March 2017 and an evaluation was published in 2017.<sup>44</sup> Changes were made to the NRM in early 2019, and updated guidance was published on 29 April.<sup>45</sup> Amendments include the creation of Multi-Agency Assurance Panels to quality assure all provisional negative decisions, and an increase in the length of time support is provided to victims.
36. Debate around victim support continues; the Modern Slavery (Victim Support) Bill proposes extending support to 12 months, and this issue was the subject of a parliamentary debate in March 2019.<sup>46</sup> A report produced as evidence in support of the Bill suggested the benefits of offering longer-term support would outweigh the costs.<sup>47</sup> A legal challenge has opened up the possibility of support being extended.<sup>48</sup>
37. The government has faced legal challenges in relation to its decision to cut weekly payments to asylum-seeking victims of modern slavery,<sup>49</sup> its policy relating to awarding discretionary leave,<sup>50</sup> and decision-making delays within the NRM.<sup>51</sup> There has been negative media coverage of these delays,<sup>52</sup> and also relating to the detention of modern slavery victims.<sup>53</sup>
38. In 2018 the Government commissioned an independent review of the Modern Slavery Act. The final report was published in May 2019.<sup>54</sup> The government's response to the review accepts most of the recommendations and outlines how

<sup>44</sup> Ellis, N., Cooper, C. and Roe, S. (2017) *An evaluation of the National Referral Mechanism pilot*.

<https://www.gov.uk/government/publications/an-evaluation-of-the-national-referral-mechanism-pilot>

<sup>45</sup> Home Office (2019) *Guidance: National referral mechanism reform*. <https://www.gov.uk/government/publications/human-trafficking-victims-referral-and-assessment-forms/guidance-on-the-national-referral-mechanism-for-potential-adult-victims-of-modern-slavery-england-and-wales>

<sup>46</sup> Westminster Hall Debate 27<sup>th</sup> March 2019, *Modern Slavery and Victim Support*.

<https://www.theyworkforyou.com/whall/?id=2019-03-27a.121.0&s=refugee%20-%20g135.1>

<sup>47</sup> University of Nottingham Rights Lab (2019) *The Modern Slavery (Victim Support) Bill: A Cost-Benefit Analysis*.

<https://www.nottingham.ac.uk/news/rights-lab-cost-benefit-analysis>

<sup>48</sup> Duncan Lewis (2019) *Home Office concedes that their 45 day policy for providing support for victims of trafficking is unlawful*

[https://www.duncanlewis.co.uk/news/Home\\_Office\\_concedes\\_that\\_their\\_45\\_day\\_policy\\_for\\_providing\\_support\\_for\\_victims\\_of\\_trafficking\\_is\\_unsatisfactory\\_\(28\\_June\\_2019\).html](https://www.duncanlewis.co.uk/news/Home_Office_concedes_that_their_45_day_policy_for_providing_support_for_victims_of_trafficking_is_unsatisfactory_(28_June_2019).html)

<sup>49</sup> 'Home Office cuts to modern slavery victims' benefits are unlawful, High Court rules', *The Independent*, 8 November 2018

<https://www.independent.co.uk/news/uk/home-news/home-office-modern-slavery-victims-trafficking-cuts-austerity-support-high-court-ruling-a8623586.html>

Home Office (Jan 2019) *Home Office announces repayment scheme for victims of modern slavery*

<https://www.gov.uk/government/news/home-office-announces-repayment-scheme-for-victims-of-modern-slavery>

<sup>50</sup> <http://www.bailii.org/ew/cases/EWCA/Civ/2018/98.html> Updated guidance has been issued by the Home Office: Home Office (2018) *Discretionary leave Considerations for victims of modern slavery*

<sup>51</sup> England and Wales High Court (Administrative Court) Decisions, [2019] EWHC 148 (Admin), 31 January 2019

<http://www.bailii.org/ew/cases/EWHC/Admin/2019/148.html>

<sup>52</sup> 'Human trafficking: Victims "stuck in limbo for years"', *BBC News*, 22 Jan 2019. <https://www.bbc.co.uk/news/uk-46945352>.

'Home Office using low-paid temporary workers to make 'life-or-death' decisions on human trafficking', *The Independent*, 13 February 2019.

<https://www.independent.co.uk/news/uk/home-news/modern-slavery-human-trafficking-home-office-job-description-nrm-decision-maker-a8777331.html>. The Home Office responded to this coverage: Home Office (14 February 2019) *Home Office in the media blog*.

<sup>53</sup> 'Chinese women trafficked to UK "being failed by Home Office"', *Guardian*, 12 December 2018.

<https://www.theguardian.com/uk-news/2018/dec/12/chinese-women-trafficked-uk-failed-home-office-medical>

Esslemont, M. (2019) *Supported or Deported? Understanding the deportation and detention data held on human trafficking and slavery*. <https://afterexploitation.com/reports/>

Lousley, G., Hudson, S. and Cope, S. (2019) "From one hell to another": *The detention of Chinese women who have been trafficked to the UK*. <https://www.refugeewomen.co.uk/hell/>

The Home Office responded to these reports: <https://homeofficemedialog.blog.gov.uk/2019/07/09/home-office-in-the-media-blog-tuesday-9-july/>

<sup>54</sup> Field, F. MP, Miller, M. MP and Bulter-Sloss, E. GBE (2019) *Independent Review of the Modern Slavery Act 2015: Final Report*. <https://www.gov.uk/government/publications/independent-review-of-the-modern-slavery-act-final-report>

it intends to respond to them.<sup>55</sup> A key recommendation is that the Independent Child Trafficking Advocate scheme for trafficked children without parental responsibility (mainly children from overseas) be rolled out nationally as quickly as possible; the government has reaffirmed its commitment to this.<sup>56</sup>

## Future developments

39. From April 2020 the following changes will take place:

- victims will have the option of staying in a place of safety for up to three days before deciding whether they want to enter the NRM
- victims will be able to access drop in support for up to six months after leaving the NRM
- minimum care standards will be adopted into future victim care contracts.

40. Guidance on NRM reform published in October 2018 states that the government will review the criteria used to establish who should be a first responder and how they should be trained. There are plans to digitalise the NRM – this is expected to go live in the summer of 2019.<sup>57</sup>

41. Following a legal challenge to the policy of limiting support to 45 days after the conclusive decision, it has been reported that an interim policy will be issued, and that in the longer-term, a new needs-based system of support will be developed.<sup>58</sup> The Home Office has made a general statement about support for victims<sup>59</sup> and is expected to issue updated guidance on how the needs based system will work. If support is to be offered on a more indefinite basis following the ruling, this will have capacity implications for organisations providing support.

42. Independent Child Trafficking Advocates (ICTAs) will in future be known as 'Independent Child Trafficking Guardians,' and the government has committed to rolling out the scheme nationally.<sup>60</sup>

43. In future some public sector bodies (including local authorities) may be required to publish an annual Slavery and Human Trafficking Statement; currently this only applies to businesses.<sup>61</sup>

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<sup>55</sup> HM Government (2019) *UK Government Response to the Independent Review of the Modern Slavery Act 2015*. <https://www.gov.uk/government/publications/government-response-to-the-independent-review-of-the-modern-slavery-act>  
The review was debated at Westminster Hall on 19 June 2019: <https://hansard.parliament.uk/Commons/2019-06-19/debates/66FD5FFB-2058-4CAE-8B1F-0EC4B2E09041/ModernSlaveryActIndependentReview>

<sup>56</sup> <https://homeofficemedia.blog.gov.uk/2019/05/22/how-the-government-is-tackling-modern-slavery/>

<sup>57</sup> Home Office (2018) *Guidance: National referral mechanism reform*. <https://www.gov.uk/government/publications/national-referral-mechanism-reform/national-referral-mechanism-reform>

<sup>58</sup> [https://www.duncanlewis.co.uk/news/Home\\_Office\\_concedes\\_that\\_their\\_45\\_day\\_policy\\_for\\_providing\\_support\\_for\\_victims\\_of\\_trafficking\\_is\\_unsatisfactory\\_\(28\\_June\\_2019\).html](https://www.duncanlewis.co.uk/news/Home_Office_concedes_that_their_45_day_policy_for_providing_support_for_victims_of_trafficking_is_unsatisfactory_(28_June_2019).html)

<sup>59</sup> <https://homeofficemedia.blog.gov.uk/2019/07/02/home-office-in-the-media-blog-tuesday-2-july/>

<sup>60</sup> <https://homeofficemedia.blog.gov.uk/2019/05/22/how-the-government-is-tackling-modern-slavery/>

<sup>61</sup> HM Government (2019) *UK Government Response to the Independent Review of the Modern Slavery Act 2015*. <https://www.gov.uk/government/publications/government-response-to-the-independent-review-of-the-modern-slavery-act>

44. In July 2019 the government announced a new Modern Slavery Policy and Evidence Centre which will bring together academics, businesses and charities in order to strengthen the response to modern slavery through producing research, increasing collaboration and sharing knowledge.<sup>62</sup>
45. Consultations and inquiries include:
- A public consultation on transparency in supply chains closes on 17 September 2019.<sup>63</sup>
  - A public consultation on establishing a new single enforcement body for employment rights closes on 6 October 2019.<sup>64</sup>
  - The Home Affairs Select Committee continues its inquiry looking at progress since the 2015 Modern Slavery Act.<sup>65</sup>
  - A cross-party panel is leading an inquiry into trafficking for sexual exploitation in England and Wales, following the government's review of the Modern Slavery Act. It is investigating whether the legal framework of Great Britain (excluding Northern Ireland) makes it a more attractive destination for those involved in trafficking adults for sexual exploitation.<sup>66</sup>

### Organisations working in Yorkshire and Humber

**Ashiana** works to support women from Black, Asian, Minority Ethnic and Refugee communities whose lives have been affected by violence and abuse, including modern slavery and human trafficking. Sub-contracted by the Salvation Army under the NRM Victim Care contract, it delivers refuge provision for women victims of trafficking in South Yorkshire, and outreach support for men and women across the north of England. It operates additional projects in West Yorkshire and Hull.

Ashiana was a partner in the **STEP Project**, a 12 month pilot offering long-term support to women survivors of trafficking, including those receiving a positive NRM decision who exit the system without leave to remain in the UK and therefore without access to many services. Initial findings from an evaluation of the project<sup>67</sup> recommend that individually tailored support should be provided to those leaving the NRM following a positive conclusive grounds decision, and that those leaving following a negative conclusive grounds decision should have a care pathway in place. Renew, a subsequent, broader project, is open to anyone regardless of immigration status.

<http://www.ashianasheffield.org/>  
0114 2555740

<sup>62</sup> <https://www.gov.uk/government/news/government-to-launch-new-modern-slavery-research-centre>

<sup>63</sup> <https://www.gov.uk/government/consultations/transparency-in-supply-chains>

<sup>64</sup> <https://www.gov.uk/government/consultations/good-work-plan-establishing-a-new-single-enforcement-body-for-employment-rights>

<sup>65</sup> <https://www.parliament.uk/business/committees/committees-a-z/commons-select/home-affairs-committee/inquiries/parliament-2017/modern-slavery-inquiry-17-19/>

<sup>66</sup> Evidence should be submitted to modernslaveryactreview@gmail.com by Friday 30 August 2019.

<sup>67</sup> British Red Cross (2018) *After the National Referral Mechanism – what next for survivors of trafficking? Initial findings from the STEP Project.* <https://www.redcross.org.uk/about-us/what-we-do/we-speak-up-for-change/human-trafficking-and-slavery/after-the-national-referral-mechanism-report>

**City Hearts'** head office is in Sheffield with offices in the northwest and northeast. They provide safe houses and outreach support for modern slavery and trafficking victims, sub-contracted by the Salvation Army under the NRM Victim Care Contract. The charity's Integration Support Programme offers longer-term support post-NRM with the aim of reducing re-trafficking; a report on this programme is available.<sup>1</sup> City Hearts is currently working in partnership with the Coop on the Bright Future programme, which has expanded to include 48 business and charity partners providing a fast track back to work or an introduction into work.

<https://city-hearts.co.uk/>

<https://www.co-operative.coop/ethics/bright-future>

0114 2132063

**Palm Cove Society** works in West Yorkshire, providing supported accommodation and outreach support for victims of modern slavery as part of a sub-contract arrangement with the Salvation Army under the NRM Victim Care Contract.

Leeds is one of six local authority areas chosen nationally by MHCLG to pilot new approaches to identify best practice in supporting victims. Safer Leeds (the city's Community Safety Partnership) is working in partnership with Palm Cove Society to deliver the pilot. The Home Office is undertaking a national evaluation of all six pilot areas.

<http://palmcovesociety.co.uk/>

Leeds: 0113 2302271 Bradford: 01274 722765

The **Snowdrop Project** in Sheffield provides long-term support to modern slavery survivors, including casework, befriending, counselling, education, community activities, and home renovations. It was established to address the lack of support for victims leaving the NRM.

<https://snowdropproject.co.uk/>

0333 880 5008

**Basis Yorkshire** work with sex workers and children who are sexually exploited in Leeds, West Yorkshire and Hull. They provide community based support and outreach to women and trans women involved in selling sex indoor, on street and online, including migrant sex workers. Women who may potentially be trafficked can be offered additional and specialist support. Follow up is provided with Palm Cove Society and Hope for Justice where appropriate. Basis also deliver specialist CPD accredited training on Trafficking and Sex Work locally and nationally for frontline practitioners, including police, social care and third sector partners.

<https://basisyorkshire.org.uk/>

0113 243 0036

**Hope for Justice** is an international charity that exists to bring an end to modern slavery by preventing exploitation, rescuing victims, restoring lives and reforming society. It has specialist teams which work closely with the police, including in Yorkshire and Humber, to identify victims of modern slavery and support them to leave situations of exploitation. Their local investigative, outreach and advocacy staff will support individuals to enter the NRM where appropriate and provide

follow-up support. They also deliver training courses for frontline professionals and first responders on trafficking and modern slavery.

<https://www.hopreforjustice.org>

[info@hopeforjustice.org](mailto:info@hopeforjustice.org)

0300 008 8000

Organisations that specialise in supporting **asylum seekers and refugees** also often have expertise in relation to trafficking and modern slavery due to many of their service users having experienced this.

### **Yorkshire and Humber networks**

There are three anti-modern slavery and trafficking partnerships in Yorkshire and Humber which bring together statutory and voluntary agencies working on this issue at a sub-regional level:

**Humber Modern Slavery Partnership** - a strategic partnership of over 60 front line organisations across the Humber, dedicated to tackling all forms of modern slavery. Its vision is to generate a coordinated, efficient and proactive response to modern slavery across all four local authorities, and it aims to have a victim-focused approach.

<https://www.humberantislave.com/>

Contact: [Humberantislave@gmail.com](mailto:Humberantislave@gmail.com)

**South Yorkshire Modern Slavery Partnership** – a regional multi-agency group funded by the South Yorkshire Police and Crime Commissioner to offer a strategic joined up approach to tackle modern slavery in the region. The Partnership aims to raise awareness, improve identification of victims, enhance the support victims receive, and increase the detection and prosecution of those who exploit others.

Contact: [SYMSP@ashianasheffield.org](mailto:SYMSP@ashianasheffield.org)

The **West Yorkshire Anti Trafficking and Modern Slavery Network** provides a strategic meeting framework on behalf of the statutory, non-statutory and third sector organisations in West Yorkshire who contribute to tackling human trafficking and modern slavery, with the aim of establishing a clear and consistent response to potential victims of modern slavery.

Network co-ordinator: [callum.harvie@hopeforjustice.org](mailto:callum.harvie@hopeforjustice.org)

There are also some networks at a local authority level. Contact one of the above partnerships if you want to find out whether there is a network in your local authority.



## National organisations and resources

The **Home Office** – the government department with overall responsibility for modern slavery. Referrals to the NRM must be made using the forms available on the Home Office website.<sup>68</sup> There is a resource page designed to share examples of training products available to public sector professionals and other individuals that might come across victims to help raise awareness, better spot the signs and increase confidence in reporting modern slavery. This includes some resources specifically aimed at local authorities.

<https://www.gov.uk/government/publications/modern-slavery-training-resource-page/modern-slavery-training-resource-page>

The government has also produced an awareness booklet aimed at public sector workers,<sup>69</sup> as well as posters and a factsheet<sup>70</sup> about the duty to notify.

The **Salvation Army** holds the national contract for providing support to individuals within the NRM (a five year contract due to end in 2020). There are sub-contractual arrangements with service providers across the country.

<https://www.salvationarmy.org.uk/modern-slavery>

0300 303 8151 (confidential referral helpline)

The **Modern Slavery Helpline** is a single point of contact for anyone wanting advice or support related to modern slavery. The number is 08000 121 700, and concerns can also be reported online or using the Unseen app.<sup>71</sup> The helpline is run by the charity **Unseen** which works to combat modern slavery.<sup>72</sup>

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

The **Local Government Association** provides **guidance on local authorities' duties** in relation to modern slavery, including the duty to notify the Home Office if they suspect an individual to be a victim of modern slavery.

<https://www.local.gov.uk/topics/community-safety/modern-slavery>.<sup>73</sup>

The **National Anti-Trafficking and Modern Slavery Network (NATMSN)** brings together Police and Crime Commissioners from across England and Wales, the Independent Anti-Slavery Commissioner, the National Police Chief Council (NPCC) lead Chief Constable and the Home Office Modern Slavery Unit to discuss and improve how these agencies work together to combat human trafficking and modern slavery. It was launched in February 2016 and was created and is chaired by Mark Burns-Williamson, West Yorkshire's Police and Crime Commissioner.

**Child Exploitation Disruption Toolkit** - for frontline staff who are working to safeguard children and young people under the age of 18 from sexual and criminal exploitation.

<https://www.gov.uk/government/publications/child-exploitation-disruption-toolkit>

<sup>68</sup> <https://www.gov.uk/government/publications/human-trafficking-victims-referral-and-assessment-forms>

<sup>69</sup> Home Office (2017) *Modern Slavery Awareness & Victim Identification Guidance*.

<https://www.gov.uk/government/publications/modern-slavery-awareness-booklet>

<sup>70</sup> <https://www.gov.uk/government/publications/modern-slavery-duty-to-notify>

<sup>71</sup> <https://www.modernslaveryhelpline.org/>

<sup>72</sup> The latest annual assessment reported a 46% increase in the number of potential victims identified through contact with the Helpline: Unseen (2019) *Modern Slavery Helpline Annual Assessment* <https://www.modernslaveryhelpline.org/information/stats>

<sup>73</sup> Local Government Association (2017) *Tackling modern slavery: A council guide*.

**STOP THE TRAFFIK** - posters and leaflets for councils to raise awareness of modern slavery, by highlighting the signs of exploitation and signposting to relevant support.

<https://www.stophetraffik.org/resources/>

**Anti-Slavery Partnership toolkit** – to help frontline practitioners and service providers work in partnership. This follows 2017 research undertaken by the University of Nottingham and Independent Anti-Slavery Commissioner which found that multi-agency partnership working was developing across the UK but that there was a lack of resources and consistency, as well as little monitoring and evaluation.<sup>74</sup>

<https://iasctoolkit.nottingham.ac.uk/>

**Handbook on modern slavery**<sup>75</sup> for the homelessness sector from charity The Passage, following its 2017 report on modern slavery<sup>76</sup> (commissioned by Kevin Hyland, the then Independent Anti-Slavery Commissioner).

This briefing was prepared by Kate James in July 2019. It will be updated periodically. For further information, contact Kate

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A short, 4-page summary is also available at:

[www.migrationyorkshire.org.uk/policybriefings](http://www.migrationyorkshire.org.uk/policybriefings)

For an explanation of terms used in this report, see our website:

[www.migrationyorkshire.org.uk](http://www.migrationyorkshire.org.uk)

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<sup>74</sup> Office of the Independent Anti-Slavery Commissioner and University of Nottingham (2017) *Collaborating for freedom: anti-slavery partnerships in the UK*. <http://www.antislaverycommissioner.co.uk/news-insights/new-research-collaborating-for-freedom-anti-slavery-partnerships-in-the-uk/>

<sup>75</sup> The Passage (2019) *Modern Slavery Handbook*. <http://passage.org.uk/publications/the-passage-anti-slavery-handbook/>

<sup>76</sup> The Passage (2017) *Understanding and Responding to Modern Slavery within the Homelessness Sector*. <http://passage.org.uk/540927-2/>