

Lewisham Modern Slavery and Human Trafficking Protocol

February 2019



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1. INTRODUCTION

“There are an estimated 40.3 million people living in slavery today, and the Home Office estimates that up to 13,000 of those are based in the UK” Kevin Hyland, Independent Anti-Slavery Commissioner 2017.

The most robust estimate to date of the scale of modern slavery in the UK was produced by the Home Office in 2014. The estimate suggested that there were between 10,000 and 13,000 potential victims of modern slavery in the UK in 2013. The National Crime Agency (NCA) assesses that the actual scale of modern slavery in the UK is gradually increasing and, if drivers remain at their current levels, will continue to do so over the next three years.

The three main sources of data available on the potential scale of modern slavery in the UK come from:

- 1) Referrals of potential victims to the National Referral Mechanism (NRM), the UK’s identification and support system for victims of modern slavery. In 2017, there were 5,143 potential victims referred to the NRM (a 35% increase from 2016), of whom 41% (2,121) were children.
- 2) Referrals of potential victims under the ‘duty to notify’ provision of the Modern Slavery Act 2015 which applies to England and Wales. Specified public bodies have a duty to notify the Government via an anonymous MS1 form, if they encounter an adult victim of modern slavery if they don’t agree to be referred into the NRM. In 2017, 1,694 potential adult victims were referred via duty to notify, bringing the total number of potential victims identified in 2017 to 6,837.
- 3) The number of modern slavery crimes recorded by the police. In the year to March 2018, police in England and Wales recorded 3,337 modern slavery offences, a 49% increase on the previous year.

This Modern Day Slavery and Human Trafficking protocol sets out Lewisham’s local partnership approach to tackling Modern Slavery. The protocol outlines the definition and identifying indicators of Modern Slavery, sets out the referral pathways services need to follow to support any potential victim and identifies the tools and powers available to identify, disrupt and investigate Modern Slavery in Lewisham.

Through its Community Safety Partnership function the Council leads the Lewisham Modern Day Slavery Partnership, bringing together public, private and voluntary sector organisations to deliver on the five strategic focus areas of;

1. Identification and referral of victims (prevention)
2. Supporting victims (support)
3. Community safety services and disruption activities (disruption)

4. Using a risk based assessment ensuring proportionate checks are made on supply chains through procurement practice to safeguard against modern day slavery and human trafficking. (Organisational Policies)
5. Monitoring effectiveness

The Safer Lewisham Partnership (SLP), the Lewisham Safeguarding Adults Board (LSAB) and the Lewisham Safeguarding Children Boards (LSCB) are all committed to identifying and tackling Modern Slavery under a common approach set out in this protocol.

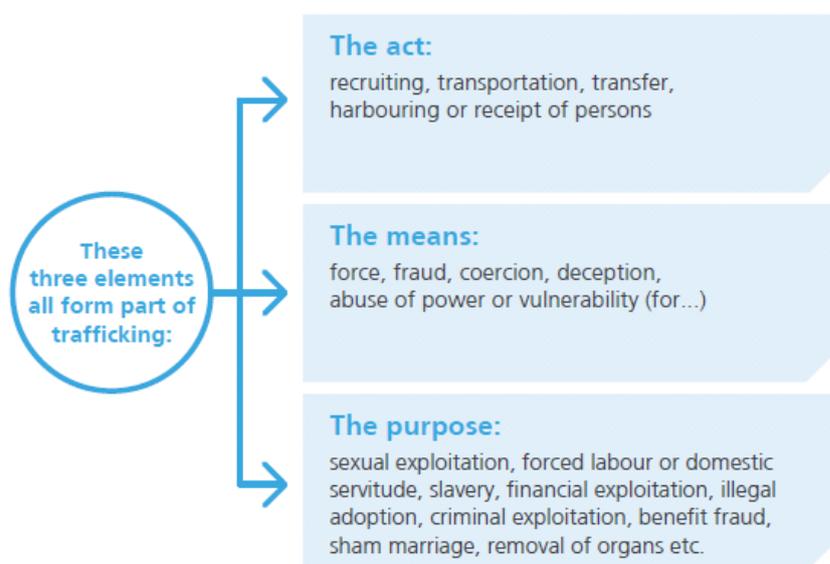
2. HUMAN TRAFFICKING

Human trafficking is the trade of humans for the purpose of forced labour, sexual slavery, or commercial sexual exploitation for the trafficker or others.

<http://www.unodc.org/unodc/en/human-trafficking/>

- **Human Trafficking = Act + Means + Purpose** – See Diagram below

HUMAN TRAFFICKING = ACT + MEANS + PURPOSE



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

- **Modern Slavery = Means + Purpose** It does not necessarily include the 'Act' element of the human trafficking process.

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3. WHAT IS MODERN SLAVERY?

Modern slavery is an umbrella term, encompassing human trafficking, slavery, servitude and forced labour.

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 or the threat of abuse
- Dehumanised, treated as a commodity or bought and sold as 'property'
- Physically constrained or have restrictions placed on their freedom.

Servitude is similar to slavery, in that a person is under an obligation to provide a service which is imposed on them, but there is no element of ownership.

Forced work is defined as 'work or service which is exacted from any person under the menace of any penalty and for which the person has not offered himself voluntarily and has been found in a number of different industries including manufacturing, food processing, agriculture and hospitality.

Human trafficking is when men, women and children are moved and forced into exploitation. The movement could be international but also within the country, from one city to another or even just a few streets. A person is a victim of human trafficking even if they haven't yet been exploited but have been moved for the purposes of exploitation.

4. TYPES OF MODERN SLAVERY

There are a number of different types of exploitation that victims of modern slavery may be subjected to, and victims may experience more than one type of exploitation at the same time. The most common forms of exploitation are:

Sexual exploitation: victims may be forced into prostitution, pornography or lap dancing for little or no pay. They may be deprived of their freedom of movement and subjected to threats and violence.

Labour exploitation: a victim is made to work with little or no pay, and may face violence or threats. If they are foreign nationals, their passports may be confiscated by their exploiters and they may be made to live in terrible conditions and under constant threat.

Forced criminality: victims can be forced to participate in a range of illegal activities including pick pocketing, shop lifting, cannabis cultivation, county lines exploitation and other activities. The Modern Slavery Act provides for a defence for victims who have been forced into criminality.

Organ harvesting: victims are trafficked in order for their internal organs (typically kidneys or the liver) to be harvested for transplant.

Domestic servitude: victims work in a household where they may be ill-treated, humiliated, subjected to exhausting hours, forced to work and live under unbearable conditions or forced to work for little or no pay. In some cases forced marriage can lead to domestic servitude.

Debt bondage can be present in many forms of exploitation, and can take a range of forms. Debts may arise out of the exploitation itself, for example in relation to accommodation or travel fees, with victims having little or no control over their debt and little or no way to pay it back. Costs may be deducted from their wages, leading to further debts being accrued. A person may be forced to work to pay off the debt and it can also be used as a means of controlling a victim and keeping them enslaved.

Other forms of exploitation include:

Forced marriage: where people are forced into marriage for a range of reasons including exploiting the rights conferred on them by citizenship or for domestic servitude.

Financial exploitation: for example benefit fraud, where benefits are falsely claimed by perpetrators on behalf of their workers; bank accounts being opened in a victim's name but used by perpetrators; or workers' wages being paid directly into the exploiters, own bank accounts by companies who think they are paying a worker individually.

In October 2017 the Government produced 'A Typology of Modern Slavery Offences in the UK' to categorise modern slavery offences and provide an evidence base for responding to the crime of modern slavery. The research classified modern slavery offences in the UK into 17 distinct types. For each type, the report outlined the characteristics of the typical victims and offenders, and the nature of the offence, including the recruitment, transportation and exploitation involved. [Click here to view.](#)

5. THE MODERN SLAVERY ACT 2015

The Modern Slavery Act gives law enforcement the tools to fight modern slavery, ensure perpetrators can receive suitably severe punishments for these appalling crimes and enhance support and protection for victims. It received Royal Assent on Thursday 26 March 2015.

The act:

- Consolidated and clarified existing modern slavery and human trafficking offences and increased the maximum sentences for committing these offences
- Introduced slavery and trafficking prevention orders and slavery and trafficking risk orders – which can be used to disrupt activities by modern slavery perpetrators
- Created the role of the Independent Anti-Slavery Commissioner
- Introduced support and protection for victims including a defence for victims of slavery or trafficking who commit an offence, measures on the presumption of age

of child victims of modern slavery and introduced the role of Independent Child Trafficking Advocates

- Introduced a requirement for certain businesses to produce and publish a modern slavery statement on what they are doing to tackle modern slavery and trafficking in their supply chains.

6. 2018 REVIEW OF THE MODERN SLAVERY STRATEGY

The Government's 2018 UK Annual Report on Modern Slavery provides an overview of modern slavery in the UK and explains how the UK has responded to this threat over the last 12 months.

The UK Government published a Modern Slavery Strategy in 2014, based on the 'four Ps' structure, which the Home Office also uses to tackle terrorism and serious and organised crime.

- Pursue:** Prosecuting and disrupting individuals and groups responsible for modern slavery.
- Prevent:** Preventing people from engaging in modern slavery.
- 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.

The Strategy also commits the Government to step up its **international** response to modern slavery.

i) Pursue

- There has been a continued uplift in operational activity to tackle modern slavery, involving a range of law enforcement agencies. In 2017, 130 defendants were prosecuted under the Modern Slavery Act 2015 (on a principal offence basis); compared to 51 defendants prosecuted under the Act in 2016.
- Project AIDANT, the National Crime Agency (NCA)-led collaborative modern slavery operations, targeted high risk source countries or types of exploitation. The operations brought together resources from the NCA, Border Force, Immigration Enforcement, Her Majesty's Revenue and Customs (HMRC), the Gangmasters and Labour Abuse Authority (GLAA) and UK police forces to deliver intensified operational activity focused on specific thematic areas. During Project AIDANT activity in 2017, over 320 offenders were arrested and over 560 potential victims of trafficking identified.
- Through the Modern Slavery Police Transformation Programme and in chairing the multi-agency National Threat Group, Chief Constable Shaun Sawyer has

overseen a steep uplift in police investigations. In July 2018, there were 850 active police investigations, compared with 188 in November 2016, although convictions have actually gone down as prosecutions have risen recently. At a national level, there is a richer understanding of the nature of these crimes and more joint investigations taking place with other countries than ever before.

- The GLAA has made good progress utilising Police and Criminal Evidence (PACE) powers to investigate serious cases of labour exploitation in the first year of operation. In 2017/18, the GLAA conducted over 100 operations, with more than 80 of those across sectors outside of the traditional agricultural sector. As a result, the GLAA arrested over 100 people for suspected labour market offences.

ii) Prevent

- During 2018, the UK Government continued to develop the evidence base on modern slavery to inform prevention activity.
- Across the UK, communications campaigns have raised awareness of the crime of modern slavery. The campaigns have provided information to the public and frontline professionals about how to spot signs of modern slavery and report concerns.

iii) Protect

- Under Section 54 of the Modern Slavery Act 2015, large businesses in the UK must publish an annual statement setting out the steps they are taking to identify, tackle and prevent modern slavery in their business and supply chains.
- In 2018, there have been increasing examples of best practices including companies implementing the 'Employer Pays' principle to prevent worker-paid recruitment fees which can contribute to debt bondage.
- There have been more sector-led initiatives to tackle exploitation in supply chains. For example, 'Tech Against Trafficking' brings the tech sector together with Non-Governmental Organisations (NGOs) and academics to examine how technology solutions can be used to fight modern slavery.
- Members of the Business Against Slavery Forum are working together to support survivors of slavery rebuild their lives through initiatives such as Co-op's Bright Future programme, giving survivors a path to employment and HSBC's survivor bank accounts.
- At the UN General Assembly this year, the UK, US, Canada, New Zealand and Australia launched a set of Principles for governments across the globe to endorse and use as a framework for tackling modern slavery in global supply chains.

iv) Prepare

- The UK Government continued to provide specialist support and advocacy services for victims of modern slavery and human trafficking, to assist them in rebuilding their lives and reintegrating into local communities.
- Over the last 12 months, the UK Government and its delivery partners have made good progress to ensure that an ambitious package of reforms to the NRM will be delivered by April 2020. These reforms hope to make a tangible

difference to the experience of victims of modern slavery by supporting their recovery and resilience to future exploitation.

- £2 million has been committed to extend the support provided by Independent Child Trafficking Advocates (ICTAs) so that one third of local authorities in England and Wales can ensure vulnerable children get the help they need.
- The UK Government has provided £2.2 million funding to test innovative ways to protect vulnerable children in the UK and overseas who are at risk of trafficking.
- Over £1 million from the Ministry of Housing, Communities and Local Government's Controlling Migration Fund has been distributed to six local authorities to test how best to support victims as they exit NRM services and move into local communities.
- Approximately 1,000 training places have been made available in England and Wales for foster carers and support workers caring for Unaccompanied Asylum-Seeking Children (UASC), so that they are better equipped to support victims and reduce the risk of re-trafficking.

7. THE NATIONAL REFERRAL MECHANISM

The national referral mechanism (NRM) is the framework by which potential victims of human trafficking and modern slavery are identified and supported. The NRM was introduced in 2009 to meet some of the UK's obligations under the Council of Europe Convention on Action Against Trafficking in Human Beings.

Aim of the national referral mechanism (NRM)

- it should lift victims out of situations of exploitation
- provide them with a short period of intensive support and specialist care
- put them in a position where they can begin to rebuild their lives with increased resilience against future exploitation

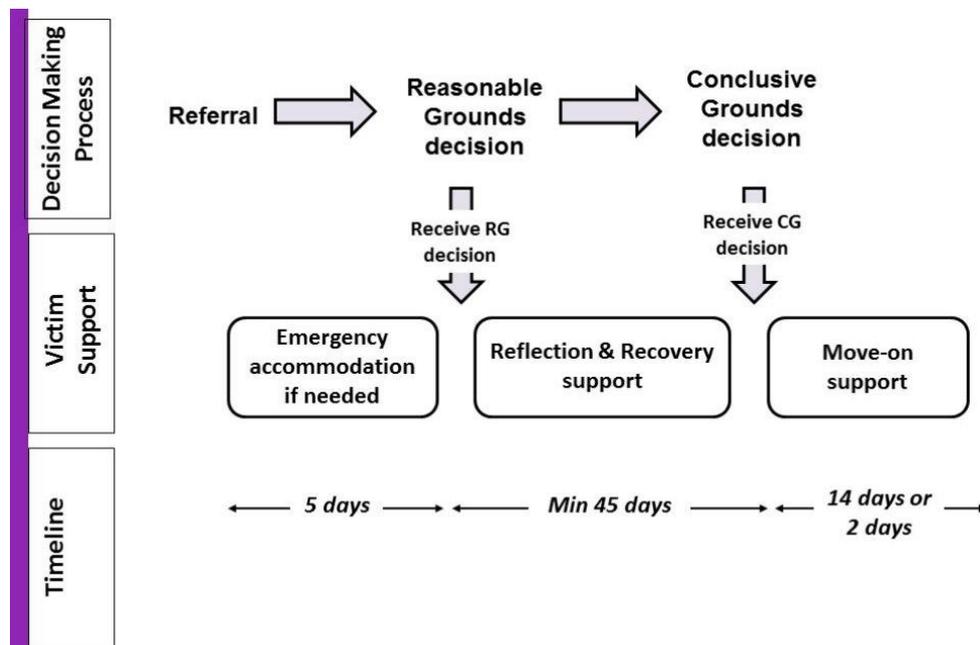
How the current national referral mechanism works

Potential victims (if adults, this requires consent) can be referred in to the NRM by a wide range of 'first responders' (including the police, local authorities and certain non-governmental organisations). The case will be managed by one of the 'competent authorities' (either the National Crime Agency or the Home Office). The competent authority will first decide if there are 'reasonable grounds' to believe that the person is a victim (the 'reasonable grounds' decision) and, if the decision is positive, will proceed to investigate the case and decide whether, on the balance of probabilities, the person is a victim (the 'conclusive grounds' decision).

The competent authority aims to make reasonable grounds decisions within 5 days of receiving a referral and emergency support is available for potential victims who would otherwise be destitute during this time. A positive reasonable grounds decision entitles the potential victim to a 'reflection and recovery' period for a minimum of 45 days, and until the conclusive grounds decision is made. During this time, adult victims can receive accommodation and whether they are receiving accommodation or not, they all should receive assistance within the NRM for subsistence, specialist support including counselling, access to physical and mental health care, and signposting to services including legal aid. Child victims are supported by local authorities under their statutory safeguarding duties.

When the conclusive grounds decision is made, those adults with a positive decision receive a further 14 days of 'move-on' support, and those with a negative decision receive support for a further 2 days of support. This 'move-on' support period is in place to help victims to safely transition out of NRM support.

National referral mechanism journey



More information on the [current NRM process](#) is available.

National referral mechanism reform

In October 2017, the government announced an ambitious package of reforms to the NRM focused around 4 key objectives:

- quicker and more certain decision-making that stakeholders and victims have confidence in
- improved support for adult victims before, during and after the NRM
- improved identification of victims
- improved support to child victims of modern slavery, who are supported outside the NRM

To achieve quicker and more certain decision-making, that stakeholders and victims have confidence in, the government will:

- create a single, expert case-working unit in the Home Office to handle all NRM cases and provide high quality, timely decisions for all victims regardless of their nationality – this will replace the current competent authorities in the National Crime Agency, and UK Visas and Immigration and will be separate from the immigration system
- set up an independent panel of experts to review all negative conclusive grounds decisions, adding significantly to the scrutiny such cases already receive
- build a new digital system to support the NRM process, making it easier for those on the front line to refer victims for support and enabling data to be captured and analysed to better aid prevention and law enforcement

To improve support for adult victims before, during and after the NRM in England and Wales, the government will:

- extend the ‘move-on’ period of support (when victims have a conclusive ground decision) from 14 to 45 days for confirmed victims of modern slavery and from 2 days to 9 days for those individuals with a negative decision
- provide weekly a ‘drop-in support service’ for all confirmed victims with leave to remain in the UK for up to 6 months after leaving government-funded support to aid their resettlement into local communities
- work with local authorities to develop and disseminate best practice for victims to transition into a community and access local services
- introduce minimum standards of care in all future contracts providing support to adult victims of modern slavery and an associated inspection regime based on the Human Trafficking Foundation’s Trafficking Survivor Care Standards
- lay regulations under section 50 of the Modern Slavery Act 2015, and issue statutory guidance under section 49 of the Modern Slavery Act 2015, setting out the support to which victims are entitled
- create ‘places of safety’ to ensure that adults leaving immediate situations of exploitation have a safe place to go for up to 3 days where they can access assistance and advice while they decide on whether to enter the NRM

To improve identification of victims of modern slavery, the government will:

- strengthen the first responder role by reviewing the criteria used to establish who should be a first responder and how they should be trained

To improve support to child victims of modern slavery who are within the NRM, the government will:

- continue with the national rollout of independent child trafficking advocates (ICTAs) across England and Wales to make sure trafficked children have a voice and someone to advocate for them on their behalf
- explore how best to make the NRM decision-making process more ‘child-friendly’ including looking at how NRM decisions are communicated to children

8. OVERVIEW OF THE ROLE OF COUNCILS IN TACKLING MODERN SLAVERY

Councils can play a key role in tackling modern slavery. Their role can be separated into four distinct areas:

1. Identification and referral of victims;

- Councils are under a duty, under Section 52 of the Modern Slavery Act, to identify potential victims of modern slavery, and refer them to the Government. Councils are what’s known as first responders, meaning that they can refer victims directly.
- As first responders it is important that council staff understand the signs of modern slavery and how to spot potential victims, as well as knowing how their council manages referrals for potential victims.
- For child victims and consenting adults referral is done through the National Referral Mechanism, also known as the NRM.
- For adults who don’t consent to enter the NRM, councils are still under a duty to notify the Government but should fill out an MS1 Form instead.
- The NRM provides a framework to identify, refer and record potential victims of modern slavery, whilst the MS1 form provides intelligence to help give a fuller picture of modern slavery in the UK.
- Once a person enters the NRM, the first step is a reasonable grounds decision – which means that from the information available “I suspect but cannot prove” that the person maybe a victim of modern slavery. The competent authorities aim to make this decision within 5 days.
- Potential victims are then eligible to receive support through a government funded contract with the Salvation Army.
- The support provided includes a recovery and reflection period of 45 days. During this time a conclusive grounds decision is made.
- At the end of the NRM process, if someone receives a positive conclusive grounds decision they will have 14 days to exit Salvation Army support. If they have a negative grounds decision they have 48 hours to exit support.
- The Government will introduce a digital system, and establish a single body for reviewing referrals, regardless of where a victim is from or their immigration status.

- It is expected that changes will be introduced across 2019 and into 2020, when the current Salvation Army contract ends.

2. Supporting victims;

- This can be through safeguarding children and adults with care and support needs or/and through housing/homelessness services
- Depending on the age and needs of victims of modern slavery, councils may have statutory responsibilities to provide support to them through children's or adult's safeguarding.
- Whilst a lot of adult victims will not meet the thresholds within the Care Act for social care support, victims may come into contact with housing or homelessness services.
- Reductions in housing and care resources may be reflected in the challenge for local authorities to adequately support the victims of modern slavery.
- Case law, [see *R (AK) v Bristol City Council* (CO/1574/2015)] using International legislation suggests local authorities have duties to support victims to prevent re-exploitation. See local authorities [protocol](#)

3. Community Safety services and disruption activities;

- Modern slavery is a complex, serious and often organised crime. Under Section 17 of the Crime and Disorder Act councils have a duty to do all that they reasonably can to prevent crime and disorder in their areas, which will include tackling modern slavery and trafficking. There are a range of crimes where councils may come across victims and perpetrators of modern slavery, including county lines drug dealing, child sexual exploitation, gangs, violent crime and forced begging, amongst others.
- Many parts of the council have powers of entry and inspection that can be used to disrupt the activities of traffickers and criminal networks. Utilising these regulatory tools – whether in relation to licensing, trading standards or housing – can help councils to provide a comprehensive community safety response.
- Partners such as the police and Gangmasters and Labour Abuse Authority (GLAA) need to better utilise the wide range of powers councils have can be invaluable in disrupting modern slavery, as well as other criminal activity.

4. Ensuring that the supply chains councils procure from are free from modern slavery;

- Councils must consider how they can ensure that the supply chains they procure from are free from modern slavery.
- Currently, councils are not legally required to produce a transparency in supply chains statement under the Modern Slavery Act. But that may change in future, as there is currently an independent review into the Act which is looking at issues including supply chains.

- Councils must consider human rights due diligence when undertaking procurement, working with suppliers to address any issues as they arise.

Modern Slavery intersects with many different areas that councils are involved with, and a number of different officers may come across it whilst going about their everyday duties:

- In housing and homelessness services, councils may see people who are at risk of trafficking through the provision of homelessness services, or through inspections of houses in multiple occupation (HMOs) they might come across modern slavery victims living in substandard accommodation.
- Community safety officers may come across trafficking or modern slavery whilst working on issues around serious and organised crime, gangs, drug selling, prostitution and other crimes committed within their area – like cannabis cultivation and begging.
- Trading Standards, licensing and environmental health and other regulatory services (e.g. fire safety) may encounter victims or perpetrators whilst inspecting premises such as nail bars and regulating other businesses, such as taxis and private hire vehicles.
- Local Councillors may hear concerns from residents about particular businesses or houses in their areas
- Those working with local partners on resettling new arrivals may find that trafficking or modern slavery has been present in refugees and asylum seekers' routes into the UK.
- Customer services may come into contact with victims through their ordinary dealings with the public.
- Children's safeguarding services will deal with trafficked children or children who have been exploited.
- Adult safeguarding services may have a role supporting adult victims with care and support needs.

This list is not exhaustive and there will be many other places where council staff and councillors may come across modern slavery or trafficking.

Given the different services which may come into contact with modern slavery, Lewisham must ensure a joined-up approach to the issue across the whole organisation.

9. LEWISHAM APPROACH TO TACKLING MODERN SLAVERY

First Responders

Knowing how to recognise slavery is now a statutory duty. First Responders are responsible for identifying and interviewing Potential Victims (PVs). **All those working in local authorities**, alongside Police, UK Border Force, Gangmasters Labour Abuse Authority and several NGOs, including the Salvation Army, **are first responders and have a duty to notify the Home Office**

if anyone working within the council identifies a person with indicators suggesting they may have been trafficked. First responders must follow the process set out below:

IDENTIFICATION

FIRST RESPONDERS



First Responders are responsible for identifying and interviewing PVs. All those working in local authorities, alongside Police, UK Border Force, Gangmasters Labour Abuse Authority and several NGOs, including the Salvation Army, Medaille Trust, Unseen and Kalayaan are *first responders*.³

CONSENT



To refer an adult victim into the NRM their written consent is needed. This consent must be informed, i.e. the NRM must have been explained in order that they can understand what they are agreeing to and potential implications. If the PV is under 18 consent is not required.

NON-CONSENT & DUTY TO NOTIFY



If a victim does not wish to enter the NRM, Section 52 of the Act still makes it a duty for public authorities to notify the Secretary of State if they have reasonable grounds to believe that a person may be a PV. This is done by completing an anonymous 'Duty to Notify' form. A copy of the form can be found at the following link: Duty to Notify.⁴ The completed duty to notify form is to be e-mailed to: dutytonotify@homeoffice.gsi.gov.uk

COMPETENT AUTHORITIES (CA)



Only identified First Responders can make referrals to the NRM and to do this the first responder must complete a referral form⁵ to pass the case onto the UK's Competent Authority - via the e-mail nrm@nca.x.gsi.gov.uk or by fax to 0870 496 5534.

Identifying Indicators of Modern Slavery

Indicators signpost 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 evidence as they may act as evidence that the person is at risk of exploitation if they are not supported to prevent this. A person may have also been abused before they became a victim of slavery or human trafficking.

Frontline safeguarding staff are not expected to:

- Be able to prove human trafficking. If trafficking is suspected, but not conclusively proven, the individual should still be identified as a potential victim. This initial threshold is deliberately low in order to encourage referrals where there are any concerns.
- Evaluate indicators to a criminal standard of proof. The standard of proof for identifying a victim is much lower than the criminal standard of proof.

Indicators all Lewisham agencies/services front line staff should be aware of:

Conversation	<ul style="list-style-type: none"> • <i>Fearful, anxious and withdrawn</i> • <i>Unable to speak local language</i> • <i>Refuses or reluctant to talk to a person in authority or provide personal details</i> • <i>Does not recognise themselves as having been trafficked or enslaved</i> • <i>Tells their stories with obvious errors</i> • <i>Has a prepared story, very similar to those that other adults have given</i> • <i>Is unable or unwilling to give the name and address of the employer</i>
Behaviour/Appearance	<ul style="list-style-type: none"> • <i>Appears to be missing for periods</i> • <i>Is known to beg for money</i> • <i>Having tattoos or other marks indicating 'ownership' by their exploiters</i> • <i>Victims may experience post-traumatic stress disorder, which can result in the following symptoms: hostility, aggression, difficulty in recalling details or entire episodes, difficulty concentrating</i>
Work	<ul style="list-style-type: none"> • <i>Wearing unsuitable clothing i.e. flip flops in winter; no helmet on a construction site</i>

	<ul style="list-style-type: none"> • <i>Is required to earn a minimum amount of money every day</i> • <i>Poor health & safety equipment, no health & safety notices and unhygienic, unsafe working conditions</i> • <i>Excessive working hours, no days off and little spare time to get lunch etc.</i> • <i>(Perception of) debt bondage</i> • <i>No or limited access to earnings or labour contract</i> • <i>Excessive wage reductions or financial penalties</i> • <i>Movement of individuals between sites or working in alternate locations</i>
Freedom of Movement	<ul style="list-style-type: none"> • <i>Is accompanied by a person who insists on remaining with them at all times</i> • <i>Limited freedom of movement</i> • <i>Limited or no social interaction and poorly integrated into the community</i> • <i>Dependence on employer for a number of services - for example work, transport and accommodation</i> • <i>Limited contact with family</i> • <i>Never leaving the house without permission from an employer</i> • <i>Only leaving the house as a group</i>
Health	<ul style="list-style-type: none"> • <i>Shows signs of physical or sexual abuse and/or has contracted STIs or has an unwanted pregnancy</i> • <i>Has not been registered with or attended a GP practice</i> • <i>Appears to services (doctor/council) only in the final months of a pregnancy</i>

	<ul style="list-style-type: none"> • <i>Bruises, cigarette burns and untreated injuries</i> • <i>Broken bones that haven't healed properly</i> • <i>Malnourished</i> • <i>Learning difficulties or drug/alcohol dependent</i> • <i>Dental problems and poor hygiene</i> • <i>Neurological symptoms, headaches, dizzy spells, memory loss</i> • <i>Gastrointestinal symptoms (symptoms relating to the stomach or intestines)</i> • <i>Musculoskeletal symptoms (symptoms relating to the bones or muscles)</i> • <i>Work related injuries often through poor health and safety measures</i> • <i>Signs of mental health issues e.g. trauma, PTSD, panic attacks etc.</i>
<p>Accommodation</p>	<ul style="list-style-type: none"> • <i>Workers are required to pay for food or accommodation via deductions from pay</i> • <i>Home delivery meal packaging</i> • <i>Crammed/rough sleeping conditions inc. 'beds in sheds'</i> • <i>Cars or minibuses picking up at unusual times</i> • <i>Not eating with the rest of the family and no private sleeping place or sleeping in a shared space</i> • <i>Frequent visitors to residential premises</i> • <i>Lack of family photos and personal belongings</i> • <i>Post stacked up and discarded envelopes on floor</i> • <i>A script by a telephone on making benefits claims</i>

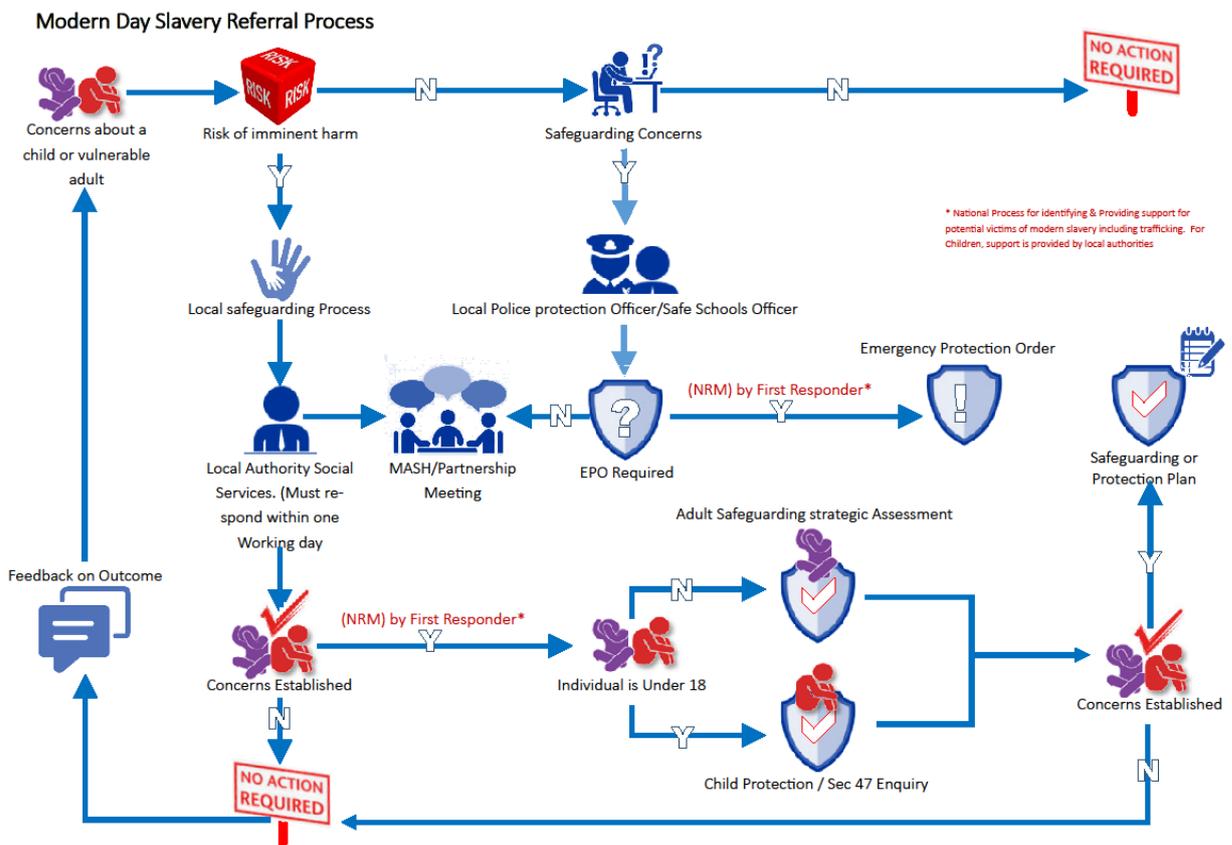
	<ul style="list-style-type: none"> • <i>Unable to show any autonomy over accommodation e.g. no tenancy, bills, or other paper trail including bank account in their own name</i>
Journey	<ul style="list-style-type: none"> • <i>May have entered the country irregularly or their visa has run out (note that they may be from the UK or be a foreign national with legal status to be in the UK)</i> • <i>Travel in a group, often with people who do not speak the same language</i> • <i>May have had their journey (or visa) arranged by someone other than themselves</i> • <i>Has to pay off exorbitant debt e.g. for travel costs, before having control over own earnings/documents</i>
Employer	<ul style="list-style-type: none"> • <i>Employer reports them as a missing person</i> • <i>Employer accuses person of theft or other crimes related to their escape</i> • <i>Employer speaking on their behalf</i> • <i>Employer unable to produce documents required when employing migrant labour</i> • <i>Difficult to establish/prove relationship between adult and child(ren)</i> • <i>Single adult is contact for a large number of children / families /workers</i>
Documents/Immigration	<ul style="list-style-type: none"> • <i>Has no passport or other means of identification</i> • <i>Has false travel/identity documentation</i> • <i>Is unable to confirm names and addresses of employer / contacts / home / workplace in UK</i> • <i>Does not appear to have money but does have a mobile phone</i>

	<ul style="list-style-type: none"> • 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
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Referrals

Any agency or service in Lewisham who believe that they may have identified a potential victim PV (adult or child) of Modern Slavery need to follow established local safeguarding protocols. **See Lewisham Modern Slavery Referral Process in Fig. below**

Lewisham Modern Slavery Referral Process



All referrals of potential Modern Slavery must also come through to both the children’s and adults MASH (Multi Agency Safeguarding Hub). This will ensure that Lewisham Council’s first responder duty to notify the Home Office under the NRM process is fulfilled.

Children & Young People's **MASH**

<http://www.safeguardinglewisham.org.uk/lscb/lscb/professionals/early-help>

Tel: 020 8314 7333

Email: mashagency@lewisham.gov.uk

Where services identify children or young people who are potential victims of modern slavery they must follow existing local safeguarding children protocols and also align any referrals with the Missing Exploited Trafficked (MET) referral process.

Where services identify adults who are potential victims of modern slavery, they must also consider whether or not it meets the threshold to refer to Lewisham SCAIT or to the Athena Service (VAWG).

Social Care Advice & information Team (**SCAIT**)

<https://www.lewisham.gov.uk/contact-us/Pages/contact.aspx?directoryid=7>

Tel: 020 8314 6000 314 (out of hours) 7777

Email: SCAIT@lewisham.gov.uk

Lewisham Violence Against Women & Girls (**VAWG**) - [Athena Service](#)

Tel: 0800 112 4052

Email: lewishamvawg@refuge.org.uk

Web: <http://www.refuge.org.uk/athena>

Modern slavery is listed as a form of abuse in the Care Act 2014. Both human trafficking and modern slavery are listed in the London ADASS 'London Multi-agency Adult Safeguarding Policy and Procedures' as forms of abuse. Therefore potential victims of modern slavery and human trafficking are entitled to the same safeguarding protections and rights as any other abused person.

10. TRAINING

Lewisham should provide frontline staff and their supervisors with training and awareness-raising on modern slavery, to ensure that they can fulfil their duty to identify potential victims (PV) of trafficking or modern slavery and know what to do once they have identified a PV. There is currently a Human Trafficking and Modern Slavery eLearning course on

Lewisham's MeLearning module.

https://lewisham.melearning.university/course_centre/course_details/26

Human Trafficking and Modern Slavery training needs to be embedded in the training packages offered through both the Lewisham Safeguarding Adults Board (LSAB) and Lewisham Safeguarding Children's Board (LSCB).

There are currently four Lewisham Council officers who have completed the **ADASS Human Trafficking and Modern Slavery Multi-agency Awareness Raising Train the Trainer** accreditation.

These officers have already delivered a number of training sessions in 2017/18

Plans for the future

- To deliver 8 sessions per year, about 20 trainees per session.
- Training groups should be multi-disciplinary to enrich sessions and offer different points of view and share experience.
- The initial teams to be prioritised to receiving training are:
 - **SCAIT**
 - **Safeguarding Team**
 - **Mental Health Teams**
 - **4 Dom Care Providers**
 - **Hospital Teams/Enablement (plus A&E, maternity services and sexual health clinics)**
 - **Advocacy services**
 - **Housing (which includes wardens, tenancy support, care takers, housing officers, Housing Associations....anyone who can encounter potential victims directly.**
 - **Interpreters/ Translators**
 - **Job Centre**
 - **No Recourse to Public Funds Team**
 - **Council Tax/ Benefit Advice**
 - **Carers Lewisham/ Age Concern/ Disability Coalition.... And other organisations**
- Other identified teams/agencies:
 - **NHS/ Health teams**
 - **Continuing Health Care**
 - **Mental Health providers**
 - **Librarians**
 - **Parking**
 - **Adult Education**
 - **Contracts/ Commissioning**

- **Local Taxis/ Lewisham Transport**
- **Community Connections**
- **Visual Impairment Team**
- **Financial Assessment Team**
- **Drug and Alcohol services, such as CGL**
- **Linkline**
- **Registrants**

11. ANTI-SOCIAL BEHAVIOUR

Councils and their partners may also consider the powers given to them by the Anti-Social Behaviour, Crime and Policing Act 2014 in their disruption activities. These powers are best used in a coordinated way across all partners.

Disruption activities could include **community protection notices** (CPNs) for people, businesses or organisations committing a range of anti-social activities or **closure orders** to quickly close premises being used or likely to be used to commit nuisance or disorder. These could be used in cases where other approaches have failed.

12. USE OF LOCAL REGULATORY SERVICES TO IDENTIFY, DISRUPT AND INVESTIGATE MODERN SLAVERY

Local authority regulatory services including Trading Standards, environmental health, licensing, planning, building control and private sector housing, along with the Police and the London Fire Brigade, have a relatively broad range powers of entry that may be exercised where there are concerns about a specific business or premises under a number of key areas of legislation. In prescribed circumstances, authorised officers of the council will be able to: enter into a premises; seize and detain goods and documents; sample products, processes and the environment; require certain actions to be stopped or undertaken; bring legal proceedings and initiate injunctive actions. They may also seek the recovery of proceeds of crime. ***The table below out just some of the areas in which councils have powers that may be used to disrupt modern slavery.***

These powers have proved extremely useful in enabling councils and their partners to jointly enter or otherwise target a business or premises suspected of involvement in crimes such as modern slavery and child sexual exploitation. In relation to modern slavery specifically, councils can work collaboratively with partners such as the police, the Gangmasters and Labour Abuse Authority (GLAA) and HM Revenue and Customs (HMRC), all of whom have an interest in investigating labour market offences and slavery.

The GLAA has recently expanded its remit to include investigating offences in the Employment Agencies Act 1973, National Minimum Wages Act 1998, and the Modern Slavery Act 2015.

Their expanded remit provides a number of opportunities for close cooperation with councils in a number of areas. Where a council has concerns about suspected modern slavery in its area (or other criminal activity), it should consider whether a joint operation and investigation with other partners is appropriate.

Councils' statutory powers support joint investigations by allowing for the sharing of information in support of the prevention or detection of crime and in support of legal proceedings. The LGA has a memorandum of understanding on data sharing with HMRC which all councils are able to sign up to in order to share and receive data from HMRC. Additionally, the GLAA have a standard data sharing agreement, similar to the LGA-HMRC memorandum, which a number of councils have already signed up to and which is available to other authorities to agree to.

13. OVERVIEW OF LOCAL REGULATORY POWERS WHICH MAY PROVE USEFUL IN DISRUPTING MODERN SLAVERY

Legislation	Power	Requirements
Food Safety and Hygiene (England) Regulations 2013	Powers of entry (regulation 16) Power to seize and detain any records	<p>Authorised officer has the right to enter at any reasonable time upon producing documented authorisation, to ascertain if there has been any breach of the 2013 regulations (or EC regulation 178/2002) and to perform functions under the regulations. Unless the property is mainly/exclusively used as a private dwelling in which case 24 hours written notice should be given.</p> <p>An authorised officer can be accompanied by any such persons the officer considers necessary (16(5)).</p> <p>If admission is refused a warrant can be obtained from the Magistrates.</p>
Health and Safety at Work Act 1974	Powers of entry (section 20) Request to examine any document, equipment, premises or part of them, and detain any articles or substances	<p>If admission is refused a warrant can be obtained from the magistrates.</p> <p>Health and Safety at Work Act 1974 Powers of entry (section 20) Request to examine any document, equipment, premises or part of them, and detain any articles or substances.</p> <p>Authorised officer has the right to enter at any reasonable time upon producing documented authorisation. If obstruction is anticipated, the authorised officer can be accompanied by the police.</p>

		The above is only for premises that are covered by the Local Authority and not those enforced by the HSE unless permission has been granted under regulation 5.
<ul style="list-style-type: none"> • Town and Country Planning Act 1990 • Planning (listed Building and Conservation Areas) Act 1990 • Hazardous 	Powers of entry (various sections under the three Acts)	Some powers afford right of entry with a warrant, others without.
<ul style="list-style-type: none"> • Environmental Protection Act 1990 • Housing Act 2004 	Powers of entry under section Schedule 3(2) and section 239 respectively.	<p>Under the EPA 1990, any authorised officer may enter a premises at any reasonable time for the purposes of ascertaining whether or not a statutory nuisance exists, or for the purposes of taking action.</p> <p>Under the HA 2004, officers</p> <ul style="list-style-type: none"> • Can enter without notice if suspect that the landlord is committing the offence of failing to license a licensable HMO • Can apply for a warrant and enter without notice if need to carry out survey or suspect landlord is operating an unlicensed HMO AND putting the landlord and/or residents on notice would frustrate this.
Consumer Rights Act 2015, Schedule 5	Power of entry (section 23) Power to seize and detail goods (section 28) or to retain documents required as evidence (section 29)	Section 32 of the Act provides for power to enter a domestic premises with a warrant issued by a justice of the peace.

14. SLAVERY AND TRAFFICKING PREVENTION AND RISK ORDERS (STPOs)³⁰

Slavery and Trafficking Protection Orders (STPOs) are aimed at those convicted, cautioned, or who received a reprimand or final warning. Risk orders (STROs) are aimed at individuals who have not yet been convicted of a slavery or human trafficking offence.

The police, the NCA, immigration officers and the Gangmasters and Labour Abuse Authority (GLAA) can apply to court for these orders, which allow the courts to place a range of restrictions on the behaviour and activities of a person who poses a risk of committing slavery or trafficking offences.

The aim is to protect PVs from the physical or psychological harm which would result if the defendant committed a slavery or trafficking offence. The Orders are intended as a preventative measure to deter unlawful and harmful activity. Breach of an Order, without reasonable excuse, is a criminal offence with a maximum penalty on indictment of five years' imprisonment.

STPOs can be made following a conviction or, without a conviction, just on application. In the latter case this could be where an offender is behaving in a way that suggests they might commit a slavery or human trafficking offence. If so, then consider contacting the police, NCA, GLAA or immigration officers to apply for an Order.

15. PUBLIC PROCUREMENT

There are a wide range of activities councils could engage in to promote human rights, including establishing policies and processes to make sure the council's activities don't harm others and that they conduct business with respect for human rights.

The Modern Slavery Act requires organisations with a turnover of £36m or more to produce and publish an annual slavery and human trafficking statement. The UK law dictates that businesses with a financial year that ends 31 March 2016 must report on what they did in the previous financial year "as soon as reasonably practicable after the end of each financial year".

The statement must summarise the steps organisations have taken during the previous financial year to ensure slavery and human trafficking are absent from its business or supply chains regardless of whether any steps have been taken. If no steps have been taken, it should be made clear in your statement.

There is no template but based on the Act it is recommended that the statement contains:

1. An outline of an organisation's structure, business and supply chains.
2. Policies and due diligence in relation to slavery and human trafficking.
3. An identification of parts of its business and supply chains where there is a risk of slavery and human trafficking, and the steps it has taken to assess and manage that risk.
4. An assessment of its effectiveness in ensuring slavery and trafficking are not taking place in its business or supply chains measured against performance indicators it considers appropriate.
5. Information about training concerning slavery and human trafficking that's available to staff.

16. SOURCES

-  *A Typology of Modern Slavery Offences in the UK – Home Office (October 2017)*
-  *Modern slavery - A council guide: Local Government Association (December 2017)*
-  *Adult Modern Slavery Protocol for Local Authorities – Statutory Duties and Powers: Human Trafficking Foundation, Anti—Slavery London Working Group (May 2018)*
-  *Local Authority Duties towards Support For Adult Victims Of Modern Slavery – Hope for Justice*
-  *2018 UK Annual Report on Modern Slavery – HM Government (October 2018)*
-  *Guidance - National Referral Mechanism Reform – The Home Office (October 2018)*
-  *LGA conference - modern slavery: disruption and community – Local Government Association (November 2018)*

APPENDICES

16. APPENDIX 1 - DOMESTIC LAW 1: CARE ACT 2014

Duties under the Care Act include but are not limited to:

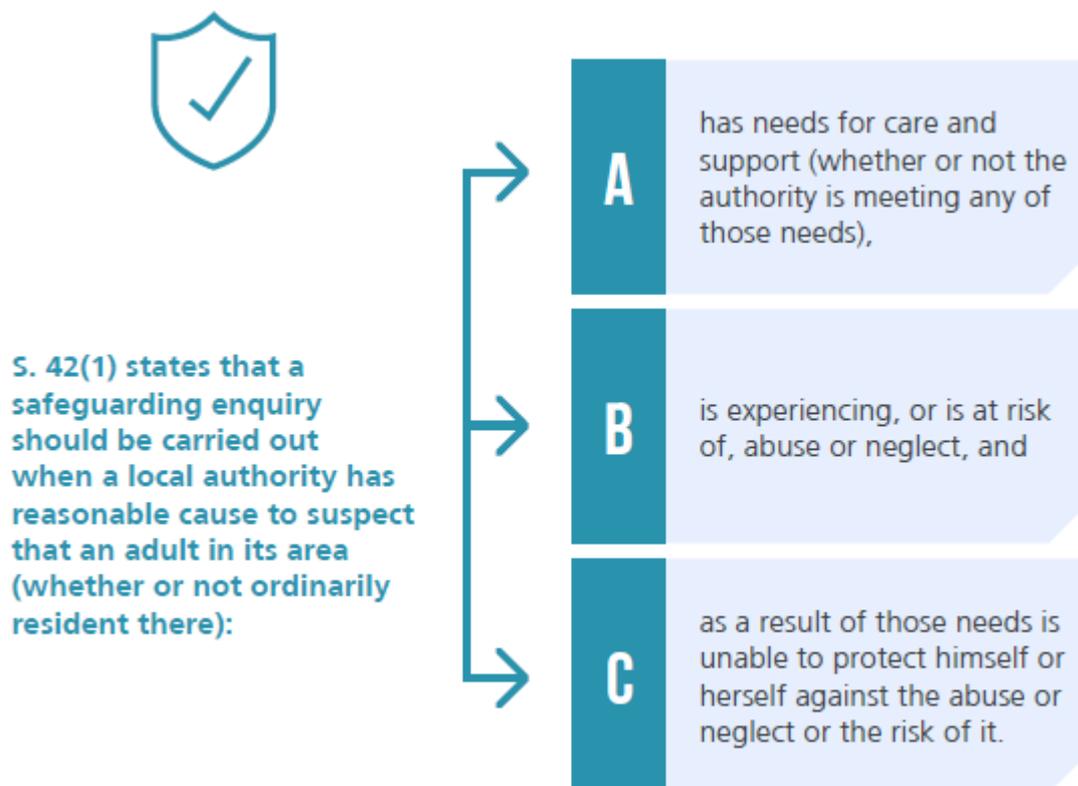
- ✦ A duty to promote well-being (Section 1), including a person’s personal dignity, physical and mental health emotional well-being and their participation in work, education, training or recreation, and to have regard to the need to protect a person from abuse and neglect
- ✦ General duty to provide services to prevent, or delay, the development of needs for care and support
- ✦ Duty to assess regardless of the authorities’ view of the level of an adult’s need for care and support; and regardless of the level of the adult’s financial resources (Section 9)
- ✦ Regulation 5 of the Care Act Regulations notes that “A local authority
- ✦ must ensure that any person carrying out an assessment...is appropriately
- ✦ trained [and]...must consult a person who has expertise in relation to the...circumstances of the individual...being assessed [where required].
- ✦ Providing eligibility criteria are met, a duty to meet the adult’s needs for care and support (Section 18)
- ✦ There is a duty under the eligibility criteria to provide care and support when the adult’s needs arise from or are related to a physical or mental impairment or illness, and as a result of the adult’s needs the adult is unable to achieve two or more specified outcomes. Outcomes of particular importance to PVs might include “being able to make use of the adult’s home safely”, “developing and maintaining family or other personal relationships” and “accessing and engaging in work, training, education or volunteering”. These are all domains where a PV might face abuse or exploitation unless provided with appropriate care and support.
- ✦ Providing a general discretion to meet needs for care and support, even if criteria under section 18 is not met (Section 19)
- ✦ A duty to make enquiries and safeguard adults at risk of abuse or neglect (Section 42-47)
- ✦ A duty to provide independent advocacy (Section 67–68 and Independent Advocacy Regulations 2014)

PVs are often initially targeted by exploiters due to being in a position of vulnerability – for example, having a mild learning disability, an addiction or a diagnosed or undiagnosed mental health condition. It is not uncommon to find that victims have not received a formal diagnosis in their country of origin which can make it difficult for their needs to be recognised in the UK. Many victims of modern slavery additionally have symptoms of mental health conditions

related to their exploitation, including but not limited to Post Traumatic Stress Disorder and/or can have physical disabilities - e.g. back injuries as a result of extensive work and poor work conditions.

However victims of modern slavery do not always neatly meet the eligibility criteria pursuant to the Care and Support (Eligibility Criteria) Regulations 2015 to receive support under Section 18.

It should be noted that Section 19 of the Care Act provides a power to meet needs for care and support in relation to which no duty arises (within the limits stated in Sections 21-23; as well as Schedule 3 of the Nationality, Immigration and Asylum Act). This power should be considered in light of the international obligations towards victims as detailed above.



STATUTORY GUIDANCE 1: CARE ACT 2014

Paragraph 6.54:

“Where a person is at risk of abuse or neglect, it is important that local authorities act swiftly and put in place an effective response. When carrying out an assessment local authorities must consider the impact of the adult’s needs on their wellbeing. If it appears to local authorities that the person is experiencing, or at risk of, abuse or neglect, they must carry out

a safeguarding enquiry and decide with the adult in question what action, if any, is necessary and by whom.”

Paragraphs 6.55:

*“The **decision to carry out a safeguarding enquiry does not depend on the person’s eligibility, but should be taken wherever there is reasonable cause to think that the person is experiencing, or is at risk of, abuse or neglect.** Where this is the case, a local authority must carry out (or request others to carry out) whatever enquiries it thinks are necessary in order to decide whether any further action is necessary.”*

Paragraph 14.6:

“Abuse and neglect can take many forms. Local authorities should not be constrained in their view of what constitutes abuse or neglect, and should always consider the circumstances of the individual case. Abuse includes:...Exploitation – either opportunistically or premeditated, unfairly manipulating someone for profit or personal gain....Financial or material abuse – including theft, fraud, exploitation, coercion in relation to an adult’s financial affairs or arrangements,...”

17. APPENDIX 2 - DOMESTIC LAW 2: LOCALISM ACT 2011

The Localism Act, Section 1, gives local authorities a broad residual power to “do anything that individuals may generally do.” This includes for the benefit of persons resident or present in its area.

This may be of particular relevance where a PV does not meet the meet eligibility criteria under the Care Act. Best practice would be for a Human Rights Assessment to be undertaken with a view to providing the PV with support or assistance under this provision in order to avoid a breach of his or her human rights or, in the case of EEA nationals, EU rights. See [No Recourse to Public Funds guidance.17](#) at paragraphs 5.1 and 5.3.

18. APPENDIX 3- DOMESTIC LAW 3: HOUSING ACT 1996

The Housing Act 1996 provides for local authorities to make enquiries of a person who is homeless or at risk of homelessness pursuant to Section 184 Housing Act 1996.

PVs experience many barriers to accessing accommodation under homelessness provisions. For example, PVs can be told that they are not considered to be in priority need. However when assessing priority need local authorities should consider the unique vulnerabilities of victims of modern slavery, especially the risk of further exploitation and trafficking noting Article 4 of the European Convention on Human Rights prohibits slavery. This should be taken

into account by decision makers when considering whether they are significantly more vulnerable than an ordinary person facing homelessness.

PVs who are EEA Nationals are often told that they are not eligible as they are not considered to have a qualifying “right to reside”, either because they do not have worker status or retained worker status. This is often wrong as many victims of modern slavery who have been in exploitative conditions will still meet the definition of a worker. They may require legal support to demonstrate this if there is no clear paper trail of work.

There may be situations where EEA nationals in the case of labour, domestic or sex trafficking have entered the UK and worked in the UK and may meet eligibility criteria but are unable to easily demonstrate this with documentation - e.g. tenancy, utility bills, travel documentation, wage slips - because of the nature of their exploitation.

There should be a flexible approach taken around this and a positive reasonable or conclusive grounds decision should be accepted as evidence that another agency has concluded that they have entered the UK and worked.

Enquiries should also be made of other agencies that may hold details of a person’s work history, e.g. HMRC, as some work conducted may be legal work. Additionally, in assessing housing criteria, including eligibility, the wider rights as detailed in the Trafficking Convention, Trafficking Directive and ECHR should be taken into account.

Under s206 of the Act, any accommodation provided must be ‘suitable’. This can present particular difficulties for trafficking victims who may have very specific accommodation needs arising from their experiences including ‘gender specific’ issues. The public sector equality duty under s149 Equality Act 2010 requires public bodies to have due regard to the need to ‘advance equality of opportunity’ including to the need ‘take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it’. See s149(3)(b). Hence they may need to be treated more favourably in terms of the provision of accommodation than other persons not suffering from this protected characteristic.

19. APPENDIX 4 - STATUTORY GUIDANCE 2: THE HOMELESSNESS CODE OF GUIDANCE FOR LOCAL AUTHORITIES 2018

The code notes that:

25.20 There will be a number of accommodation options for victims of modern slavery. Housing authorities should consider which are most appropriate for each person on a case by case basis taking into account their specific circumstances and needs.

25.21 Account will need to be taken of any special considerations relating to the applicant and their household or their experiences that might affect the suitability of accommodation.

Where there is no other option for applicants who have suffered modern slavery but to be accommodated in an emergency hostel or bed and breakfast accommodation, the accommodation may need to be gender-specific as well as have appropriate security measures depending on their needs and circumstances. Any risk of violence or racial harassment in a particular locality should also be taken into account, and housing authorities should be mindful that individuals who have left their traffickers remain at risk of being re-trafficked.

The Code also underlines the need for training and getting advice, and an awareness of the risks around re-trafficking and possible priority need:

- ✦ In many cases involving modern slavery or trafficking, the applicant may be in considerable distress and officers would benefit from appropriate training to enable them to conduct such interviews. Applicants should be given the option of being interviewed by an officer of the same sex if they wish.’ (para 25.15)
- ✦ A person who has been a victim of trafficking or modern slavery may have a priority need for accommodation if they are assessed as being vulnerable according to section 189(1)(c) of the 1996 Act. In assessing whether they are vulnerable a housing authority should take into account advice from specialist agencies providing services to the applicant, such as their assigned support provider under the NRM.
- ✦ Many victims of modern slavery suffer from poor mental health and often lack support structures in the area they are residing. If a victim of modern slavery is threatened with homelessness or is homeless this significantly increases their risk to being re-trafficked or exposed to further exploitation.’ (25.17)