

National Referral Mechanism (NRM)

Fact Sheet

What is the National Referral Mechanism?

Established in 2009, the NRM is a framework for identifying potential victims of human trafficking and modern slavery, ensuring that they receive appropriate multi-agency support. It also informs the national intelligence picture around modern slavery e.g. identifying particular vulnerable groups and countries where people have been trafficked to and from.

When should a NRM referral be made?

As a safeguarding professional you may find yourself in a position where you are the first person to deal with a victim of modern slavery who is seeking help. If so you may well be the 'first responder' which means that you have certain responsibilities towards the victim. This includes the completion of a National Referral Mechanism (NRM) form and a 'duty to notify'. As that professional you will be required to make a primary assessment about whether an individual is, or may be a potential victim of modern slavery. This may be the first contact that the victim has made with your agency. It is important therefore, to have a broad knowledge of the indicators of trafficking and modern slavery. A list of indicators can be found within both the adult and child NRM forms.

A NRM should be made where you know or **suspect** that a person has been trafficked. Remember! You don't have to be certain that someone is a victim, just a suspicion that they may be.

How do I refer cases to the NRM?

In England & Wales a referral is made by submitting the NRM form to the relevant 'Competent Authority'. There are 2 forms in E&W (adult and child) and 2 forms for Scotland & Northern Ireland (adult and child). Only designated first responders can refer cases to the NRM.

Where do I find the form?

There are four forms

- NRM form: adult (England and Wales)
- NRM form: child (England and Wales)
- NRM form: adult (Scotland and Northern Ireland)
- NRM form: child (Scotland and Ireland)

The forms can be found at: <https://www.gov.uk/government/publications/human-trafficking-victims-referral-and-assessment-forms>

Who are the Competent Authorities?

The competent authorities are UK Visas and Immigration for non-EEA nationals and the Modern Slavery and Human Trafficking Unit (MSHTU) for EEA Nationals. Normally, the MSHTU will deal with

cases where the person is a UK or EEA national (except where there is a live immigration issue). UK Visas and Immigration will deal with cases where modern slavery is raised as part of an asylum claim or as part of the immigration process.

Where should the form be sent?

All forms should be sent to the NCA Modern Slavery and Human Trafficking Unit (MSHTU) by email to nrm@nca.x.gsi.gov.uk or by fax to 0870 496 5534.

Who are designated first responders?

First responders are:

- Home Office.
- Local Authorities.
- Designated persons within Safeguarding Children Boards.
- Health and Social Care Trusts (HSC Trusts).
- Police.
- Poppy Project – support service for women trafficked into the UK for the purpose of prostitution and sexual exploitation.
- National Crime Agency (NCA).
- Trafficking Awareness Raising Alliance (TARA) - support service for survivors trafficked for the purpose of commercial sexual exploitation.
- Migrant Help – support service for vulnerable migrants in the UK.
- Kalayaan – support service for migrant domestic workers.
- Gangmasters and Labour Abuse Authority – Government department working to protect vulnerable and exploited workers.
- Medaille Trust – support service for women, children and young men enslaved into the sex industry.
- Salvation Army.
- Barnardo's.
- National Society for the Prevention of Cruelty to Children (NSPCC).
- Unseen UK.
- New Pathways – support service for survivors of human trafficking.
- BAWSO - an all Wales voluntary organisation, providing specialist services to victims of domestic abuse, other violent acts and human trafficking.
- Refugee Council.

However, all agencies and organisations who identify a person who may be a victim of trafficking or modern slavery have a responsibility to put the victim in touch with their responsible authority or another agency that is able to instigate support. This support will include the NRM process. In reality most non-government agencies that are not on the above list, will make a human trafficking referral through the police or local authority.

First contact with the victim

Firstly, it is important to acknowledge that many victims may initially appear to be unwilling to cooperate. There may be several reasons for this. They may feel frightened, isolated and have a distrust of the authorities; fear reprisals against them or their families; may have been coached by the exploiter; may feel dependent on their traffickers/exploiters; or be ashamed that they allowed themselves to be abused.

Professionals should always maintain a victim-based approach when dealing with potential victims. Assess whether there are any physical or mental health issues. Are they malnourished? Do they need medical assistance? Is the victim suffering from post-traumatic stress disorder or other mental health problem? Might they require counselling? Have they been exposed to hazardous materials, subject to insect infestation?

If possible, victims should be taken to a place of safety where they will feel more comfortable to talk freely. If there are a number of victims, then they should be separated and allowed to give their own accounts. Be mindful of your own actions, what you say, how you say it, your tone and your own body language. Explain throughout what is happening and what is going to come next, even if the victim at that stage has been detained or arrested. Be non-judgmental, attempt to build a rapport and gain their confidence.

Victims will have different and unique needs. Do your research!

- What type of person are you dealing with?
- What are their cultural or religious beliefs?
- Is communication or language an obstacle?
- How will you manage this?

When using, an interpreter ensure that they are official and from the national register. Don't use unofficial interpreters, friends, associates or persons claiming to be relatives as there may be many reasons that they won't translate the victim's correct words – family honour, embarrassment etc. Ensure your interpreter is suitable, e.g. they may have strong opposing religious views to that of the victim or be judgmental around those that have been sexually exploited.

Use the resources available. The MoJ has produced foreign language leaflets to provide advice and support to those affected by human trafficking. The Governments Publications website modern slavery section has factsheets entitled 'resources for industry'. Several other websites specialising in slavery have useful resources.

How do I complete a NRM?

The NRM forms are in-depth and cover a range of topics including the details of the victim, the nature of the referral and the indicators for various types of modern slavery. Whilst lengthy they are however, self-explanatory and fairly easy to fill in. Due to the nature of the questions on the form, there may be a tendency for first responders to 'interview' the victim. The guidance around this is that the form shouldn't be used as an interview record but as a means for a first responder or frontline worker to provide as much information as possible to competent authorities to enable a decision to be reached. However, the guidance goes on to say that the form should 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.

When asking questions of a potential victim of trafficking, please be mindful that the information they provide, may lead to a criminal investigation against the traffickers/exploiters. Any information you obtain may be disclosable in any criminal prosecution so make sure you record your contact in writing.

Within the form, any field which is marked by an asterisk, should be supported by documentary evidence where at all possible.

What if the victim doesn't want to cooperate?

Adults need to consent to the NRM and sign the consent section of the NRM form. It is therefore important that the adult has been informed that consent is required and that the process and potential outcomes have been made clear to them. In addition to this, they should also be told that information may be shared or sought by the competent authorities with other public authorities. To aid frontline workers and first responders the government have produced a 'Frontline Worker Guidance' document which can be found 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>

If an adult does not consent to enter the NRM, then there is still a 'duty to notify' – see below.

Where the victim is a child or likely to be a child then **consent is not required** and a NRM form should be completed.

What if a person claims to be a child but looks older?

There is no doubt that many people that enter the UK illegally claim to under 18 years so that they are treated differently and can enhance their chances of remaining in the UK. This applies whether they have been trafficked, smuggled or entered the country through their own volition. It is also a fact that this often frustrates many professionals, particularly our police colleagues who regularly search for missing children who are in fact adults and more than capable of looking after themselves. The issue of 'Age Assessment' is therefore often debated. However, regardless of the rights of wrongs of 'the system', **the guidance to professionals is very clear around age assessment** and how we treat those people whose age might be contentious. It is: -

Article 10(3) of the Council of Europe Anti-Trafficking Convention states: "When the age of the victim is uncertain and there are reasons to believe that the victim is a child, **he or she shall presume to be a child and shall be accorded special protection measures pending verification of his/her age**". If at the end of a "due inquiry" into age the age of the defendant remains in doubt s/he must be treated as a child.

The UK 'Presumption about Age' provision (section 51) in the Modern Slavery Act 2015 reinforces this by ensuring that "in cases where there is uncertainty over the age of a victim, but whom authorities believe to be under 18, authorities should assume that the victim is under 18, until an age assessment takes place by the local authority".

With regards to the NRM the same principles apply – “**where there is a dispute over age the competent authority and other agencies within the NRM will continue to treat the individual as a child until age is established**”. In the best interests of the person, a referral to the NRM should not be delayed because the age is disputed and there are plans to undertake an age assessment. However, it is the responsibility of the first responder (agency) to commission an age assessment if it is necessary and appropriate. Assessing whether a person is a child, or an adult must be established before the competent authority reaches a decision as to whether a person is a trafficked person (conclusive grounds decision).

In February 2018 the Home Office published their guidance on ‘Age Assessment’ which sets out the policy and procedures that must be followed when an asylum seeker or migrant claims to be a child and their claimed age is doubted by the Home Office or they claim to be an adult but are suspected to be a child. The guidance provides information on:

- the circumstances in which it is appropriate to dispute an asylum seekers claimed age
- how an age assessment must be conducted (the Merton Test)
- sharing information with local authorities
- handling age dispute issues during the end to end process, including substantive asylum interviews, refusal letters and appeals

The guidance can be found at:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/683907/assessing-age-v1.0ext.pdf

Is that all I have to do?

No – if you are part of a specified public authority there is also a duty to notify the Home Office of suspected victims of modern slavery. Completing the NRM form will be sufficient to satisfy this duty, if all the sections marked with a † are completed.

Where a potential victim does not want to be referred to the NRM, then there is an addition form to complete. This form is a MSI and together with guidance can be found at:

<https://www.gov.uk/government/publications/duty-to-notify-the-home-office-of-potential-victims-of-modern-slavery>

The completed form should be emailed to: dutytonotify@homeoffice.gsi.gov.uk

Where the victim is a child, then a referral **must** also be made to child social care via the local agreed pathway. Whilst the NRM may compliment any safeguarding measures, it is a separate process and does not replace the requirement for the responsible authority to instigate child safeguarding measures.

Lastly there is also a requirement for first responders/frontline worker to notify the police. This is because a potential victim of modern slavery is also a potential victim of a crime. This applies even where the victim does not want police involvement (by way of a 3rd party report). The first responder should explain to the victim that their case will be passed to the police, but this does not mean that

they must engage or cooperate with the police. The NRM form contains a section where they can confirm if they are or are not willing to engage.

What happens next?

Once the first responder has made the referral it will be received by the relevant competent authority who should contact the first responder and acknowledge receipt of the case. The competent authority will then make a 'reasonable grounds assessment' to establish on the 'balance of probabilities' whether the person is a **potential victim** of modern slavery/trafficking. The threshold is low, in effect a 'suspect but cannot prove' test. The competent authority should make a reasonable grounds decision within 5 working days of receipt of the NRM. Once they have made a decision then they should notify the first responder and if the person is a child, also their allocated social worker.

Where the person is recognised as a potential victim of modern slavery (a positive decision) they should then have access to specialist tailored support (if they want it) for a period of at least 45 days while their case is further considered. This is commonly known as the recovery and reflection period. No immigration action can be taken against the person during this time. The support may include:

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

Currently the support package in England and Wales is provided by the Salvation Army and a number of subcontracted support groups.

Within the 45-day period the competent authority should work towards making a 'conclusive grounds decision'. This is to decide whether there sufficient information to decide if the person **is a victim** of human trafficking or modern slavery. This decision should be forthcoming as soon as possible following day 45 of the recovery and reflection period. However, this timescale will depend on the various circumstances such as how traumatised the victim is.

Changes: Changes to the National Referral Mechanism system were announced in October 2017. We will update this factsheet when we have a clearer picture of what the new framework will look like.



