

**Human**

**Trafficking**

**Foundation**



THE ALL-PARTY PARLIAMENTARY GROUP  
Human Trafficking  
and Modern Slavery

**Modern Day  
Slavery**

**Your Council's role in safeguarding**

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## The Human Trafficking Foundation

Our Chair, Anthony Steen CBE, was formerly the Home Secretary's Special Envoy on Human Trafficking during the passage of the Modern Slavery Bill. Our Trustees include Vernon Coaker MP, Helen Grant MP and Baroness Butler Sloss.

The Foundation has worked closely with statutory authorities for several years and understands the challenges local authorities face

The Human Trafficking Foundation is the secretariat for the APPG on human trafficking.

We also lead a national **Human Trafficking Forum**, which convenes in London, with 500 members, including NGOs, police and local authorities. We meet quarterly with approximately 90 stakeholders in attendance at each event.

We have also set up a **London Working Group** with 100 members, including NGOs, NHS, the Met Police's SCO7 anti-trafficking unit, UKBA and expert lawyers.

## Working with Local authorities

The Foundation is leading a project to engage statutory authorities in London with the plight of victims of human trafficking, in light of the new Modern Slavery Act and other UK and European legislation, both of which have given local authorities new statutory responsibilities in this area.

- **Identification**
- **Adult safeguarding**
- **Child safeguarding**

**Modern Slavery:** encompasses slavery, human trafficking, servitude, forced or compulsory labour. Traffickers and slave masters use whatever means they have at their disposal to coerce, deceive and force individuals into a life of abuse, servitude and inhumane treatment

<u>Activity</u>	<u>Means</u>	<u>Purpose</u>
<ul style="list-style-type: none"> <li>● Recruitment / grooming</li> <li>● Transportation</li> <li>● Transfer</li> <li>● Harboring/Receipt</li> </ul>	<ul style="list-style-type: none"> <li>● Threat/use of force</li> <li>● Coercion</li> <li>● Abduction</li> <li>● Fraud</li> <li>● Deception</li> <li>● Abuse of power</li> <li>● Position of vulnerability</li> <li>● Receipt of payments/benefits</li> </ul>	<ul style="list-style-type: none"> <li>● Sexual exploitation</li> <li>● Forced labour or services</li> <li>● Slavery/practices similar to slavery</li> <li>● Servitude</li> <li>● Begging</li> <li>● Forced marriage</li> <li>● Organized crime</li> <li>● Surrogate mother</li> <li>● Organs</li> </ul>

### **Business as usual'**

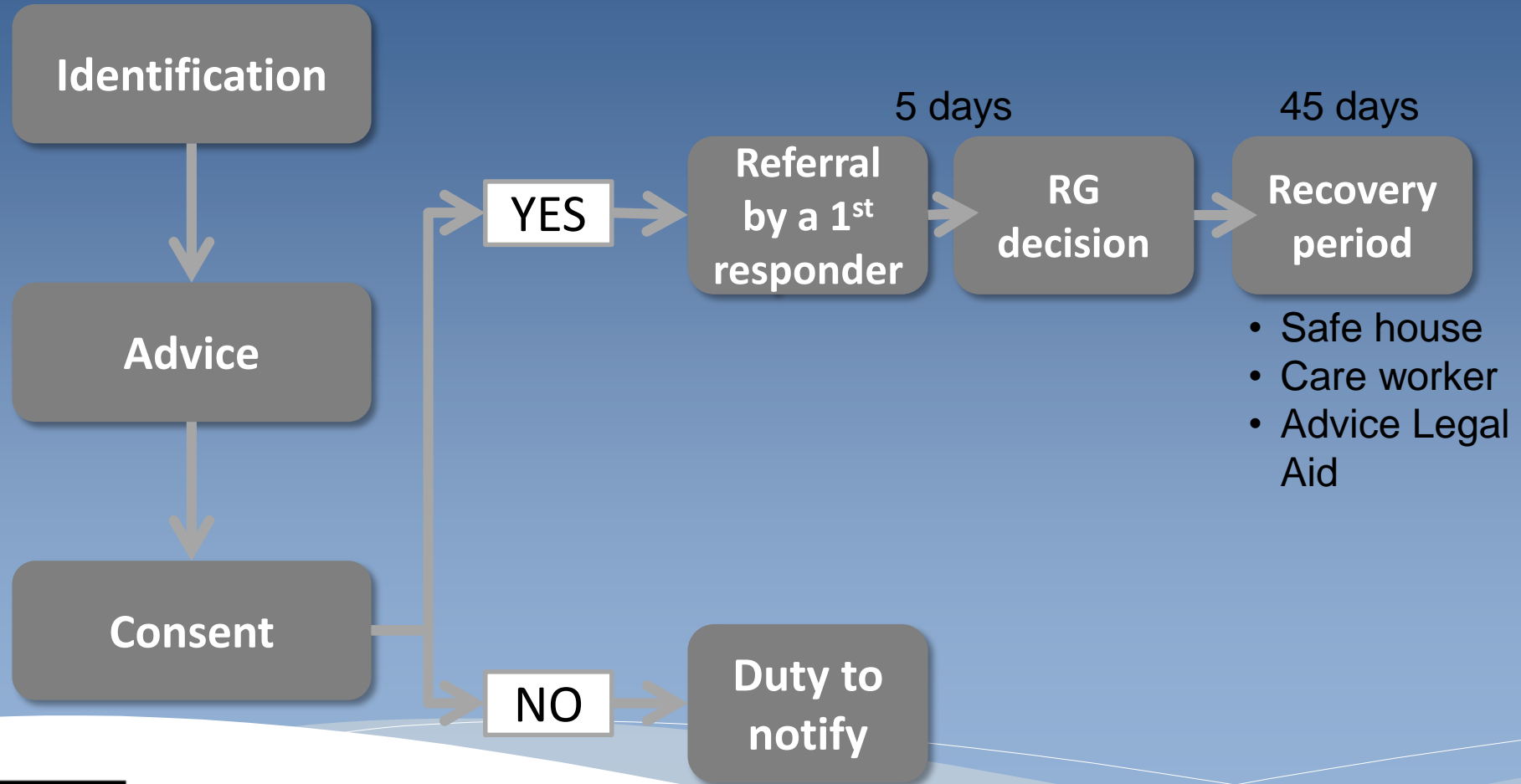
**As a frontline professional you may encounter a potential victim of slavery in any situation. The situations below provide some examples:**

<b>Sexual Offences, grooming, prostitution, forced marriage</b>	<b>Vulnerability within domestic setting/ a 'domestic abuse' case</b>
<b>Anti-social behavior</b>	<b>Persistent missing persons</b>
<b>Planning breaches</b>	<b>Irregular Immigration/immigration offences</b>
<b>Multiple occupancy /Over-crowded dwellings</b>	<b>County lines, gangs, drug selling/cultivation</b>
<b>Minimum wage/pay disputes</b>	<b>Benefit fraud and sham marriages</b>
<b>Homelessness</b>	<b>Illegal licensing</b>

## NRM and MSA – useful toolbox

- The creation of a new statutory defence for slavery or trafficking victims compelled to commit criminal offences
- The provision of child trafficking advocates
- The introduction of two new civil orders to enable the courts to place restrictions on those convicted of [modern slavery](#) offences, or those involved in such offences but not yet convicted
- The provision of mechanisms for seizing traffickers' assets and channelling some of that money towards victims for compensation payments
- Legal aid access
- Life sentences for traffickers
- Support/housing under the NRM

# National Referral Mechanism (NRM)



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## **Problem 1 - Identification**

**There is considerable evidence that London is a hub for human trafficking and slavery in the UK and yet many staff in statutory authorities, from social workers to housing officers, struggle to identify many cases, even though there is now a statutory duty to notify the Home Office about potential victims**

- **Not what you might expect**
- **Issues with disclosure**
- **No self-identification**
- **Fear ,of traffickers and/or authorities**
- **Language**
- **Financial/mental health vulnerabilities**



## **Problem 2 – Child safeguarding**

- **Criminalisation**
- **Missing**
- **Age assessment**
- **Training around foster care**
- **Safe house accommodation**
- **Communication**
- **Consistency**
- **Long-term approach**
- **Understanding risk**

### Problem 3 – Adult safeguarding

After adult victims of trafficking finish receiving the Government provided statutory “45 days” of care, there is very little or often nothing in place in local authorities to provide any specialist support for victims of trafficking, even when they have recourse to public funds, and so many get lost in a tragic and repetitive cycle of exploitation.

*My experience with clients who have been through the 45 days [Recovery and Reflection] period is that they end up on the streets again and they are so incredibly vulnerable because their wounds have been opened up, they have only had 45 days to deal with those wounds, and it's not fair, but after 45 days they're out... then in a blink of an eye it's gone” Homeless NGO service provider*

**ECAT, the EU Directive, the ECHR, Care Act, Localism Act and Housing Act all provide local authorities with duties or powers to provide support to victims of trafficking outside of the Government support provided by the NRM.**

- The Council of Europe Convention on Action Against Trafficking in Human Beings 2005 CETS 197 (“ECAT”).
- EU Directive on Preventing and Combating Trafficking in Human Beings and Protecting its Victims Directive 2011/36/EU (“the Anti-Trafficking Directive”)
- The European Convention on Human Rights (“ECHR”)
  
- Care Act

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.

Paragraphs 6.55 of the guidance clearly states:

*“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.**”*

## R (AK) v Bristol City Council<sup>3</sup> CO/1574/2015

The claimant was a victim of trafficking. As a non-working EEA national awaiting a leave to remain decision, she was not eligible for housing or welfare support and could provide for her most basic needs only by engaging in prostitution.

She claimed that her situation was inhuman, degrading and contrary to the UK's duties under Directive 2011/36/ EU (Anti-Trafficking Directive) art 11 and Council of Europe Convention on Action against Trafficking in Human Beings art 12, as well as ECHR art 3 or art 4.

She applied to the council for accommodation. They refused to provide her with accommodation or with subsistence level financial support.

In April 2015, on a claim for judicial review, she was granted an interim injunction requiring the council to pay her £50 a week and accommodate her pending trial. On the eve of that trial, the council accepted that, until the claimant could find her own accommodation, it was responsible for providing her with support and assistance.

## What next?

- **Setting up a task and finish group on slavery with representatives from children's and adults services and safeguarding teams, housing, licensing, custody, health etc.**
- **Map what is taking place in your borough**
- **Develop a local referral pathway and protocol for staff working with potentially trafficked young people**
- **Ensure all frontline staff are trained so they know all the indicators of human trafficking, know best practice and have a trauma-informed approach understanding survivors' rights and entitlements and how to fill in the NRM form**
- **Create Champions/Single points of contact**
- **Is there a way to record this crime in your systems?**
- **Is this crime flagged up in your MASH and MARAC systems?**
- **Can you add 'trafficking' as an agenda item to other sub-groups/meetings such as MASE and Missing teams?**
- **Need to map local specialist services available to potential victims**

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