

# Modern Slavery Strategy

## Forward

I am pleased to present this Strategy on behalf of Gravesham Borough Council as our approach to tackling modern slavery and human trafficking. The Modern Slavery Act 2015 sets out the Council's duties as a First Responder to notify the Secretary of State about suspected victims of slavery or human trafficking and this Strategy demonstrates the Council's real commitment to work with our partner agencies to provide the best support possible to potential victims who come to our attention. We recognise that, sadly, slavery, trafficking and exploitation are not issues of the past but very present in areas across the country including our own Borough.

The scale of this largely hidden crime is significant and that is why we need an approach that raises the awareness of it across the board. By working closely with our partners, we can continue to develop a programme of comprehensive and targeted action to encourage potential victims to report their experiences and get the help they need whilst also sending a clear message to offenders that these crimes will not be tolerated in Gravesham. The Council will have no hesitation in using its powers and encouraging its partners to use theirs to do this. We all have a part to play: local residents, those working here, those agencies with statutory responsibilities and community organisations, but in order that we can all respond effectively, we also all need to have an improved understanding of what we mean when we talk about modern slavery and the steps that we should take if we encounter it.

That is why this Strategy is broad; it includes not only measures for improving training of all Council staff and Members to recognise signs and be clear on what to do but also actions to improve information sharing between different agencies to help build a better intelligence picture of the extent of the problem so that action can be taken. It also considers steps to improve public awareness more generally and work to help us engage with local communities so that modern slavery and trafficking are issues that are openly discussed. This will help to increase the confidence of victims to approach the Police or other support services. We know that many victims go unidentified and unprotected and that is something we want to change.

Gravesham Borough Council as well as Gravesham as a community, has a responsibility to ensure that its children, young people and adults are offered the best protection possible from exploitation of this kind which has devastating long-term effects on its victims, their families and the wider community. My hope is that this Strategy and the Action Plan that underpins it to ensure its delivery, will provide consistency and co-ordination and bring partners together to effectively support those in need and see more offenders being brought to justice.

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## Context – The extent of the problem

The National Crime Agency Strategic Assessment of Serious and Organised Crime 2020 reports that the true scale of modern slavery and human trafficking in the UK is unknown. The complexity of this crime type and the vulnerability and circumstances of those exploited mean that victims are frequently reluctant to report their experience, particularly to the Police. Some victims may not always identify themselves as having been exploited whilst others will often do whatever they can to actually deflect intervention by either the Police or other authorities for a range of reasons discussed later in this document. These factors mean that any recorded figures will be heavily affected by under-reporting.

Potential victims identified in the UK through the National Referral Mechanism (NRM) increased by 45% between January to September 2019 to 7,273 victims, compared to the same period in 2018. Growing awareness of modern slavery and trafficking amongst First Responder agencies and the public may have contributed to this increase which only serves to confirm the importance of continuing to keep this issue high on national as well as the local agenda.

- 7,273 potential victims were referred to the NRM in the first three quarters of 2019, an increase of 45% on the same period in 2018.
- 42% of those referred to the NRM in the first three quarters of 2019 were exploited as children (under 18 years of age).
- 34% of UK Police investigations into modern slavery in the first three quarters of 2019 featured female suspects, up from 28% for the same period in 2018.

## Drivers and key forms of exploitation

Whilst the following information relates to the UK position, the expectation is that this will be largely replicated locally in Gravesham:

- Offenders engaged in modern slavery tend to operate in organised groups or networks. Whilst the majority of identified offenders are male, the proportion of police investigations featuring female offenders has increased, with them mostly linked to sexual exploitation;

- The primary driver for offenders is profit - unlike the profit to be made from e.g. the sale of stolen goods where the financial benefit is seen only once, a person exploited into in sexual or labour will keep delivering financial profit over and over again for as long as the demand exists;
- Key issues such as homelessness, isolation and substance misuse often contribute to a victim's vulnerability. Outside the UK, a lack of economic or educational opportunity drives the movement of vulnerable people and non-UK victims of modern slavery face a high risk of exploitation once they have arrived in this country;
- The number of claims of exploitation involving victims coerced into crime has continued to increase (now overtaking labour and sexual exploitation), with exploitation in county lines drug supply being most common and children/young people being the majority of victims;
- Sexual exploitation accounts for the highest number of female victims in the UK with simultaneous exploitation in other ways being common e.g. domestic servitude. This kind of exploitation is most certainly particularly underreported by male victims;
- Labour exploitation is notably reported from construction, agricultural and car wash services with the majority of victims being male.

#### Our experience in Kent

Trends in Kent mirror the national experience above and it is very likely that Gravesham will share the same modern slavery and human trafficking issues, trends and intelligence gaps. Figures are provided at Kent Police Divisional level and Gravesham falls within North Division together with Dartford, Swale and Medway). Headline details include:

- 77 modern slavery and human trafficking investigations were carried out in North Division in the 12 months ending July 2020;
- 199 NRM and MS1 (Modern Slavery notifications) were referred in the 12 months ending July 2020;
- 11 NRM referrals were made by Local Authorities in April-June 2020;
- The most prevalent forms of exploitation in North Division (in order) are forced criminality, labour and sexual exploitation. However, when forced criminality linked to county lines is removed from these statistics (as there are separate and dedicated Teams tackling this issue), labour and sexual exploitation are the predominant types of exploitation;
- In North Division, the top 5 nationalities of victims (in order) are: British, Albanian, Romanian, Polish and Vietnamese.

#### Legalisation and Duty of Local Authorities

The Modern Slavery Act 2015 section 1-4 created several main modern slavery offences:

Slavery, servitude and forced or compulsory labour (section 1) where a person holds another person in slavery or servitude or requires them to perform forced or compulsory

labour and the person knows or ought to know that the other is being so held or required to perform;

Human trafficking (section 2-3) an offence is committed where a person arranges or facilitates the travel of another person with a view to that person being exploited. 'Exploitation' includes: slavery, servitude, forced or compulsory labour, sexual exploitation, organ removal, securing services by force, threats or deception and securing services from children or vulnerable people;

Facilitating human trafficking (section 4) where an offence is committed with the intention of facilitating human trafficking e.g. providing false documents.

#### Specific duty of Local Authorities

Section 52 of the Act created a statutory duty to notify for specified public authorities, including local authorities. This duty identifies local authorities as First Responders and requires that if any Council employee encounters an individual who they believe is a possible victim of modern slavery or human trafficking, the Local Authority must notify the Home Office through the National Referral Mechanism (NRM).

By implication, all local authorities need to provide front line staff and their supervisors with training and awareness-raising on modern slavery to ensure that they can fulfill these obligations. Council employees need to be fully aware of the signs and indicators that help to identify a potential victim and clear and confident in the steps to follow to ensure our duty is met and the potential victim properly supported.

The statutory duty to notify should not be seen as an additional burden - identifying a case as potentially one of modern slavery is primarily beneficial because it hopefully leads to direct support for the potential victim but could also uncover details to close intelligence gaps hugely beneficial to law enforcement and partner agencies. The NRM and provisions within the Modern Slavery Act 2015 include:

- The creation of a new statutory defence for slavery or trafficking victims who were or are compelled to commit criminal offences on behalf of their exploiter.
- The introduction of civil orders to enable the courts to place restrictions on those convicted of modern slavery offences or those involved in such offences but not yet convicted.
- The provision of short-term Government-funded support (accommodation, material assistance, medical treatment, counselling etc.) for a minimum of 45 days if the victim is an adult and agrees to go through the NRM process.
- The potential provision of legal aid to victims of human trafficking and slavery for a variety of claims.

- The provision of mechanisms for seizing traffickers' assets and channelling some of that money towards victims for compensation payments.
- The provision of child trafficking advocates for all child victims of trafficking.

## Our approach and priorities

This Strategy sets out Gravesham Borough Council's approach to tackling modern slavery and human trafficking. Whilst the Council has taken some steps to develop work in this area following the coming into force of the Modern Slavery Act 2015, it is now determined to develop our knowledge and understanding of this issue further. This aim is to be proactive in helping to identify and refer victims for assistance; to safeguard children and adults by helping to address their support needs; to work with partners to disrupt perpetrators and bring them to justice; and, to ensure that any supply chains linked to Council services are free from modern slavery.

Councils are crucial to partnership working in trying to prevent and reduce modern slavery, not least because so many of the services delivered by local authorities bring Council officers into areas and situations where they may encounter it simply whilst carrying out their normal duties. Through a long history of working in collaboration with a wide range of agencies from statutory, voluntary and charitable sectors, we are aware that by sharing intelligence, expertise and resources, we will be much better placed to respond effectively when cases of modern slavery come to light.

### 4Ps framework

This Strategy and its underpinning Action Plan builds on the 4Ps framework stipulated in the Government's Modern Slavery Strategy 2014:

Pursue - Prosecuting and disrupting individuals and groups responsible for modern slavery.

Prevent - Preventing people from engaging in modern slavery, either as victims or offenders.

Protect - Strengthening safeguards against modern slavery by protecting vulnerable people from exploitation and increasing awareness of and resilience against this crime.

Prepare - Reducing the harm caused by modern slavery through improved victim identification and enhanced support.

### Priorities

Our vision is to protect our communities from modern slavery and trafficking by focussing on 6 key priority outcomes:

Priority 1 - To raise awareness and understanding of modern slavery and its effects across Council departments and within our local communities

Priority 2 - To increase reporting of modern slavery by service providers and the public

Priority 3 - To ensure Council staff and Members have the right knowledge, skills and processes to act confidently

Priority 4 - To identify, support, protect and empower victims of modern slavery

Priority 5 - To assist in the identification, disruption and bringing to justice of offenders

Priority 6 - To have effective governance, processes and clear lines of responsibility

#### Strategic objectives

A series of strategic objectives have been identified linked to each of the priority outcomes described earlier. These also form the basis of an Action Plan that will guide and structure the delivery of this Strategy. We would like to acknowledge that our approach has been developed drawing on and mirroring recommended good practice models and especially that of the Hertfordshire Modern Slavery Partnership.

### *Priority 1*

We will raise awareness and understanding of modern slavery and its effects by:

- The pooling of intelligence to help inform the Working Group of the issues most relevant in our area. This will enable the Group to target particular geographical areas, potential victim groups and specific operating models used by offenders;
- Undertaking and promoting appropriate, targeted and intelligence led multi-agency campaigns;
- Developing a package of communications and delivering a consistent message across all Council departments, other sectors and for public dissemination;
- Promoting the existence of the Working Group and its activities to encourage confidence in victims of the commitment of local agencies to work together in addressing modern slavery.

### *Priority 2*

We will increase reporting of suspected modern slavery by:

- Making sure that local people are encouraged to report concerns by promoting national as well as local services and reporting lines;
- Ensuring that all Council staff know how to report concerns and are able to advise members of the public accordingly;
- Using targeted campaigns to engage with local people across difference backgrounds to overcome any cultural barriers that may prevent the reporting of modern slavery e.g. by working with appropriate community groups, faith providers, charitable organisations, that have contact with individuals who may be more vulnerable to modern slavery and who do not necessarily engage with statutory agencies;

- Improving awareness of and publicising the support and protection that is available to victims to increase confidence to report.

### *Priority 3*

We will ensure that Council staff and Members have the right knowledge, skills and processes to act confidently by:

- Developing training and resources for Council staff (that can be shared with partner agencies) to ensure that everyone understands their legal duties and follows correct procedures for protecting victims;
- Rolling out training using face-to-face and online formats, utilising best practice;
- Introducing a modern slavery input as part of mandatory training for all new Council staff as part of their induction programme;
- Ensuring that Council members are offered training and are aware of services to be able to advise any constituents who may raise modern slavery concerns with them;
- Ensuring that businesses and agencies working with the Council understand their legal responsibilities to prevent modern slavery occurring in any supply chains.

### *Priority 4*

We will identify, support, protect and empower victims by:

- Testing and adopting referral pathways that best meet victims' needs (including considering how we can most effectively provide immediate support at crisis point and longer-term protection, both within and outside of the National Referral Mechanism);
- Ensuring that there is collaboration and 'joined-up' working between different services supporting victims (particularly between Council departments);
- Exploring the potential for working with survivors who may be willing to provide peer support e.g. through the establishing of a locally-based peer support group.

### *Priority 5*

We will assist in the identification, disruption and bringing to justice of offenders by:

- Supporting multi-agency operations with partners;
- Ensuring that intelligence/information received by the Council is shared promptly with appropriate partners;
- Via the Working Group, identify and develop tactics to disrupt the activity of offenders;
- Identify and apply best practice to increase the number of offenders being charged and convicted for modern slavery crimes and to effectively publicise successful prosecutions.

## Priority 6

We will have effective governance, processes and lines of responsibility by:

- Establishing a multi-agency Modern Slavery Working Group with clear terms of reference;
- Ensuring progress in the delivery of this Strategy and its Action Plan is regularly monitored reported to the Gravesham Serious Organised Crime Panel and Community Safety Partnership;
- Ensuring that actions taken are evaluated to establish 'what works' to continuously develop local best practice.

### What is modern slavery?

A prerequisite for improving the way we respond to potential or actual cases of modern slavery is having a clear understanding of what we actually mean when we talk about 'modern slavery'.

Modern slavery encompasses human trafficking, slavery, servitude and forced or compulsory labour. It is important to recognise some of the different types of coercion and control that may be being used (the 'means' used by offenders) as well as the specific forms of exploitation (the 'purpose' behind the offender's behaviour). The following guidance is taken from the Adult Modern Slavery Protocol for Local Authorities produced by the Anti-Slavery London Working Group and the Human Trafficking Foundation.

#### Means - Types of coercion and control

The apparent consent of a victim to be controlled and exploited is irrelevant when one or more of the following has been used to obtain that consent. Note that coercion does not need to include violence or the threat of violence.

- The threat or use of force (physical restraint, beating, rape, abuse against them or their family members)
- Withholding travel or immigration documentation
- Ritual oaths or use of fear based on a belief system (e.g. use of Juju)
- Fraud (control of the potential victim's accounts or finances, attaching their name to debts, cars, illegal activity)
- Abduction
- Blackmail or intimidation
- The abuse of power or a position of vulnerability (whether physical, psychological, emotional, family-related, social or economic e.g. illegality of the potential victim's immigration status, the person affected believing they have little or no alternative but to submit to the abuse)
- Debt bondage and depriving the individual of money (creating artificially high debts for travel or substandard accommodation or making significant deductions from an individual's 'salary')
- Deception (e.g. employer provided false information about employment, working conditions)
- 'Stockholm Syndrome' (due to unequal power, the victim has developed a false emotional or psychological attachment to their controller or may identify with the perpetrator as a survival or coping mechanism)



- Grooming (where vulnerable people are enticed over time to take part in activity in which they may not be entirely willing participants)
- Physical confinement or restriction of movement or confinement through threats/control (e.g. the individual is unable to leave as they have no money or fear the consequences)
- Threat or perceived threat to the potential victim's relationships with other family members or peer groups
- Social stigma (e.g. using the threat of 'shaming' someone who has been operating as a sex worker or for having failed to find suitable work or in having control over their life)

## Purpose - Types of exploitation

The information provided below includes details of the different types of exploitation often experienced by victims. However, due to the changing nature of this criminal activity, this is not an exhaustive list and it should also be remembered that a potential victim is likely to experience multiple types of exploitation.

### *Sexual exploitation*

Many potential victims have been forced, coerced or deceived into work, whilst others have come willingly to work in this field but been deceived about the nature or conditions of work on their arrival. Possibly with little or no pay, they will often be deprived of their freedom of movement and be kept subjugated through the use of physical and or/psychological coercion such as bullying, threats to them or their family members, debt bondage and violence.

### *Labour exploitation and bonded labour*

Labour is the provision of any service, not just manual labour and it becomes exploitation where that work or service is extracted from a person under the menace of any penalty and for which the person has not offered themselves voluntarily. The 'menace or penalty' could be the confiscation of passports, non-payment of wages, or placing a person in a situation of dependency or by threatening them with the risk of homelessness.

In most cases, potential victims are coerced to carry out work in for e.g. farms, factories, restaurants, nail bars, car washes or construction sites, for little or no pay. If they are Foreign Nationals, their passports are frequently confiscated by their traffickers and they may be made to live in terrible conditions.

If they have a contract, they are unlikely to have a copy or to have had an opportunity to read or understand anything that they have signed or know how to enforce any agreed conditions of work that fail to materialise.

Often a debt or perceived debt is used to keep the person in subjugation and there can be excessive wage deductions e.g. for the cost of accommodation or food or the bonded debt can include costs such as foreign travel to the UK. Control can take less obvious forms and include threats to hurt family members or to report victims to the Police or Immigration if their employment status is illegal or unknown. Potential victims may also have been trafficked specifically to be made to work in the sex

industry and the taboo/stigma associated with this is used as a further form of control to prevent the potential victim from seeking help.

## *Domestic servitude*

Domestic servitude involves people working in a household where they are ill-treated, humiliated, subjected to exhausting working hours, denied privacy and forced to live and work in very poor conditions, for little or no pay. In some cases, sexual abuse may also take place.

It is often difficult for domestic slaves or servants to leave their employers and seek help and if they do, they are often accused of theft, immigration offences or sometimes relatively minor crimes. Abusive employers create physical and psychological obstacles by e.g. threatening the victim or their families with further abuse or deportation or by withholding their passport. Wages are frequently withheld on the basis that they will be paid in future with the aim of keeping the person working in the hope that this will eventually happen.

Emotional blackmail is a common feature e.g. claiming that the victim is 'one of the family' or that children in the family have become dependent on them and they will suffer should the victim leave.

## *Criminal exploitation*

This occurs when a person is coerced to become involved in criminal activities such as selling and moving drugs, cannabis farming, forced begging, pickpocketing, shoplifting etc. Victims of slavery can (and consequently fear that they will) end up in the criminal justice system to be treated as criminals instead of protected as victims of serious crime. In cases where the exploitation activity in itself is illegal, the risk of this is high.

## *Forced fraud*

Traffickers will dishonestly apply for tax credits and other benefits using the potential victim's details, sometimes without their knowledge. Potential victims' identities may also be used to take out financial loans to cause the potential victim to fall into debt and their exploiter then uses this as another form of control.

In many of these cases the victims are deceived rather than coerced; the trafficker may claim to be helping them to fill out benefit claim forms or to obtain loans but in reality they have no intention that the victims will have access to those funds.

## *Forced marriage, Sham marriage and Surrogate Mothers*

### Forced marriage

Where one or both people do not (or in the case of people with learning disabilities, are unable to) consent to the marriage and pressure or abuse is applied. This can be coupled with other forms of slavery and can be used to exploit individuals in various ways. Children or adults who are trafficked for

sex may subsequently also be sold into forced marriages. An adult who is forcibly married may later be trafficked for labour or sex by and for the financial gain of his or her spouse.

### Sham marriages

There are also cases where marriages to British citizens may occur to procure regular immigration status. There is usually no subsisting relationship, dependency or intent to live as husband and wife or as civil partners. The potential victim may be approached because they are in a position of vulnerability - possibly already trafficked for other services and/or in debt bondage. They may be unaware that this form of marriage is a criminal offence and are unlikely to self-identify as a victim of exploitation or trafficking. Generally the sham marriage is uncovered as a result of other offences e.g. domestic violence, being investigated.

### Surrogate Mothers

Women may be forced to act as surrogates and to give birth to children who are then taken away from them (and treated as a commodity).

### *Organ harvesting*

This involves trafficking people for the purpose of obtaining their organs, tissue and cells. Traffickers might force or deceive the victims into giving up an organ or victims may formally or informally agree to sell an organ but are then not paid at all or paid less than the price agreed. Sometimes vulnerable people are treated for an ailment which may or may not actually exist and organs are removed without the victim's knowledge or removal occurs as part of illegal rituals.

Important points of note

### *Consent is irrelevant to exploitation*

An individual's consent to the conduct alleged to amount to slavery, servitude or forced compulsory labour is irrelevant where any of the 'means' set out above have been used;

### *Exploitation need not have taken place yet to constitute slavery or human trafficking*

Home Office guidance states that a person is a victim even where they haven't been exploited yet e.g. a police raid occurs before the exploitation happens. It is the 'purpose' which is key, rather than whether the exploitation has actually occurred;

## *The crime of slavery or trafficking overrides any irregular immigration or other minor offences*

The person exploiting an individual should be the focus of primary law enforcement and victims should not be treated as perpetrators of crime or irregular migrants. There should be a presumption of non-criminalisation for offences arising in connection with a victim's experience of trafficking;

## *Victims of slavery and trafficking often do not fit a stereotype*

Potential victims come from all kinds of backgrounds; some are well-educated and from wealthy families and boys and men can be victims just as easily as girls and women. Traffickers also may not always fit an expected profile; they too, may be educated and seem outwardly very respectable.

## Indicators of modern slavery

Indicators will point to concerns that should always lead to further investigation and consideration of an NRM referral. They may not necessarily be considered as evidence of trafficking or slavery but should lead to further work to gather more intelligence which may then reveal that a person is at risk of exploitation unless steps are taken to prevent it.

Important points to remember:

- We are not required to prove human trafficking. If trafficking is suspected but not conclusively proven, the individual should still be identified as a potential victim. This threshold is deliberately low to encourage referrals where there are any concerns;
- We do not need to evaluate indicators to a criminal standard of proof.

Indicators

### *Conversation*

- Fearful, anxious and withdrawn
- Unable to speak the local language
- Refuses or is reluctant to talk to a person in authority or provide personal details
- Does not recognise themselves as having been trafficked or enslaved
- Tells their stories with obvious errors
- Have a prepared story, very similar to those that other adults have given
- Is unable or unwilling to give the name and address of their employer

### *Behaviour/Appearance*

- Appears to be missing for periods
- Is known to beg for money
- Having tattoos or other marks indicating 'ownership' by their exploiters
- Victims may experience post-traumatic stress disorder which can result in any or a combination of the following symptoms: hostility, aggression, difficulty in recalling details or entire episodes, difficulty concentrating

## *Work*

- Wearing unsuitable clothing e.g. flip flops in winter, no helmet on a construction site
- Is required to earn a minimum amount of money every day
- No or poor health and safety equipment, no health and safety notices and unhygienic, unsafe working conditions
- Excessive working hours, no days off and little spare time to e.g. get food
- Actual or perception of debt bondage
- No or limited access to earnings or no labour contract
- Excessive wage reductions or financial penalties
- Movement of individuals between sites or working in alternate locations

## *Freedom of Movement*

- Is accompanied by a person who insists on remaining with them at all times
- Limited freedom of movement
- Limited or no social interaction and poor integration into the community
- Dependence on employer for e.g. for work, accommodation, transport
- Limited contact with family members
- Never leaving the house without permission from an employer
- Only leaving the house in a group

## *Health*

- Shows signs of physical or sexual abuse and/or has contracted STIs or has an unwanted pregnancy
- Has not been registered with or attended a GP practice
- Appears to services (Doctor/Council staff) only in the final months of a pregnancy
- Bruises, cigarette burns and untreated injuries
- Broken bones that haven't healed properly
- Malnourishment
- Learning difficulties or drug and/or alcohol dependencies
- Dental problems and poor hygiene
- Neurological problems, headaches, dizziness, memory loss
- Gastrointestinal systems
- Musculoskeletal symptoms
- Work-related injuries often through poor health and safety measures
- Signs of mental health issues e.g. trauma, PTSD, panic attacks

## *Accommodation*

- Workers have to pay for food or accommodation via deductions from pay
- Home delivery meal packaging in excessive quantities
- Overcrowded/rough sleeping conditions including 'beds in sheds'
- Cars or minibuses picking up at unusual times
- Not eating with the rest of the family and no private sleeping place or sleeping in a shared space
- Frequent visitors to residential premises

- Lack of family photos and personal belongings
- Post stacked up and discarded envelopes on the floor
- A script by a telephone on making benefit claims/dealing with enquiries
- Unable to show any autonomy over accommodation e.g. no tenancy documents, bills, bank accounts in their own name

## *Journey*

- May have entered the country irregularly or their visa has expired (note that they may be from the UK or be a Foreign National with legal status to be in the UK)
- Travel in a group, often with people who do not speak the same language
- May have had their journey/visa arranged by someone on their behalf
- Has had to pay an exorbitant debt e.g. for travel costs, before having any control over their own earnings/documents

## *Employer*

- Employer reports them as a missing person
- Employer accuses person of theft/other crimes to explain their escape
- Employer speaks on their behalf
- Employer unable to produce documents required when employing migrant labour
- Difficult to establish or prove relationships between adults and child(ren)
- Single adult is the contact for a large number of children, families or workers

## *Documents*

- Has no passport or other means of identification
- Has false travel/identity documentation
- Is unable to confirm names and addresses of employer, contacts, home or workplace in the UK
- Does not appear to have money but does have a mobile phone
- Is in possession of money and goods which are not accounted for
- Coerced to apply for asylum or warned not to apply for asylum
- Fear of revealing immigration status or lacks knowledge on current immigration status

How might Council staff encounter a potential victim?

Both Council staff across service departments and local Councillors may receive reports and/or information about local situations that could 'flag' that modern slavery or exploitation is taking place. Whilst not exhaustive, some examples of such situations include:

- Anti-social behaviour
- Breaches of planning regulations
- Multiple occupancy and/or over-crowded buildings
- Payment of minimum wages/pay disputes
- Homelessness
- Sexual offences, grooming, prostitution, forced marriage
- Vulnerability within a domestic setting/domestic abuse cases

- Irregular immigration/immigration offences
- County lines, gangs, drug selling, drug cultivation
- Benefit fraud and sham marriages
- Persistent missing persons

### *People rarely self-identify as victims of slavery or trafficking or easily reveal their experiences*

Victims may also be unwilling to disclose their experiences to statutory authorities for fear of reprisals, a fear of government/authorities, shame associated with their treatment or because they have normalised their exploitation.

### *Not all migrants working illegally are trafficked*

A report that there are e.g. foreign workers working in car wash, does not by itself amount to evidence of human trafficking or warrant a human trafficking response. However, it is the case that some traffickers ensure that the people they are exploiting have legitimate Visas or are entitled to work, so it does not always mean the exploitation is not happening.

### *Smuggling is not trafficking*

In smuggling cases, asylum seekers and immigrants pay people to help them enter the country irregularly. This is a crime against the state not against an individual. Smugglers generally provide a short-term/one-off service rather than treating the person as a commodity for the longer-term. However, there are occasions when people believe that they are being smuggled but on arrival in the country are then subjected to exploitation e.g. they may be forced to work to pay off the smuggling debt which is then increased over time by the smuggler to retain control over the victim.

### **The National Referral Mechanism**

The National Referral Mechanism (NRM) is the current process in place in the UK to identify and support potential victims of modern slavery. The NRM is also one of the means through which the National Crime Agency (NCA) gathers information about victims to help build a clearer intelligence picture. The Mechanism was introduced to assist with the meeting of obligations created by the European Convention on Action against Trafficking in Human Beings.

Key considerations

### *First Responders*

First responders are responsible for identifying and interviewing potential victims. All those working in local authorities (as well as those in a range of agencies e.g. Police, UK Border Force, the Salvation Army and the Gangmasters and Labour Abuse Authority) are First Responders. Gravesham Borough Council is a First Responder into the NRM process and as such, the Council has a duty to notify the

Home Office if anyone working within the Council identifies a person with indicators that suggest they may be enslaved or may have been trafficked.

## *Consent - Use the NRM*

Where an adult victim gives their consent, a referral should be made into the NRM. This consent must be 'informed' i.e. for an adult to provide their informed consent, the First Responder must have explained to them:

- What the NRM is;
- What support may be available (e.g. accommodation, subsistence, legal aid, protection and counselling);
- What the possible outcomes may be and potential implications.

If an adult consents to referral into the NRM, the National Referral Mechanism Guidance (Adult) should be followed:

In February 2020, a new Digital NRM Referral Form was introduced and is available to all First Responders. This allows the referral to be made through a single online form. The form is designed to be responsive and will change depending on the options selected. The form can be accessed through the [Modern Slavery GOV.UK website](#).

The Council must adhere to safeguarding and duty of care processes. An assessment of needs should be carried out in respect of housing, benefits, legal advice, requirement of safe housing etc. The objective is to safeguard the potential victim and to prevent or reduce the risk of re-exploitation.

If the potential victim has no recourse to public funds and there is no duty to provide housing/support under other safeguarding/Human Rights legislation, contact the Salvation Army directly if the individual has immediate support needs: telephone 0300 303 8151 (24 hrs). They should be able to assist with accommodation and/other outreach support.

## *Non-Consent - Complete a Duty to Notify Referral*

If a victim does not want and does not give their consent to enter the NRM, First Responders still have a duty to notify if they have reasonable grounds for believing that a person is a potential victim. Complete the online Duty to Notify Referral form on the [Modern Slavery GOV.UK website](#).

Contact Kent Police through the 101 reporting line/online form or using 999 if you believe that the individual is facing an immediate threat of risk or harm. Remember: a potential victim of slavery is a potential victim of crime and there is still a duty to try to safeguard them.

The Salvation Army are contracted by the Home Office to provide support and counselling and they may also be able to offer help or advice on how to engage more effectively with someone who is frightened or reluctant to disclose information or engage. Further information can be found on the [Salvation Army website](#).



What happens once an NRM Referral has been made?

Once the NRM Referral has been submitted it will be passed to the relevant 'Competent Authority', which in the case of local authorities acting as First Responders, is the Modern Slavery Human Trafficking Unit (MSHTU). This Unit sits within the National Crime Agency that is accountable to the Home Secretary. Trained decision makers within the Unit will assess and make a decision on whether the individual referred is a victim of modern slavery or trafficking.

To establish whether a person is a victim of any form of modern slavery (including trafficking) two decisions are taken by the MSHTU:

### *Reasonable grounds decision*

There are reasonable grounds to establish that a person is a potential victim. The threshold for 'reasonable grounds' is low and defined by the principle 'I suspect but cannot prove' that the individual is a potential victim.

A reasonable grounds decision should be made within 5 working days. If the decision is positive, the potential victim is then entitled to support, including the option of gender-specific Government-funded safe house accommodation for up to 45 days. This is intended to provide a period for reflection and recovery for the victim e.g. they may want to consider whether they now feel able to cooperate with and disclose more information to the Police.

### *Conclusive grounds decision*

The MSHTU will determine whether, based on the evidence provided, conclusive grounds are established that the individual referred is in fact a victim of modern slavery or trafficking. The standard of proof is on the balance of probability that the individual is more likely to be a victim than not. Where conclusive grounds have been established, the potential victim then has two weeks to leave safe house accommodation provided by the Salvation Army where this has been used and find new accommodation (this may be extended at the request of the safe house).

### *Discretionary leave to remain*

If a potential victim receives a conclusive grounds decision, an extension may be made to the 45 day recovery period or if they do not have any other right to remain in the UK, they may be granted a residence permit. This would be in the form of Discretionary Leave to Remain (DLR) and is usually issued for between 12 and 30 months.

If a survivor has an asylum claim, they should automatically be considered for a grant of DLR once a positive identification decision has been made. If they do not have an asylum claim, they will need to notify the Home Office if they want to be considered for DLR, preferably whilst they are still in the NRM.

A person is entitled to a residence permit if they are recognised as a victim of slavery and their stay in the UK is necessary because:

- Of their personal circumstances e.g. a need to remain in the UK for longer to enable the person to complete a course of medical treatment.
- They need to stay in the UK in order to pursue a claim for compensation against their traffickers.
- They are co-operating with criminal proceedings against their traffickers. The victim, their legal adviser or Police may make a formal request on this basis.
- Assistance and support is needed for an appropriate time after criminal proceedings have concluded e.g. post-traumatic stress associated with providing witness evidence.

### *Negative conclusive grounds decision is made*

If a potential victim receives a negative conclusive grounds decision they have two days to leave Salvation Army safe house accommodation or outreach support and find alternative accommodation. A negative decision may be due to a lack of evidence, non-disclosure or other obstacles that potential victims may face, rather than them not actually being a victim of modern slavery. If this is considered to be the case, the negative decision can be challenged. If there is still concern about a person refused support through the NRM and there are no other safeguarding steps that the Council can take, locally concerns should be raised with the Council's Lead Safeguarding Officer who can liaise with the Kent and Medway Adults Safeguarding Board.

#### Post NRM Risk and Needs Assessment

If the potential victim has been moved out of Borough, there needs to be an assessment by the local authority where the potential victim was found, on which local authority will handle the case post NRM. If, for e.g, the potential victim is returning to Gravesham, there needs to be another needs and risk assessment considering possible requirements in terms of access to education, employment and legal and health support, housing, benefits and immigration.

### *Access to Education, Employment and Legal and Health Support*

- If the potential victim has not done so, connect them with an experienced legal adviser on options regarding immigration and compensation.
- Provide the potential victim with information on how to engage with a GP, on accessing benefits and other statutory/non-statutory support.
- Explore access to education, volunteering and employment and help the potential victim to set realistic goals.
- If the potential victim is a Foreign National, make sure they can access ESOL classes to improve their English.
- Consider any specialist support agencies/organisations that may be able to help the potential victim depending on the types of exploitation they have experienced.
- Schedule an appointment for the potential victim with the Job Centre to help them receive a National Insurance Number as quickly as possible (if an NRM certificate has yet to be provided, use NRM letters to facilitate this process).
- A NI Number can take some time to be issued during which the potential victim will not be able to work or claim benefits – work with partner agencies to mitigate the risk of them becoming homeless.

## *Housing and Benefits*

- Help the survivor explore the benefits they may be entitled to and with accessing them.
- If the potential victim is a Foreign National, has a 'Conclusive Grounds' decision and 'Leave to Remain' granted with recourse to public funds, then they can access support and housing under the Housing Act 1996.
- Councils still have a duty of care under s.42 of the Care Act 2014 irrespective of eligibility for care and support under the Act. If they do not meet the threshold for care under the Care Act but e.g. have a primary need for housing, they should be referred to the Council's Housing Services.
- If they don't have Leave to Remain or have an outstanding immigration application, signpost them to appropriate services to check whether they are eligible to enter asylum accommodation.
- If a survivor of modern slavery or trafficking is housed, make sure it is appropriate and safe for them to live there.

## *Returning home*

- If a potential victim is a Foreign National, wants to return to their country of origin and it is safe for them to do so, they can receive help and financial assistance through the Home Office Voluntary Returns Service process (non-statutory organisations may also be able to assist).
- The local authority may want to check with the potential victim's Embassy that it is safe to return and should try to connect the potential victim with statutory and non-statutory services in the country of origin to assist them once they get home to avoid re-exploitation.

### Reviewing the case and checks before closing a case

The potential victim's case will need to be regularly reviewed (ideally every two weeks) by whichever local authority of the area in which they have been housed as their situation may fluctuate during recovery. Consideration should be given to and an evaluation made of the support given in each of the following areas below before concluding that a case can be closed:

- Safety (including risk from traffickers)
- Ongoing access to appropriate healthcare services
- Legal issues to appropriate healthcare services
- Drug and alcohol misuse
- Housing and finance (access to welfare, managing money and debts)
- Living skills (readiness for independence)
- Education/work
- Social/spiritual networks (contacts with family, friends and community agencies)
- Return options

### Implementing this strategy

The key to our ability to deliver this Strategy is strong and effective partnership working. No individual agency will be able to achieve its objectives and our success will be dependent on joint working at both at a strategic and operational level, sharing information, resources and expertise.

A multi-agency Modern Slavery Working Group will be established to meet on a quarterly basis and that will oversee the delivery of the Action Plan that has been created simultaneously with this Strategy. The membership of the Group will evolve and adapt as we build an understanding of the key issues in our area in order that we bring in the appropriate expertise and experiences of those agencies and organisations that have first hand knowledge of the issues to be addressed.

The Action Plan will remain a live document that will be subject to amendment according to intelligence, evidence and data and the potential changing needs of victims. The Plan will, however, provide structure, direction and enable the Working Group to remain focussed on the strategic objectives. Progress against the Plan will be monitored at the quarterly meetings and will also be fed back to the Gravesham Serious Organised Crime Panel (GSOCP) and the local Community Safety Partnership (CSP) for the purposes of accountability.

#### Core membership of the working group

- Gravesham Borough Council
- Kent Police
- Porchlight
- Choices
- Rethink Mental Illness
- Kent Equality Cohesion Council

Gravesham's Community Safety Unit (CSU) will take responsibility for the coordination of the activity of the Working Group and providing progress reports to the GSOCP and CSP. It will also undertake the administration of the quarterly meetings and host them.