



PROTOCOLS FOR KENT AND MEDWAY

TO SAFEGUARD ADULTS WHO ARE AT RISK OF SEXUAL EXPLOITATION, MODERN SLAVERY AND HUMAN TRAFFICKING

**Should be read in conjunction with: Multi-Agency Safeguarding
Adults Policy, Protocols and Guidance for Kent and Medway**

[Kent & Medway Safeguarding Adults Policy, Protocols and
Guidance](#)

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1. Introduction

This document provides guidance to professionals and volunteers from all agencies involved in safeguarding and promoting the welfare of all trafficked and exploited adults.

'Trafficking' of any person can be the movement of that person into, within and out of the UK for the purpose of exploiting that said person. The actual distance they have been moved is irrelevant as such the exploited person can be moved from one house to another in the same street and this is classed as 'trafficking'

Trafficked adults are extremely vulnerable in the hands of those who control them and in turn this increases the risk of significant harm both physically and mentally. The levels of coercion and control of these exploited individuals (modern day slaves) in most cases restricts their exposure to contact with professionals and volunteers who would be in a position to safeguard them and provide the welfare they require.

Modern Slavery and Human Trafficking (MSHT) is the illicit trade in human beings, turned into commodities to be bought, sold and exploited, with very little chance of prosecution for the perpetrators and horrendous human rights outcomes for the victims.

In the UK, today and every day, thousands of men, women and children are subject of being victims of modern slavery and human trafficking. They are being degraded, dehumanised and become nothing but a commodity that generates profits for organised criminal groups or individuals. Modern Slavery offences are about power, control and money.

This guidance is supplementary to, and should be used in conjunction with, the latest edition of the [Kent & Medway Safeguarding Adults Policy, Protocols and Guidance](#) Control click for link.

For guidance in relation to Safeguarding Trafficked Children please click on the following link to [Kent Safeguarding Children's Board](#) or [Medway Safeguarding Children's Board](#) for further guidance and information.

2. Definitions

Modern Slavery Act 2015

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 or 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) above the references to holding a person in slavery or servitude or requiring a person to perform forced or compulsory labour are to be construed in accordance with Article 4 of the Human Rights Convention.

Section 2 - Trafficking

a) *"Trafficking of persons" shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs;*

b) *The consent of a victim of trafficking in persons to the intended exploitation set forth in sub-paragraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used;*

c) *The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered "trafficking in persons" even if this does not involve any of the means set forth in sub-paragraph (a) of this article;*

Exploitation

The action or fact of treating someone unfairly in order to benefit from their activities or work.

3. Notifications

The Modern Slavery Act 2015 was introduced to provide the legislative framework to equip law enforcement agencies effectively to prosecute and convict the perpetrators of modern slavery.

The Act consolidated and simplified previous slavery and human trafficking legislation in England and Wales into a single statute, and introduced provisions to strengthen law enforcement and afford better protection to victims.

The Modern Slavery Act places a duty on a range of public authorities to notify the Home Office of suspected victims of slavery or human trafficking however only in cases where there are indicating factors that the said person is a suspected victim and they have not themselves engaged as a victim and accepted referral into the National Referral Mechanism (NRM)

The Home Office Notification Form can be found on this link:

<https://www.gov.uk/government/publications/duty-to-notify-the-home-office-of-potential-victims-of-modern-slavery>.

4. Principles

The principles for supporting and safeguarding persons who have been trafficked are in line with The Care Act (2014) principles for safeguarding adults at risk:

Empowerment: The person is supported and encouraged to make their own decisions and giving informed consent for example.

Prevention: It is better to take action before harm occurs where possible

Proportionality: Using the least intrusive response appropriate to the risk presented.

Protection: Support and representation for those in greatest need

Partnership: Local solutions – working with communities to raise awareness of trafficking and multi-agency responses to trafficking concerns.

Accountability: Transparency in delivering safeguarding

Making Safeguarding Personal: It is vital organisations recognise safeguarding arrangements are there to protect individuals.

5. Trafficking and Slavery

Cases may involve single or multiple victims and may be national or international however there will always be an element of organised crime.

They occur in both rural and metropolitan areas, in venues such as rented residential properties, car washes, farms, construction sites and nail bars etc.,

They will always involve some form of exploitation such as; sexual, labour, domestic servitude, criminal,

It is imperative that everyone is aware of the signs and indicators of these most evil and frequently hidden of crimes so that they can respond in an appropriate manner

How are victims recruited and controlled?

Those who operate as Traffickers usually recruit their victims using a variety of methods however normally by way of false promises of a better life for them and/or their families.

Other methods can include by way of early control in relation to debt bonds secured against them and/or their family. Once a debt bond is secured then this chain is undoubtedly never broken and the debt increases and is never paid off.

Many EU nationals can travel freely across to the UK whilst under threats of harm to them or their families if they do not comply with instructions however it is irrelevant whether the victim consents to the travel or not in evidencing trafficking as it is the element of exploitation that matters.

How trafficked adults may be affected?

Adults who have been trafficked may experience a range of types of abuse exemplified below which are expanded upon within the Kent and Medway Multi-agency Policy Protocol and Guidance Re: Policy section 7 [Types of abuse](#) including:

[Physical abuse](#), [Sexual abuse](#), [Psychological abuse](#), [Exploitation](#), [Financial abuse](#), [Modern Slavery or Human Trafficking](#), [Forced Marriage](#), [Female Genital Mutilation \(FGM\)](#), [Child Sexual Exploitation \(CSE\)](#)

6. Indicators

Victim Indicators

This list is not exhaustive;

- Having no personal identification or passport/documents as being held by someone else,
- Lack of money or control over their own finances,
- Living/sleeping in places of work or in cramped conditions sometimes with others,
- Evidence of being subject of control of movement either as an individual,
- Limited or no means of contact with family, friends and/or limited social contact
- Others seeking to speak for the person you are trying to engage with,
- Living or having been found in 'degrading' conditions,
- Multiple occupancy living accommodation,
- Signs of branding/ ownership by others,
- Perception of being in debt to someone,
- New injuries apparently as a result of assault or ill treatment,
- Old injuries that have not been treated,
- Obvious limited or no access to medical or dental care,
- Having no GP or record of registering with a GP,
- Fearful of police and/or authorities,
- Evidence of fear towards a dominant male or female present,

- Withdrawn and submissive,
- Fearful and anxious,
- Vague about where they live and work,
- Having no GP or record of registering with a GP.

Cautionary note: Practitioners should not view individual indicators described above in isolation

Barriers to disclosing themselves as a victim

- Lack of awareness that they are a victim
- Unaware that help is available
- Language barriers
- Controlled movement
- Fear of repercussions (to themselves or family)
- Always accompanied by trafficker
- Isolation
- Feel they are better off in current situation than previous one
- Immigration status
- Involvement in criminal activity
- Juju (witchcraft)
- Lack of trust in authorities
- Self-blame
- Stigma

Specific offender Indicators

1. Forced labour

- Employer unable to provide records of wages paid to worker and inability to supply documents required when employing migrant workers.
- Work environment devoid of health and safety information and equipment.
- Excessively poor wages below national average with limited access to earnings by the individual.
- Dependency on employer for services such as accommodation, tools, food and transport.

2 Domestic servitude

- Living in the employers home with their family.
- No designated room to sleep in or personal space provided.
- Isolated at meal times, only being given leftovers to eat.
- Expectation that the individual will work "on call" over a 24 hour period with no designated rest periods.
- Unable to leave the house without the employer.
- If individual escapes the employer may report them as missing or claim that they have committed a crime such as theft.

3. Sexual exploitation

- Movement of women between locations; inter - county or nationally on a regular basis
- Poor use of English, majority of known words relating to sexual acts or enticement.
- Coerced, forced and threatened to provide services of a sexual nature. Sometimes the women are subjected to ritual abuse or witchcraft to control them through fear.
- Advertisements offering sexual services from or for a specific cultural / ethnic origin.

7. Identifying trafficked and exploited adults - Professionals.

Role of the professional

All professionals that come into contact with adults in their everyday work need to be able to identify adults who may have been trafficked and be competent to act to support and protect the adult from harm.

All incidents of trafficking or suspicion of trafficking should be reported as detailed in this guidance, additionally a safeguarding alert using the alert form appropriate to the local authority should be raised as well.

All agencies working with adults who may have been trafficked into and within the UK should work together to safeguard and promote their welfare.

Referral to Adult Social Care

To assist in compiling the information required for a referral to Adult Safeguarding professionals should refer to the [Kent Adult Safeguarding Alert form](#) or [Medway Safeguarding Alert Form](#) and associated guidance. If a National Referral Management (NRM) Form has already been completed this will be accepted by the local

authorities as a safeguarding referral with supplementary questions being provided as requested.

If a professional is concerned that an adult could be trafficked and/or exploited the professional should:

- Act promptly while the person is with them or at the earliest opportunity
- Wherever possible, consult with their agency's nominated safeguarding adult lead / Adviser or their manager.

There are comprehensive policy, protocols and guidance covering the details of managing safeguarding enquiries that should be followed. This protocol is to highlight some of the additional agencies and areas to be considered when human trafficking concerns present.

Professional who is concerned that an adult may have been trafficked should act promptly, following UK Border Agency (UKBA) guidance. The professional should contact the Police or nearest Adult Services Local Authority office

Police – 101

Kent Local Authority - 03000 – 416161

Medway Local Authority – 01634 – 334466

UK Border Agency (UKBA) staff should confirm the referral in writing (by e-mail wherever possible) as soon as possible, but always within 48 hours.

Referral and information gathering

Evidence that the adult may be a trafficked victim must be recorded for referral into the UK's victim identification framework (NRM), to enable the UK Human Trafficking Centre/UK Border Agency as the Competent Authority to assess and make an independent decision as to whether the adult is a victim of trafficking or not under the Council of Europe Convention on Action against the Trafficking in Human Beings.

Emergency action addresses only the immediate circumstances of the adult. The Local Authority should consult with partner agencies for terms of reference to proceed to section 42 enquiries under the Care Act 2014.

Information about who to contact can be obtained via the Foreign and Commonwealth Office (FCO) on 0207 008 1500 or the appropriate Embassy or Consulate based in London (see the London Diplomatic List (The Stationery Office), ISBN 9780115917967 or the FCO website www.fco.gov.uk).

An initial assessment of the adult's needs and circumstances should be undertaken in accordance with [Kent & Medway Safeguarding Adults Policy, Protocols and Guidance](#)

If the risk assessment identifies that the adult is suspected to be a victim of human trafficking / modern slavery then the case will be progressed under the Kent and Medway

Multi-agency adult protection policy, protocols and guidance, enabling partner agencies to work together to protect the adult at risk.

8. National Referral Mechanism (NRM)

The NRM is a victim identification and support process which is designed to make it easier for all the different agencies that could be involved in trafficking and slavery cases. Its aims are to share information about potential victims and facilitate their access to advice, accommodation and support.

It provides a Safe housing for a 'reflection period' of 45 days and with this provides direct support and potential repatriation support

It is possible that any person involved in work with adults who may have need for care and support may identify a potential victim. If you should identify a person or situation that causes you concern with regard to the above and you are not included within the *first responder agencies you should report your concerns to the Police 101 or Local Authority

Kent - 03000 416161 or Medway - 01634 334466.

The NRM 24/7 Salvation Army referral number is **0300 3038151**

The Modern Slavery Human Trafficking Team (MSHTU) 24/7 help line number is **0844 7782406**.

The first responder will complete a referral form to pass the case to the CA. Referral to a CA is voluntary and can happen only if the potential victim gives their permission by signing the referral form. In the case of children their consent is not required. To download an adult or child referral form go to the [gov.uk website](http://gov.uk).

All completed NRM forms are sent to the MSHTU in the first instance. The MSHTU will then determine which CA will deal with the case and will forward the papers if needed.

Completed forms should be sent to the MSHTU Competent Authority via e-mail at nrm@nca.x.gsi.gov.uk or by fax to 0870 496 5534.

In the UK the two Competent Authorities are:

- The Modern Slavery Human Trafficking Team (MSHTU) which deals with referrals from the police, local authorities, and Non-Government Organisations (NGO's)
- The Home Office Immigration and Visas (UKVI), which deals with referrals identified as part of the immigration process, for example where trafficking or modern slavery may be an issue as part of an asylum claim

Once a referral has been made, trained decision makers in the Competent Authority will assess and make a decision on whether an individual is a victim of trafficking or modern slavery.

If the Competent Authority is satisfied that the victim is in fact a suspected Human Trafficking victim they will be eligible for a reflection period of 45 days which is extendable in certain circumstances e.g. significant physical or mental trauma. The reflection period enables the victim to recover from their immediate trauma before deciding whether to support an investigation/ prosecution of the traffickers. This does not preclude the victim from speaking with police to provide intelligence or information or from making an evidential statement if they wish to support an investigation.

9. Issues to consider when working with a person who has been trafficked

Once a person has been recognised as being trafficked and the referral has taken place to the competent authority it is important to ensure that the following services are available to the person;

- Appropriately trained and Disclosure and Barring Service checked independent interpreters.
- Counselling via the General Practitioner and or psychology/psychiatry services.
- Independent legal advice.
- Medical services (ensure the safeguarding lead is aware if admitted to hospital).
- Sexual health services.
- Family tracing and contact (unless this is not consistent with their welfare).
- Repatriation, the process of returning a person to their place of origin or citizenship.

Issues to consider

In order to ensure that we give the person who has been trafficked the best opportunity to recover and to support that may not always result in prosecution cases,

It is key that;

- Professionals to be informed and competent in matters relating to trafficking and exploitation and aware of the mechanisms in place to provide advice and support.
- The person is allocated a professional to build up a level of trust and rapport.
- A safe placement – provided by the Salvation Army. Victims of trafficking are allowed up to forty five days to decompress and consider their options.
- Their whereabouts to be kept confidential.
- Legal advice about their rights and immigration status. Professionals should make every effort to assist the person to benefit from independent legal advice from a solicitor with experience in trafficking.
- Discretion and caution to be used in tracing their families.
- Risk assessments to be made of the potential danger the person will face if they are repatriated.

Further advised considerations are to be given to;

How contact is made and maintained, for example email, text messages and phone calls at arranged times.

- Ensuring that the person has the opportunity to talk alone in a safe environment.
- Ensuring that interpreters are appropriately trained and DBS checked.
- Offering advocacy support.

Age

If you are unsure of a person's age and there is a concern they are under the age of 18 years old liaison with children's social services is paramount. Where there is uncertainty about a suspected victim's age children's services will be responsible for assessing their age. The local authority in whose care the victim has been rescued will have responsibility for the co-ordination of safeguards as required by The Children Act (1989) and The Care Act (2014).

Supporting as a witness in court

Some witnesses may have difficulties attending court and giving evidence due to their age, personal circumstances and fear of intimidation or because of their particular needs. In such circumstances, where witnesses are considered to be vulnerable or intimidated, special measures can improve the quality of their experience by helping them to give their best evidence.

A vulnerable or intimidated witness will be eligible for special measures under sections 16 to 33 of the Youth Justice Criminal Evidence Act 1999.

For persons trafficked from abroad, an additional level of anxiety may exist because of fear of reprisals against their family in their home country. They may also fear being deported, having entered the UK illegally. They may also have been forced to commit criminal offences while they are in a coerced situation which may also cause further anxiety, however The Modern Slavery Act (2015) seeks to resolve this issue by offering reprieve should crimes have been committed under duress.

The following is the link to information about the work of the Salvation Army and their training

<http://www.salvationarmy.org.uk/about-human-trafficking>

10. Information sharing

Professionals in all agencies should be confident and competent in sharing information in line with the Kent & Medway Safeguarding Adults Policy Protocol and Guidance.

Professionals should make all efforts to share information, where appropriate, with other professionals to avoid repetition for suspected trafficked adult.

Where a professional suspects that an adult may have been trafficked and/or is at risk of being trafficked, principles of safe enquiry when it is thought that there may be risk to the adult of further harm should be employed.

All agencies are empowered to share information without permission for the purpose of crime prevention under section 115 of the Crime and Disorder Act 1998.

11. Role of the Kent and Medway Safeguarding Adults Board

The objective of the Multi-agency Kent and Medway Safeguarding Adults Board (KMSAB) is to co-ordinate what is done by its members to safeguard and promote the welfare of adults in the local area and to ensure the effectiveness of that work. This includes addressing human trafficking, sexual exploitation and modern slavery as well as other forms of adult abuse identified within the Care Act 2014.

The KMSAB will campaign for information sharing to support the safeguarding agenda between KCC, Health, Police and the NRM Competent Authorities to ensure a full picture is provided on adult NRM referrals and secure the best safeguarding outcome for the adult(s) and their families where they are involved.

Mapping need: KMSAB will consider information related to human trafficking activity within Kent and Medway and develop explicit actions to address this as part of the safeguarding action plans.

Promoting prevention: KMSAB will maintain close links with community groups and have a strategy in place for promoting awareness within the local community of the possibility that adults are trafficked and exploited, and how to raise a concern. While there is growing public awareness there is a need for ongoing awareness and how to report concerns.

This Guidance is a means of supporting the professionals in all the agencies and the community in Kent and Medway, to identify and respond appropriately to safeguard adults who are or are at risk of being trafficked.

Joint KSCB & MSCB Trafficking and Sexual Exploitation Subgroup: specifically deal with trafficking issues [Kent Safeguarding Childrens Board](#) or [Medway Safeguarding Childrens Board](#)

Training: KMSAB will also ensure that local training programmes cover trafficking issues as required, either as part of single agency safeguarding training or additionally as Multi-agency training arranged by the Board.

APPENDIX 1. Notes on First Responder and Competent Authority

First Responder is anyone of these agencies:

The [National Crime Agency](#) is a first responder agency, as are the following:

- [Police forces](#)
- [UK Border Force](#)
- [Home Office Immigration and Visas](#)
- [Gangmasters Licensing Authority](#)
- [Local Authorities](#)
- [Health and Social Care Trusts \(Northern Ireland\)](#)
- [Salvation Army](#)
- [Poppy Project](#)
- [Migrant Help](#)
- [Medaille Trust](#)
- [Kalayaan](#)
- [Barnardos](#)
- [Unseen](#)
- [TARA Project \(Scotland\)](#)
- [NSPCC \(CTAC\)](#)
- [BAWSO](#)
- [New Pathways](#)
- [Refugee Council](#)

The first responder will complete a referral form to pass the case to the Competent Authority. Referral to a Competent Authority is voluntary and can happen only if the potential victim gives their permission.

APPENDIX 2 Local Authorities' Referral Pathway for Adult Victims of Modern Slavery

The Independent Anti-Slavery Commissioner's (IASC) office, in collaboration with the [Rights Lab at the University of Nottingham](#), has launched an [online toolkit](#) to help local organisations and agencies work together to tackle modern slavery. This toolkit includes a Local Authorities' referral pathway for Adult Victims of Modern Slavery, which is available on the link below:

<https://static1.squarespace.com/static/599abfb4e6f2e19ff048494f/t/5b164e6b562fa7121fa39da3/1528188528869/LWG+Local+Authorities+Modern+Slavery+Protocol+%28adults%29+-+Adult+NRM+Pathw....pdf>