

## **Appendix 2**

### **National Referral Mechanism**

The National Referral Mechanism (NRM) is a framework for identifying victims of human trafficking or modern slavery and ensuring they receive the appropriate support.

The NRM is also the mechanism through which the Modern Slavery Human Trafficking Unit (MSHTU) collect data about victims. This information contributes to building a clearer picture about the scope of human trafficking and modern slavery in the UK.

The NRM was introduced in 2009 to meet the UK's obligations under the Council of European Convention on Action against Trafficking in Human Beings. At the core of every country's NRM is the process of locating and identifying "potential victims of trafficking".

From 31 July 2015 the NRM was extended to all victims of modern slavery in England and Wales following the implementation of the Modern Slavery Act 2015.

#### **Modern Slavery encompasses:**

1. Human trafficking
2. Slavery, servitude and forced or compulsory labour

From 31 July 2015, in all UK referrals, the Competent Authority (trained decision makers) must consider whether the person is a victim of human trafficking. In England and Wales, if someone is found not to be a victim of trafficking, the Competent Authority must go on to consider whether they are the victim of another form of modern slavery, which includes slavery, servitude and forced or compulsory labour.

The NRM grants a minimum 45-day reflection and recovery period for victims of human trafficking or modern slavery. Trained decision makers decide whether individuals referred to them should be considered to be victims of trafficking according to the definition in the Council of Europe Convention. In England and Wales, further consideration is made to those who do not meet the definition of trafficking. Their cases are then considered against the definitions of slavery, servitude and forced or compulsory labour.

### **NRM statistics**

NRM statistics from 2012 onwards are available in our [publications section](#). For earlier reports visit the [National Archives website](#).

## The NRM process

- *Referral to a UK competent authority (first responders)*

To be referred to the NRM, potential victims of trafficking or modern slavery must first be referred to one of the UK's two competent authorities (CAs). This initial referral will generally be handled by an authorised agency such as a police force, the NCA, the UK Border Force, Home Office Immigration and Visas, **Social Services** or certain NGO's. The referring authority is known as the 'first responder'.

The NCA 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 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](https://www.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](mailto:nrm@nca.x.gsi.gov.uk) or by fax to 0870 496 5534.

- **Competent Authorities (CA)**

In the UK the two Competent Authorities are:

- The NCA's Modern Slavery Human Trafficking Unit (MSHTU)
- The Home Office Visas and Immigration (UKVI)

All referrals to the NRM from first responders must be sent to MSHTU initially. MSHTU also manages the data on NRM referrals. MSHTU makes reasonable and conclusive grounds decisions on all cases involving:

- a UK national
- a European Economic Area (EEA) national (except where there is a live immigration issue)

When MSHTU receives a referral relating to an EEA or non-EEA national who is subject to immigration control, they will refer the case to the Home Office Competent Authority, who will make the reasonable and conclusive grounds decisions.

If a case involves a non-EEA national with no active immigration issues, MSHTU also refers the case to the Home Office Competent Authority who will make the reasonable and conclusive grounds decision.

- **Stage one – “Reasonable grounds”**

The NRM team has a target date of 5 working days from receipt of referral in which to decide whether there are reasonable grounds to believe the individual is a potential victim of human trafficking or modern slavery. This may involve seeking additional information from the first responder or from specialist NGOs or social services. The threshold at Reasonable Grounds stage for the trained decision makers is; “from the information available so far I believe but cannot prove” that the individual is a potential victim of trafficking or modern slavery.

If the decision is affirmative then the potential victim will be:

- allocated a place within Government funded safe house accommodation, if required
- granted a reflection and recovery period of 45 calendar days. This allows the victim to begin to recover from their ordeal and to reflect on what they want to do next, for example, co-operate with police as required, return home etc.

The potential victim and the first responder are both notified of the decision by letter.

- **Stage two – “Conclusive decision”**

During the 45 day reflection and recovery period the Competent Authority gathers further information relating to the referral from the first responder and other agencies. This additional information is used to make a conclusive decision on whether the referred person is a victim of human trafficking or modern slavery. The expectation is that a Conclusive Grounds decision will be made as soon as possible following day 45 of the recovery and reflection period. There is no target to make a conclusive grounds decision within 45 days. The timescale for making a conclusive grounds decision will be based on all the circumstances of the case.

The trained decision makers threshold for a Conclusive Decision is that on the balance of probability “it is more likely than not” that the individual is a victim of human trafficking or modern slavery.

The first responder and the potential victim will both be notified of the decision. If the potential victim is conclusively identified as a victim of trafficking or modern slavery, what happens next depends on their wishes.

- **What happens next?**

Co-operating with police enquiries

The victim may be granted discretionary leave to remain in the UK for one year to allow them to co-operate fully in any police investigation and subsequent prosecution. The period of discretionary leave can be extended if required.

Other circumstances

If a victim of trafficking or modern slavery is not involved in the criminal justice process, the Home Office may consider a grant of discretionary leave to remain in the UK, dependent on the victim’s personal circumstances.

Returning home

If they are from outside the European Economic Area, the victim can receive help and financial assistance to return home through the Home Office Assisted Voluntary Return of Irregular Migrants (AVRIM) process. If they are an EEA national, support organisations will put them in touch with their embassy and any relevant NGOs who may be able to help.

What if the referred person is not found to be a victim?

If at any stage the referred person is confirmed not to be a victim of trafficking or modern slavery then dependent on the circumstances they may be referred to the appropriate law enforcement agency – the relevant police force or the Home Office. If it is decided by the Competent Authority that the person was not trafficked nor is a victim of modern slavery, and there are no other circumstances that would give them a right to live in the UK, they will be offered support to voluntarily return to their country of origin. The person can also be offered support to return to their country if they have been trafficked or are a victim of modern slavery and do not wish to stay in the UK.

### NRM review and pilots

The review of the National Referral Mechanism for victims of human trafficking was published on 11 November 2014 and recommended that the support system for identifying and supporting victims of human trafficking should be overhauled.

The key recommendations of the report include:

- extending the NRM to cover all adult victims of modern slavery
- strengthening the First Responder role – the point when potential victims are first identified and referred by creating new Slavery Safeguarding Leads (SSL)
- streamlining the referral process by removing the “Reasonable Grounds” decision once the successful implementation of accredited Slavery Safeguarding Leads has occurred allowing direct referral to specialist support for potential victims
- establishing new multi-disciplinary panels headed by an independent chair with a view of ceasing the sole decision-making roles of UKVI and the MSHTU
- creating a single case management unit within the Home Office to replace the current case management units in the National Crime Agency (MSHTU) and UKVI

### NRM Pilots

In response to the review, changes to the NRM are being piloted in West Yorkshire police force area and the South West (Avon and Somerset, Devon and Cornwall, Dorset, Wiltshire and Gloucestershire police force areas) from 3rd August 2015. If you are referring a case from these areas the initial referral will be received by the MSHTU until October 2015 when Slavery Safeguarding Leads in these regions will be responsible for Reasonable Grounds decisions.

Up until October 2015 Reasonable Grounds decisions on pilot cases will be made in the MSHTU and UKVI Competent Authorities using the existing process and then referred to the pilot Case Management Unit via their inbox. New multi-disciplinary panels will make Conclusive Decisions in these pilot areas.