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(PVVP Board).

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## Multi-agency Policy & Procedures for the protection of people who are suspected of being potential victims of modern slavery and human trafficking in the West Midlands

Written by West Midlands Anti-Slavery Network Editorial Group.

Authors:

Rosie Luce – lead author	Birmingham and Solihull Clinical Commissioning Group and representing NHS England – West Midlands
Baldish Sohal – lead contributor	Black Country Women’s Aid

Editorial Group - comments made by:

Robin Brierley	Chair: West Midlands Anti- Slavery Network <sup>1</sup>
Jo Barber	Police & Crime Commissioner’s Office
David Gray	Birmingham City Council
Rosie Luce	Birmingham and Solihull Clinical Commissioning Group and representing NHS England – West Midlands
Baldish Sohal	Black Country Women’s Aid
Nick Walton	West Midlands Police
Hannah Wilson	Marie Curie
West Midlands Anti-Slavery Network Meeting	West Midlands Anti- Slavery Network held on 20 <sup>th</sup> April 2017.
Shelley Ward	Preventing Violence Against Vulnerable People Programme (PVVP)

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***Multi-agency Policy & Procedures for the protection of people who are suspected of being potential victims of modern slavery and human trafficking in the West Midlands. This document should be read in conjunction with the***

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<sup>1</sup> West Midlands Anti-Slavery Network, Barnardo Panel for the Protection of Trafficked Children (Barnardo’s Project in the West Midlands) and Adavu Project (Adults aged 18 plus) receive funding from the [Police and Crimes Commissioners Office](#)

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***West Midlands Police and Crime Commissioner's Office Modern Slavery and Human Trafficking Victims Strategy.***

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## Foreword

Modern Slavery and Human Trafficking are terrible crimes where victims are exploited for financial gain, causing lifelong trauma for them and their families. Fuelled by economic interests globally, nationally as well as locally vulnerable children, young people and adults are treated as commodities, to be bought and sold, coerced and manipulated, degraded and humiliated, abused and neglected, with an inconceivable impact upon them, and our communities and society within which they are hidden. Victims can be local, as well as trafficked internationally through various means and methods, they are hidden within our localities, visible yet also invisible. Ending their suffering requires us all to work together within our communities and across our partnerships, as we relentlessly tackle this vile crime.

Preventing Violence against Vulnerable People is a multi-agency programme which supports the development of integrated practice across our West Midlands Metropolitan area. Its aims are simply to prevent and raise awareness of hidden crimes such as Modern Slavery and Human Trafficking; to safeguard, protect and support vulnerable victims, and importantly pursue and hold offenders to account for their behaviour.

The above aims are at the core of our work, and whilst significant progress has been made there is much for all of us to do by working together in partnership, to combat, tackle and eradicate Modern Slavery and Human Trafficking, within our localities, region, country and across the world. These procedures and developments across our seven Local Authority partnership areas are a commitment to our intention to address what Kevin Hyland the Independent Anti-Slavery Commissioner has identified as a gross injustice:-

**“It is a violation of human rights that impacts millions around the world and it is a reality that affects thousands in the UK. Until all in society acknowledge the damage this crime causes and the role it plays in our everyday life, the suffering of men, women and children across the United Kingdom and beyond will continue”.<sup>1</sup>**

This document provides advice, guidance as well as information on what to do and how to support vulnerable children, young people and adults who are victims of Modern Slavery and Human Trafficking. This document is also a testament to collaborative and partnership working across a multitude of Voluntary and Statutory Sector organisations who share a commitment to ensure, that Modern Slavery and Human Trafficking will neither be condoned, tolerated, nor allowed to grow and develop within our communities.

Nick Page

Alex Murray

Chief Executive

Assistant Chief Constable

Solihull Metropolitan Borough Council

West Midlands Police

Joint Chairs of the PVVP Governance Board.

<sup>1</sup> Independent Anti-Slavery Commissioner Annual Report 2015 – 2016 – Independent Anti-Slavery Commissioner copyright

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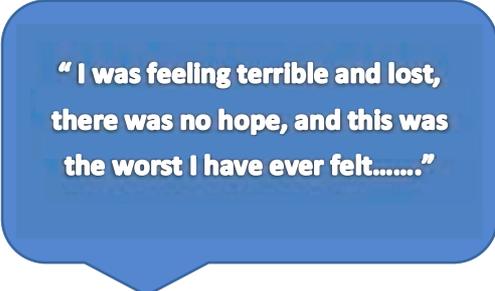
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## Introduction

Modern slavery is in our communities across the West Midlands. It is complex and often under reported. Victims of all ages tend to be controlled, exploited and hidden away. It is an international crime. Organised crime groups, which can be small or larger in scale, systematically exploit large groups of individuals by forcing and coercing them into a life of abuse, crime, poverty, humiliation, shame, indignity, degradation, starvation, loss of their own human organs and ultimately, loss of human life.



**“ I was feeling terrible and lost, there was no hope, and this was the worst I have ever felt.....”**



**“ I didn’t think there was any help for people like me, but I received all the help I needed from you, you listened to me. Thank you.”**

Men, women and children can be trafficked for a number of reasons but is not limited to sexual exploitation, baby farming, organ harvesting, forced labour, domestic servitude or forced involvement in criminal activity.

The [Council of Europe Convention on Action against Trafficking in Human Beings](#) requires the UK to take a victim centered approach to tackling all types of trafficking. Human trafficking is a criminal offence and may be linked to organised crime. One of the primary principles of the UK’s approach to tackling human trafficking is to provide services to help victims recover and access justice.

In the United Kingdom, modern slavery involves human trafficking. Human trafficking is the movement of a person from one place to another into conditions of exploitation, using deception, coercion, the abuse of power or the abuse of someone’s vulnerability.

As part of implementing the Convention, in 2009 the government created the National Referral Mechanism (NRM). First Responders include the Home Office, National Crime Agency, Police, Gangmasters Labour Abuse Authority, Local Authorities, Salvation Army and a number of Charities.

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 a trafficking and now modern slavery case – e.g. Police, Home Office UK Visas and Immigration Directorate, Local Authorities, Health and Social Care (HSC) Trust in Northern

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Ireland, and non-governmental organisations (NGOs) – to co-operate, to share information about potential victims and facilitate their access to advice, accommodation and support.

In November 2014, the Government's approach was set out in the Modern Slavery Strategy. It has four components and for the purposes of this policy and process these are:

- Prevent – preventing people from engaging in modern slavery crime.
- Prepare - reducing harm caused by modern slavery through improved victim identification and enhanced support and protection.
- Protect - Strengthening safeguards against modern slavery by protecting vulnerable people from exploitation and increasing awareness and resilience against crime.
- Pursue – prosecuting and disrupting individuals and groups responsible for modern slavery. Offences, penalties, prevention orders are listed and linked within **Appendix 1**: summary of key legislation and guidance's.

"[Spearheading the UK's fight against Modern Slavery](#)" is the UK's first [Independent Anti-Slavery Commissioner](#) (IASC) and the Commissioner's role was created under the [Modern Slavery Act 2015](#) (see Appendix 1). IASC is the Independent monitoring body of the Home Office. Public authorities are under a duty to co-operate with the Commissioner. This includes those listed above and National Health Service Trust established under either section 25 or section 30 (Foundation Trusts) of the National Health Service Act 2006.

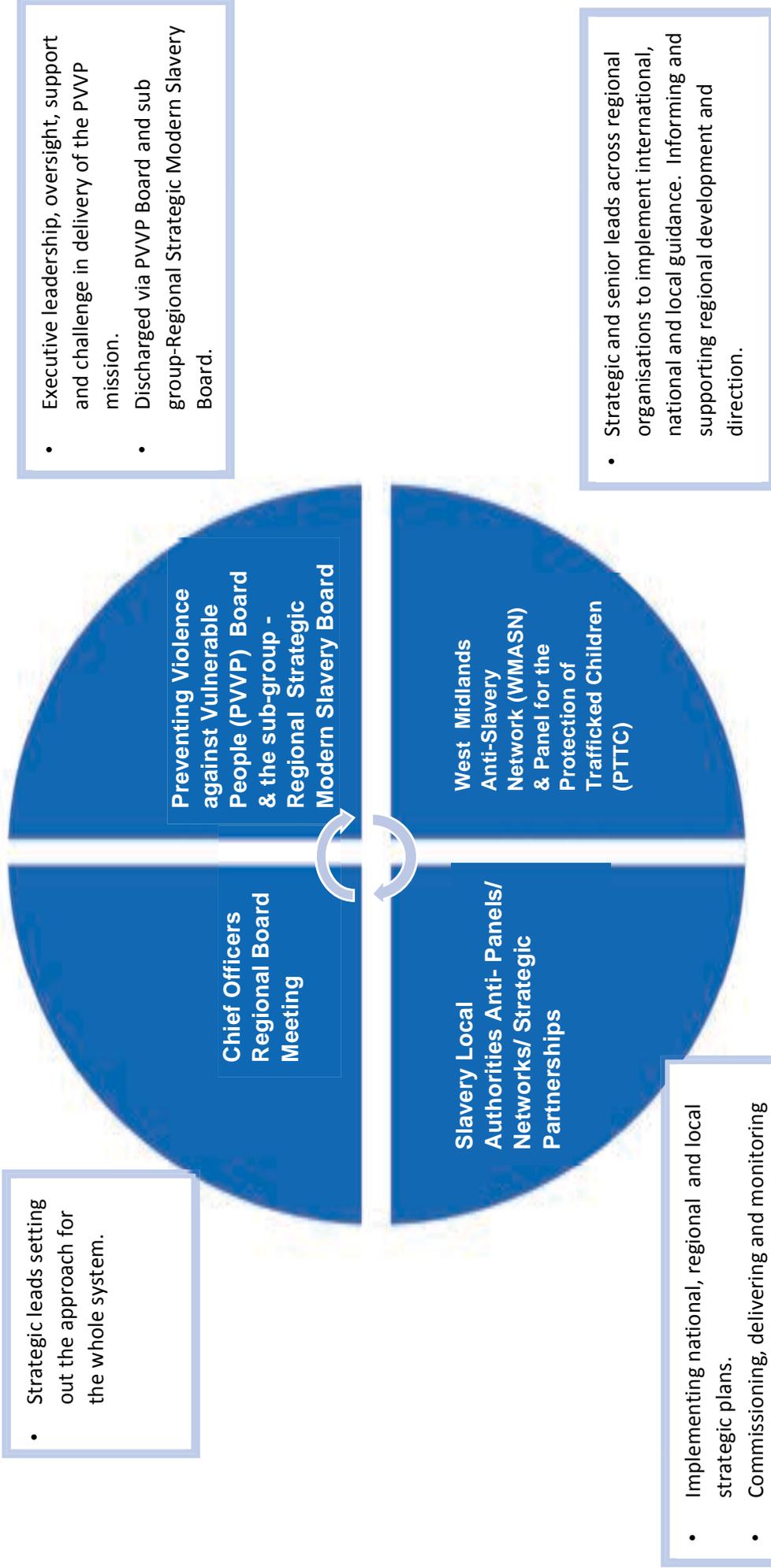
The Commissioner has five priorities:

1. Victim identification and care.
2. Law enforcement and criminal justice.
3. Partnership.
4. Private sector engagement.
5. International collaboration.

The Commissioner's [first annual report](#) was published in October 2016. In January 2017, the Commissioner announced a review of the National Referral Mechanism however, at the time of writing; the procedures **are** as outlined below. Owing to the expected changes, this policy and procedures will be reviewed on an annual basis from date of publication.



## The West Midlands Regional context



- Strategic leads setting out the approach for the whole system.

- Executive leadership, oversight, support and challenge in delivery of the PVVP mission.
- Discharged via PVVP Board and sub group-Regional Strategic Modern Slavery Board.

- Implementing national, regional and local strategic plans.
- Commissioning, delivering and monitoring effective services. Informed by local needs assessments.
- Accountable and reporting to locally agreed strategic boards e.g. Community Safety Partnerships, children and adult safeguarding boards.

- Strategic and senior leads across regional organisations to implement international, national and local guidance. Informing and supporting regional development and direction.

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Regionally, implementation of international and national law and guidance is promoted through the [West Midlands Anti-Slavery Network](#)<sup>2</sup>. Its primary purpose is to develop a collaborative approach across the region to enable victims to be supported. A number of public sector and voluntary organisations engage with the Network and contribute significantly to the partnership meetings. Through the Preventing Violence against Vulnerable People Board, West Midlands Regional Strategic Modern Slavery Board, Panel for the Protection of Trafficked Children and locally agreed Strategic Partnerships and Modern Slavery Networks we will help deliver national and local plans. Examples are contained within the ***Multi-agency Policy & Procedures for the protection of people who are suspected of being potential victims of modern slavery and human trafficking in the West Midlands: West Midlands Police and Crime Commissioner’s Office Modern Slavery and Human Trafficking Victim’s Strategy - Supporting document – Case Studies – victim’s journey.***

However, there is much more to do.



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<sup>2</sup> Funded by the West Midlands Police & Crime Commissioner in relation to Modern Slavery

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## Victims' experiences

This section is not intended to be an exhaustive detailed piece of work that covers the system as a whole. Further local reflection about what's happening in local authority areas, research and needs assessments are needed. However, the information is provided to give a snap shot on victim's experiences in the West Midlands during 2016.

### *Messages from victims*

Between May and July 2016, the Black Country Women's Aid consulted adult clients supported within its Modern Slavery Service to capture their experiences of the National Referral Mechanism (NRM).

Out of a potential 50 respondents, twenty six clients responded to the survey, representing a cross section of people who use after care support during 2016.

Of the twenty-six people, eight had not come into contact with any service before their NRM referral. 16 (62%) of clients did not speak English, and 4 (15 %) spoke only a little English.

### Victims experience of the identification process

Eighteen (69%) had come into contact with either a statutory or non-statutory agency with no detection made at the point of contact. 20 (78%) of those clients who had encountered professionals or agencies said no interpreter was used during their contact. Contacts had been wide ranging and are represented in Table 1 below.



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Table 1

Victims being supported in the West Midlands are therefore telling us they are experiencing missed opportunities to be:

- **Spoken to.** Taking account of their communication method.
- **Listened to**
- **Heard.**
- **Helped.**
- **Identified.**
- **Rescued.**

Remember: “Identification depends on you”.

#### **Victims’ experiences of referrals:**

- 10 (38%) of clients said that at the point of rescue it was **not** explained to them what would happen to keep them safe.
- 17 (65%) of clients said that at the point of referral they either **did not know** or **were not sure about** the NRM **and** the support they would receive.
- 7 (27%) of clients **did not feel safe at the time of referral.**
- 19 (73%) of clients **did not feel that** professionals in the NRM **understood** their trauma.

Victim’s experiences of support:

- 16 (62%) of clients thought that after their ‘Conclusive Grounds decision’ (see meaning outlined within the procedures section at page 24) they would still require support with issues such as: finances, benefits and housing; emotional support or to see a trusted face; and criminal investigations or court appearances.

## **Working together**

Our approach is supported by the 7 Chief Executives across the West Midlands Local Authorities, the Chief Constable, and Chief Fire Officer, to establish a West Midlands Regional (Metropolitan) Strategic Modern Slavery Board, in the first instance reporting through to the Preventing Violence Governance Structure.

Each of the seven areas have or are developing local networks, panels or structures which will report into their respective Local Strategic Board. A representative of the local panel will be invited to represent the local area and be a member of the West Midlands Regional Strategic Modern Slavery Board.

The policy in the West Midlands (Metropolitan area) is to:

- 
- Work together, building safer communities to prevent and protect people who are suspected of being potential victims of modern slavery and human trafficking.
  - Empower and support people to make their own decisions.
  - Make enquiries and take action about suspected potential victims and actual abuse.
  - Share information in a timely way.
  - Co-operate with each other locally, regionally and across the complex commissioning landscape.
  - Support people who are victims and provide a service to those who are experiencing, or who are at risk of being abused, enslaved, trafficked or exploited.
  - Build a comprehensive picture of the scale/scope of Modern Slavery in the West Midlands and identify areas of risk to direct efforts to disrupt and dismantle organised crime groups perpetrating these crimes.
  - Work with the business sector to disrupt the supply chain.

Human trafficking is:

- the **movement** of a person from one place to another
- **into conditions of exploitation,**
- **using deception, coercion,** the **abuse** of power or the abuse of someone's vulnerability.

Trafficking children is “recruitment, transportation, transfer, harbouring, and/or receipt of a child for the purposes of exploitation” (Article 3c of the United Nations Palermo Protocol 2000). Further guidance can be located within the West Midlands Regional LSCB Trafficking Procedures. At the time of writing, these are within the approval process across the West Midlands. These procedures should be read alongside the published West Midlands Regional LSCB and LSAB procedures. These are accessible via local safeguarding children and adult board's websites.

Examples of exploitation for which people may be trafficked include:

- Criminal – cannabis cultivation, shoplifting, petty crime, fraud (benefits/identity thefts/ NHS fraud), forced and sham marriages.
- Sexual – including commercial sexual exploitation such as prostitution, pornography, lap dancing and stripping.
- Labour - factory, agricultural, food industry, care work, hospitality industry and construction.
- Domestic Servitude – housework, cooking, childcare.
- Organ Removal.

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All ages, including the unborn can be affected; however, when managing cases involving the unborn, children and young people, and people with care and support needs, organisations and practitioners must be mindful of the relevant safeguarding boards procedures.

In addition, statutory guidance related to the [Care of unaccompanied and trafficked children: Statutory guidance for local authorities on the care of unaccompanied asylum seeking and trafficked children \(2014\)](#).

**REMEMBER:** You can be a victim of trafficking even if you agreed to being moved. A trafficking victim can take place within your area, rural, city or town and not just taking place across international boundaries.

Slavery is:

- where **ownership** is exercised over a person
- if they are **forced** or **compelled** to work.
- **Bought** and **sold as 'property'**
- have **restrictions** placed on their movement, or
- through mental or physical **threat**.

The legal definitions which are encompassed within the term 'modern slavery' for the purposes of the Modern Slavery Act 2015 are outlined in **Appendix 1: Summary of legal and policy guidance**.



### **Equality Statement**

All public bodies have a statutory duty under the Equality Act 2010 to “set out arrangements to assess and consult on how their policies and functions impact on race equality”. This obligation has been increased to equality and human rights with regard to disability, age, gender, sexual orientation, gender reassignment and religion.

The Preventing Violence against Vulnerable Peoples Board endeavours to challenge discrimination, promote equality and respect human rights, and aims to influence, implement and integrate policies and measures that meet the diverse needs of our citizens and workforce. We therefore expect all workforces to treat potential victims and their families respectfully, regardless of age, gender, race, ethnicity, religion/belief, disability and sexual orientation.

### **Equality Analysis**

We recognise that victims of trafficking and slavery can come from a variety of protected characteristics. Our proposed approach is designed to have a positive impact across all spectra of society, and in particular to meet our moral and legal obligations under the Equality Act 2010.

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## Local implementation

Each of the 7 West Midlands Metropolitan Areas is looking to establish or has established a Local Anti-Slavery Panel or locally agreed mechanism to understand and tackle Modern Slavery. This meeting will report into a local Strategic Partnership Board, (in a number of areas this is the Community Safety Board), thereby maintaining a legally accountability structure across the local authorities.

A representative of the Local Anti-Slavery Panel will be invited to be a core member of the West Midlands Strategic Modern Slavery Board. The Chair of this Strategic Board will report into the Preventing Violence against Vulnerable People (PVVP) Governance Board, see Partnership relationship cycle on page 10 above.

Through the development and consultation process, each Local Authority, Local Safeguarding Boards, Community Safety Partnerships, and respective member organisations have been asked to endorse and become a signatory to this policy and procedure, so that there is consistency across the West Midlands in the way victims are identified and care is provided to potential victims of modern slavery and human trafficking.

However, taking account of the Combined Authorities and regional work streams, some local authority areas may wish to adapt certain aspects of the procedures to meet local needs. Local areas are therefore welcome to add an appendix to their policy and procedures outlining any variations.

## Information sharing

High level regional Information Protocols exist across public sector partners within the West Midlands Region. Information sharing protocols are essential between organisations to safeguard people at risk of abuse and neglect, as well as protecting potential victims of modern slavery and trafficking.

Existing Information Sharing Protocols will need to be reviewed to establish if a local document already exists that can be reviewed and include an additional appendix that maps out the victims and or, perpetrators data flow.

Essential information sharing and governance considerations are:

- Following the guidance as set out by the [Information Commissioners Office](#). The Information Commissioners Office (ICO) is an independent authority set up to uphold information rights in the public interest, promoting openness by public bodies and data privacy. ICO provides guidance to public bodies, and other organisations and agencies to risk assess and manage data security, thereby avoiding data breaches.
- NHS (commissioners and providers, including their suppliers) are also subject to [Information Governance Toolkit](#). At a minimum - level 2 is required.

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At a practice level, decisions about what information is to be shared and with who will be taken on a case-by-case basis. Everyone should be aware of their agencies Information Sharing Policy and Procedures and act in compliance of the [8 Data Protection Principles](#).

### **Organisational/ Individual implementation**

This policy and procedure should also be used in conjunction with any provider of services, commissioning, contracting of those services, safeguarding adults or children's procedures, alongside other related issues such as sexual exploitation, domestic abuse, fraud, whistle blowing, disciplinary procedures, regulation and health and safety.

### **Timescales**

It is important to respond at pace – take action that is right to address the needs of the victim. Working together - being the 'voice of the voiceless', tackling hidden crime, and protecting the public, helping those in need. Whilst, and at the same time, putting the person in the greatest of control of what happens in their lives. Hearing them and seeing them, referring and connecting them to the aftercare support that they need.

The West Midlands Procedures do not set timescales for each element of the Modern Slavery process. There are timelines related to the National Referral Mechanism (NRM) process and these are outlined within the procedural section of this document.

### **Monitoring**

Monitoring of this policy and procedure will be the responsibility of each Local Authority area Anti-Slavery Panels, and the locally agreed partnership meeting. The West Midlands Regional Strategic Board, will report to the Preventing Violence against Vulnerable People's Board (PVVP), and Chief Executives Meeting.

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# Procedure

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## Procedure

### Introduction

Everyone shares responsibility for safeguarding and promoting the welfare of vulnerable citizens, particularly those who are hidden away and are prevented from coming forward for protection irrespective of a person's individual roles or, where they work. In order to work effectively and in a timely way, organisations and practitioners need to collaborate. It is therefore vital that all partners, whether they work with or commission or provide services to children, adults or with all ages - are aware of, and appreciate, the role of each across the West Midlands Area.

### Infrastructure and governance to deliver

To fulfil the commitment to safeguard victims of modern slavery and trafficking all organisations who provide or commission services for the citizens across the West Midlands Region or work with children or adults, should have in place:

- A clear commitment by senior managers to the importance of early identification, and protecting victims of modern slavery and human trafficking.
- Clear lines of accountability and governance within and across organisations.
- Policies, contracting and commissioning arrangements that take account of their need to safeguard children and adults who maybe potential victims of modern day slavery and trafficking.
- A clear understanding whether or not they are first responders. In both cases, know about their responsibilities that include knowing what to do if a person suspects a child or adult is a potential victim and/or is causing harm to another.
- A clear understanding of how to work together to help prevent, protect and support victims and bring those who harm others, to justice.
- Monitoring arrangements to ensure procedures related to modern slavery and human trafficking are being commissioned, implemented and followed in their own organisation and/or, commissioned services.
- Arrangements to ensure that all staff undertake appropriate training to equip them to identify potential victims and take action. Including as necessary, following the regional and local procedures across the West Midlands for Safeguarding Children, Safeguarding Adults with care and support needs, Regional Child Sexual Exploitation procedures, the West Midlands Domestic Abuse Regional Standards and West Midlands Strategic Governance Standards for Victims and Survivors of Rape and Sexual Assault.

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## How would I know someone might be a victim of modern day slavery?

### Step 1

People living and working within communities might notice the following:

- A person or persons may be living in dirty, cramped or overcrowded accommodation and /or living and working from the same address.
- A person may rarely be allowed to travel on their own, seem under the control or the influence of others, appears unfamiliar with the neighbourhood or where they work and rarely interacts with others. They appear to be isolated.
- A person may have few or no personal effects. No identification documents or wear the same clothes day in day out. The clothes they do wear may not be suitable for the environment where they are or work.
- A person may not be able to tell you what is happening to them because they may not be able to speak the same language. Someone maybe speaking for them or, what they do say - seems to be rehearsed.
- A person may show signs of physical, emotional or psychological stress or abuse. Look malnourished, appear hungry, unkempt or have scruffy clothing, or appear withdrawn.
- A person (s) may have little opportunity to move freely and have their travel documents such as passport taken off them. Or, appear to be presenting false documents or asking for new national insurance or NHS identification numbers.
- The person (s) may be dropped off or collected for work on a regular basis either very early or late at night. They may appear over – tired and/ or arriving for work in large groups for example, large groups of contractors arriving in a minibus.
- At work, you may:
  - Hear rumours and/or overhear work place 'chit chat'.
  - Notice shared mobile numbers and contact details.
  - Notice one worker is providing food for others.
  - Notice shared bank accounts for salary/ work pay.
  - Multiple application forms may be handed in and or completed by one worker.
- The person might avoid eye contact, be hesitant to talk to strangers, may glance at another adult before speaking or appear frightened.
- The person may be reluctant to speak, may have fear of law enforcers, officials or people with authority. This may be for many reasons, for example not knowing who to trust or where to get help, fear of deportation or fear of violence to them or their families.

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REMEMBER: Identification depends on you. “ You may have the last piece of the puzzle that allows action to be taken.”

## What to do if you suspect someone is a victim of modern slavery or human trafficking?

### Step 2

Front line staff members (often called first responders) key role is to identify a potential victim of human trafficking in any part of the UK (or slavery, servitude or forced or compulsory labour) and refer into the National Referral Mechanism (NRM) process. The NRM is designed to help different agencies that could be involved (for example, Police, Home Office, Local Authorities and Non-Government Organisations) to co-operate, share information about a potential victim and facilitate their access to advice, accommodation and support.

Across the West Midlands, 24/7 help and advice can be obtained from the [West Midlands police advice centre](#).

If you are a **member of public** you can also contact:

- Contact the **police** on 101 or 999 in an emergency
- **Crime Stoppers** anonymously on 0800 555 111.
- **The Salvation Army** 24-hour confidential referral helpline 0300 303 8151
- The **UK Modern Slavery Helpline and Resource Centre** – 24 hours on 0800 121 700.
- For children and young people less than 18 years of age, refer to your **local safeguarding children procedures**.

**Members of the public and professionals** who are **NOT** first responders can also contact for advice and guidance:

- 24/7 advice about child victims can also be given to professionals via **Barnardos Counter Trafficking Service Support Line** 0800 043 4303
- West Midlands Modern Slavery and Human Trafficking Support Unit  
<http://www.west-midlands.police.uk/advice-centre/help-and-advice/modern-slavery/human-trafficking/index.aspx>
- Force Intelligence Bureau (FIB) - contact the West Midlands Police by filling in the Information Report and securely sending to [fib@west-midlands.pnn.police.uk](mailto:fib@west-midlands.pnn.police.uk).
- Once frontline staff have identified a potential victim of modern slavery they must meet urgent health needs if appropriate, see [Victims of Modern of Slavery – frontline staff guidance](#) at pages 45-46.

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- **The Salvation Army**  
24-hour confidential referral helpline 0300 303 8151  
[www.salvationarmy.org.uk](http://www.salvationarmy.org.uk)  
[www.salvationarmy.org.uk/human-trafficking](http://www.salvationarmy.org.uk/human-trafficking)
  - The National Modern Slavery and Human Trafficking Unit – 0141 532 2723

**NB:** This list is not an exhaustive list and provider organisations may change over time. Please check with your local Modern Slavery Panels and Networks for updated contact details and providers operating in your area.

**See Modern Slavery Poster for professionals to summarise the process.**

**National Crime Agency - national framework**

### Step 3

**Referral to a UK competent authority (CA) by the referring authority (first responders)**

Since 31 July 2015, in all United Kingdom referrals, the Competent Authority must consider whether the person is a victim of human trafficking. There are two Competent Authorities and these are:

1. The Modern Slavery and Human Trafficking Unit (MSHTU), which deals with referrals from the police, local authorities and Non-Governmental Organisation (NGOs).
2. The Home Office Visas and Immigration (UKVI), which manages 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.

**First responders** – are Police, County Councils, County Borough Councils, District Councils, British Transport Police, National Crime Agency, Gang Master Labour Abuse Authority, Immigration, Barnardo's and National Health Service Trust established under either section 25 or section 30 (Foundation Trusts) of the National Health Service Act 2006 have 'a duty to notify' the Secretary of State via their respective organisations.

All cases of trafficked children and adults should be referred to the National Referral Mechanism (NRM) using the NRM referral Forms located on the [gov.uk website](http://gov.uk).

The initial referral under the national NRM will generally be handled by an authorised agency such as West Midlands Police Force Human Trafficking Support Unit, the National Crime Agency (NCA), the UK Border Force, Home Office Immigration and Visas, Social Services and Barnardos.

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**Please note, for children** the [Home Office national guidance for child first responder's](#) states:

“Even when a child appears to have submitted willingly to what they believe to be the will of their parents or accompanying adults, it is not considered possible for a child to give informed consent.

A potential victim of modern slavery is a potential victim of a crime”<sup>3</sup>.

Children under the age of 18 should be referred following the local safeguarding boards procedures.

### **Stage one**

**Once the referral is received by a NRM team** – a target of **five 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 is known as **Stage One**.

The threshold for Reasonable Grounds stage for the trained decision makers is:

*“From the information available so far I believe but not proven” that the individual is a potential victim of trafficking or modern slavery.*

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

- If required, allocated a place within the Government funded safe house accommodation.
- For children, they should be accommodated under the Children Act 1989.
- 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 calendar days** while their case is considered (also known as **the reflective period**), which may include:
  - access to relevant legal advice
  - accommodation
  - protection
  - independent emotional and practical help

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

### **Stage two – Conclusive decision**

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<sup>3</sup>See, [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/510091/NRM\\_-\\_guidance\\_for\\_child\\_first\\_responders\\_v2.0\\_EXT.PDF](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/510091/NRM_-_guidance_for_child_first_responders_v2.0_EXT.PDF) at page 5

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During the 45 days the Competent Authority gathers further information relating to the referral, first responder and other agencies.

Timescales for making a **conclusive ground decision** is based on all of the circumstances of the case and is based on the **balance of probability** “it is more likely than not” that the individual is a victim of trafficking or modern slavery.

The first responder and the potential victim are notified of the decision. What happens next will depend on the person’s wishes.

“Without the support I got, I don’t think I could carry on with my life.”

### What support will someone receive if they are referred under the NRM process?

**Support for children** should be accessed via the local safeguarding boards procedures and be treated as a child looked after by the local authority.

**Support for adults** 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 using the [frontline worker guidance](#) and seek their consent before filling out the NRM form. If they consent to being referred they should sign the form, and also sign if they wish to access support.

### What happens to those people who might refuse to be referred through the NRM process?

Perhaps the time is not right for a potential or actual victim to be referred in.

If the potential victim does not want to be referred to the NRM, then an MS1 form should be completed and sent to [dutytonotify@homeoffice.gsi.gov.uk](mailto:dutytonotify@homeoffice.gsi.gov.uk). The MS1 form can be anonymous. The [MS1 form and guidance](#) is available.

#### Why might a victim refuse to be referred?

- Poor advice and guidance from first contact
- Poor advice and guidance from and/or first responder.
- Person does not perceive themselves as a victim
- Fear for self or family at home, especially if there is gang involvement
- Where they are, might be better than home.

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**Forms** should continue to be sent to the NCA Modern Slavery and Human Trafficking Unit (MSHTU) by email to [nrm@nca.x.gsi.gov.uk](mailto:nrm@nca.x.gsi.gov.uk) or by fax to 0870 496 5534.

Depending on the facts of a specific case, the Home Office may decide to locate the victim. If they do so and the person is located, a second chance will be given to refer into the NRM or, they may be deported.

If the person is not located and remains undetected, the person may be relocated by organised criminal networks to avoid detection. The person remains hidden, and without status in the United Kingdom; access to public services remain limited. Exploitation continues.

### **What happens next for victims?**

**A person** may be **granted discretionary leave to remain** in the UK by the Home Office if personal circumstances allow.

**A person co-operating with police investigation** or other criminal justice process may be allowed discretionary leave for one year to allow them to co-operate fully in any police investigation or prosecution. This period can be extended.

**Returning home** – if the person is outside the European Economic Area (EEA), the person 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 other relevant National Government Organisation (NGO) who may be able to assist them.

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

At any stage a referred person may not be considered to be a victim of modern slavery, and if there are no other circumstances that give them a right to live in the UK, they will be offered support to voluntarily return to their country of origin. This support can also be offered if a person has been trafficked or a victim of modern slavery but does not wish to stay in the UK.

### **West Midlands - what happens after someone is referred through the National Referral Mechanism?**

The Salvation Army, Red Cross and International Organisation for Migration (IOM) provide expertise on human trafficking and victim care including returning a person voluntarily to his or her place of origin or citizenship (known as repatriation).

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Other organisations that provide victim support including post NRM Care and Support are identified through West Midlands Anti-slavery Network<sup>4</sup>.

In all services for regional subcontracted work there will be a formal process that outlines the support given by the provider and how the service will support an onward move. This should include an exit strategy receiving either a positive or negative response for example, where discretionary leave may be granted.

Further information can also be accessed from:

- **Modern Slavery Help Line and Resource Centre – UK - 08000 121 700 -** The helpline will serve as a safe, confidential, 24-hour, multi-lingual contact point for victims to access services and support across the UK and for community groups and the public to report suspected incidents of modern slavery. The helpline will also act as a central data hub and resource centre for stakeholders in the anti-slavery field to access training, tools, and good practice.

## Regional Support

For an overview of the referral and support processes and to help with implementation within your organisation, please see the Modern Day Slavery Posters.

**REMEMBER:** For children, across the West Midlands, Barnardo's provide regional support for child victims of human trafficking raising awareness of the [National Referral Mechanism](#) with local authorities and children social work and supportive services via the Panel for the Protection of Trafficked Children<sup>5</sup>.

For some young people who have special educational needs and disabilities, consider too whether the Children and Families Act 2014 applies.

If you suspect a child has been trafficked please:

- Refer to your local safeguarding children board's procedures.
- **Discuss** with a child specialist in Barnardo's.
- **Refer to Barnardos.** Phone 24/7 support Line 0800 043 4303  
Email Referral sheet to: [trafficking.referrals@bypmk.cjsm.net](mailto:trafficking.referrals@bypmk.cjsm.net)

**Not sure** – always seek advice from your agencies safeguarding children's lead.

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<sup>4</sup> West Midlands Anti-Slavery Network, Barnardo Panel for the Protection of Trafficked Children and Adavu Project (Adults aged 18 plus) receive funding from the [Police and Crimes Commissioners Office](#)

<sup>5</sup> Barnardo's Panel for the Protection of Trafficked Children is funded by West Midlands Police & Crime Commissioner

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## Children and young people under 18 years of age

Regionally - who are **not** first responders and suspect a child is a victim of trafficking or modern slavery should use the locally agreed LSCB safeguarding children's procedures and report to Multi-agency Safeguarding Hubs (MASH). **Remember:** You can always seek advice and guidance from your local Multi-agency Safeguarding Hubs.

For children social workers and Carers – in addition to referring under the local safeguarding children's procedures, Barnardo's will immediately support you. Barnardo's can give you two weeks of 24/7 advice and support to help that child to keep safe.

Barnardo's can offer:

- Support the social worker to put together the NRM under the Duty to notify.
- Support other professionals to make a referral to Children's Social Care
- Find a solicitor (if required) and make sure the trafficking element is understood.
- Support to and write an assessment for the on-going risk reduction of the child going missing/being re-trafficked. This report will look at the risk and protective factors to give a holistic overview with recommendations.
- Provide direct work support to children who have been trafficked.

**For adults**, [The National Referral Mechanism guidance: adults \(England and Wales\)](#) were updated on 31<sup>st</sup> July 2017. Only Designated First Responders can refer cases to Competent Authorities (CA).

**REMEMBER** for adults who have care and support needs in the West Midlands use the *Multi-agency policy and procedures for the protection of adults with care and support needs*.

This is because the adult safeguarding duties under the Care Act 2014 applies where a local authority has reasonable cause to suspect that an adult, aged 18 or over, in its area (whether or not ordinarily resident there), whom:

- Has **needs** for care and support (whether or not the local authority is meeting any of those needs) **and**;
- **is** experiencing, or at risk of, abuse and neglect; **and**
- **as a** result of those care and support needs **is unable** to protect themselves from either the risk of, or the experience of abuse and neglect.

Care and support maybe a mixture of extra practical, financial and emotional support for adults who need extra help to be independent and manage their lives. Care and support will include an assessment of people's needs, provision of services and if

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applicable, allocation of funds to enable a person to purchase their own care and support.

**Consider:**

- Do their particular circumstances engage the Care Act 2014? And/Or;
- the Mental Capacity Act 2005 (statutory framework for people who may lack capacity to make a practical decision)?
- Does the person need an independent advocate?

**Not sure** – seek advice from your agencies safeguarding adults lead and/ or Mental Capacity Act lead.

## Appendix 1: Overview of key legislation and underlining principles.

Source: Rosie Luce, research lawyer undertaking a Professional Doctorate in Legal Practice at Nottingham Trent University Post Graduate Law School.

<b>Legislation</b> <i>(List not exhaustive)</i>	<b>Comment</b>	<b>Statutory and non-statutory Guidance</b> <i>(List not exhaustive)</i> <i>Last updated on 06/04/2017</i>
<b>Care Act 2014</b>	<p>The <a href="#">Care Act</a> replaces many previous laws e.g. National Assistance Act 1948, NHS and Community Act 1990, Community Care (Direct Payments) Act 1996, Chronically Sick and Disabled Person Act 1970 and Carers (Recognition and Services) Act 1995. The Act has three main parts:</p> <p><a href="#">Part 1</a>- Care and support, <a href="#">Part 2</a>- care standards and <a href="#">Part 3</a>- new corporate health body called Health Education England. Part 1 consolidates and modernises the framework for care and support law. It created new duties for the local authority and new rights for service users and carers.</p> <p>The underpinning general principle is the <a href="#">wellbeing principle</a> and the Act sets out further general duties related to integration, partnership and maintaining market oversight.</p> <p>There are new duties to arrange <a href="#">independent advocates</a> if a person would otherwise be unable to participate in or understand the care and support system. Section 42 to 47 provides the framework for protecting adults from neglect and abuse. Including duties on local authorities to investigate suspected abuse or neglect, past or present, experienced by adults living and deceased.</p> <p>Section 58 to 66 provides framework to support transition for children to adult care and support. This includes a duty to assess young people and their carers in advance of transition from children's to adult services, where likely to need care</p>	<p><a href="#">Care and support statutory guidance</a> (Updated 27<sup>th</sup> February 2017).</p>

	and support as an adult. In addition, <a href="#">provision for continuity of services</a> under other legislation.	
<b>Children Act 1989 &amp; associated regulations</b> (and as amended by other legislation).	<p>Primary legislation. Under the Act, the underlining principle is the <a href="#">welfare principle</a>.</p> <p>Part 111 of the Act, outlines the local authority support for children and families. <a href="#">Section 17</a>, sets out the provision of services for children and their families. <a href="#">Section 17 (10)</a> defines a child in need and section 17 (11) a child who is disabled under the Act.</p> <p>Section 20 outlines accommodation for children and duties of the local authority in relation to children looked after by them.</p> <p><a href="#">Section 27</a>- duties to cooperate</p> <p>Part IV Care and Supervision and Part V – protection of children, including <a href="#">section 47 duties to investigate</a>.</p> <p>Parental responsibility is defined under Section 3 (1) of the Children Act 1989 (as amended) as meaning all the duties, rights, powers, responsibilities and authority which parents have with respect to their children and their children’s property. Under Section 2 of the 1989 Act, parental responsibility falls upon:</p> <ul style="list-style-type: none"> <li>• All mothers and fathers who are married to each other at the time of the child’s birth (including those who have since separated or divorced).</li> <li>• Mothers who were not married to the father at the time of the child’s birth, and</li> <li>• Fathers who were not married to the mother at the time of birth, but who have obtained parental responsibility through being listed on the birth certificate (from 1<sup>st</sup> December 2003), by agreement with the child’s mother or through a court order.</li> </ul>	<p>There are various statutory and non-statutory guidance’s to support the implementation of various parts of the Act. Key ones are:</p> <p>Care of unaccompanied and trafficked children: <a href="#">Statutory guidance for local authorities on the care of unaccompanied asylum seeking and trafficked children</a> (2014). This guidance should be read alongside the Children Act 1989 Guidance and Regulations, Volume 2: Care Planning, Placement and Case Review and Volume 3, Planning transition for Care Leavers</p> <p><a href="#">Working to safeguard children</a> (2015) and <a href="#">promoting the health and wellbeing of looked after children</a> (2015). <a href="#">Information sharing guidance for practitioners and managers</a> (2015)</p> <p><a href="#">NICE child maltreatment guidance</a> (updates via website). New guidance under consultation and ends</p>

		<p>24<sup>th</sup> April 2017.  <a href="#">NICE Looked after children and young people</a> (updates via website).          NB: NICE guidance now targets wider audiences such as health providers, social care, education workforces and their respective commissioners across local authorities, Public Health England and NHS commissioning bodies. In addition people who work in criminal justice settings and detention.</p>
<p><b>Children Act 2004</b>          As above.</p>	<p>Under this Act, the <a href="#">section 11</a> duties are outlined for certain bodies, including the NHS.  <a href="#">Section 13</a> and <a href="#">14</a>, established Local Safeguarding Boards and outlined their functions.</p>	<p>Children Act 2004 is linked to the Children Act 1989 statutory and non-statutory guidance's and therefore is not repeated here.</p>
<p><b>Children and Families Act 2014</b></p>	<p>This <a href="#">Act</a> makes provision about children, families and people with special educational needs or disabilities.</p>	<p>The statutory code that provides <a href="#">guidance on special needs &amp; disability (SEND) system for children and young people aged 0-25</a> was issued on the 1<sup>st</sup> September 2014, last updated 1<sup>st</sup> May 2015 and explains duties for the local authority, health bodies, schools and colleges.          NB: the Act is also designed to work in conjunction with the Care Act 2014 and other legislative provisions.</p>

<p>Children and Young Persons Act 1933</p>	<p><b>Section 1(1)</b> Under the Act, if anyone who is 16 years or over wilfully assaults, ill-treats, neglects, abandons, or exposes a child, or procures a child to be assaulted, ill-treated, neglected, abandoned, or exposed, in a manner likely to cause unnecessary suffering or injury to health, they are guilty of a misdemeanor. Injury to health includes any injury to, or loss of, sight, hearing, limb or organ of the body, and any mental derangement.</p> <p>The definition of neglect is outlined in <b>section 1(2)(a)</b> of the 1933 Act. The offence is committed if a parent (or the legal guardian) or other person legally liable to maintain a child or young person has neglected the child in a manner likely to cause injury to health by failing to provide adequate food, clothing, medical aid or lodging or, if having been unable to provide such items, they fail to take steps to procure them. There is no statutory definition of willfully or reckless but case law defines these terms.</p>	
<p>Duty to cooperate under the <b>Criminal Justice Act 2003</b></p>	<p>This duty relates to the Multi-agency Public Protection Arrangements (MAPPA).</p>	<p>The statutory <a href="#">MAPPA guidance</a> can be accessed on-line via the GOV.UK website.</p>
<p>Duties under 'responsible authorities', Crime and Disorder Act 1998</p>	<p>This duty relates to the Community Safety Partnerships and Youth Offending Service Management Board.</p>	
<p>Crime &amp; Disorder Act 1998</p>	<p>Allows for sharing of information for the prevention and detection of crime.</p>	
<p>Data Protection Act 1998</p>	<p>Allows for sharing of information in respect of:</p> <ul style="list-style-type: none"> <li>• Prevention and detection of crime and/or the apprehension or prosecution of offenders (Section 29).</li> </ul>	<p>The full Act can be accessed on line via <a href="#">Legislation.gov.uk</a> website.</p>

	<p>Under <a href="#">Schedule 2 (processing of personal data)</a> &amp; <a href="#">Schedule 3 (processing of sensitive personal information)</a>:</p> <ul style="list-style-type: none"> <li>• To protect the vital interests of the data subject; serious harm or matter of life and death</li> <li>• For the administration of justice</li> <li>• For the exercise of functions conferred on any person by or under any enactment (e.g. police and social services)</li> <li>• In accordance with a court order</li> <li>• Circumstances where there is an overriding public interest</li> <li>• Processing is necessary for medical purposes and is undertaken by a) a health professional, or b) a person in the circumstances owes a duty of confidentiality which is equivalent to that which would arise if the person were a health professional. “Medical purposes” includes the purpose of preventive medicine, medical diagnosis, medical research, the provision of care and treatment and the management of health care services, <a href="#">Schedule 3 (8) (1) and (2)</a>.</li> </ul>	
<p>Domestic Violence, Crime and Victims Act 2004</p>	<p>This <a href="#">Act</a> overhauled the former law on domestic violence; <a href="#">section 5</a> introduced a new offence of causing or allowing the death of a child or vulnerable adult. The offence provides that members of a household who have frequent contact with a child or vulnerable adult will be guilty if they caused the death of that child or vulnerable adult or three conditions are met:</p> <ul style="list-style-type: none"> <li>• they were aware or ought to have been aware that the victim was at significant risk of serious physical harm from a member of the household</li> <li>• they failed to take reasonable steps to prevent that person coming to harm</li> </ul>	<p>The link to the <a href="#">multi-agency statutory guidance for the conduct of domestic homicide reviews and supporting materials</a> on lessons learned can be accessed via the main gov.uk website.</p> <p>The <a href="#">cross-government definition</a> of domestic violence and abuse is: <i>any incident or pattern of incidents of controlling, coercive, threatening behaviour, violence or abuse</i></p>

	<ul style="list-style-type: none"> <li>the person subsequently died from the unlawful act of a member of the household in circumstances that the defendant foresaw or ought to have foreseen</li> </ul>	<p><i>between those aged 16 or over who are, or have been, intimate partners or family members regardless of gender or sexuality. The abuse can encompass, but is not limited to:</i></p> <ul style="list-style-type: none"> <li><i>psychological</i></li> <li><i>physical</i></li> <li><i>sexual</i></li> <li><i>financial</i></li> <li><i>emotional</i></li> </ul> <p>NICE Standards for <a href="#">Domestic violence &amp; abuse: multi-agency working</a> (February 2014) outlined effective working across organisations. <a href="#">February 2016 Nice published the Domestic Violence and Abuse Quality Standard QS116</a>. Its purpose is to describe high quality areas for quality improvements and covers 4 key standards: asking the question about domestic violence &amp; abuse, response, referrals for support for victims and referrals for support for perpetrators.</p>
<p><a href="#">Health and Social Care (Safety &amp; Quality) Act 2015</a> received Royal assent on 26<sup>th</sup> March 2015.</p>	<p>The Act is to make provision about the safety of health and social care services in England; to make provision about the integration of information relating to users of health and social care services in England; to make provision about the sharing of information relating to an individual for the purposes of providing that individual with health or social care services in England; to make provision for removing individuals convicted of certain</p>	

	<p>offences from the registers kept by the regulatory bodies for health and social care professions; to make provision about the objectives of the regulatory bodies for health and social care professions and the Professional Standards Authority for Health and Social Care; to make provision about the disposal of cases concerning a person's fitness to practise a health or social care profession; and for connected purposes.</p> <p><a href="#">Section 1</a> of the the Act has amended section 20 of the Health &amp; Social Care Act 2008 health and social care services: regulation of registered activities to reduce harm in care.</p>	
<p>Mental Capacity Act 2005</p>	<p>Mental capacity is the ability to make a decision that affects daily life and also refers to a person's ability to make a decision that may have legal consequences for them and others. There are <a href="#">5 statutory principles</a> under this Act and the starting point is a person must be assumed to have capacity unless it is established that they lack capacity. The Act also created criminal offences of <a href="#">ill-treatment or neglect</a>.</p>	<p>The <a href="#">Mental capacity Act Code of Practice</a> gives guidance to people who:</p> <ul style="list-style-type: none"> <li>• Work with people who cannot make decisions for themselves</li> <li>• Care for people who cannot make decisions for themselves.</li> </ul> <p>It says what you must do when you act or make decisions on behalf of people who cannot act or make those decisions for themselves.</p> <p>The guidance for the <a href="#">deprivation of liberty safeguards</a> has been amended during 2015 following <a href="#">AJ v A Local Authority judgment</a> and the <a href="#">revised set of DoLs forms</a> can be accessed via the Directors of Adults Social Services webpages and/or Local Safeguarding Adults</p>

		Boards web pages. However, this is area of law that rapidly changes and on 13 <sup>th</sup> March 2017 there is new policy and law proposed by the <a href="#">Law Commission</a> for Mental Capacity and the Deprivation of Liberty Safeguards.
Modern Slavery Act 2015	<p>The <a href="#">Modern Slavery Act</a> has seven parts and 5 schedules. The Act sets out legal definitions, ranges of offences, penalties and sentencing and detention of land vehicles, ship or aircraft.</p> <p>Part 2 Prevention orders which includes:</p> <ul style="list-style-type: none"> <li>• Slavery and trafficking prevention orders</li> <li>• Slavery and trafficking risk orders</li> <li>• Offences and supplementary provisions such as rules of court.</li> </ul> <p>Part 3 Maritime enforcements</p> <p>Part 4 the Independent Anti-slavery Commissioner and functions, including section 43, the duty to co-operate with the Commissioner.</p> <p>Part 5 Protection of Victims, includes:</p> <ul style="list-style-type: none"> <li>• Defence for slavery and trafficking victims who commit an offence</li> <li>• Special measures for witnesses in criminal proceedings</li> <li>• Civil and legal aid for victims of slavery</li> <li>• Independent child trafficking advocates and other provisions in relation to assumption about age and identifying and supporting victims and duty to notify the Secretary of State about suspected victims of slavery or human trafficking.</li> </ul> <p>Part 6 Transparency in the supply chain</p> <p>Part 7 miscellaneous sections</p> <p>Schedules 1 to 5 covering offences, enforcement powers, duty to co-operate with the Commissioner and offences in</p>	<p>The Crown Prosecution Service provides further <a href="#">guidance for Human trafficking, smuggling and slavery</a> to clarify policy and interpretation of various provisions.</p> <p>The Human Trafficking Foundation 2014 published <a href="#">Trafficking Survivor Care Standards</a> aimed at improving service provision for adult survivors of trafficking.</p> <p>Victims of Modern Slavery: <a href="#">Guidance for front line staff</a>.</p>

	which section 45 (defence for slavery and trafficking) does not apply.	
National Health Service Act 2006. <b>NB:</b> At the time of writing there are outstanding changes to be made by the National Health Services Act editorial team. The website identifies areas awaiting changes.	This <a href="#">Act</a> (as amended) sets out health services bodies general duties and how local authorities and the NHS are to work together to secure services. <a href="#">Section 82</a> requires NHS bodies and local authorities to cooperate with each other to secure and advance the health and welfare of the people of England and Wales.	
Safeguarding Vulnerable Groups Act 2006	This <a href="#">Act</a> provides the legislative framework for vetting and barring scheme for people who work with children and vulnerable adults. The Independent Safeguarding Authority was established as a result of this Act. On 1 December 2012 the Criminal Records Bureau and Independent Safeguarding Authority merged to become the Disclosure and Barring Service (DBS). Organisations with responsibility for providing services or personnel to vulnerable groups have a legal obligation to refer relevant information to the service.	The <a href="#">Disclosure and Barring Service (DBS)</a> helps employers make safe recruitment decisions and prevent unsuitable people from working with vulnerable groups, including children.  Referrals are made to DBS when an employer or organisation, eg a regulatory body, has concerns that a person has caused harm, or poses a future risk of harm to vulnerable groups, including children. In these circumstances the employer must make a referral to the DBS.
Sexual Offences Act 2003	One of the key purposes behind the <a href="#">Act</a> was to strengthen and update the law on sexual offences. The Act has been amended by the Anti-Social Behaviour,	The statutory guidance under the Sexual Offences Act is published under two

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	<p>Crime and Policing Act 2014 and by the Sexual Offences Act 2003 (Notification Requirements) (England and Wales) Regulation 2012.</p>	<p>areas. These are:</p> <ol style="list-style-type: none"><li>1. GOV. UK website - <a href="#">Guidance for police and practitioners on Part 2</a> of the Sexual Offences Act 2003 (recently updated in 2015).</li><li>2. Part 1, is under the Ministry of Justice. However, at the time of writing the author was unable to obtain a direct link. However, the <a href="#">Crown Prosecution Service (CPS) outlines the principle offences.</a></li></ol>
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