



1. Home (<https://www.gov.uk/>)
2. Modern slavery victims: referral and assessment forms
(<https://www.gov.uk/government/publications/human-trafficking-victims-referral-and-assessment-forms>)
1. Home Office (<https://www.gov.uk/government/organisations/home-office>)
2. UK Visas and Immigration (<https://www.gov.uk/government/organisations/uk-visas-and-immigration>)

Form

National referral mechanism guidance: adult (England and Wales)

Updated 28 November 2019

Contents

1. What the National Referral Mechanism is
2. NRM referral or a Duty to Notify referral (DtN)
3. The referral process
5. The components of modern slavery
6. Access to support
7. Independent Child Trafficking Guardians (ICTG)
8. Indicators of modern slavery
9. How to refer modern slavery victims to the police
10. Police referral process for first responders / frontline workers



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This publication is available at <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>

This guidance is for all adult cases in England or Wales. Separate guidance for cases in Scotland or Northern Ireland (<https://www.gov.uk/government/publications/human-trafficking-victims-referral-and-assessment-forms>) is available.

1. What the National Referral Mechanism is

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

Modern slavery is a complex crime and may involve multiple forms of exploitation. It encompasses:

- human trafficking
- slavery, servitude, and forced or compulsory labour

An individual could have been a victim of human trafficking and/or slavery, servitude and forced or compulsory labour.

Victims may not be aware that they are being trafficked or exploited, and may have consented to elements of their exploitation, or accepted their situation. If you think that modern slavery has taken place, the case should be referred to the NRM so that the Single Competent Authority (SCA) can fully consider the case. You do not need to be certain that someone is a victim.

This guidance explains how to complete the referral form before it is considered by the relevant SCA within the Home Office.

2. NRM referral or a Duty to Notify referral (DtN)

The online referral system is to be used for referrals into the NRM and for Duty to Notify referrals (DtN). Only staff at designated first responders Organisations can make referrals (see section 4).

The difference between an NRM referral and a DtN referral relates to the consent of the adult involved.

2.1 Child victims

If the potential victim is under 18, or may be under 18, an NRM referral must be made – children cannot be referred in using a DtN referral. Child victims do not have to consent to be referred into the NRM and must first be safeguarded and then referred into the NRM process.

2.2 Adults and consent

Consent is required for an adult to be referred to the NRM. For an adult to provide their informed consent, you must explain:

- what the NRM is
- what support is available through it
- what the possible outcomes are for an individual being referred

You should also make it clear that information may be shared or sought by the SCA from other public authorities, such as the police and local authorities, to gather further evidence on an NRM referral.

The online referral should only be completed for adults when a member of staff from a designated first responder organisation suspects someone is a victim of modern slavery (see section 8) and where the adult concerned has understood the implications of, and consented to, the referral.

It is not to be used as an interview record but as a means for the first responder organisation to provide as much information as possible to the SCA to enable a decision to be reached.

This does not prevent the first responder from approaching the potential victim to obtain further details where appropriate, while avoiding placing them under unnecessary additional stress or trauma.

2.3 No consent

If an adult does not consent to enter the NRM, a DtN referral should be completed using the same online process.

2.4 Duty to Notify

From 1 November 2015, specified public authorities are required to notify the Home Office about any potential victims of modern slavery they encounter in England and Wales.

The online system provides optional and mandatory fields to enable you to submit the referral. Adult cases who do not provide consent to be referred into the NRM process, automatically become DtN referrals on the new online system.

3. The referral process

If you think you have encountered a person (adult or child) who has been a victim of modern slavery in England and Wales, you should complete a referral via the new online process.

The new online process allows first responders to submit an NRM referral through a single online form regardless of their location in the UK, or whether the victim is an adult or child. The form has been designed to be responsive and will change depending on the options selected – including identifying whether a case is an NRM referral or a DtN referral (for individuals in England and Wales).

Access the new form (<https://www.modernslavery.gov.uk/start>)

The online form will identify whether someone is a first responder by verifying their work email address. first responders will need to complete this verification to progress with the form.

After submitting the form (which will be sent to the SCA) the first responder will be sent a link to download a copy. Once it's been received by the SCA it will be assigned a reference number which will be emailed to the first responder.

The old NRM and DtN referral forms will continue to be accepted until 29th February 2020. However, the old referral forms will only be accepted under exceptional circumstances. If you think this will be a problem or if you want to provide any feedback on the online referral process – please let us know by emailing nationalreferralmechanism@homeoffice.gov.uk.

3.1 NRM referrals

If any further information later becomes available that would be helpful in making a decision about whether the person is a victim of modern slavery you can email this, by responding to the referral receipt email without editing the reference number in the subject line.

Once an NRM referral is submitted, the SCA will then aim to make a reasonable grounds decision within 5 working days wherever possible.

4. First responder organisations

A 'first responder organisation' is, in England and Wales, an authority that is authorised to refer a potential victim of modern slavery into the National Referral Mechanism. The current statutory and non-statutory first responder organisations are:

- police forces
- certain parts of the Home Office:
 - UK Visas and Immigration
 - Border Force
 - Immigration Enforcement

- National Crime Agency
- local authorities
- Gangmasters and Labour Abuse Authority (GLAA)
- health and social care trusts (Northern Ireland)
- Salvation Army
- Migrant Help
- Medaille Trust
- Kalayaan
- Barnardo's
- Unseen
- Tara Project (Scotland)
- NSPCC (CTAC)
- BAWSO
- New Pathways
- Refugee Council

There are different cohorts of first responder organisations in Scotland and Northern Ireland.

First responder organisations have the following responsibilities. These responsibilities are invested in the organisation and it is for the organisation to decide how it will discharge these responsibilities:

- identify potential victims of modern slavery and recognise the indicators of modern slavery
- gather information in order to understand what has happened to them
- refer victims into the NRM via the online process or via the archived paper referral form in exceptional cases (in England and Wales this includes notifying the Home Office if an adult victim doesn't consent to being referred)
- 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

A first responder is an individual working at a first responder Organisation that is involved in discharging one of the duties of the organisation listed above.

5. The components of modern slavery

5.1 Human trafficking

For a person to have been a victim of human trafficking there must have been:

- action (recruitment, transportation, transfer, harbouring or receipt, which can include either domestic or cross-border movement)
- means (threat or use of force, coercion, abduction, fraud, deception, abuse of power or vulnerability - however, there does not need to be a means used for children as they are not able to give informed consent)
- purpose of exploitation (eg sexual exploitation, forced labour or domestic servitude, slavery, removal of organs)

5.2 Slavery, servitude and forced or compulsory labour

For a person to have been a victim of slavery, servitude and forced or compulsory labour there must have been:

- means (being held, either physically or through threat of penalty – eg threat or use of force, coercion, abduction, fraud, deception, abuse of power or vulnerability. However, there does not need to be a means used for children as they are not able to give informed consent)
- service (an individual provides a service for benefit, eg begging, sexual services, manual labour, domestic service)

Forced or compulsory labour may be present in trafficking cases. However, not every person who is exploited through forced labour has been trafficked.

There will be cases of exploitation that do not meet the threshold for modern slavery – for example someone may choose to work for less than the national minimum wage, or in undesirable conditions, without being forced or deceived. These cases should not be referred into the NRM but you may want to refer them to the police.

Alternatively, you can contact the pay and work rights helpline for more information on 0300 123 1100, or the Gangmasters Labour Abuse Authority on 0800 432 0804.

Slavery and servitude are more serious versions of forced or compulsory labour. More information on the indicators of modern slavery (<https://www.gov.uk/government/publications/victims-of-human-trafficking>) is available.

From 31 July 2015, potential victims of slavery, servitude and forced or compulsory labour in England and Wales recognised with a positive reasonable grounds decision may also have access to support previously only offered to potential victims of human trafficking.

In Northern Ireland this support was extended to victims of modern slavery from March 2016 and in Scotland from April 2018.

6. Access to support

Individuals who are recognised as a potential victim of modern slavery through the NRM have access to specialist tailored support for a period of at least 45 days while their case is considered, which may include:

- access to relevant legal advice
- accommodation
- protection
- independent emotional and practical help

Support in England and Wales is currently delivered by the Salvation Army and a number of subcontractors. The Salvation Army will assess each potential victim to determine what support is most appropriate.

You must explain this process to the potential victim and seek their consent before completing the online referral. If they consent to being referred you should indicate on the form the type of referral being made and you will be asked to confirm that the potential victim provided you with consent.

You should contact the Salvation Army as soon as possible to make the support referral (prior to the reasonable grounds decision which has a target of 5 working days). If the individual requires immediate support, you should contact the Salvation Army as soon as possible: by contacting them on 0300 303 8151 (24 hours).

7. Independent Child Trafficking Guardians (ICTG)

Independent Child Trafficking Guardians (ICTG) recently renamed from Independent Child Trafficking Advocates (ICTA), are an independent source of advice for children subjected to modern slavery and somebody who can speak up on their behalf.

In early adopter sites in the in the East Midlands, Greater Manchester, Hampshire & the Isle of Wight, London Borough of Croydon, Wales and West Midlands Combined Authority, if a child is considered to be a potential victim of modern slavery including trafficking, a first responder must be informed. The first responder must notify the ICTG service by completing dedicated pro-forma and issuing it to trafficking.referrals@bypmk.cjsm.net or by contacting the ICTG 24 hour support line on 0800 043 4303.

8. Indicators of modern slavery

To help make a primary assessment about whether an individual is or may be a potential victim of modern slavery, there are 20 general indicators. These indicators are not a definitive list and there may be other indicators that may raise concerns, therefore the option to highlight 'other' indicators has been included.

It is not the case that by selecting a set number of indicators this will equate to a person being a victim; it could be that just one or a combination of factors that demonstrates that a person may be a victim. Each case should be considered on its own merits. There are also sections for indicators of common forms of exploitation, however if you consider that an individual may have been exploited in a way not listed, this could still be modern slavery and should be recorded.

We recognise that first responders may be unable to provide significant detail about the individual and their potential modern slavery experience on this form (e.g. where an individual is seriously traumatised). However, it is important that all information available at this stage is provided on the form to support a timely reasonable grounds decision.

If further information about the case comes to light, this should be referred to:

- SCA by email to nationalreferralmechanism@homeoffice.gov.uk citing the NRM reference in the email subject

9. How to refer modern slavery victims to the police

A potential victim of modern slavery is a potential victim of a crime. All NRM referrals should be referred to the police - either on the victim's behalf if they give consent, or as a third-party referral if they don't give consent (provided this does not breach any obligation of confidence under the common law).

This referral should be made by the first responder / frontline worker or, if the referral has not already been made by the time the NRM form is received, the SCA. The police will then determine what action is appropriate, in line with Home Office Counting Rules.

This doesn't mean that potential victims are under any obligation to cooperate with the police. There is a section on the online form NRM form where it can be confirmed if they are or are not willing to engage with the police.

9.1 Obligation of confidence

The NRM process is already a multi-agency process and when a potential victim consents to enter the NRM, they should be aware that information will be passed on by the first responder / frontline worker in order to access the NRM. It is unlikely that an obligation of confidence would prevent referring this information to the police.

If a first responder / frontline worker is unsure whether an obligation of confidence would be breached by referring a case to the police, they should contact their organisation's legal advisor for further guidance.

There is no obligation of confidentiality between the SCA and the victim, as this information has been received via a third party. The SCA is therefore entitled to process this information in accordance with the Data Protection Act 2018 and the General Data Protection Regulation and refer this information to the police to support the detection and prevention of crime. The SCA does not require consent from the victim to do so. The intention is to do this in all cases referred into the NRM where there has not already been a police referral.

10. Police referral process for first responders / frontline workers

When completing the NRM form, the first responder / frontline worker should explain to the victim that their case will be passed on to the police (either by the first responder themselves or the SCA), as they are a potential victim of crime.

The victim is under no obligation to cooperate with the police to receive support through the NRM. If the potential victim indicates they will cooperate, then the police will contact them regarding the allegation. Otherwise, communication will be with the person who made the third-party referral.

As set out in the Home Office counting rules for recording crime:

[...] all reports of incidents, whether from victims, witnesses or third parties and whether crime related or not, will, unless immediately recorded as a crime, result in the registration of an auditable incident / record by the police.

[...] an incident will be recorded as a crime (notifiable offence) for 'victim related' offences if, on the balance of probability: (a) the circumstances of the victim's report amount to a crime as defined by law (the police will determine this, based on their knowledge of the law and counting rules).

(b) there is no credible evidence to the contrary immediately available. A belief by the victim (or a person reasonably assumed to be acting on behalf of the victim, that a crime has occurred is usually sufficient to justify its recording).

Where a report of a crime is made to police and the individual decides not to record it as such, they must make an auditable record of that decision and inform the reporting person why they will not be recording a crime.

The first responder / frontline worker should check whether a police referral has already been made in relation to this case. Where a referral has not been made, the table below outlines where the form should be sent:

Location of alleged exploitation	Where form should be sent
Known	The police force covering that area (where there have been multiple locations referral should be to the most recent location's police force)
Unknown	The police force covering the area where the victim resides at the point of the referral to the police OR the police force covering the area where the individual was encountered, if the individual does not have a fixed address.
Overseas	The police force covering the area where the victim resides at the point of the referral to the police or the police force covering the area where the individual was encountered, if the individual does not have a fixed address.

Where the police have not been contacted, the first responder/frontline worker should indicate on the form why not, including where this is because a referral has already been made by another party.

Where a crime reference number has been provided, this should be added to the form, but if it is outstanding this should not delay submission of the NRM form.