



Home Office

Duty to notify the Home Office of potential victim of modern slavery

Version 1 (1 November 2015)

Guidance for specified public authorities

Duty to notify the Home Office about suspected victims of slavery or human Trafficking

Guidance for specified public authorities

From 1 November 2015, specified public authorities have a duty to notify the Secretary of State of any individual identified in England and Wales as a suspected victim of slavery or human trafficking. It is estimated that there were 10-13,000 victims of modern slavery in the UK in 2013, with only 1746 potential victims referred to the National Referral Mechanism in the same period. This duty is intended to improve the identification of victims and help build a more comprehensive picture of the nature and scale of modern slavery, to improve victim identification and the law enforcement response.

The “duty to notify” is set out in Section 52 of the Modern Slavery Act 2015, and applies to the following public authorities in England and Wales at the time of publication (additional public authorities can be added through regulations):

- (a) a chief officer of police for a police area,
- (b) the chief constable of the British Transport Police Force,
- (c) the National Crime Agency,
- (d) a county council,
- (e) a county borough council,
- (f) a district council,
- (g) a London borough council,
- (h) the Greater London Authority,
- (i) the Common Council of the City of London,
- (j) the Council of the Isles of Scilly,
- (k) the Gangmasters Licensing Authority.

Home Office staff within UK Visas and Immigration, Border Force and Immigration Enforcement are also required, as a matter of Home Office policy, to make an internal referral to the Modern Slavery Case Management Unit (dutytonotify@homeoffice.gsi.gov.uk) who will manage these notifications.

What information should be provided

The information that must be provided within a notification has been set out in the Modern Slavery Act 2015 (Duty to Notify) Regulations 2015 (http://www.legislation.gov.uk/uksi/2015/1743/pdfs/ukxi_20151743_en.pdf). Where an adult has not consented to the referral, then the notification must not include information that identifies the person, or enables the person to be identified (either by itself or in combination with other information). The form must be signed to indicate an adult’s consent to being identified.

A specified public authority which includes information in accordance with the Regulations does not breach any obligation of confidence owed by the public authority in relation to that information.

Nothing in the Regulations requires or authorises the inclusion of information which contravenes any other restriction on the disclosure of information (however

imposed). This includes restrictions under Part 1 of the Regulation of Investigatory Powers Act 2000 (interception of communications) or by order of the Court. The information that should be provided in a notification is set out in the “MS1 Notification of a Potential Victim of Modern Slavery Form” should be completed. Information marked with an asterisk is required by law, except where the information might identify the individual and they are aged 18 or over and have not consented to the information being included. This might be in exceptional cases – for example, where the person’s nationality is so rare in the relevant police area that it could lead to their identification. This form clearly indicates the information that should be provided in the case of an adult who has not consented (so the form is anonymous); and the additional information to provide for an adult who consents to be identified or a child (where consent is not required). Adults must sign the form to indicate their consent to the notification identifying them.

This duty is not retrospective and so public authorities do not need to notify the Home Office of victims first encountered prior to 1 November. Where a case has already been reported into the NRM prior to 1 November and there is a further encounter, a “duty to notify” notification would also not be required.

How to notify the Home Office

Where an individual is being referred to the NRM, then the NRM form can be used to satisfy the duty, by forwarding a copy to dutytonotify@homeoffice.gsi.gov.uk, and ensuring the highlighted sections of the form are complete to meet the legal duty. Where an NRM referral is not made, then the MS1 form should be completed and sent to dutytonotify@homeoffice.gsi.gov.uk.

This information should be provided as soon as practicable. Unless there are exceptional circumstances, this should be within a month of encountering a victim.

Notification of child victims

Although the duty to notify applies to both children and adults, as children do not need to consent to enter the NRM, specified public authorities agencies should generally complete a full NRM referral, rather than a notification. This enables fuller information gathering and assessment of the case to be completed.

Multiple referrals

If you are aware that another statutory agency has already notified the Home Office of the potential victim you have encountered, then an additional notification is not required. Where appropriate, you should contact other agencies who have previously encountered the individual to check whether a referral has already been made.

How the information will be used

The information provided in a notification will be used to build a better picture of modern slavery in England and Wales, and to improve our law enforcement response, by sharing the information with the National Crime Agency and other law enforcement agencies.

Where the information provided in a notification constitutes credible evidence that a crime has taken place, then the information will also be referred to the relevant law enforcement agency. However, the submission of a notification should not replace a referral to the police, and should not be relied upon to safeguard an individual at risk. Existing safeguarding processes should therefore still be followed in tandem with a notification.

Voluntary notifications by agencies not covered by the duty

Organisations, including non-governmental organisations, are also encouraged to put forward notifications where they encounter a potential victim of modern slavery who cannot enter the NRM. The process and policy above should also be followed by such organisations wishing to make voluntary notifications.

Further information

Please contact Suzanne Farrell (Suzanne.farrell7@homeoffice.gsi.gov.uk / 020 7035 3445) or Justine Currell (Justine.currell@homeoffice.gsi.gov.uk / 020 7035 8205) within the Home Office Modern Slavery Unit.