

Monmouthshire

Modern Day Slavery and Exploitation Protocol

Approved by Individual Cabinet Member Decision 21st August 2019

August 2019

1. Introduction

1.1 What is Modern Day Slavery?

Modern slavery is an umbrella term, encompassing human trafficking, slavery, servitude and forced labour.

Someone is in **slavery** if they are:

- forced to work through mental or physical threat
- owned or controlled by an 'employer', usually through mental or physical abuse or the threat of abuse

dehumanised, treated as a commodity or bought and sold as 'property'

- physically constrained or have restrictions placed on their freedom.

Servitude is similar to slavery, in that a person is under an obligation to provide a service which is imposed on them, but there is no element of ownership.

Forced work is defined as 'work or service which is exacted from any person under the menace of any penalty and for which the person has not offered himself voluntarily' and has been found in a number of different industries including manufacturing, food processing, agriculture and hospitality.

Human trafficking is when men, women and children are moved and forced into exploitation. The movement could be international but also within the country, from one city to another or even just a few streets. A person is a victim of human trafficking even if they haven't yet been exploited but have been moved for the purposes of exploitation.

1.2 Types of Modern Day Slavery

- Sexual exploitation which includes prostitution and pornography
- Forced labour - may include little or no payment, include very poor living conditions, withholding of passports, threats of violence
- Domestic servitude
- Organ harvesting
- Child related crimes such as child sexual exploitation, forced begging, drug dealing, organised theft, related benefit frauds etc.
- Forced marriage and illegal adoption (if other constituent elements are present)
- Financial exploitation: including benefit fraud, false claims by perpetrators on behalf of their workers; bank accounts fraud; or workers' wages being paid directly into the exploiters own bank accounts, by companies who think they are paying a worker individually.

It is recognised that many victims of Modern Day Slavery will be subject to one or more different types of exploitation at any one time. Also, that debt bondage will be a feature, whereby the subject incurs a debt to their exploiter from which they have to perform criminal or dehumanising tasks to pay their debt, with a risk of serious violence if they do not comply.

1.3 Legislative Context

1.3.1 Modern Day Slavery Act 2015

- consolidated and clarified existing modern slavery and human trafficking offences and increased the maximum sentences for committing these offences
- introduced slavery and trafficking prevention orders and slavery and trafficking risk orders – which can be used to disrupt activities by modern slavery perpetrators
- created the role of the Independent Antislavery Commissioner
- introduced support and protection for victims including a defence for victims of slavery or trafficking who commit an offence, measures on the presumption of age of child victims of modern slavery and introduced the role of Independent Child Trafficking Advocates
- introduced a requirement for certain businesses to produce and publish a modern slavery statement on what they are doing to tackle modern slavery and trafficking in their supply chains.

Section 52 of the Act places a duty on Local Authorities to identify and refer modern slavery child victims and consenting adult victims through the National Referral Mechanism (NRM). Councils also have a duty to notify the Home Secretary of adults who do not consent to enter the NRM. This confers **First Responder** status.

Section 43 of the Act states that specified public authorities (including councils) have a duty to cooperate with the Commissioner.

1.3.2 The Modern Slavery Act 2015 builds on the Modern Slavery Strategy published by the Coalition Government in 2014. Like the National Serious and Organised Crime Strategy, it is based around the 4P's framework:

- **Pursue:** prosecute and disrupt individuals and groups responsible for modern slavery.
- **Prevent:** prevent people from engaging in modern slavery.
- **Protect:** strengthen safeguards against modern slavery by protecting vulnerable people from exploitation.

- Prepare: reduce the harm caused by modern slavery through improved victim identification and enforcement support.

1.3.3 Other relevant Acts -

- Crime and Disorder Act 1998
- Housing Act 1996
- Children Act 1989
- Immigration Act 2016
- Violence Against Women, Domestic Abuse & Sexual Violence Act (Wales) 2015
- Social Services and Wellbeing Act (Wales) 2014

1.4 **National Referral Mechanism**

The National Referral Mechanism (NRM) is a framework for identifying victims of human trafficking or modern slavery and ensuring they receive the appropriate support. Referrals must be sent to one of the two Competent Authorities (CA), these being -

- The National Crime Authorities' Modern Slavery Human Trafficking Unit (MSHTU)
- The Home Office Visas and Immigration (UKVI)

The NRM is also the mechanism through which the Modern Slavery Human Trafficking Unit (MSHTU) collect data about victims. This information contributes to building a clearer picture about the scope of human trafficking and modern slavery in the UK.

1.5 **Modern Day Slavery and Local Authority Safeguarding Function**

The Social Services and Wellbeing Act (Wales) 2014 (SSWA 2014) places a duty for professionals and partner agencies to report to the Local Authority individuals they suspect may be at risk of harm or abuse. This will include both adults and children who are subjects to exploitation and modern day slavery.

Children at risk of exploitation: In line with the All Wales Child Protection procedures, if a child is suspected of being subject to Modern Day Slavery an urgent Strategy Discussion should be held with the Police to determine immediate safeguarding actions and consider referral to NRM. A Strategy Meeting will then be convened with all relevant parties to share information and form a safeguarding plan. The Child Protection Co-ordinator, should chair this meeting.

See App 2. MCC Process - Children at Risk of Modern Day Slavery

App 3. MCC Process - Children at Risk of Child Criminal Exploitation

App 4. MCC Process - Children at risk of Child Sexual Exploitation

Adults at Risk of exploitation: In line with the Wales Interim Guidance for the Protection of Vulnerable People and the SSWA 2014, any adult suspected of being subject to Modern Day Slavery should be referred to the Adult Safeguarding Team. An urgent Strategy Discussion should be held with the Police to determine immediate safeguarding actions and consider a referral to the NRM. A Strategy Meeting should be convened with all relevant partners to share information and form a safeguarding plan. This meeting should be chaired by the Adult Safeguarding Manager. Although consent is needed from the victim to make a referral to the NRM, issues of mental capacity and consent will be central to the Safeguarding discussion and decision taking.

See App 1. MCC Process for Adults at Risk of Modern Day Slavery

1.6 Other agencies

Clearly this Authority needs to work closely with partners, notably Gwent Police who have the enforcement powers under the Modern Day Slavery Act 2015. There is also a 'Wales Anti-Slavery Leadership Group' at Welsh Government level which can provide guidance and assist in specific instances.

In relation to any worker exploitation, this Authority's Environmental Health section would liaise with the Health & Safety Executive (HSE) and the Gangmasters & Labour Abuse Authority (GLAA) where appropriate.

2. The Monmouthshire Response

2.1 Monmouthshire's role can be separated into distinct areas:

- identification and referral of victims
- supporting victims – this can be through safeguarding children and adults with care and support needs, and through housing/homelessness services
- community safety services and disruption activities
- supporting proactive campaigns, eg assisting with the 'Make Safe' project involving local hotels & B & B's
- ensuring that the supply chains this Authority procures from are free from modern slavery.

It is recognised that Modern Slavery intersects with many different areas of Council services, and a number of different Officers may come across instances whilst going about their everyday duties. These may include:

- housing and homelessness services - through the provision of homelessness services, or through inspections of houses in multiple occupation (HMOs)
- community safety officers - whilst working on issues around serious and organised crime, gangs, drug selling and other crimes committed within their area – for example, cannabis cultivation and begging
- Trading Standards, Licensing, Environmental Health and other regulatory services may encounter victims or perpetrators whilst visiting or inspecting premises. Premises such as takeaways, nail bars, car washes, farms, taxis and private hire vehicles could be involved in illegal activities.
- Councillors may hear concerns from residents about particular businesses or houses in their areas
- those working with local partners on resettling new arrivals may find that trafficking or modern slavery has been present in refugees and asylum seekers' routes into the UK
- customer services may come into contact with victims through their ordinary dealings with the public
- Children and Adult Social Care and Safeguarding teams

2.2 Identification of MDS Champions

It is recognised that staff will need support and advice to fully understand the different elements of exploitation and Modern Day Slavery in order to assure that appropriate referral are made to the Safeguarding Teams. Champions will be nominated from each part of the council service area to support members and staff with any questions or concerns they may have. Under Monmouthshire's Corporate Safeguarding Policy, Designated Safeguarding Leads (DSL) and Deputy Designated Safeguarding Leads (DDSL) are in place to perform this role for the wider corporate safeguarding function. These roles are ideally suited to include being Champions for Modern Day Slavery. At Member level, the Cabinet Member for Social Justice & Community Development will act as the political Modern Day Slavery Champion.

2.3 Training for Staff

2.3.1 Champion Training: Training aimed at developing understanding of the signs of MDS, and the legislative and corporate policy and process of MDS and the NRM, Trafficking and Exploitation of individuals and communities.

This to include:

- Designated Safeguarding Leads;
- Deputy Designated Safeguarding Leads;
- Public Protection team;
- Housing and Tenancy Support teams;
- Team Managers in SCH Operational teams;

- Adult Safeguarding Manager;
- Councillors.

Modern Day Slavery to be included in Level 1 and Level 2 Safeguarding training.

- 2.3.2 **Corporate Video - Basic Awareness** - Basic Awareness video which highlights signs and potential locations within Monmouthshire, and signposts staff to the Safeguarding Unit or the appropriate Champion for their area. The Video also to be included in Corporate Induction Training and to be shared at team meetings across the authority volunteer and paid workforce.

2.4 **Commissioning and Procurement**

In 2019 Monmouthshire will be signing up to the Welsh Government Code of Practice for Ethical Employment in Supply Chains and an action plan for implementation will be drafted.

2.5 **Governance and Partnership**

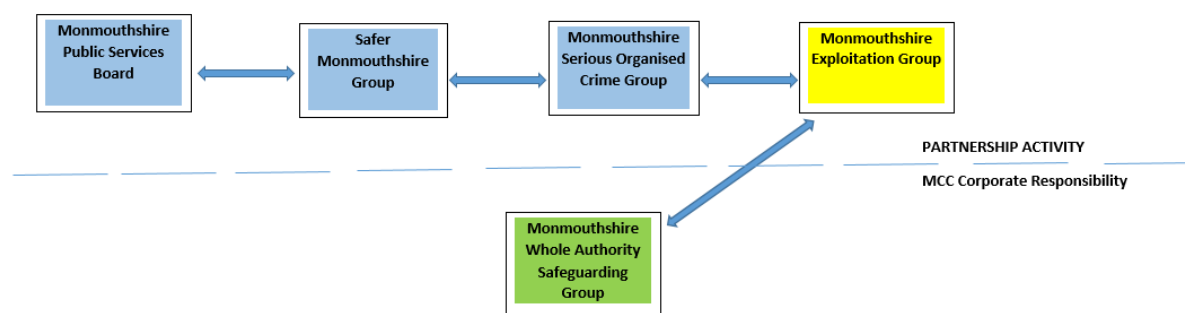
- 2.5.1 Monmouthshire Public Services Board discharges its statutory duties under the Crime & Disorder Act 1998 via the Safer Monmouthshire Group, as per diagram below.

The Monmouthshire Exploitation Group (MEG) will sit under the Safer Monmouthshire Group and link closely with the Serious Organised (SOC) Crime Group, which reports to the overarching Safer Monmouthshire Group (SMG). The Safer Monmouthshire Group is chaired by the Chief Inspector for East Division of Gwent Police, and addresses issues in relation Crime & Disorder across the county through a multi-agency approach.

Responding to MDS and Exploitation clearly links to the Council's purpose and aspirations, as illustrated here –

Purpose:	Building Sustainable and Resilient Communities	
Our aspiration is to:	Reduce inequalities between communities and within communities	
	Support and protect vulnerable people	
	Consider our impact on the environment	
Our Well-being Objectives are:	People/Citizens	Place/Communities
	Provide children and young people with the best possible start in life	Protect and enhance the resilience of our natural environment whilst mitigating and adapting to the impact of climate change
	Respond to the challenges associated with demographic change	Develop opportunities for communities and business to be part of an economically thriving and well connected county

2.5.2 The Monmouthshire Exploitation Group (MEG) will also report to the Corporate Whole Authority Safeguarding group (WASG) and be the conduit group between corporate MCC matters and partnership working in the areas of Modern Day Slavery, Exploitation and criminal activity. The Monmouthshire Exploitation Group will have a dual reporting function according to the respective responsibilities in relation to the issues of Modern Day Slavery, exploitation and crime. This is illustrated in the diagram below:-



3. Review

The Protocol will be regularly reviewed to ensure current and relevant for purpose intended. Progress to be reported through the Strong Communities Select Committee.

APPENDIX 1

Monmouthshire County Council

Process for Adult at Risk of Modern Day Slavery (MDS)

1. Employee / Volunteer suspects an adult is a victim of MDS.
2. If the individual is perceived to be at immediate risk of significant harm call 999.
3. Employee to discuss concerns with their MDS Champion within their service (this will be the Designated Safeguarding Lead / Deputy Safeguarding Lead).
4. For further advice around suspicions employee to contact Safeguarding Unit (Claudia Don, Adult Safeguarding Manager 07971 113255 or Katie Jacobs, Quality Assurance and Safeguarding Officer 07976837800)
5. Referral made to Adult services by submission of a Duty to Report Form. Emailed to- mccadultsafeguarding@monmouthshire.gov.uk
6. Social Services will assess risk and make relevant enquiries (level of enquiries dependant on referral information- ensuring not putting suspected victim at any further risk).
7. Social Services email Modern Day Slavery and Human Trafficking Co-ordination Team to inform them of concerns and are available to advise further if required moderndayslavery@gwent.pnn.police.uk.
8. Strategy discussion held to include Multi-Agency Risk Assessment Conference (MARAC) Co-Ordinator (details below).
9. Modern Day Slavery Strategy Meeting to be convened, chaired by Safeguarding Unit.
10. Modern Day Slavery Strategy Meeting include Social Services, Police, referring agency and Safeguarding partners, invites to further include-
 - **Jasmin Ahmed** (MARAC Regional Human Trafficking Co-ordinator)
02922403345 / 07970045557 / jasmin@bawso.org.uk
 - **Laura Thomas** (Gang Masters Labour Abuse Authority (GLAA))
Laura.Thomas@gla.gov.uk
 - **Carla Aguiar** (DWP Counter Fraud and Compliance Directorate, Organised Fraud Team) carla.aguiar@dwp.gov.uk

11. Modern Day Slavery Strategy meeting to agree immediate Safeguarding actions, and with support of MARAC Co-ordinator and other agencies decide if an NRM is required.
12. With the consent of the suspected victim; NRM to be completed, if consent not given then an MS1: 'notification of a potential victim of modern slavery' form to be completed.
13. Local Authority employee as a First Responder can complete the National Referral Mechanism (NRM). This is a framework for identifying and referring potential victims of modern slavery and ensuring they receive the appropriate support.
 - Referral forms can be found at <https://www.gov.uk/government/publications/human-trafficking-victims-referral-and-assessment-forms>
 - NRM is to be completed with all multi agency information, with the support of all available services.
 - For Adults - Only make referral if the person is able to give consent; the only exception to this is when the person is deemed to lack mental capacity under the Mental Capacity Act 2005.
 - **A NRM can only be submitted once so ensure it is fully complete and all guidance is followed fully- seek further advice if required.**
14. From 1 November 2015, specified public authorities have a duty to notify the Secretary of State of any individual encountered in England and Wales who they believe is a suspected victim of slavery or human trafficking. The 'duty to notify' provision is set out in Section 52 of the Modern Slavery Act 2015 This duty is intended to gather statistics and help build a more comprehensive picture of the nature and scale of modern slavery.
 - Completing the NRM is sufficient in notifying. However if consent is not given then an MS1 form should be completed and sent to dutytonotify@homeoffice.gov.uk
 - Details around duty to notify can be found <https://www.gov.uk/government/publications/duty-to-notify-the-home-office-of-potential-victims-of-modern-slavery>
15. If Suspected Victim has not consented to NRM then further safeguarding measures to be in place to safeguard the victim, and signposting to other supporting agencies

(BAWSO 0800 731 8147, New Pathways 01633250205, Modern Day Slavery Helpline 0800 012 1700).

➤ **For adults- If they DON'T want help to leave now:**

- Provide information about assistance and support
- Be aware that any written material could be detected
- Try to arrange a follow-up appointment
- If the adult is responsible for a child- remember child protection procedures

16. Refer to Modern Slavery MARAC Co-ordinator (details above), if not done so already.
17. If no complex or ongoing needs but still concerns regarding Modern Slavery, MARAC Co-ordinator can signpost to other agencies, with no further involvement of Adult Services.
18. Modern Slavery MARAC is arranged by the Co-Ordinator (details above). Co-coordinator will invite relevant professionals. A relevant Monmouthshire County Council representative to attend when involved or invited. Within the MARAC process information will be shared and risk and safety planning will be managed.
19. Outcome of NRM is also sent to Modern Day Slavery and Human Trafficking Co-ordination Team, in Gwent Police, and they can refer to MARAC process too.
20. Review / Outcome Strategy Meeting to be held to monitor progress / conclude process.

APPENDIX 2

Monmouthshire County Council

Process for Child at Risk of Modern Day Slavery (MDS)

1. Employee / Volunteer suspects a child is a victim of MDS.
2. If the individual is perceived to be at immediate risk of significant harm call 999.
3. Employee to discuss concerns with their MDS Champion within their service (this will be the Designated Safeguarding Lead / Deputy Safeguarding Lead).
4. For further advice around suspicions employee to contact Safeguarding Unit (Katie Jacobs, Quality Assurance and Safeguarding Officer 07976837800 or Kelly Turner , Child Protection Co-Ordinator) Children Services 01291 635669.
5. Social Services will complete lateral checks and gather further information (level of enquiries dependant on referral information- ensuring not putting suspected victim at any further risk).
6. Request Strategy Discussion with Police (through usual process/ with Public Protection Unit (PPU)).
7. Modern Day Strategy Meeting to be held; request through Safeguarding Unit as usual.
8. Strategy Meeting to be chaired by Safeguarding Unit (Kelly Turner or Katie Jacobs).
9. Additional to police, referring agency and usual safeguarding agencies, further Strategy meeting invites to-
 - The Gwent Missing Children Team (01495 745 660/661/662/663 AlexisRedwood@llamau.org.uk)
 - Independent Child Trafficking Advocate Service, Barnardo's (0800 043 4303 / Allyson Davies, Manager, 07717541325 allyson.davies@barnardos.org.uk)
10. Strategy meeting to identify any safeguarding concerns, needs, and consideration given around threshold for significant harm and for Initial Child Protection Conference to be held, or continue on Care and Support Plan.
11. Decision made at strategy meeting as to whether a NRM is required.

12. Social Worker to consult with the Gwent Missing Children Team (details above), who will support with the completion of the NRM, general advice on process, and assist with the input of multi-agency information they hold.

13. Referral to be made for an Independent Child Trafficking Advocate (or RPC), forms to be sent to trafficking.referrals@bypmk.cjsm.net

- For guidance and Referral Form-
<https://www.gov.uk/government/publications/child-trafficking-advocates-early-adopter-sites>
- Child will be offered either of the two below supports depending on the circumstances (details below)-

The Role of the ICTA Direct Support: One-to-one ICTA's will provide support on an individual basis to trafficked and potentially trafficked children within the Early Adopter Sites where there is nobody who has effective parental responsibility for that child.

This includes: Any child from outside the UK who is separated from their family or any person who has parental responsibility for them. Or any child from outside the UK whose parents, or those assuming parental responsibility for them, are suspected as being involved in their trafficking. Includes support for young people, alongside support for professionals involved with their care.

Or

The Role of the ICTA Regional Practice Co-ordinator (RPC): The RPC will work with professionals to support them in recognising and responding to exploitation and trafficking for internally trafficked children. They will offer individual case consultation for professionals delivering direct work, with a focus on safeguarding within the context of exploitation; and will support in the submission of referrals to the National Referral Mechanism. They will contribute to best practice and strategy development; and support professionals through training and awareness raising sessions to staff teams.

14. Social Worker (or other Local Authority employee) as a First Responder is to complete the National Referral Mechanism (NRM). This is a framework for identifying and referring potential victims of modern slavery and ensuring they receive the appropriate support.

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

- NRM is to be completed with all multi agency information, with the support of all available services.
- **A NRM can only be submitted once so ensure it is fully complete and all guidance is followed fully- seek further advice if required.**

15. From 1 November 2015, specified public authorities have a duty to notify the Secretary of State of any individual encountered in England and Wales who they believe is a suspected victim of slavery or human trafficking. The 'duty to notify' provision is set out in Section 52 of the Modern Slavery Act 2015 This duty is intended to gather statistics and help build a more comprehensive picture of the nature and scale of modern slavery.

- Details around Duty to Notify can be found <https://www.gov.uk/government/publications/duty-to-notify-the-home-office-of-potential-victims-of-modern-slavery>
- Completing the NRM is sufficient in notifying.

16. Review Strategy meetings to be held to monitor and support process with all key agencies invited.

17. Outcome Strategy meeting held to discuss any conclusions and future plan to safeguard suspected victim.

APPENDIX 3

Monmouthshire County Council

Process for Child at Risk of Child Sexual Exploitation (CSE)

1. Employee / Volunteer suspects a child is a victim of Child Sexual Exploitation (CSE).
2. If the individual is perceived to be at immediate risk of significant harm call 999.
3. Employee to discuss concerns with their Designated Safeguarding Lead / Deputy Safeguarding Lead.
4. For further advice around suspicions employee to contact Safeguarding Unit (Katie Jacobs, Quality Assurance and Safeguarding Officer 07976837800 or Kelly Turner, Child Protection Co-Ordinator) or Children Services 01291 635669.
5. Social Services will complete lateral checks and gather further information (level of enquiries dependant on referral information- ensuring not putting suspected victim at any further risk).
6. Social Worker completes a Sexual Exploitation Risk Assessment Form (SERAF).
7. If the SERAF scores over 16 (moderate or significant risk on the SERAF) request Strategy Discussion with Police (through usual process/ with PPU). However, a Strategy discussion can be considered with a score under 16 and lower (mild risk) if required.
8. CSE Strategy Meeting to be held; request through Safeguarding Unit as usual.
9. Strategy Meeting to be chaired by Safeguarding Unit (Kelly Turner or Katie Jacobs).
10. Additional to police, referring agency and usual safeguarding agencies, further Strategy meeting invites to-
 - The Gwent Missing Children Team (01495 745 660/661/662/663
AlexisRedwood@llamau.org.uk)
 - Sexual Health if appropriate.
11. Strategy meeting to identify if the child is at risk of CSE and if threshold is met, child to be held under Operation Quartz.

12. Strategy meeting to discuss any safeguarding concerns, needs, and consideration given around threshold for significant harm and for Initial Child Protection Conference (ICPC) to be held, or continue on Care and Support Plan (CASP).
13. If child is to be part of Operation Quartz, a decision can be made for Social Worker and Quartz Police Officer to jointly visit child once per month, or as guided by the need identified by the Strategy Meeting attendees.
14. If child is to be part of Operation Quartz, on a monthly basis they will be discussed at a strategic multi-agency level at Multi-Agency Sexual Exploitation (MASE) Meeting.
15. Social Worker to review SERAF with all multi-agency information three monthly.
16. Review Strategy meetings to be held (at least within 3 months, but can be sooner dependant on need) to monitor and support process with all key agencies invited. And to make decision as to whether child remains part of Operation Quartz.
17. Outcome Strategy meeting held to decide child to be removed from Operation Quartz, and discuss any conclusions and future plan to safeguard the child.

APPENDIX 4

Monmouthshire County Council

Process for Child at Risk of Child Criminal Exploitation (CCE)

1. Employee / Volunteer suspects a child is a victim of Child Criminal Exploitation (CCE).
2. If the individual is perceived to be at immediate risk of significant harm call 999.
3. Employee to discuss concerns with their Designated Safeguarding Lead / Deputy Safeguarding Lead.
4. For further advice around suspicions employee to contact Safeguarding Unit (Katie Jacobs, Quality Assurance and Safeguarding Officer 07976837800 or Kelly Turner , Child Protection Co-Ordinator) or Children Services 01291 635669.
5. Social Services will complete lateral checks and gather further information (level of enquiries dependant on referral information- ensuring not putting suspected victim at any further risk).
6. Social Worker completes a Sexual Exploitation Risk Assessment Form (SERAF).
Development of a new a tool is in discussion and will be used when available.
7. If the SERAF scores over 16, request Strategy Discussion with Police (through usual process/ with PPU).
8. Strategy Meeting to be held under current CSE process; request through Safeguarding Unit as usual.
9. Strategy Meeting to be chaired by Safeguarding Unit (Kelly Turner or Katie Jacobs).
10. Additional to police, referring agency and usual safeguarding agencies, further Strategy meeting invites to-
 - The Gwent Missing Children Team (01495 745 660/661/662/663
AlexisRedwood@llamau.org.uk)
11. Strategy meeting to discuss any safeguarding concerns, needs, and consideration given around threshold for significant harm and for Initial Child Protection Conference (ICPC) to be held, or continue on Care and Support Plan (CASP).

12. If child identified to be at risk of CCE, then specific CCE needs to be identified on their existing plan (Care Plan, Child Protection Plan or Care and Support Plan), and support services referred to, and work to be completed around this area of need in the aim to reduce the risk.
13. Additional to CCE, if any concerns around CSE also identified (follow CSE process).
14. Social Worker to review SERAF (or used tool) with all multi-agency information.
15. Review Strategy meetings to be held to monitor and support process with all key agencies invited.
16. Outcome Strategy meeting held to discuss any conclusions and future plan to safeguard child.