

Guidance on the National Referral Mechanism for potential adult victims of modern slavery (England and Wales)

To note: this form is for all adult cases in England or Wales. For Scotland or Northern Ireland cases please see separate guidance and form.

For referral of potential child victims please refer to the specific child guidance and form.

Background

The National Referral Mechanism (known as the NRM) is the process by which people who may have been victims of modern slavery are identified, referred, assessed and supported in the United Kingdom.

This guidance is to assist First Responders (non-pilot locations) and Slavery Safeguarding Leads / frontline staff (pilot locations) in completing the form before it is considered by the relevant Competent Authority.

More detailed advice on modern slavery and the National Referral Mechanism is available in Victims of modern slavery: guidance for frontline staff.

NRM standard and pilot processes

From 1 November 2015 the Home Office is piloting a new way of identifying and assessing potential victims of modern slavery entering the National Referral Mechanism:

In West Yorkshire police force area and the South West (Avon and Somerset, Devon and Cornwall, Dorset, Gloucestershire, and Wiltshire police force areas), NRM forms can be completed by any frontline worker and then referred to a local Slavery and Safeguarding Lead (SSLs) for the Reasonable Grounds decision and entry to the NRM (where the decision is positive). This process should happen on the same day as referral.

In the rest of England and Wales only designated First Responders can refer cases into the NRM. Forms should continue to be sent to the UK Human Trafficking Centre via email to UKHTC@nca.x.gsi.gov.uk or by fax to 0870 496 5534. The existing Competent Authorities - the Home Office for cases with immigration issues, or the UKHTC for other cases - will then aim to make a Reasonable Grounds decision within 5 days.

For more information on the pilot process, see <https://www.gov.uk/government/publications/review-of-the-national-referral-mechanism-for-victims-of-human-trafficking>.

If you are unsure which police force area the individual was identified in, please check <https://www.police.uk/>.

UKHTC, SSLs and the Home Office are the Competent Authorities for the NRM and referred to as such throughout this guidance.

What is modern slavery?

“Modern slavery” is a term that covers slavery, servitude and forced or compulsory labour and human trafficking. From 31 July 2015, in England and Wales, potential victims of slavery, servitude and forced or compulsory labour victims recognised with a positive reasonable grounds decision may also have access to support previously only offered to potential victims of human trafficking. In Scotland and Northern Ireland this support is currently only available to victims of human trafficking, and the NRM will not consider victims of slavery, servitude and forced or compulsory labour, which is why a separate form must be used in Scotland and Northern Ireland.

The components of modern slavery

Human trafficking

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

- action:** (recruitment, transportation, transfer, harbouring or receipt, which can include either domestic or cross-border movement); which is achieved by a
- means:** (threat or use of force, coercion, abduction, fraud, deception, abuse of power or vulnerability. However, there does not need to be a means used for children as they are not able to give informed consent); for the
- purpose of exploitation:** (e.g. sexual exploitation, forced labour or domestic servitude, slavery, financial exploitation, illegal adoption, removal of organs).

Slavery, servitude and forced or compulsory labour

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

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

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

There will be cases of exploitation that do not meet the threshold for modern slavery – for example someone may choose to work for less than the national minimum wage, or in undesirable conditions, without being forced or deceived. These cases should not be referred into the NRM but you may want to refer to the police.

Alternatively you can contact the pay and work rights helpline for more information on 0300 123 1100, or the Gangmasters Licensing Authority on 0800 432 0804.

Slavery and servitude are more serious versions of forced or compulsory labour. For more information on the indicators of modern slavery please see in 'Victims of modern slavery: guidance for frontline staff' on gov.uk.

Referring cases to the NRM

Modern slavery is a complex crime and may involve multiple forms of exploitation. Victims may not be aware that they are being trafficked or exploited, and may have consented to elements of their exploitation, or accepted their situation. If you think that modern slavery may have taken place, the case should be referred to the NRM so that a Competent Authority can fully consider the case. You do not need to be certain that someone is a victim.

If you think you have encountered a person who has been a victim of modern slavery in England and Wales, as described above, you should complete the accompanying NRM form and send it to the relevant Competent Authority.

Adults will only be accepted into the NRM where the consent section of the form has been completed. Informed consent requires that the potential victim have the NRM, the referral process, and potential outcomes, clearly explained to them.

Duty to notify the Home Office of suspected victims of modern slavery

From 1 November 2015, specific public authorities have a [duty to notify](#), the Secretary of State of any person identified in England and Wales as a suspected victim of slavery or human trafficking. In such cases the First Responder / frontline worker should send a copy of the NRM form to dutytonotify@homeoffice.gsi.gov.uk. For further information on the duty please see <https://www.gov.uk/government/publications/duty-to-notify-the-home-office-of-potential-victims-of-modern-slavery>.

Access to support

Individuals who are recognised as a potential victim of modern slavery through the NRM have access to specialist tailored support, which may include access to relevant legal advice, accommodation, protection and independent emotional and practical help, for a period of at least 45 days while their case is considered. Support in England and Wales is currently delivered by The Salvation Army and a number of subcontractors. The Salvation Army will assess each potential victim to determine what support is most appropriate.

You must explain this process to the potential victim using the front-line worker guidance provided and seek their consent before filling out this form. If they consent to being referred they should sign the form on page 4, and also sign if they wish to access support.

In pilot regions, following a positive Reasonable Grounds decision, the SSL should contact The Salvation Army as soon as possible to make the support referral via their 24 hour Referral Line: 0300 303 8151.

In non-pilot regions the frontline worker should contact The Salvation Army as soon as possible to make the support referral (prior to the Reasonable Grounds decision which has a target of 5 days).

Completing the form

The NRM form should only be completed for adults when a member of staff from a designated frontline organisation (known as a first responder) suspects someone is a victim of modern slavery and where the individual concerned has understood the implications of, and consented to, a referral. It is not to be used as an interview record but as a means for a first responder / frontline worker to provide as much information as possible to competent authorities to enable a decision to be reached on whether the subject has reasonable grounds for being treated as a victim of modern slavery and to assist with the combating of this crime. Although this is not an interview record this does not prevent the first responder from approaching the potential victim to obtain further details where appropriate, while avoiding placing the potential victim under unnecessary additional stress or trauma.

Throughout the form, items marked with an asterisk should be supported by documentary evidence where possible.

Consent

Consent is required for an adult to be referred to the NRM. You must explain what the NRM is, what support is available through it and what the possible outcomes are for an individual being referred so they can give their informed consent. You should also make it clear that information may be shared or sought by the Competent Authorities from other public authorities, such as the police and local authorities, to gather further evidence on an NRM referral.

If an adult will not consent to enter the NRM, a separate duty to notify form should be completed. Guidance on this process and the MS1 form which should be completed is available on www.homeoffice.gsi.gov.uk.

If the potential victim is under 18, or may be under 18, you should complete a child referral form. Child victims do not have to consent to be referred into the NRM and should be referred to wider child safeguarding processes for support. Please see the separate guidance and form for child victims.

The indicators

To assist in making a primary assessment of whether an individual they have encountered is or may be a potential victim of modern slavery there are 20 general indicators listed. These indicators are not a definitive list and there may be other indicators that may raise concerns, therefore the option to highlight 'other' indicators has been included. It is not the case that by selecting a set number of indicators this will equate to a person being a victim; it could be that just one or a combination of factors that demonstrates that a person may be a victim, each case should be considered on its own merits. There are also sections for indicators of common forms of exploitation, however if you consider that an individual may have been

exploited in a way not listed, this could still be modern slavery and should be recorded.

We recognise that first responders may be unable to provide significant detail about the individual and their potential modern slavery experience on this form, for example where an individual is seriously traumatised. However, it is important that all pertinent information available at this stage is provided on the form to support a timely reasonable grounds decision, so you should make every effort to provide as much information as possible. If further information about the case comes to light, this should be referred:

- In pilot areas to the Case Management Unit by email to NRMpilot@homeoffice.gsi.gov.uk.
- In non-pilot areas to UKHTC by email to UKHTC@nca.x.gsi.gov.uk or by fax to 0870 496 5534.

Referral of modern slavery victims to the police

A potential victim of modern slavery is a potential victim of a crime. All NRM forms should therefore be referred to the police - either on the victim's behalf where they consent to this information being provided to the police, or as a third party referral where they do not, provided this does not breach any obligation of confidence owed to the victim under the common law. This referral should be made by the First Responder / frontline worker or, where the referral has not already been made by the time the NRM form is received, the Competent Authority. The police will then determine what action is appropriate, in line with Home Office Counting Rules.

This does not mean that potential victims are under any obligation to cooperate with the police. There is a separate section in the updated NRM form where they can confirm if they are or are not willing to engage with the police.

The NRM process is already a multi-agency process and when a potential victim consents to enter the NRM, they should be aware that information will be passed on by the First Responder / frontline worker that they are speaking to in order to access the NRM. It is therefore unlikely that an obligation of confidence would prevent referring this information to the police.

For there to be a breach of an obligation of confidence, the information must:

- have the necessary degree of confidence about it,
- the information must be imparted in circumstances imparting an obligation of confidence, and
- there must be unauthorised use or disclosure of the information resulting in a risk of harm.

If a First Responder / frontline worker is unsure whether an obligation of confidence would be breached by referring a case to the police, they should contact their organisation's legal advisor for further guidance.

There is no obligation of confidentiality between the Competent Authority and the victim, as this information has been received via a third party. The Competent

Authority is therefore entitled to process this information in accordance with the Data Protection Act 1998 and where appropriate refer this information to the police to support the detection and prevention of crime. The Competent Authority does not require consent from the victim to do so. The intention is to do this in all cases referred into the NRM where there has not already been a police referral.

Police referral action: first responder / frontline worker

When completing the NRM form, the First Responder / frontline worker should explain to the victim that their case will be passed on to the police (either by the first responder themselves or a Competent Authority), as they are a potential victim of crime.

It is important to note that the victim is under no obligation to cooperate with the police to receive support through the NRM. The NRM form includes a section to indicate whether the potential victim is willing to cooperate with the police. If the potential victim indicates they will cooperate, then the police will contact them regarding the allegation, otherwise communication will be with the person who made the third party referral.

As set out in the Home Office counting rules for recording crime, “all reports of incidents, whether from victims, witnesses or third parties and whether crime related or not, will, unless immediately recorded as a crime, result in the registration of an auditable incident / record by the police” ... “an incident will be recorded as a crime (notifiable offence) for ‘victim related’ offences if, on the balance of probability: (a) the circumstances of the victim’s report amount to a crime as defined by law (the police will determine this, based on their knowledge of the law and counting rules); and (b) there is no credible evidence to the contrary immediately available. A belief by the victim (or a person reasonably assumed to be acting on behalf of the victim, that a crime has occurred is usually sufficient to justify its recording.)” “Where a report of a crime is made to police and the individual dealing decides not to record it as such then they must make an auditable record of that decision and inform the reporting person why they will not be recording a crime.”

The First Responder/frontline worker should check whether a police referral has already been made in relation to this case and, where a referral has not been made, send this form to:

Where the location of the alleged exploitation is known	The police force covering that area (where there have been multiple locations referral should be to the most recent location’s police force)
Where the location of the exploitation is unknown	The police force covering the area where the victim resides at the point of the referral to the police; OR The police force covering the area where the individual was encountered, if the

	individual does not have a fixed address.
Where the exploitation took place overseas	<p>The police force covering the area where the victim resides at the point of the referral to the police;</p> <p>OR</p> <p>The police force covering the area where the individual was encountered, if the individual does not have a fixed address.</p>

Where the police have not been contacted, the First Responder/ frontline worker should indicate on the form why not, including where this is because a referral has already been made by another party. Where a crime reference number has been provided, this should be added to the form, but if it is outstanding this should not delay submission of the NRM form.