

KALAYAAN

Justice for migrant domestic workers



# THE NATIONAL REFERRAL MECHANISM: NEAR BREAKING POINT







## ACKNOWLEDGEMENTS

This briefing is based on the experiences of Kalayaan’s staff in assisting and in some cases, having to signpost slavery survivors to other First Responder Organisations in order to get a referral to the National Referral Mechanism.

The case study included in this briefing has been anonymised to protect the identify of this survivor.

The views and opinions contained in this briefing do not necessarily reflect the views of our funders.

## CONTENTS

THE ISSUE	5
CASE STUDY – MELISSA'S STORY	7
BROADER GOVERNMENT POLICIES EXACERBATING THE ISSUE	8
BEST PRACTICE IN SCOTLAND	9
RECOMMENDATIONS	10

## THE ISSUE

This briefing is a rapid response to the pressing need to review the numbers of, and available resources to, designated First Responder Organisations in the UK. It comes after Kalayaan issued an urgent Public Announcement with our concerns on 30 January 2023.<sup>1</sup>

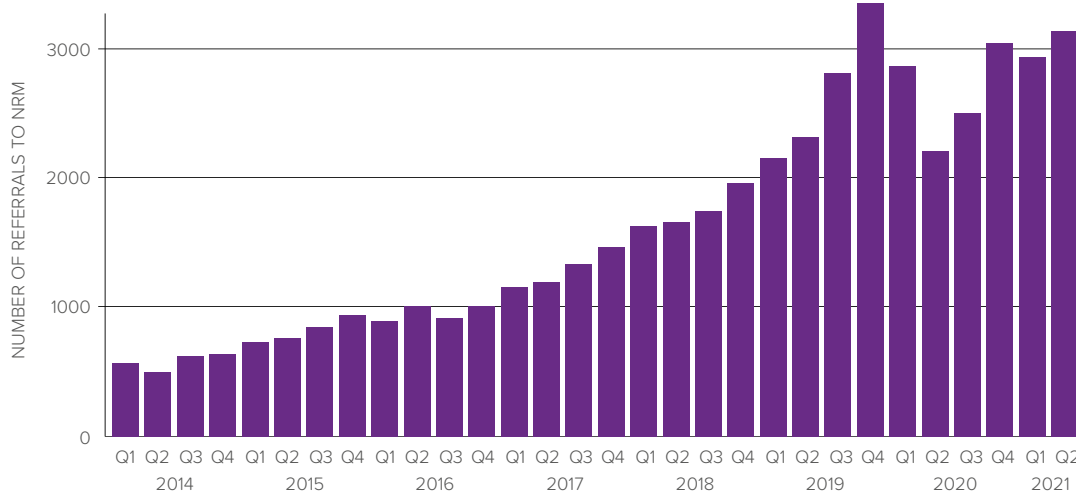
For a number of years, the UK Government has conducted awareness raising campaigns on how to spot the signs of slavery, for both the public and for professionals, including but not limited to healthcare professionals, religious institutions and law enforcement.

As a result of this work, the National Referral Mechanism (the NRM) has seen a notable and significant increase in the numbers of slavery survivors being identified by First Responder Organisations and being referred into the NRM for identification by the UK Government.

The Office for National Statistics reported that the number of referrals to the NRM has increased year on year from the year ending December 2010 (710 referrals) to the year ending December 2018 (6,985 referrals). Specifically, referrals for victims of labour exploitation have increased the most in volume, from 222 referrals in the year ending December 2010 to 3,990 referrals in the year ending December 2018.<sup>2</sup>

It has long been acknowledged that the numbers being identified are the tip of the iceberg, with the actual number of people exploited in the UK amounting to 10 times more.<sup>3</sup>

**FIGURE 1: NUMBER OF QUARTERLY NRM REFERRALS<sup>4</sup>**



**Source:** Single Competent Authority (SCA)

**Notes(s):** Excludes data pre-2014 due to data reliability.

<sup>1</sup> Kalayaan, Public Announcement, BREAKING POINT: Why the UK Government needs to act NOW to protect slavery survivors, 30 January 2023: <http://www.kalayaan.org.uk/wp-content/uploads/2023/01/Public-Announcement-30-01-2023.pdf>

<sup>2</sup> Office for National Statistics, Modern slavery in the UK: March 2020: <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/modernslaveryintheuk/march2020>

<sup>3</sup> The Centre for Social Justice, It Still Happens Here: Fighting UK Slavery in The 2020s, July 2020: <https://www.centreforsocialjustice.org.uk/wp-content/uploads/2020/07/It-Still-Happens-Here.pdf>

Walk Free, Global Slavery Index 2018: <https://www.globalslaveryindex.org/2018/findings/country-studies/united-kingdom/>  
Above link quoted in the Independent Anti-Slavery Commissioner's Strategic Plan 2019 – 2021, page 20: <https://www.antislaverycommissioner.co.uk/media/1329/independent-anti-slavery-commissioners-strategic-plan-19-21-screen-readable.pdf>

<sup>4</sup> Home Office, Official Statistics, Modern Slavery: National Referral Mechanism and Duty to Notify statistics UK, Quarter 2 2021 – April to June second edition, updated 27 January 2022: <https://www.gov.uk/government/statistics/modern-slavery-national-referral-mechanism-and-duty-to-notify-statistics-uk-quarter-2-2021-april-to-june/modern-slavery-national-referral-mechanism-and-duty-to-notify-statistics-uk-quarter-2-2021-april-to-june>

There has been a lack of action on the part of the UK Government to acknowledge the pressing need for an increase in the numbers of First Responder Organisations, together with the requisite resources.

The Anti-Trafficking Monitoring Group, of which Kalayaan is a member, has raised this issue repeatedly<sup>5</sup> and it has also been flagged in numerous stakeholder meetings. There is even a designated group, the First Responder Organisation Forum established in early 2021, that is run and chaired by the Home Office, in which this issue has been repeatedly raised.<sup>6</sup>

In Kalayaan's experience, the issue is exacerbated by some front line staff in statutory services either being unaware of their legal responsibilities to identify and safeguard survivors, or being overstretched and underfunded for them to be able to respond sufficiently.

This cannot continue. The result is that survivors, if and when they are identified, cannot access the one system used in the UK - the NRM - to be identified, safeguarded and offered support. This situation has been deteriorating for a number of years but it now reaches breaking point.

### **CURRENT FIRST RESPONDER ORGANISATIONS (AS OF FEBRUARY 2023)<sup>7</sup>:**

#### Statutory agencies

- Police forces
- Certain parts of the Home Office
- UK Visas and Immigration
- Border Force
- Immigration Enforcement
- National Crime Agency
- Local authorities
- Gangmasters and Labour Abuse Authority (GLAA)

#### Non-statutory agencies

- The Salvation Army
- Migrant Help
- Medaille Trust
- Kalayaan
- New Pathways
- Barnardo's
- Unseen
- NSPCC (CTAC)
- BAWSO
- Refugee Council

Unseen also run the Modern Slavery Helpline, a service which runs 24/7, but does not hold the status of First Responder.

The Statutory Guidance for England and Wales, issued under s49 of the Modern Slavery Act 2015, shows that the Refugee Council was removed as a First Responder Organisation in September 2021. The Statutory Guidance later shows the Refugee Council being re-added to the list of First Responder Organisations in May 2022. The POPPY Project was also removed from the list in September 2021, despite the project being put into administration as part of Eaves for Women in 2015.

The fact that this list has seen First Responder Organisations removed and then added to suggests that the list is not regularly reviewed and that a selection process to appoint and remove this status is already in place.

---

<sup>5</sup> Anti-Trafficking Monitoring Group, 'Modern Slavery Strategy Review: ATMG Written Evidence Submission: [https://www.antislavery.org/wp-content/uploads/2023/02/ATMG\\_MSU\\_strategy\\_review\\_Submission\\_F.pdf](https://www.antislavery.org/wp-content/uploads/2023/02/ATMG_MSU_strategy_review_Submission_F.pdf)

<sup>6</sup> Ibid.

Kalayaan understands that this Forum was established in response to concerns raised by a First Responder Organisation following changes to the Modern Slavery Victim Care Contract (MSVCC) in January 2021.

<sup>7</sup> Home Office, Guidance, National referral mechanism guidance: adult (England and Wales), updated 19 May 2022: <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#Section-4>

## MELISSA'S STORY

Due to an overwhelming number of enquiries, coupled with the time required to meet with, support and assess the working conditions of each service user, Kalayaan temporarily suspended accepting new referrals for trafficking assessments in January 2023. The Salvation Army also temporarily suspended their volunteer first responder service.<sup>8</sup>

12/01/2023: Kalayaan was contacted by a member and advocate from The Voice of Domestic Workers, a UK charity providing support to migrant domestic workers. They were supporting a worker, Melissa, who had recently fled an abusive employer and needed an urgent trafficking assessment. We provided them with contact details of other First Responder Organisations who we hoped could assist.

13/01/2023: This advocate contacted another non-statutory first responder who informed them as they were outside of their geographical area, to call the Modern Slavery Helpline.

19/01/2023: The Modern Slavery Helpline contacted Kalayaan to see if we could accept the referral for a trafficking assessment, in the alternative, the survivor would be advised they would need to seek a referral via the police.

Melissa, with the help of this advocate, was later assisted to contact some CEOs of other First Responder Organisations in order she could access the NRM. Thankfully Melissa is now in the NRM and accessing support.

Melissa was lucky to eventually gain access to a First Responder Organisation. Other survivors may not be so fortunate and are at real and immediate risk of experiencing further harm and abuse, including treatment that amounts to slavery.

---

<sup>8</sup> The Guardian, Diane Taylor, 'Modern slavery survivors could be re-trafficked in UK, charities warn', 13 February 2023: <https://www.theguardian.com/law/2023/feb/13/modern-slavery-survivors-could-be-retrafficked-in-uk-charities-warn>

## BROADER GOVERNMENT POLICIES

The issue is exacerbated by broader government policies, some of which have been recently introduced even after survivors, First Responder Organisations and frontline NGOs warned the UK Government of the dangers of doing so.

### (a) Upping of the Reasonable Grounds decision threshold

The Statutory Guidance<sup>9</sup> was updated in January 2023 to reflect Section 60 of the Nationality and Borders Act 2022. As advised in a briefing from the anti-trafficking sector with regards to clause 59 of the bill as it then was, before the House of Lords at report stage:

‘Increasing the threshold for an initial NRM decision would mean shutting victims out from support, not on the basis that they were not trafficked, but on the basis that they could not provide enough evidence to reach the threshold. The implications of this are severe and would result in distrust of the system, fewer victims coming forward for fear they would not be believed and their credibility damaged and increased re-trafficking as victims with negative decisions are re-exploited due to a lack of options.’<sup>10</sup>

(b) Further changes to modern slavery legislation, guidance and policy have been announced by the current Prime Minister’s Government in response to the numbers of refugees crossing the English Channel and the perceived, but un-evidenced claim that those crossing are arriving and fraudulently claiming to be victims of trafficking and or slavery. The Director General for Regulation at the Office for National Statistics said Home Office policy officials in the department could not point to any specific evidence that people gaming the system had led to an increase in modern slavery referrals<sup>11</sup> and the United Nations has also expressed concern as to the UK Government’s position, both being said in December 2022.<sup>12</sup> We anticipate these changes to further tighten access to rights and protections as a result of this.

(c) The upping of the threshold at the Reasonable Grounds threshold will also have the direct result of requiring First Responder Organisations to be faced with the additional expectation to complete more detailed NRM referrals and to submit further evidence. The update puts additional burden on an already collapsing First Responder system, with capacity for referrals dangerously low.

### (d) Office of the Independent Anti-Slavery Commissioner left vacant

Despite the Modern Slavery Act 2015 providing the legal basis for the role of the UK’s Independent Anti-Slavery Commissioner, February 2023 marks ten months since the second Commissioner left office after completing their term. Since then the current Home Secretary has confirmed the recruitment process has been abandoned<sup>13</sup> but that a new competition to recruit for the role will begin imminently.<sup>14</sup>

<sup>9</sup> Modern Slavery: Statutory Guidance for England and Wales (under s49 of the Modern Slavery Act 2015) and Non-Statutory Guidance for Scotland and Northern Ireland, version 3.0: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1133140/Modern\\_Slavery\\_Statutory\\_Guidance\\_\\_EW\\_\\_Non-Statutory\\_Guidance\\_\\_SNI\\_\\_v3.0.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1133140/Modern_Slavery_Statutory_Guidance__EW__Non-Statutory_Guidance__SNI__v3.0.pdf)

<sup>10</sup> Anti-Slavery International, Raising the threshold and depriving trafficking, Briefing on Clause 59 of The Nationality and Borders Bill for Lords report stage: [https://www.antislavery.org/wp-content/uploads/2022/03/Clause\\_59\\_briefing\\_report\\_FINAL91.pdf](https://www.antislavery.org/wp-content/uploads/2022/03/Clause_59_briefing_report_FINAL91.pdf)

<sup>11</sup> Office for Statistics Regulation, Ed Humpherson to Jennifer Rubin: use of National Referral Mechanism statistics, 8 December 2022: <https://osr.statisticsauthority.gov.uk/correspondence/ed-humpherson-to-jennifer-rubin-use-of-national-referral-mechanism-statistics/>

<sup>12</sup> United Nations, UK: UN experts condemn attacks on credibility of slavery and trafficking victims, 19 December 2022: <https://www.ohchr.org/en/press-releases/2022/12/uk-un-experts-condemn-attacks-credibility-slavery-and-trafficking-victims>

<sup>13</sup> The Independent, Lizzie Dearden, Suella Braverman scraps year-long recruitment process for modern slavery watchdog, 9 January 2023: <https://www.independent.co.uk/news/uk/home-news/modern-slavery-watchdog-braverman-migrants-b2258937.html>

<sup>14</sup> They Work For You, Independent Anti-Slavery Commissioner, House of Commons, 6 February 2023: <https://www.theyworkforyou.com/debates/?id=2023-02-06c.644.0#g644.3>



## BEST PRACTICE IN SCOTLAND

Scotland has not yet experienced the issues with First Responder Organisational capacity. Whilst numbers of survivors in Scotland being referred into the NRM remain comparatively low at around 3% (NRM 2021 Statistics) of the UK total, a collegiate response has also developed across NRM stakeholders which has assisted Scottish First Responder Organisations to manage any increased demand for NRM submissions within their geographical remit. The Scottish Government's Trafficking and Exploitation Strategy's Action Area 1 Working Group, whose terms of reference is to *improve identification of victim/survivors and support them to safety and recovery*, agreed to the development and publication in 2021 of a First Responders Toolkit for Scottish First Responder Organisations. This toolkit was a collaborative effort, supported by the Scottish Government, based on the experiences of all Scottish First Responder Organisations and has been well received with noted benefits including increased understanding of the NRM and process.

First Responder Organisations in Scotland include the two Scottish Government funded support providers TARA and Migrant Help with both support providers funded under the Scottish Government Victim Centred Approach Fund's Priority 5 Adult victims of human trafficking and/or slavery, servitude and forced or compulsory labour will have access to support and assistance. Both TARA and Migrant Help consider NRM submission and advocacy to be a core aspect of their role. This fund also enables Just Right Scotland to provide early legal advice, including pre NRM, to survivors using a law clinic model. TARA can utilise Scottish Government funding to provide short term support, including safe accommodation, for women prior to entry to the NRM to ensure women can access pre NRM legal advice and provide informed consent. Practically, this means that an NRM submission is not required to access immediate, short term, crisis support if required and assists with their capacity to respond.

## RECOMMENDATIONS

Kalayaan again urges the UK Government to act NOW and suggest the following:

Recommendations for urgent consideration

- Consider and decide on existing applications from specialist front line organisations to become a First Responder Organisation
- Establish a recruitment process without further delay for prospective organisations to apply
- Develop and maintain a nationwide training programme for both statutory and non-statutory First Responder Organisations
- Provide funding for First Responder Organisations to carry out their roles

## REFERENCE POINTS

1. The NRM was established in 2009.
2. Kalayaan has been a designated First Responder Organisation since 2009 and was involved with the pilot project, alongside the POPPY Project, to help set it up. Kalayaan receives no Government funding for our role.
3. The POPPY Project, as part of Eaves for Women ran the UK Government contract for support services in England and Wales from the early 2000s to 2011.
4. The Salvation Army has held this contract since it was successful in its bid when the UK contract was put out for tender.
5. Kalayaan understands that The Salvation Army is not, and has never been, funded to run the service where survivors are spoken to about the NRM process. Funding via the government contract starts at the point a survivor is issued a positive reasonable grounds decision.
6. Kalayaan is a small London based charity which works to provide practical advice and support to, as well as campaign with and for, the rights of migrant domestic workers in the UK. At time of this report's publication, Kalayaan has five members of staff who conduct trafficking assessments and, if appropriate, completes referrals to the NRM. These five members of staff work either part time, or have split job roles (for example, may work full time but their role between delivering front line casework advocacy and support services to migrant domestic workers, and the remaining time, other services as part of their contractual role).

Written by Avril Sharp, Policy Officer for Kalayaan

© February 2023

With thanks to members of the Anti-Trafficking Monitoring Group for their insights and experiences of this issue.

Front image cover from Ben Lenz on Unsplash.

**KALAYAAN**  
Justice for migrant domestic workers

