

SUPPORTING ADULT SURVIVORS OF SLAVERY TO FACILITATE RECOVERY AND REINTEGRATION AND PREVENT RE- EXPLOITATION

The recommendations in this document highlight the minimum standards needed for a sustainable support system towards recovery for adult survivors of slavery put together by a coalition of anti- trafficking organisations.

We have included recommendations around the NRM and decision making as the effectiveness and sustainability of support cannot be looked at in isolation from earlier decision making and planning of care. It is important to note that there is much cross referencing of recommendations within this document. This is because, due to the interlinked nature of survivor support and care the recommendations themselves are also interlinked and will be of little positive effect in isolation.

This document has been informed by the following agencies who work with survivors of trafficking during and after the NRM process or who operate at a policy level.

These Co- authors are: The Human Trafficking Foundation, The Sophie Hayes Foundation, The Jericho Foundation, Black Country Women's Aid, The Adavu Project, Hestia, Helen Bamber Foundation, Hope for Justice, Unseen, The Anti- Trafficking Monitoring Group (ATMG), Snowdrop Project, Housing for Women and Amari Project- Solace Women's Aid.

Organisations who informed the recommendations are: the Anti Trafficking and Labour Exploitation Unit (ATLEU), Her Equality Rights and Autonomy (HERA), Equality Now, Rape and Sexual Abuse Support Centre/ Rape Crisis South London, the West Midlands Anti-Slavery Network , Caritas Bakhita House, City Hearts, Kalayaan, The Salvation Army and Ella's Home.

Context

The support currently provided to survivors of human trafficking and modern slavery is not meeting recovery needs. Government funded support ends abruptly and too early and there is little information or data as to what happens to survivors in the longer term. The current situation leaves survivors with little realistic opportunity to rebuild their lives, with some ending up destitute, vulnerable to further harm or even being re- exploited.

We need to have an outcome focused support system in place which is dependent upon victim need. The support system must have clear protocols for housing and supporting victims of trafficking towards recovery and must actively facilitate the ability of victims to move on with their lives. These protocols need to be included in the Statutory Guidance which is to be published under the Modern Slavery Act. To ensure survivors can access support they also need to be incorporated into other guidance documents such as the guidance on the Care Act and the Homelessness Code of Conduct.

The following recommendations highlight the minimum standards needed for a sustainable support system towards recovery for adult survivors of slavery. Over 23 organisations with a range of expertise and experience in anti- slavery work met in a combination of face to face and virtual sessions over almost 11 months to agree on the key issues for long term survivor support needs. These sessions were co-ordinated by the Human Trafficking Foundation and facilitated by the Sophie Hayes Foundation. All those involved have contributed substantial time, energy and expertise in order to agree on key requirements for survivor recovery.

Although our aim was to look at longer term support for survivors of slavery we have included recommendations around the NRM and decision making as the effectiveness and sustainability of support cannot be looked at in isolation from earlier decision making and planning of care. It is important to note that there is much cross referencing of recommendations within this document. This is because, due to the interlinked nature of survivor support and care the recommendations themselves are also interlinked and will be of little positive effect in isolation.

Summary of Recommendations:

- 1. There should be multiagency involvement in decision making. This should inform ongoing support.** Having experts with a range of expertise involved in decision making would help ensure that decision making is non-discriminatory and is based on as rounded an understanding of a potential victim's situation as is possible. Whilst multi-agency decision making will increase the accuracy of decision making, this will not be infallible, and as such there must be scope for the reconsideration of negative decisions. Although the Conclusive Decision as to whether someone has been trafficked or a victim of modern slavery will be made relatively quickly and before it is possible to have a full understanding of the individual's support needs, the decision makers should use the knowledge they have built up while considering a case to highlight initial indicators of care needs and make initial referrals for care.
- 2. A positive Conclusive Grounds (CG) decision must carry status.** At present the Conclusive Grounds decision makes very little difference to a victim's life in practice. Some victims receive the decision that they have been conclusively identified as trafficked or enslaved together with a letter telling them they have no leave to remain in the UK. This is in spite of the fact that at the point of identification someone who has been trafficked inevitably has ongoing personal circumstances including continuing support needs. The positive Conclusive Grounds decision should equate to a meaningful rehabilitation period provided through the issuing of a residence permit for a minimum time period of at least 12 months, as in line with current Home Office policy pertaining to discretionary leave. This decision must translate across statutory agencies allowing them to understand that someone with this decision has recourse to public funds and is to be considered priority need. Some victims will need a longer initial grant of leave. Victims who chose to leave the UK will not be prevented from doing so by this grant of a residence permit.
- 3. Legal advice and representation must be offered early to all potential victims of trafficking or modern slavery.** To ensure that adult victims are able to give meaningful consent to a referral into the National Referral Mechanism potential victims should be entitled to a minimum of 2 hours legally aided immigration advice prior to a referral as is the case with asylum applicants. In addition to this all survivors of trafficking must be given specialist legal advice, funded through legal aid, as early as possible following a positive Reasonable Grounds decision. This would support survivors to understand their rights, access justice and move on with their lives. A resulting increase in compensation claims and prosecutions would also provide a clear deterrent to traffickers.
- 4. Individual case workers should be available to each trafficked or enslaved person to deliver casework support and individual advocacy following a positive Conclusive Grounds decision.** On receiving a positive Conclusive Grounds decision each individual should be offered a case worker who

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also carries out individual advocacy on their behalf as well as co-ordinating the survivor's care plan and access to services (see recommendation 1). The case worker will offer regular contact to the trafficked or enslaved person in order to facilitate their integration into mainstream services and long term welfare. This support should be available for a minimum of a year as standard and ideally continue beyond this depending on risk assessment, need and agreement with the survivor. After the file has been closed there should be a point of contact to which the survivor can return if they want to.

5. ***Safe house accommodation move- on time tables should be more flexible with support diminishing gradually according to need.*** *Potential victims need to have their stay guaranteed in a safe house at least until a Conclusive Grounds decision is made should they want this. Standard move on time frames should be extended to be brought in line with those for asylum seekers and there needs to be more flexibility for move on times beyond this to avoid survivors being put at risk as they leave first stage accommodation. Survivors should only be compelled to move on once it is clear that they have safe and appropriate accommodation to move on to. Case workers (see Recommendation 4) should facilitate a smooth transition to move on accommodation and offer support and advocacy during this process.*

Recommendation 1: There should be multiagency involvement in decision making and informing ongoing support.

Recommendation	Current Status and more detail on recommendation	Data or Case Studies
<p>a) NRM decision making should be made by a multiagency body which acts as the Competent Authority and is funded for this work.</p>	<p>A multi-agency approach to NRM decision-making would ensure that a range of experts and perspectives are involved in each case. Decision makers should be funded for this purpose. Immigration status should have no bearing on the NRM decision. A multi- agency panel would help to ensure this.</p>	<p>The ATMG Report ‘Hidden in Plain Sight’ (2013) details how in 2012 over 80% of EU/EEA national referred into the NRM received positive trafficking identification decisions. In comparison less than 20% of third country nationals referred were positively identified.¹</p>
<p>b) Initial referrals for post NRM care should be made by the multi-agency body in conjunction with the NRM support workers. These should be listed as initial indicators of care needs in an advisory care plan. At this early stage the advisory care plan would only be considered initial indicators as to the potential range of an individual’s needs. It would not necessarily be comprehensive and would be subject to change based on ongoing needs</p>	<p>The referrals made by the decision making panel in conjunction with safe house support workers as well as the advisory care plans should incorporate the broader needs identified such as psychological wellbeing, parenting assistance, managing addictions, language, family support, educational needs of existing children, community, employability and financial management and independence. They should also make an assessment of risk to the victim both in the UK and country of origin should the person wish to return there. These advisory care plans would make clear the need for priority access to support as a result of the positive CG decision. The Care plan should be co-ordinated by a case worker (see below and recommendation 4).</p> <p>The Home Office’s 2014 ‘Review of the National Referral Mechanism for Victims of Human Trafficking’ recommended a care plan put together in conjunction with the individual’s advocate and the relevant statutory and non-statutory services.</p> <p>In addition to having already received advice while supported within the NRM</p>	<p>In Wales there is a mechanism known as MARAC (Multi Agency Risk Assessment Conference) in place for potential victims of trafficking. This is held for everyone who is entered into the NRM and takes place once there is an indication that someone may be trafficked. It is recognised that victims are vulnerable in the first few days so should happen early on. The MARAC ensures that there is a risk assessment and care plan in place for all suspected cases of trafficking in Wales to sure the individuals are properly</p>

¹ http://www.antislavery.org/includes/documents/cm_docs/2013/h/hidden_in_plain_sight_executive_summary.pdf

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<p>assessments.</p>	<p>all victims must be provided with an outline of all their key rights as a trafficked person when they receive the CG decision (e.g healthcare, mental health, and housing) presented in a language and manner which they understand.</p>	<p>supported across government agencies into a place of safety.</p> <p>Snowdrop Project have found that there are better outcomes sooner when there is a smooth handover from safe houses in to Snowdrop following the CG decision. If for some reason this is delayed or there is a gap in support, they often find that survivors are referred in by other services such as health visitors, solicitors, NASS housing officers or other charities within the next 3 – 6 months. Where this occurs, the delay has usually caused the life of the person to become more complicated as they have not had a support worker to advise, signpost and advocate where needed resulting in situations such as a) delayed benefits b) debt c) exploitative relationships d) destitution to name but a few.</p>
<p>c) There needs to be improved scope to challenge negative decisions. Any negative decision at RG stage should automatically be reviewed by another decision making</p>	<p>A negative decision has a highly damaging impact on an individual, emotionally as well as practically. Individuals feel that their life remains out of their control and they are not believed. This can dramatically curtail their recovery and may affect whether a police investigation is continued or the person gets access to legal aid and any corresponding advice. As the threshold for the first stage Reasonable Grounds decision is so low it would be expected</p>	<p>A significant number of negative decisions are granted. Out of all conclusive grounds decisions granted in 2015, less than half were positive (53% were negative and 47% were positive).</p>

<p>panel.</p> <p>Victims themselves, support providers, legal representatives or anyone else acting for a potential victim must all be able to make requests for reconsideration of negative CG decisions. Victims must have ongoing support and accommodation while any reconsideration or Judicial Review of a CG decision is ongoing. Potential victims should not be exited from support and accommodation until the appeals process is complete and appropriate move-on accommodation secured.</p>	<p>that decisions at this stage would be positive as without a suspicion of trafficking the referral would not have been made. It is therefore important that there is a second panel scrutinising any negative decisions at this stage.</p> <p>Unfortunately it has been shown that decision making within the NRM is often faulty (See for example the 2013 ATMG Report ‘Hidden in Plain Sight’). As a negative decision may be overturned following reconsideration or a JR it is important that potential victims continue to be supported and accommodated during this time. Without such support there is a real possibility that people who end up having a positive decision will have lost contact with support providers and corresponding protections before this is known.</p> <p>Snowdrop Project supported a woman who had been in domestic servitude all her life. As this was all she knew she did not know what information was relevant to a ‘CG decision’. With the short period of time she did not disclose information that was relevant. However with support provided even following a negative decision, more information was provided and the CG was reconsidered and overturned. This resulted in a police investigation, leave to remain, being reunited with her family heirlooms that had been stolen, learning English and obtaining her first legitimate job.</p>	<p>There was a pattern of discrepancy between EU and non-EU nationals: around 70% of EU nationals are recognised as victims e.g. 77% Polish and 67% Lithuanian are recognised, but only 11% Vietnamese and 10% Nigerians are given positive CG decisions.²</p> <p>NRM safe house providers are not always granted extensions of support for potential victims while requests for reconsideration are being made. This leaves potential victims at risk of destitution and increased vulnerability.</p>
<p>d) Referrals into the NRM should be made by trained First Responders.</p>	<p>Adults who are potential victims of trafficking need to give informed consent for a referral into the NRM. First Responders should be trained in order to develop the necessary expertise to identify potential victims, to given information and secure additional advice as needed to inform consent, and to ensure that the information included on the referral form is of sufficient quality to properly inform the RG decision.</p>	<p>Black Country Women’s Aid carried out a consultation with 26 service users around missed opportunities for identification. Prior to referral 18 of the 26 consulted had come into contact with one of more professionals who had not identified them.</p>

² National Crime Agency, National Referral Mechanism Statistics, Quarter 1 January to March 2016 <http://www.nationalcrimeagency.gov.uk/publications/national-referral-mechanism-statistics/711-human-trafficking-national-referral-mechanism-statistics-january-to-march-2016/file>

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Recommendation 2: A positive Conclusive Grounds (CG) decision must carry status

Recommendation	Current Status and more detail on recommendation	Data or Case Studies
<p>a) In line with Article 14 of the Council of Europe Convention for Action Against Trafficking in Human Beings the granting of a Conclusive Grounds decision should trigger a Rehabilitation Period which lasts a minimum of one year³ during which time the individual is granted a Residence Permit (such as Discretionary Leave to Remain or DLR) with recourse to public funds and exemption from benefits tests, permission to work and an option for, as well as clarity around, the conditions of renewal. A National Insurance number should be issued at the same time. A recovery and</p>	<p>It remains the case that some victims receive a positive Conclusive Grounds decision which formally recognises them as having been trafficked, together with a letter asking them to leave the UK and information about voluntary returns. This gives little or no regard to ‘personal circumstances’ such as the attendant need for appropriate support and care, the risks of re-trafficking, or destitution or homelessness or rights to compensation. This is in contrast to recognition as a refugee through the asylum system which grants an initial five years of leave to remain in the UK, followed by the opportunity to apply for Indefinite Leave to Remain.</p> <p>The current pre Conclusive Grounds recovery period is too short and is a period of uncertainty making any real recovery unlikely. To remove someone from the UK following a positive Conclusive Grounds decision before they have begun to recover, without providing an option for them to stay for rehabilitation and recover, risks returning them to a situation in which they are more vulnerable than they were before they were originally trafficked. This is because the factors which made them vulnerable to trafficking (such as poverty, debt, and other pressures) remain in place and are compounded by the trauma and damage of the trafficking. Real recovery which will often include addressing mental and physical health needs, an opportunity to claim compensation from the trafficker and to work with the authorities to secure justice will in some cases take years. Often survivors will not be in a position to trust enough or to disclose traumatic aspects of what has happened to them until they have been safe for some time. Giving more time during which</p>	<p>Police have described a case of trafficking of a man who was held for many years in forced labour. They explained how the psychological effects of his trauma meant that the initial Achieving Best Evidence (ABE) interviews were as good as useless and it took him up to 2 years to disclose aspects of what happened to him.</p> <p>Hope for Justice had a case where a victim of forced labour took 2 years to disclose that she was sex trafficked across Europe.</p> <p>The Jericho Foundation supported an EEA National who had a positive CG decision but was destitute and sleeping in a cemetery as a result of having no recourse to public funds.</p>

³ Many victims would need longer than a year. Current Guidance is that leave should normally be granted for a minimum of 12 months and not more than 30 months https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/460712/Discretionary_Leave_2_v7_0.pdf (para 5.4)

<p>reflection period cannot really be said to be effective if a victim's status is uncertain.</p> <p>This would give the CG decision meaning for victims in practice and allow a chance for recovery and to rebuild lives.</p> <p>In order to be non-discriminatory this grant of a one year residence permit must apply equally to EEA and visa nationals. This would also mean protection for EEA nationals whatever the outcomes of negotiations to leave the EU.</p>	<p>victims are safe will encourage disclosure as well as recovery.</p> <p>Victims whose trafficking took place sometime before they were referred into the NRM (often known as historic cases) should also receive a year's rehabilitation period. If these individuals have not been identified as trafficked and referred into the NRM they will not have benefitted from the support contained within the system. The fact that time may have passed since their trafficking ended does not mean that they should not also have an opportunity to recover and access justice, should they want to.</p> <p>At present the grounds for renewing a Residence Permit are unclear. Victims are often left for months or even years awaiting the renewal decision. During this time victims are in limbo (and therefore at risk) for lengthy periods while applications are processed at the Home Office. At this time victims' vulnerability increases as they cannot evidence their right to be in the UK. This makes it hard to access services, rent property, access benefits or enter into or maintain employment.⁴ It also places them at risk from perpetrators due to their specific vulnerability in the context of the ongoing insecurity of their residency status.</p> <p>Some victims will not choose to remain in the UK. The grant of a year's residence permit to act as a more realistic 'rehabilitation period' following the CG decision would not prevent victims leaving the UK before this period ends should they want to. Victims of trafficking should remain eligible for the Home Office Voluntary Returns scheme whether or not they have leave to remain in the UK.</p>	<p>The Sophie Hayes Foundation found that the lack of a National Insurance number regularly prevented individuals from accessing free training or education that would have assisted them in reducing their overall vulnerability to re-trafficking.</p> <p>A Kalayaan client was granted humanitarian protection. She approached a local NGO for help in securing accommodation and assistance in applying for welfare benefits. However she was unable to claim any benefits until the DWP issued her with a NINo (National Insurance number allocations to adult overseas nationals) which happened after she was evicted. She was placed in a B&B with no cooking facilities. Initially she was asked to give details of guarantors but wasn't able to as</p>
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⁴ The 'Criminalisation of Illegal Working' and the 'Right to Rent' provisions within The Immigration Act 2016 pose make it difficult for individuals to continue working or to rent property while their papers are in the Home Office and they cannot evidence their status. This leaves them again vulnerable to exploitation.

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	<p>Likewise not all victims will need a full year’s support. In Snowdrop, terms of support are based on individual needs assessments. These assessments do not mean the person will receive support indefinitely for years. The terms of our support have lasted for 4 months to 3 years in cases of complex need such as serious mental health issues, complex legal battles and learning difficulties.</p> <p>Without at least a year’s leave it can be difficult for survivors to move on with their lives in terms of securing a job or housing. Kalayaan found in workshops conducted for the King’s Fund as long ago as 2006 that decent work did much to support recovery of survivors of forced labour. Hope for Justice have found that some Housing Providers are reluctant to house those who cannot commit to a year.</p>	<p>she didn't know anyone in the UK. She was reliant on a charity for hardship payments to help her cover the cost of her service charge and to help chase her welfare support claim.</p> <p>Black Country Women’s Aid supported two EU Nationals who both received positive CG decisions and were still very vulnerable at this point when due to exit the service. DL was applied for but no decision has been made 6 months later. The survivors have not been well supported by the Local Authority and, out of desperation, they have suggested that they may return to their traffickers.</p>
<p>b) The Conclusive Grounds decision should act as a trigger for agencies such as Local Government, Social Services and housing association and other provisions to understand that this person is both</p>	<p>A positive Conclusive Grounds decision needs to have real meaning in practice for every victim to whom it is issued, and carry status in terms of access to support and services</p> <p>To support this recommendation and ensure provisions and rights are accessed in practise each trafficked person should have an individual Case worker (see recommendation 4)</p>	<p>The Helen Bamber Foundation has reported health providers not recognising the needs of trafficked individuals, even when accompanied by clinicians.</p> <p>The Jericho Foundation has described supporting a client</p>

<p>eligible and priority need and that this should be regardless of localism as victims may have a local connection to the area in which they have been exploited which they need to move from. This would avoid victims having to re-explain their story and why they are a victim multiple times which is upsetting and retraumatising. Victims must be able to access healthcare, legal advice, education and other support services.</p>	<p>Victims of trafficking are entitled to healthcare and they are exempt from NHS charging. However, hospital charging departments are not always aware of the exemption and often have to be referred to it. This highlights the importance of individual case workers who support victims' access to rights as well as the need for a positive Conclusive Grounds decision to carry status which is recognised across Government departments.</p> <p>Once someone has accessed healthcare it should be recognised that they should be able to continue to access their preferred doctor or psychologist. Dispersal away from such important support should be avoided if possible. Victims of trafficking should not be discharged from such a service as a result of dispersal and funding should be made available to travel to access a preferred healthcare provider.</p> <p>There are significant and serious issues for victims of trafficking accessing housing which puts them at risk. Most specialist providers are at capacity with long waiting lists. There needs to be appropriate housing provided by councils as well as from specialist providers. Mixed gender sharing should never happen in sexual exploitation history cases. Appropriate housing would decrease the likelihood of victims falling 'back into circulation' or harm</p>	<p>who, having been detained by the Home Office, had needed to recount her story multiple times in a negative and stressful environment. By the time she came to them she had been released from detention, referred through social services and another NGO, requiring further retelling of her story. On arrival at Jericho she was willing for them to know details of her past but unable to talk about this herself. They report that this dramatically hampered her move on as although skilled she found it difficult to explain gaps in her CV and to avoid recounting past traumas was tempted to look for work where she knew she was being exploited, but where she knew no questions would be asked.</p>
<p>c) There must be adequate central government funding for local authorities to be able to provide victim</p>	<p>The present situation expects Local Authorities to fulfil responsibilities to victims of trafficking without adequate specific resources. This leaves them with an impossible task and vulnerable people at risk. Victims of trafficking do not always meet the criteria within the Care Act and consequently are not</p>	<p>There have been cases where victims with no recourse to public funds have been left destitute, creating real risk and</p>

<p>services. This includes being able to provide appropriate support and accommodate victims of trafficking according to their individual needs.</p> <p>Each Local Authority should have a slavery lead or champion and should be involved in the development of the care plan for victims for who they have responsibility.</p> <p>While in their rehabilitation period victims must have a document which permits access to services and makes clear exemption from the Habitual Residency Test. This would avoid inappropriate questioning about their history. This document needs to be issued with or</p>	<p>supported. Instead there needs to be a clear statutory duty to support victims.</p> <p>There is currently a concession within the asylum application process which allows those who are receiving treatment from the Helen Bamber Foundation or Freedom from Torture to remain accommodated in asylum support housing in London. Meanwhile Local Authorities accepts victims of violence can be prioritised for housing.⁵ Both of these ‘concessions’ must be formally extended to survivors of trafficking. This would do a lot to support the ongoing recovery of those who are able to access these services.</p> <p>Support providers report that, with the exception of a few examples of good practice, including the Snowdrop Project’s specialist services in Sheffield and Freedom from Torture in Manchester, outside London it is incredibly difficult to find mental health support for victims. This hampers recovery and victims’ ability to develop positive coping mechanisms for dealing with their trauma.</p> <p>See Recommendation 3 for our recommendations regarding access to, funding for and availability of legal advice.</p>	<p>leaving people open to further harm and exploitation. There have been successful legal challenges including Galdikas and Subatkis⁶, where individuals, found by the UK authorities to have been trafficked, and who were cooperating with the police were left destitute. In November this year, Bristol City Council accepted that Local Authorities in England and Wales have a responsibility to provide welfare support to victims of trafficking where necessary to avoid a breach of Article 3 or Article 4 of the European Convention on Human Rights, Article 12 of the Convention Against Trafficking or Article 11 of the EU Anti-Trafficking Directive. This was following a claim by a victim, an EEA national awaiting a leave to remain decision who had been Conclusively found to have been</p>
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⁵ ‘Day 46. Is there life after the Safe House for Survivors of Modern Slavery?’ Human Trafficking Foundation October 2016. Recommendations, page 11 http://www.humantraffickingfoundation.org/sites/default/files/Human%20Trafficking%20Foundation%20Report%202016-10%20WEB%20FINAL_0.pdf

⁶ <https://www.theguardian.com/global-development/2016/mar/30/we-are-hopeful-now-brothers-freed-from-slavery-seek-british-policy-change>

<p>immediately following a decision</p> <p>Consideration must also be given to funding increased services including in counselling, legal advice and housing in order to meet the real needs of victims in line with our legal and moral obligation to victims.</p>		<p>trafficked but who was refused accommodation and subsistence level support. The claimant was left in a position where she could only provide for her basic needs by engaging in prostitution. She brought a claim on the basis that this was inhuman and degrading and contrary to the UK's duties under the above articles.⁷</p>
<p>d) Trafficked Overseas Domestic Workers (ODWs) who choose to apply for the 2 year visa under paragraphs 159I – 159J of the IR should have recourse to public funds and access to safe accommodation.</p> <p>Individuals on the ODW visa who have received a positive CG decision should receive the same basic support towards recovery as all other</p>	<p>Given that Overseas Domestic Workers with positive CG decisions are unable to start searching or speaking with prospective employers for work until a positive decision is made, 14 days is insufficient time for an ODW to find safe employment whether as a live-in or live- out worker. Most will be looking for a new employer without references and some will not have had permission to work whilst their trafficking claim was being considered. It is also unclear how, without a recovery period with recourse to public funds, ODWs who choose to apply for this visa will evidence their right to work and right to rent once they submit new applications to the Home Office as a recognised victim with a positive CG decision. Victims will not know when a decision will be made, or what that decision will be, Without recourse to public funds ODWs risk being pushed into further exploitation to avoid destitution.</p>	<p>Recommendation 9 in a report by The Passage, commissioned by the Independent Anti-Slavery Commissioner 'Understanding and Responding to Modern Slavery within the Homeless Sector' (2017) is that 'The Government should address the gap in move- on and long- term support provision for victims of modern slavery after they leave the NRM... This includes providing adequate funding to ensure access to</p>

⁷ 'Ground- breaking case on local authority responsibilities for supporting victims of trafficking' Deighton Pierce Glynn November 2016 <http://www.dpplaw.co.uk/ground-breaking-case-local-authority-responsibilities-supporting-victims-trafficking/>

<p>victims including a year's rehabilitation period with recourse to public funds and exemption from benefits.</p>		<p>accommodation, welfare benefits and other move- on support services'</p>
<p>e) All decisions made under the NRM should be accompanied by reasons for these decisions. Everyone who has entered the NRM should have immediate access to information held about themselves without charge, including copies of the NRM form and consideration minutes. This information should be provided quickly by the Competent Authority on presentation of no more than a form of consent or authority signed by the victim, either to the victim directly or a third party acting with the victim's consent, without requiring them to go through the</p>	<p>As required within Article 12 of the Council of Europe Convention on Action Against Trafficking in Human Beings, Victims should be provided with information, including written information, in their own language and in a manner they can understand (e.g. any disabilities, literacy issues, age appropriateness) so they are empowered to understand their own rights and the legal services which are available to them</p> <p>Legal representatives are often hindered in their efforts by not being granted access to the information they need to support their clients. Subject Access requests require identification, which many victims don't have, and lead to delays. With tight deadlines solicitors may be issuing applications blind without access to information.</p> <p>Where the police don't pursue cases the reasons should be set out for the victim in writing.⁸</p>	<p>Victims are often not being given copies of their own CG decisions. Sometimes victims are given information but as they are traumatised, or information is not properly explained, many are not clear what they should show their lawyers or lose the information. Safe house providers have also reported that they do not receive copies of CG decisions, or these are extremely delayed, in turn delaying legal applications, or forcing representatives to issue without access to information.</p> <p>Decisions, including the reasons for positive decisions should be sent to the victim, case worker, first responder and any other</p>

⁸ See Victim Code part A, Section 1.2

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<p>separate subject access request procedure for UKVI or NCA. Information held by the Competent Authority should be provided within 5 days of any request.</p>		<p>support providers.</p>
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Recommendation 3: Legal advice and representation for all legal matters must be offered early to all potentially trafficked persons or victims of modern slavery.

Recommendation	Current Status and more detail on recommendation	Data or Case Studies
<p>a) In order to ensure that adult victims of trafficking are able to give informed consent to a referral into the NRM potential victims should be entitled to a minimum of 2 hours legally aided immigration advice prior to making a decision as to if they will consent to an NRM referral, as is already the case for individuals considering entering the process to apply for asylum</p> <p>b) All survivors of trafficking must be guaranteed specialist legal advice, funded</p>	<p>A referral of an adult into the NRM must be made with their informed consent, in keeping with Article 5(2) of the EU Directive on human trafficking. Without specialist legal advice in a language the individual understands it is difficult to guarantee that consent is always informed in practice.</p> <p>Each individual must be informed of his or her rights and entitlements by a trained adviser, with the assistance of an interpreter if required. In addition, individuals should be provided a booklet explaining the National Referral Mechanism and their rights and entitlements, in a language they understand.</p> <p>The Modern Slavery Act and the Legal Aid and Sentencing and Punishment of Offenders Act 2012 (LASPO) are clear that victims of trafficking are entitled to legal aid.</p> <p>Article 15 of the Council of Europe Convention on Action against Trafficking in Human Beings obligates the UK to ensure trafficking victims' right to obtain compensation, both from the perpetrators and from the State.</p> <p>The review by the Ministry of Justice into legal aid for victims of trafficking and modern slavery, published in December 2016, accepts that victims do not have adequate access to justice saying that 'the likely demand for legal help... is not being met'.</p> <p>Victims who want to claim compensation from their traffickers are likely to use the Employment Tribunal or made a Civil Claim. There are real concerns that expertise in</p>	<p>With current uncertainty around legal aid, providers are restricting themselves due to financial risk. If no other funding is available, it is not commercially viable to rely on legal aid for many immigration applications leading to large numbers of asylum applications.</p> <p>Hope for Justice estimate that 20% of their caseworkers' time is spent trying to find immigration providers to signpost victims to. Even once an adviser is found there is likely to be a wait of 4-8 weeks before the victim is seen.</p> <p>Restrictions on Legal Aid result in cases being cherry picked by lawyers- taking only the most simple cases where it is clear that legal aid will be awarded. Hope for Justice have explained</p>

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<p>through Legal Aid, as early as possible following a Reasonable Grounds decision. Not only would this support victims to understand their rights, access justice and move on with their lives, but increased compensation claims and prosecutions would act as a clear deterrent to traffickers.</p>	<p>employment law has been lost with cuts to legal aid. The issue is the implementation by the Legal Aid Agency (LAA) of victims’ rights to legal advice on compensation which limits the number of matter starts available for this type of legal advice and the barriers that are put in place by the LAA to obtaining public funding certificates through extensive delays (sometimes longer than 3 years) and incorrect decision making. The LAA should tender a legal aid contract for trafficking compensation claims so that victims are able to access legal advice throughout the UK, as has been done with other areas of law.</p> <p>There should be legal aid available to access compensation through the CICA scheme as survivors of trafficking are victims of serious crime (see recommendation 3 d below). At present many victims do not qualify for an award and cannot access legal aid to challenge this. Victims of trafficking who take a claim against their trafficker at Employment Tribunal should not be expected to represent themselves and should receive legal aid to be represented by a barrister.</p> <p>We understand that victims are sometimes discouraged from bringing compensation claims (including by police) as such claims are seen as undermining their credibility. This is contrary to Article 12 of the Directive which states that victims should be provided with legal assistance without delay. The Victims Code specifies in paragraph 18 the written information about compensation should be provided on first contact with the police.</p>	<p>that when they initially engaged with providers most were unaware that legal aid was available for victims of trafficking to apply for discretionary leave or residency until they showed them the relevant parts of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO). They have been told by providers that they are only contracted with the Legal Aid Authority to provide asylum advice.</p> <p>In the 2015 landmark compensation case of a £266,536 award for a caste discrimination. The claimant, represented by ATLEU, was initially refused legal aid and told she should represent herself.⁹</p> <p>Black Country Women’s Aid has not encountered issues securing legal aid but finding solicitors</p>
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⁹ <https://www.theguardian.com/law/2015/sep/22/woman-awarded-184000-in-uks-first-caste-discrimination-case>

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		with up to date expertise can be an issue for them.
c) Legal aid must cover travel costs of trafficking survivors to legal appointments as is the case for those on asylum support.	At present the LAA does not cover travel costs (for example to legal appointments) for victims who have not claimed asylum. This leaves these individuals dependent on charitable support (or are forced to borrow the money- putting them in a vulnerable position) to get to vital appointments. This lack of funding for travel also has the effect of limiting further survivors' access to legal aid as they are unable to travel to those providers with the expertise and capacity to assist them.	Ella's Home supported a woman whose solicitor is in outside of London. Travel to appointments costs over £15. This is a large proportion of her income and she had to make sacrifices to pay these costs yet the appointments with her solicitor were essential for her claim and her whole wellbeing.
d) The scope of the Criminal Injuries Compensation Authority (CICA) should be extended to make it fully accessible to victims of trafficking who are unable to claim compensation from their traffickers. Automatic legal aid	Article 17 of Directive 2011/36/EU5 (the 'EU Trafficking Directive') requires that victims of human trafficking have access to existing compensation schemes available to other victims of violent crimes. In the UK this is Criminal Injuries Compensation Authority scheme (CICA) which is in practise not accessible to many victims. At present the CICA scheme does not recognise the act of trafficking as a crime of violence in its own right. Victims have to demonstrate a physical injury. Victims who suffer psychiatric injuries (and who may have no formal diagnosis due to multiple issues including lack of services) will struggle to receive any compensation from CICA. FLEX found that between 2004-2014 only £70,000 in total was paid in compensation through CICA to survivors of trafficking. ¹⁰ While some victims are able to make a claim directly against their traffickers. This is not possible for everyone. Some traffickers may not be in the UK, or may have	No defendants convicted in 2015 were ordered by the court to pay compensation for the offences of human trafficking for non-sexual exploitation and human trafficking for sexual exploitation. ¹² Under the Criminal Injuries Compensation Scheme 2012, compensation may be paid to victims of violent crime.

¹⁰ Fresh Start, University of Liverpool, March 2017 <http://www.city-hearts.co.uk/wp-content/uploads/2017/02/Fresh-Start-A5.pdf> (page 8)

¹² Answer to Parliamentary Question WPQ 58541

<p>should be provided for applications.</p>	<p>moved all their assets. In these cases, individuals will have to rely on the Criminal Injuries Compensation Authority for any compensation but find that they are not always eligible. Additional issues for victims include the fact that they may have previous criminal offences. Even though these could be trafficking related if they have convictions at the time of the application an award will be withheld or reduced even if these convictions are later appealed or the case reopened and convictions quashed.</p> <p>The grant of a positive CG decision should make victims recognised as eligible for a CICA claim with flexibility around limitation dates if needed. There could be specific tariffs for trafficking for sexual exploitation, forced labour and domestic servitude which recognises the severe situation of abuse encountered. Legal Aid should be available to prepare and submit applications to CICA as well as for review and appeals.¹¹</p>	<p>However, these payments are on the basis of injury sustained and not related to criminal proceedings: the Criminal Injuries Compensation Authority which administers the scheme does not keep records based on convictions, and so cannot provide figures for the number of compensation payments made to victims of human trafficking.¹³</p>
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¹¹ Very few victims have been able to obtain Exceptional Case Funding (most are refused) in relation to CICA claims. It is more likely to be available at an appeal stage, not at the initial application stage. As survivors of trafficking often don't meet the primary requirements of the scheme legal representations are required at the outset. This is not possible without legal aid. This means many victims do not pursue a claim to CICA as there is not the advice and representation available to assist them, or those who do put in an application are subjected to very lengthy delays during which they must wait for the application to be refused before an appeal can be made. CICA claims are not something which many legal representatives are pursuing for victims.

¹³ Ibid

Recommendation 4: Individual case workers should be offered to each trafficked person to carry out case work support and individual advocacy.

Recommendation	Current Status and more detail on recommendation	Data or Case Studies
<p>a) On receiving a positive Conclusive Grounds decision each trafficked person should be offered a case worker who also carries out individual advocacy on their behalf. This person would also co-ordinate the survivor's care plan and bring services together as mentioned in recommendation 1.</p> <p>The worker will keep in regular contact with the individual (unless the individual does not want this) in order to facilitate their integration into mainstream services and promote their long term welfare. This support</p>	<p>At present, government funded case work support is often provided according to set time frames rather than individual need. This means that soon after an individual receives a positive Conclusive Grounds decision many lose support.. It would not be unusual at this point when support ends for someone to have issues with housing, have a compensation claim or employment claim ongoing, be giving evidence to the police for a prosecution, have health and mental health issues and be trying to negotiate securing an NI number and opening a bank account. Such an individual may speak little or no English and be completely unfamiliar with functioning in a society like the UK. They may have professionals who work on each separate issue with them but find it very challenging to cope with all these different elements, understand how they feed into each other and to cope if any of these systems fall apart.</p> <p>The case worker role would be aimed at providing support to negotiate different systems and bridging different professional relationships while fostering the survivor's independence.</p> <p>The Case worker needs to be located geographically near to the person they support in order to facilitate meeting physically. Victims should be offered a case worker of a gender of their choice, and where possible</p>	<p>It is not known what happens to victims who leave the NRM without ongoing case work support. City Hearts Found that when they attempted to contact a sample survey of clients who had exited their NRM support service between 2011- 2015 that 76% were not contactable.¹⁴</p> <p>Police and solicitors working with victims of trafficking have expressed how much more likely it is that a prosecution will be successful, or legal claim to go ahead, if a victim is properly supported. A support worker or individual advocate who can answer questions, explain systems, and provide understanding is a huge asset. It also makes economic sense as the victim moves on more quickly and professionals can focus on their area of expertise rather than trying to also fill the role which should be</p>

¹⁴ Fresh Start, University of Liverpool, March 2017 <http://www.city-hearts.co.uk/wp-content/uploads/2017/02/Fresh-Start-A5.pdf> (page 8)

<p>should be offered as standard for a minimum of a year and ideally continue beyond this depending on risk assessment, need and agreement with the survivor. Once a file is closed there should be a point of contact to which the survivor can return if they want to. Outreach support must as standard be offered to those who don't take up accommodation.</p>	<p>who speaks their language. If not interpretation must be available.</p> <p>Support into work should be provided where victims' circumstances allow.</p>	<p>managed by a caseworker.</p> <p>There are examples of excellent practice providing long term support for victims of trafficking run by voluntary sector organisations however capacity and geographical constraints mean that these programmes cannot support every victim.</p> <p>Over the last few years Snowdrop Project has successfully supported two compensation claims which total around £60k. These took roughly 2 years to complete and the solicitors stated that in both occasions it would not have been possible without the survivor having an assigned advocate for that period of time.</p> <p>Hope for Justice have found that because of issues encountered by support providers in obtaining welfare benefits they have sometimes struggled to get second phase providers to take on their clients unless Hope for Justice will provide the advocacy around welfare benefits.</p>
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<p>b) Case workers should be trained in line with the Trafficking Survivor Care Standards to understand victim’s needs and entitlements and encouraged, trained and supported to advocate for victims’ best interests. This should include knowledge of local specialist services in order to make referrals where appropriate. Consideration should be given to accreditation for this role.</p>	<p>Services should be able to provide case workers subject to the needs of the service user including the gender they feel most comfortable with.</p> <p>As recommended in the Home Office’s 2014 ‘Review of the National Referral Mechanism for Victims of Human Trafficking’ there should be a ‘single management process for trafficking cases... in place’. This should include a care plan put together in conjunction with the individual’s case worker or advocate and the relevant statutory services. This would be most effective if the Conclusive Grounds decision were made in a multi-agency environment and a care plan were agreed as part of this process.</p>	<p>Unseen provide a resettlement service across the South West, working with those who have received a CG decision. Offering up to 100 hours of extra support to assist them settle within their new community post the NRM period.</p>

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Recommendation 5: Safe house accommodation move-on timescales should be more flexible and support should diminish gradually according to need.

Recommendation	Current Status and more detail on recommendation	Data or Case Studies
<p>a) The time victims are permitted to stay in a safe house needs to be guaranteed for at least until a CG decision is made with more flexibility for move on times. There needs to be a smooth transition between leaving the safe house and move on accommodation to avoid survivors being put at risk during this time.</p>	<p>At present the Home Office provision of safe house accommodation, through a contractor and subcontractors gives no guarantee of accommodation beyond 45 days. Victims of trafficking have 2 weeks following a positive Conclusive Grounds decision or 48 hours following a negative decision to leave safe house accommodation. There are some safe houses which provide support outside of the Government contract but this provision is limited. There is no national allocation for individuals to go into longer term safe house support according to individual need, rather it seems to be a case of luck- primarily dependant on if the individual has an advocate or case worker to make a proactive referral on their behalf, and on the availability of non-government funded safe house accommodation or ongoing individual advocacy in that region at that time.</p>	<p>Hope for Justice report that there is a 4-8 week wait to see an immigration adviser with capacity. More time in the safe house if needed would go a long way towards ensuring victims receive advice in good time to inform decisions about compensation and criminal proceedings, future immigration and housing options during their recovery period. Hope for Justice also report that some of their clients have actually attempted suicide because of the uncertainty of their position after 45 days.</p> <p>Unseen have found that with the offer of a resettlement service and ensuring that case workers and clients meet ahead of a move-on to discuss support needs has promoted individuals to be more confident to move-on</p>
<p>b) Standard time frames for moving on from safe house</p>	<p>Currently victims who are granted a positive Conclusive Grounds decision are not guaranteed any move-on accommodation. Whether a</p>	<p>Black Country Women's Aid have examples of women who have survived</p>

<p>accommodation, or the associated support if accommodation is not taken up, on receipt of a CG decision should be in line with those for asylum seekers giving them 28 days (or 30 days if the decision is served by post).¹⁵</p> <p>Given that this is to allow survivors to make a safe transition into longer term support and accommodation the 28 days should be a guideline and survivors should only be compelled to move on once they have safe and appropriate accommodation to move to.</p> <p>If moving to NASS accommodation there must be an evaluation as</p>	<p>survivor has access to appropriate move-on accommodation is a case of luck, essentially depending on their location and the availability of specialist projects offering second stage housing and support.</p> <p>Generally, victims fall into four broad categories:</p> <ul style="list-style-type: none"> • British or EU national, with recourse to public funds, or third country national whose status permits recourse to public funds (such as DLR or a ‘Residence Permit’) • EEA nationals or visa nationals with no recourse to public funds (such as Overseas Domestic Workers) • Third country nationals who have made an application for asylum • Third country nationals with no leave to remain. <p>At present, even those victims who have recourse to public funds have no guarantee that they will be accommodated by the Local Authority as they will not necessarily be recognised as priority need. This is particularly the case for men.</p> <p>Individuals who apply for asylum seem to be moved to NASS accommodation as standard and sometimes before a CG decision is made and NRM support ends. This assumes they are in a position to make a section 95 or section 4 application early on during their recovery period. However, a successful application, while securing accommodation, often involves dispersal away from support networks,</p>	<p>sexual exploitation who have been moved into temporary hotels where other residents are predominantly men. The recovery and mental health of these survivors has deteriorated in response with some becoming suicidal.</p> <p>A family of 6 supported by Black Country Women’s Aid had to vacate a property when the landlord wanted to sell. Their Section 95 application for financial support and accommodation was granted. However Instead of being given NASS accommodation close to the children’s schools they were moved into a hotel out of the borough they were living in. The distance made it very hard for the children to attend school. This put stress on their parents and disrupted the children’s lives and learning.</p>
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¹⁵ See Regulation 4 of the Asylum Support Regulations 2002.

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<p>to if the proposed accommodation is appropriate.</p>	<p>into accommodation which may not be suitable or safe, with whole families housed in one room, no cooking facilities and mixed gender accommodation.</p> <p>When moving into NASS accommodation individuals who are victims of slavery and their families are often first moved into temporary accommodation. This is disruptive and may not be safe or suitable for their needs.</p>	
<p>c) Survivors should only be compelled to move on from first stage accommodation once it is clear that they have safe and appropriate accommodation to move to and a case worker in place (see recommendation 4) to offer individual support and advocacy.</p>	<p>EEA nationals who have been trafficked or are victims of modern slavery are frequently not considered eligible for public funds due to being unable to prove that they have been working in the UK. The irony of course is that this lack of proof is in itself one of the indicators of their exploitation, for they may have been working, but in forced labour with no NI number, tax contributions, pay slips, salary or other documentation of their work. Even those who can prove work will often receive Housing Benefit for only 6 months. They then have to sit a Genuine Prospect of work test which they are very likely to fail. Having a case worker who can advocate on each individual's behalf will do much to make sure all survivors are able to access the support they need in practice.</p>	<p>The Human Trafficking Foundation was contacted by a woman who had received a positive Conclusive Grounds decision together with a Residence Permit in the form of Discretionary Leave to Remain (DLR) but whose asylum claim had been refused. This meant that while she wasn't entitled to NASS accommodation she did have the right to remain in the UK as well as recourse to public funds. However she had been refused accommodation by the local authority, had no one to advocate on her behalf, and was at that time living with 4 men who she had only recently met, she was very worried about this situation which put her at unacceptable risk.</p>