



## MODERN SLAVERY ACT 2015

**The Modern Slavery Act consolidated and simplified existing human trafficking and modern slavery offences into a single act, receiving Royal Assent on Thursday 26 March 2015.**

**Under the Modern Slavery Act (MSA) 2015, the following provisions were introduced:**

- Increased punishments for perpetrators for modern slavery crimes (including life sentences).
- Enhanced court ability to put restrictions on individuals where it's necessary to protect people from the harm caused by modern slavery offences.
- Creation of an independent anti-slavery commissioner to improve and better coordinate the response to modern slavery.
- Introduction of a defence for victims of modern slavery and human trafficking.
- A duty on the secretary of state to produce statutory guidance on victim identification and victim services.
- Increased power to the secretary of state to make regulations relating to the identification of and support for victims.
- Independent child trafficking advocates.
- A new reparation order to encourage the courts to compensate victims where assets are confiscated from perpetrators.
- Increased powers for law enforcement to stop boats where slaves are suspected of being held or trafficked.
- Required businesses over a certain size to disclose each year what action they have taken to ensure there is no modern slavery in their business or supply chains.<sup>1</sup>

### **MSA 2015: Responsibilities of First Responder Organisations and the NRM**

Under the Modern Slavery Act 2015, specific designated organisations in England and Wales have a statutory Duty to Notify (DtN) the Home Office when they encounter a potential victim of modern slavery. These designated organisations are known as First Responders. In practice, this means that if a specified public authority has reasonable grounds to believe that a person may be a victim of slavery or human trafficking, they must notify the Home Office. One such way to satisfy this duty is through reporting the case to the National Referral Mechanism (NRM).

The Home Office established the NRM in 2009. It is the UK Government framework for identifying and reporting adult and child victims of human trafficking or modern slavery and ensuring they receive the appropriate support. The Salvation Army currently holds the Victim Care Contract for adult victims and is therefore responsible for support provision for adults, whereas victim care for child victims is provided by local authority children's services, supported by the Barnardo's Independent Child Trafficking Guardianship Service in some UK regions.

To enter the NRM, potential victims of trafficking or modern slavery must first be referred to the Home Office – known as the UK Single Competent Authority (SCA). Only First Responder designated

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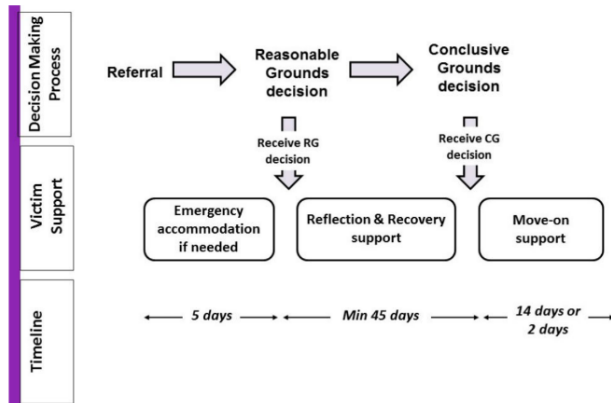
<sup>1</sup> This overview of the Modern Slavery Act 2015 was taken from the UK Government website and further information on the Act can be found [here](#).

organisations can report and refer potential victims to the NRM through the online portal. First Responders are members of staff at First Responder Organisation who have a responsibility for carrying out one or more of the functions of the First Responder Organisation and who have been trained to discharge those functions. These are:

1. Identify potential victims of modern slavery and recognise the indicators of modern slavery.
2. Gather information in order to understand what has happened to them.
3. Refer victims into the NRM via the NRM form (in England and Wales this includes notifying the Home Office if an adult victim doesn't consent to being referred).
4. Provide a point of contact for the SCA to assist with the Reasonable and Conclusive Grounds decisions and to request a reconsideration where a First Responder believes it is appropriate to do so.

The following agencies are classified as NRM First Responder organisations: 1) police forces; 2) UK Visas and Immigration; 3) Border Force; 4) Immigration Enforcement; 5) National Crime Agency; 6) local authorities; 7) Gangmasters and Labour Abuse Authority (GLAA); 8) The Salvation Army; 9) Migrant Help; 10) Medaille Trust; 11) Kalayaan; 12) Barnardo's; 13) Unseen; 14) Refugee Council; 15) BAWSO (Wales only); 16) New Pathways (Wales only); 17) health and social care trusts (Northern Ireland only); and 18) Tara Project (Scotland only). **Locally, only Hertfordshire Constabulary, Hertfordshire County Council and the District and Borough Councils are classified as NRM First Responder designated organisations.**

National referral mechanism journey



There is a two-stage decision-making process (Reasonable Grounds and Conclusive Grounds) to determine whether a potential victim is eligible for support from the NRM<sup>2</sup>. To receive full support, a victim must be granted a positive Conclusive Grounds Decision. Accommodation and other services are granted for a reflection and recovery period of 45 days upon receipt of a positive Reasonable Grounds Decision.

The potential victim must then wait for the Single Competent Authority (Home Office) to confirm their status as victims of modern slavery by granting their case a Positive Conclusive Grounds Decision. This can be extended if the victim needs this kind of support for a longer period of time or if there is delay in the conclusive grounds decision-making process. During the reflection and recovery period, information is gathered following the initial referral by the NRM First Responder.

If the conclusive grounds decision is negative, the potential victim will continue to receive support for 9 working days after the decision is made before having to exit NRM support. In these circumstances, Beacon should be contacted to provide continued support, if the adult victim is residing in or returning to Hertfordshire.

**Request for a reconsideration of decision:** A reconsideration can be requested at any time by any organisation (First Responder and non-First Responder) if:

- more information about the case becomes available
- there are concerns about the original decision

Note: A reconsideration will only happen if there are grounds for one. The [Single Competent Authority](#)

<sup>2</sup> National referral mechanism reform (October 2018) Home Office UK

[Guidance \(p.65\)](#) published in September 2019 by the Home Office details how to make a reconsideration request following receipt of a negative NRM decision. The [reconsideration policy amendment statement](#) also contains further guidance.

**If a potential adult victim does not consent to the NRM**, the potential victim will not receive support through the NRM or get a formal decision. **However, the NRM First Responder must still complete and submit** an online NRM referral form under the statutory Duty to Notify, but without inclusion of personal details. This referral will still be sent to the relevant local police force to help them to investigate the exploiters, as well as to understand how and where modern slavery is happening.

### Purpose of NRM Submission:

- 1. **Statutory Duty:** For NRM First Responder organisations to submit NRM forms for adults and children identified as being possible victims of human trafficking and modern slavery.
- 2. **Risk Identification and Early Intervention:** Highlights to all practitioners (current and future) that trafficking/slavery is a clear risk, identifying and promoting early intervention.
- 3. **Immigration Status (Leave to Remain):** A positive conclusive grounds decision supports victims with irregular immigration status by providing greater stability in relation to their status through providing for the possibility of leave to remain.
- 4. **Scale and Service Commissioning:** Through submission of referrals, central and local government will be sighted on the full scale of the issue, influencing commissioning of services at a national and local level.
- 5. **Pending Criminal Convictions:** A positive conclusive grounds decision for victims in the criminal justice system, ensures that they are treated as a victim rather than as an offender for relevant offences identified in the form.
- 6. **Police Duty to Investigate:** Trafficking/slavery is a crime, which the police has a responsibility to investigate. When an NRM form is submitted for a child/adult, this places an automatic duty on the police to investigate the crime.
- 7. **Additional Support Eligibility:** Acts as hook to get support for the victim from various services e.g. NRM form submission enables access to legal aid for an adult/child as it helps them to qualify for this service.
- 8. **ADULTS ONLY - Support Services:** Identified victims are entitled to receive 1) accommodation, 2) medical treatment, 3) emotional support, 4) interpreting/translation services, 5) police protection, 6) independent legal advice & 7) financial support.
- 9. **CHILDREN ONLY - ICTG Service Eligibility:** When a child is entered into the NRM, they become eligible for support from the Independent Child Trafficking Guardian (ICTG) Service.<sup>3</sup>

### Additional Information:

For more information on the roles and responsibilities of NRM First Responder Organisations and non-NRM First Responder organisations, see Modern Slavery Act 2015 – [Statutory Guidance for England and Wales](#) (Version 1.01 – Mar 2020).

To support explanation of the NRM and engagement with adult victims, download the West Midlands Anti-Slavery Network leaflet: [Accessing Support as a Victim of Modern Slavery \(Adult\)](#), which is also available in 10 foreign languages.

See the Appendix for key definitions in the Modern Slavery Act 2015: 1) Slavery, servitude and forced or compulsory labour; 2) Human Trafficking; and 3) Meaning of Exploitation.

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<sup>3</sup> This service is currently not in operation in Hertfordshire. However, the Home Office has committed to expanding this service to the whole of the UK in due course.

## Appendix:

# MODERN SLAVERY ACT 2015 – KEY DEFINITIONS

## Section 1: Slavery, servitude and forced or compulsory labour

1. A person commits an offence if---
  - (a) *The person holds another person in slavery or servitude and the circumstances are such that the person knows ought to know that the other person is held in slavery or servitude, or*
  - (b) *The person requires another person to perform forced or compulsory labour and the circumstances are such that the person knows or ought to know that the other person is being required to perform forced or compulsory labour.*
2. In subsection (1) the references to holding a person in slavery or servitude or required to perform forced or compulsory labour are to be construed in accordance with Article 4 of the Human Rights Convention.
3. In determining whether a person is being held in slavery or servitude or required to perform forced or compulsory labour, regard may be had to all the circumstances.
4. For example, regard may be had---
  - (a) *To any of the person's personal circumstances (such as the person being a child, the person's family relationships, and any mental or physical illness) which may make the person more vulnerable than other persons;*
  - (b) *To any work or services provided by the person, including work or services provided in circumstances which constitute exploitation within section 3(3) to (6)*
5. The consent of a person (whether adult or a child) to any of the acts alleged to constitute holding the person in slavery or servitude, or requiring the person to perform forced or compulsory labour, does not preclude a determination that the person is being held in slavery or servitude, or required to perform forced or compulsory labour.

## Section 2: Human Trafficking

1. A person commits an offence if the person arranges or facilitates the travel of another person ("V) with a view to V being exploited.
2. It is irrelevant whether V consents to the travel (whether V is an adult or a child).
3. A person may in particular arrange or facilitate V's travel by recruiting V, transporting or transferring V, harbouring or receiving V, or transferring or exchanging control over V.
4. A person arranges or facilitates V's travel with a view to V being exploited only if--
  - (a) *the person intends to exploit V (in any part of the world) during or after the travel, or*
  - (b) *the person knows or ought to know that another person is likely to exploit V (in any part of the world) during or after the travel.*

5. "Travel" means---

- (a) *arriving in, or entering, any country,*
- (b) *departing from any country,*
- (c) *travelling within any country*

6. A person who is a UK national commits an offence under this section regardless of---

- (a) *Where the arranging or facilitating takes place, or*
- (b) *Where the travel takes place.*

7. A person who is not a UK national commits an offence under this section if---

- (a) *any part of the arranging or facilitating takes place in the United Kingdom, or*
- (b) *the travel consists of arrival in or entry into, departure from, or travel within, the United Kingdom.*

## Section 3: Meaning of Exploitation

1. For the purposes of section 2, a person is exploited only if one or more of the following subsections apply in relation to the person.

### Slavery, servitude and enforced or compulsory labour

2. The person is the victim of behaviour---

- (a) *which involves the commission or an offence under section 1, or*
- (b) *which would involve the commission or an offence under that section if it took place in England and Wales.*

### Sexual exploitation

3. Something is done to or in respect of the person---

- (a) *which involves the commission of an offence under---*
  - (i) section 1(1)(a) of the Protection of Children Act 1978 (indecent photographs of children), or
  - (ii) Part 1 of the Sexual Offences Act 2003 (sexual offences), as it has effect in England and Wales, or
- (b) *Which would involve the commission of such an offence if it were done in England and Wales.*

### Removal of organs etc.

4. The person is encouraged, required or expected to do anything---

- (a) *Which involves the commission, by him or her or another person, of an offence under section 32 or 33 of the Human Tissue Act 2004 (prohibition of commercial dealings in organs and restrictions on use of live donors) as it has effect in England and Wales, or*
- (b) *which would involve the commission or such an offence, by him or her or another person, if it were done in England and Wales.*

### Securing services etc by force, threats or deception.

5. The person is subjected to force, threats or deception designed to induce him or her-

- (a) *to provide services of any kind,*
- (b) *to provide another person with benefits of any kind, or*
- (c) *to enable another person to acquire benefits of any kind.*

**Securing services etc from children and vulnerable persons**

6. Another person uses or attempts to use the person for a purpose within paragraph (a), (b) or (c) of subsection (5), having chosen him or her for that purpose on the grounds that---

- (a) *He or she is a child, is mentally or physically ill or disable, or has a family relationship with a particular person, and*
- (b) *An adult, or a person without the illness, disability or family relationship, would be likely to refuse to be used for that purpose.*

**These definitions have been extracted from Chapter 30 of the Modern Slavery Act 2015. The contents of the Modern Slavery Act 2015 can be accessed in full from the [UK Parliament website](#).**