**Using the National Referral Mechanism (NRM) for Children and Young People who are Victims of Trafficking and Modern Slavery**

**SCOPE OF THIS CHAPTER**

This chapter explains what modern slavery is and outlines some of the potential indicators of modern slavery. In addition, it introduces the National Referral Mechanism (NRM), as well as the steps that staff need to take in order to make a referral to the NRM and record this on Children’s Information Systems.

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**RELEVANT GUIDANCE**

[**Kent Safeguarding Children Multiagency Partnership Guidance on Child Exploitation**](https://www.kscmp.org.uk/guidance/exploitation)

[**Kent Safeguarding Children Multiagency Partnership Guidance on Child Criminal Exploitation**](https://www.proceduresonline.com/kentandmedway/chapters/p_ch_criminal_exp.html?zoom_highlight=National+Referral+Mechanism)

[**Kent and Medway Safeguarding Children Procedures Manual, Protection and Action to be Taken Procedure**](https://www.proceduresonline.com/kentandmedway/chapters/p_ch_abroad_slavery.html#protect_taken)

[**Child Sexual Exploitation: Definition and Guide for Practitioners (2017)**](https://www.gov.uk/government/publications/child-sexual-exploitation-definition-and-guide-for-practitioners)

**[Government Guidance on the National Referral Mechanism in England and Wales (2016)](https://www.gov.uk/government/publications/human-trafficking-victims-referral-and-assessment-forms/guidance-on-the-national-referral-mechanism-for-potential-adult-victims-of-modern-slavery-england-and-wales)**

[**Care of Unaccompanied Migrant Children and Child Victims of Modern Slavery (2017)**](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/656429/UASC_Statutory_Guidance_2017.pdf)

**RELEVANT LEGISLATION**

[**Modern Slavery Act 2015**](http://www.legislation.gov.uk/ukpga/2015/30/contents/enacted)

**AMENDMENT**

1. **Defining Modern Slavery, Trafficking and Child Exploitation**

Modern slavery is a term that includes *any* form of human trafficking, slavery, servitude or forced labour, as set out in the Modern Slavery Act (2015) and which leads to children, young people, and adults being treated as commodities and/or exploited for criminal gain. Victims of modern slavery can include children and young people who come to the UK from abroad (including unaccompanied and separated children), as well as children and young people who are British citizens.

There are 5 main types of [**modern slavery offences in the UK**](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/652652/typology-modern-slavery-offences-horr93.pdf) and it is important to recognise there can be a degree of crossover and that children and young people may be victims of more than one type. These include:

* **Labour Exploitation –** this occurs when victims are forced to work for their exploiters for little or no pay, or to pay off a debt (often referred to as ‘debt bondage’); likewise, victims may also be legitimately employed, but have their earnings taken from them by exploiters.
* **Domestic Servitude** – this involves victims who are forced to undertake household work and childcare for a partner, their partner’s relatives or for strangers. Victims can often be confined to the house.
* **Criminal Exploitation** – these victims are groomed, manipulated, coerced and/or forced into organised criminal activities, such as transporting drugs and money; being forced to work for illegal purposes, e.g., cultivating cannabis or supplying illegal substances; carrying out theft offences (including shop theft and pickpocketing) for their exploiter’s gain; begging for money on the streets, which is then taken by exploiters; being trafficked for the purposes of a forced or ‘sham’ marriage; and/or financial fraud, e.g., bank accounts being used to launder money, and identity documents being used fraudulently for criminal gain).
* **Sexual Exploitation** – victims are groomed, manipulated, coerced and/or forced into sexual activity (including sex work) by an individual or groups. Sexual exploitation can take place in fixed or changing locations (including a brothel, a room within a legitimate business, or a stranger’s home), with victims being transported from place to place and/or being confined to one place for a lengthy period of time; sexual exploitation can also involve exploiters filming a sex act involving a child/young person, which is then used to threaten and coerce them.
* **Organ Harvesting** – victims are groomed, deceived or manipulated into have an organ (such as a kidney) removed, which is then sold by exploiters.
1. **Potential Signs and Indicators of Modern Slavery, Trafficking and Child Exploitation**

There are a number of potential signs that could indicate a child or young person is a victim of exploitation, trafficking and modern slavery. On their own, some of these signs may be reflect normal age and stage

developmental behaviour for children and young people. However, safeguarding practitioners, parents, carers and other professionals who are working together may be able to identify multiple signs that give a clearer picture of a child/young person’s lived experience of exploitation, trafficking and modern slavery. These signs may include the following:

**Physical signs**:

* Unexplained injuries or bruises
* Tattoos or mark that symbolise ownership by or membership of a group
* New and unexplained items of clothing
* Wearing two layers of clothing or persistently wearing gloves (to help evade identification)
* Returning home unkept or smelly
* Regularly under the influence of alcohol and/or drugs

**Sexual signs**:

* Injuries of a sexual nature (to the vagina and/or anus)
* Sexually Transmitted Infections
* Pregnancy because of exploitation
* Forced termination of pregnancy

**Psychological signs**:

* Signs of trauma and stress (such as hostility and aggression)
* Difficulty recalling events
* Being depressed, withdrawn from friends, self-harming or have suicidal thoughts
* Expressing fear for the safety of their family/home

**Situational signs**:

* Going missing
* Not attending school/college, truanting or unexpectedly walking out of school
* Appearing to act on the instructions of someone else
* Maintaining a story that is not credible
* Distrust of professionals and authorities
* Worry or anxiety about their immigration status
* Receiving texts/calls at all hours
* Incessant demands for money, or to have their phone back if confiscated
* Possession of rubber bands (for money), sealable plastic bags (for drugs), condoms and Vaseline (for concealing drugs), multiple mobile phones, unusual train tickets, or penalty notices for unpaid fares
* Removing name labels from clothing (e.g., school uniform) to evade identification
1. **What is the National Referral Mechanism (NRM)?**

The National Referral Mechanism (NRM) was established in 2009 as the framework used by the Home Office in England and Wales to identify and assess children, young people and adults who are victims of Modern Slavery. The NRM is administered by the Single Competent Authority (SCA) and enables the Home Office to understand the scale and extent of trafficking and modern slavery in the UK.

In addition to identifying victims, the NRM can also play a role in considering their ongoing emotional, medical and practical support needs.

Support for adults includes:

* Access to secure housing/refuge
* Support with safety planning
* Access to criminal/immigration legal support
* Financial support
* Intelligence-gathering

Support for children and young people includes:

* Access to care child protection provisions
* Access to specialist voluntary sector support (such as an Independent Child Trafficking Guardian, or support from the Children’s Society and St Giles Trust)
* Access to therapeutic support, to aid recovery
* Supports a Section 45 statutory defence for offences committed as part of their exploitation

Once a referral is made to the NRM, the SCA will then make a ‘reasonable grounds assessment’ to establish if, on the ‘balance of probabilities’, the child/young person is a potential victimof exploitation, trafficking or modern slavery. The SCA aims to make a reasonable grounds decision within 5 working days of receiving the NRM referral and there are two possible outcomes:

* Positive Reasonable Grounds (which means that on the balance of probabilities, the child, young person or adult IS assessed as being a victim of exploitation, trafficking or modern slavery)

or

* Negative Reasonable Grounds (meaning that on the balance of probabilities, the child, young person or adult IS NOT assessed as being a victim of exploitation, trafficking or modern slavery)
1. **The NRM Referral Process**

An NRM referral should only be made once on behalf of a child/young person, as multiple referrals could risk creating a backlog in decision-making and may result in a delayed response from the SCA. People who can

make a referral to the NRM are known as ‘First Responders’ and they include Kent Police, UK Border Force and Local Authorities (such as Integrated Children’s Service staff). A comprehensive list of First Responders can be found in Section 4 of the [**Government Guidance on the National Referral Mechanism in England and Wales (2016)**](https://www.gov.uk/government/publications/human-trafficking-victims-referral-and-assessment-forms/guidance-on-the-national-referral-mechanism-for-potential-adult-victims-of-modern-slavery-england-and-wales)**.**

Please note that members of the public can also report concerns about Modern Slavery by calling the Modern Slavery Helpline on 0800 0121 700.

**Children and young people under 18**

If KCC staff have reasonable grounds to believe that a child/young person under 18 years of age is a potential victim of exploitation, trafficking or modern slavery, then an NRM referralmust be made by a first responder. This is regardless of whether or not a child/young person has made a disclosure and includes any unaccompanied and separated children who may be under the age of 18 but have not been fully age assessed.

**Young people and adults aged 18 and over**

If KCC staff are working with a young person aged 18 and over (e.g., within our 18+ services), then they need to gain that young person’s informed consent to make a referral to the NRM. This means that you must explain:

* what the NRM is
* what support is available through it
* what the possible outcomes are for an individual being referred
* and, that this information will be passed on to the police, either by you or the SCA, as the young person is potentially a victim of crime (though this does not mean that the young person has to cooperate with any police investigation)

You will also need to explain that the SCA may share information with the police, the local authority and other relevant public bodies, as well as ask them for information to gather further evidence on an NRM referral.

If any young person aged 18 and over refuses to give their consent, a Duty to Notify referral must be made. This is similar to a referral, and although the young person/adult remains anonymous, the information provided will help the Home Office to understand the type and scale of exploitation, trafficking and modern slavery currently taking place.

1. **Gathering Information in Preparation for a Referral to the NRM:**

The NRM referral form is in-depth and asks you for the details of the victim, the nature of the referral, and any indicators of exploitation, trafficking and modern slavery. It is important to remember that the SCAs decision-making may be based solely on the information from your referral. This means that it is important to take time and care in explaining the reasonable grounds you have for believing that a child/young person is a potential victim of exploitation, trafficking or modern slavery.

One First Responder should take responsibility for writing and submitting the referral; however this should reflect a multiagency approach so that it provides a detailed picture of what is happening for the child/young person. You may want to draw on relevant minutes from District Contextual Safeguarding Meetings (DCSMs), Complex Adolescent Harm Meetings (CAHMs) and Strategy Discussions, as well as information from any relevant Integrated Children’s Service practitioners (Children’s Social Work Services, Early Help Units, Inclusion and Attendance, Open Access and Youth Justice), together with parents/carers, and partner agencies (Schools, Colleges, Police, Child and Adolescent Mental Health Services).

Be clear about what is happening by explaining what acts are happening, what the purpose is, and the means by which it is taking place. This will help you to explain what type(s) of exploitation you believe they are experiencing These three elements have been broken down as follows:

* The ACT may involve Recruiting, Transporting, Transferring, Harbouring and/or Receiving a child/young person
* For PURPOSE may be Forced Labour, Slavery, Servitude, Sexual Exploitation and/or Criminal Exploitation
* The MEANS by which it is happening my include Coercion, Deception, Grooming, Manipulation, Threats and/or Violence

**Example**: “I have reasonable grounds to believe that [*name of child/young person*] is being recruited and transported for the purposes of Forced Labour and Child Criminal Exploitation, by means of coercion, threats and violence.”

You will need to provide additional information to support these reasonable grounds. The following checklist is designed to help you pull information together for the referral:

* Make sure you have the full details of the child/young person (full name, age, date of birth, and address)
* Clearly explain what the safeguarding concerns are for this young person, as well as their needs and vulnerabilities
* Create a chronology that clearly shows the child/young person’s journey into exploitation, trafficking or modern slavery. This should include any significant events (e.g., relevant family history, transitions, exclusions from school, details of relevant missing episodes, incidents, arrests, and any unexplained injuries) and will help you to tell the child/young person’s story as well as highlighting any patterns
* Highlight the relevant signs and indicators of exploitation, trafficking and modern slavery and begin to blend these in to the chronology
* Outline the links to any other children/young people who are potentially victims and have also been referred to the NRM, as well as any links to organised criminal networks
* Add any relevant names, locations and addresses (e.g., was the young person found and arrested at an address in another local authority with other children and young people?)
* Check your information to make sure you have not used any victim-blaming language, or any words or phrases that imply that the child/young person has consented to, or is responsible for the exploitation they are experiencing, as this could affect the SCA’s decision-making
1. **Submitting a Referral to the NRM and Next Steps**

All referrals to the NRM are completed online via [**https://www.modernslavery.gov.uk/start**](https://www.modernslavery.gov.uk/start)

***PLEASE NOTE: You will only have 1 hour to submit the referral, so it is useful to have all the information you need before you start.***

Once the NRM referral has been submitted to the SCA for assessment, a link will be sent to the First Responder allowing them to download a copy of the referral. You should save a copy of the NRM referral in the documents section of the child/young person’s record on Liberi and add a Case Note Type (or subject heading in Early Help Module and Core +,) of ‘National Referral Mechanism Referral to the UKHTC’. This Case Note should include the date of referral, the receipt email, and reference number from the NRM.

The SCA will aim to make a ‘reasonable grounds’ decision within 5 working days wherever possible. However, if after making a referral you become aware of any further information that would be help the SCA in their decision making, *you can send this information by responding to the referral receipt email without editing the reference number in the subject line*. It is also worth noting that the SCA may contact you, or a partner agency involved in supporting the young person, for additional information to inform their decision-making after the referral has been submitted.

If the SCA decides that there are Positive Reasonable Grounds, they will alert the police force in the area where the crime has been committed. This crime will be recorded and investigated by the police to establish, whether or not the child is the victim of modern slavery.

After the SCA have completed their investigation, they will make a final decision. If it is decided that ‘*on the balance of probabilities’,* there is enough information to indicate that a child/young person is a victim of modern slavery, they will make a ‘**Conclusive Grounds**’ decision. This provides official recognition (based on the civil burden of proof), that a child/young person is (or was) a victim of modern slavery at that ‘**moment of time**’. However, it does not confer any other automatic rights or benefits.

If the SCA decision is that there are Negative Reasonable Grounds, meaning that they do not believe the child/young person is a victim of exploitation, trafficking or modern slavery, then this decision can be appealed. [**The Children’s Society**](https://proceduresonline.com/trixcms1/media/5957/nrm-reconsideration-template-010520.docx) have produced a template for safeguarding practitioners who would like to request the SCA to reconsider a Negative decision. Alternatively, an application can be made for the SCA’s decision to be considered for judicial review. Any application for judicial review must be made within 3 months of the SCA’s initial Negative decision.

Where a decision is reached not to refer a child to the NRM, the rationale must be clearly recorded on the child’s file as a Case Note.

End