NRM Reconsideration request

Template for First Responders

**General observations**

It is my view that the indicators and evidence that are present in this case are in excess of what is necessary for the positive identification of a child victim of trafficking.

I would like the NRM to reconsider its negative conclusive grounds decision for the following reasons.

**Reason 1: New Circumstances/ Additional evidence**

[Insert details of any additional evidence which has been gathered or any additional circumstances which have arisen since the referral was made – i.e. another missing episode, referral to or uptake of physical or mental health services, an expert report which has been produced, etc.]

**Reason 2: The reasons provided in the NRM decision for refusing to find that the individual is a potential or actual victim of trafficking do not correspond sufficiently with the various guidance documents.**

These documents are published by the Home Office around criminal exploitation, including: the “Criminal Exploitation of children and vulnerable adults: County Lines guidance”[[1]](#footnote-1); the “Serious Violence Strategy”[[2]](#footnote-2) and the “Victims of modern slavery – Competent Authority guidance”[[3]](#footnote-3).

For example, the NRM decision does not adequately consider the impact of grooming in child trafficking cases. The “Victims of modern slavery – Competent Authority guidance” defines grooming as **“**where vulnerable individuals are enticed over time to take part in activity in which they may not be entirely willing participants (for example, a trafficker may present themselves as a ‘boyfriend’ in a sexual exploitation case).” Decision makers are particularly cautioned in the guidance to bear in mind, in child cases, possible grooming by the perpetrator.

Refusal reasons:

[Insert the refusal reasons provided with the negative conclusive grounds decisions - the below response will depend on these]

Response to the above reasons:

‘Child Criminal Exploitation occurs where an individual or group takes advantage of an imbalance of power to coerce, control, manipulate or deceive a child or young person under the age of 18 into any criminal activity (a) in exchange for something the victim needs or wants, and/or (b) for the financial or other advantage of the perpetrator or facilitator and/or (c) through violence or the threat of violence. **The victim may have been criminally exploited even if the activity appears consensual’.** Child Criminal Exploitation does not always involve physical contact; it can also occur through the use of technology. (Serious Violence Strategy, 2018)

**‘Can still be exploitation even if the activity appears consensual** and is typified by some form of power imbalance in favour of those perpetrating the exploitation. Whilst age may be the most obvious, this **power imbalance can also be due to a range of other factors including gender, cognitive ability, physical strength, status, and access to economic or other resources’.** (Criminal Exploitation of children and vulnerable adults: County Lines guidance, 2017)

As evidenced in the above definitions, it is clear that often young people do not relate to their experiences as being that of exploitation. Young people can also feel fearful around repercussions not only on themselves but also towards their families too which can limit the willingness for a young person to disclose their experiences to police or the local authority.

The Competent Authority’s guidance makes it clear that just because someone does not immediately leave an exploitative situation does not mean they have not been exploited. The Competent Authority should always consider the possible grooming of child victims by their traffickers and the impact that this may have upon their behaviour.

[Insert the below paragraph if the refusal reasons make reference to inconsistency or lack of clarity and the first responder was not contacted accordingly]

The Competent Authority guidance also makes clear that where evidence is unclear, more information should be requested from the first responder. Moreover, it also states that where a negative decision is based on inconsistency in a victim’s account, the Competent Authority should refer back to the first responder or support provider.

We strongly believe that [the young person] was targeted and groomed into being trafficked for criminal exploitation. The Children’s Society have produced a grooming line which shows the different stages of the grooming process: <https://www.childrenssocietyeast.org.uk/media/1199/cfd266a_children_at-_risk_of-exploitation_pdf_v3.pdf> .

Through using this tool, it clearly demonstrates that sometimes young people who are being groomed for the purpose of criminal exploitation will be given greater trust and responsibility by the exploiters, which could potentially include unsupervised control of cash, drugs and/or mobile phones. Coercion and intimidation is used within the grooming process to isolate a child and gain control of the child and can involve physical, sexual and psychological methods covertly and overtly. Therefore, it is often very difficult for a child to recognise or be able to tell the local authority or police.

The above tool also demonstrates how cash and/or gifts can be provided to a child as part of the grooming process, including giving children a false sense of power and status.

The grooming process is important to consider when stating a child was ‘willingly entering into an agreement’ which implies that [the young person] had ‘choice’ over his exploitation. The grooming process can create a false sense of safety and security for a child. The exploiters will build trust to ensure that the child agrees to what is being asked of them. National learning from serious case reviews has highlighted that no child should be blamed for their exploitation and that the grooming process needs to be acknowledged.

Furthermore, the Competent Authority guidance states; ‘It is not necessary for there to have been ‘means’ for a child to be a victim, because children cannot give informed consent.’ As such, ‘frontline staff must consider any child who has been recruited, transported, transferred, harboured or received for the purpose of exploitation, as a victim of trafficking and/or modern slavery, whether or not they have been forced or deceived.’

[Include any additional and specific response to the refusal reasons]

**Reason 3: Additional Trafficking Indicators**

In addition to the trafficking indicators included on the NRM referral form dated [insert original date] the following additional indicators have been observed by myself and the missing practitioner and trafficking practitioner at The Children’s Society. These indicators are taken from the Home Office National Referral Mechanism form for potential child victims of modern slavery (England and Wales) last updated on 7th March 2018.

[Insert specific indicators, who observed them and when- numbered as per the referral form]

[Include any view of the young person they want shared as part of the reconsideration]

**Conclusion**

On the basis of the additional evidence or circumstances, the responses to the reasoning raised in the negative conclusive grounds decision, and [insert young person’s name] additional information, I would be grateful if the Competent Authority would agree to reconsider its negative conclusive grounds decision in [insert young person’s name] case. Please do not hesitate to contact me if you require any further information before responding.

1. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\_data/file/741194/HOCountyLinesGuidanceSept2018.pdf [↑](#footnote-ref-1)
2. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\_data/file/698009/serious-violence-strategy.pdf [↑](#footnote-ref-2)
3. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\_data/file/744070/victims-of-modern-slavery-competent-authority-v4.0-EXT.PDF [↑](#footnote-ref-3)