

Oxfordshire Safeguarding Children Board

Modern Slavery and Human Trafficking – child safeguarding guidance

Introduction

The term 'modern slavery' encompasses a wide range of crimes of exploitation, including human trafficking.

A large number of Organised Crime Groups are involved in modern slavery and often, victims experience other crime types such as assault and sexual offences.

Victims of modern slavery may be unwilling to come forward to agencies, not seeing themselves as such or fearing further reprisals or harm from their abusers. Victims may not always be recognised as such by those who come into contact with them; they may have also been forced or coerced into committing crimes and may be worried about the consequences for themselves or others if they seek help.

Common types of slavery and exploitation include forced labour, domestic servitude, criminal and sexual exploitation.

Human trafficking is the movement of a person from one place to another into conditions of exploitation using deception, coercion, force, abuse of power or exploitation of vulnerability.

This document has been written to highlight the legislation and mechanisms available to protect children (under 18), but it should be noted that many of the provisions available will also apply to adults.

The Council of Europe Convention against Trafficking in Persons was ratified by the United Kingdom government in 2013. All Articles within the Convention have to be complied with. Article 1 obligates signatories to take measures to reduce child vulnerability to trafficking.

The Palermo Protocol¹

The Protocol commits ratifying states to prevent and combat trafficking in persons, protecting and assisting victims and promoting cooperation amongst states.

The following elements need to be present to show trafficking:

1. **'The act'**: recruitment, transfer, harbouring, receipt or transport

¹ The **Palermo protocols** are three [protocols](#) that were adopted by the [United Nations](#) to supplement the 2000 [Convention against Transnational Organized Crime](#) (the Palermo Convention).

2. **'The means'**: how someone does one of the above five acts, including abduction, fraud and use of force amongst others.
3. **'The purpose'**: some form of exploitation, for example sexual, forced labour, slavery

Adults - If one of each of these is present, the victim has been trafficked.

Children – to prove a child has been trafficked, only the act (1) and the purpose (3) are needed.

A child is still a victim even when a parent consents to the exploitation or trafficking.

Modern Slavery Act 2015

Modern Slavery includes, but is not limited to, slavery, forced labour and servitude. It also encompasses being forced to commit crimes for others.

A quarter of all trafficked victims are children.

It is estimated that there are as many as 13,000 victims of modern slavery in the United Kingdom.

The Act has extra-territorial jurisdiction: UK nationals can be prosecuted anywhere in the world, non-UK nationals can be prosecuted if any of the offending takes place in the UK.

The Act places a duty on specified public authorities to report details of suspected cases of modern slavery to the National Crime Agency (NCA). Reporting cases is done via the National Referral Mechanism (NRM). The NRM is a process used to identify and support victims of human trafficking and / or modern slavery. Trained decision makers will review and assess the information following which two decisions are then made:

- A reasonable grounds decision within 5 working days, where a decision is based on suspicion. The reasonable grounds decision triggers a reflection period of 45 days. Notification is made to the referrer and the child. No enforcement action can be taken against the child within the 45 day period.
- A conclusive decision, within 45 days, based on the civil standard of proof

Further application and benefits of the NRM

A conclusive decision identifies the child as a victim and not a 'willing participant'. This is of particular importance when considering Child Sexual Exploitation (CSE) and wider exploitation of children.

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The letter provided by the NRM is a disclosable document and can therefore be used in evidence and provide a positive dynamic for a victim in Court. Further, it can help in explaining victim behaviour. Case law indicates that where a child or adult has trafficked status, existing convictions have been overturned on the basis of the original outcome taking insufficient account of the victim's status and acting under duress.

What to do if a child is believed to be a victim of modern slavery?

If a professional becomes concerned that a child is being exploited or is at risk of exploitation, they should act immediately. The issue should be raised with line management or safeguarding lead, a referral should be made to the MASH and police should be notified.

Contact details

MASH: Check the www.oscb.org.uk for this number

Police: 101

National Modern Slavery Helpline: 0800 121 700

Further information:

www.modernslavery.co.uk