



All-Party Parliamentary Group on  
Human Trafficking and Modern Day Slavery

# Inquiry into the collection, exchange and use of data about human trafficking and modern slavery

January 2014

The Inquiry members were:

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## Foreword

The Centre for Social Justice in their recent report on human trafficking in the UK stated that 'There is no consistent grip on the numbers; agencies charged with such responsibility are groping in the dark for a sense of scale. The figures used ... reflect the small number of cases known about, but are a pale reflection of the true size of the problem.'<sup>1</sup>

Every further consideration of the issue has noted the lack of accurate data, and those who are charged with protecting victims and prosecuting perpetrators share the same concerns about the need to know more and to share what is known in order better to prevent this crime and protect its victims.

Data capture and intelligence sharing were also identified as a key area for improvement in the first annual report of the Inter-Departmental Ministerial Group on Human Trafficking presented to Parliament in 2012.

The All Party Parliamentary Group on Human Trafficking and Modern Day Slavery therefore decided to launch this Inquiry to examine questions about the data we collect and what we do with it. We wanted to improve our understanding of the characteristics and extent of modern slavery; and consider where changes are needed that can improve data collection, the transmission of data between agencies and the use of data to enhance the protection of victims and the prosecution of criminals.

The Human Trafficking Foundation in conjunction with the Inquiry Secretariat sent out a request for evidence across the UK in early October 2013 using the Foundation's contact and network list of individuals and organisations which were recognised focal points in England, Wales, Scotland and Northern Ireland. We also contacted legal networks, local authorities, government agencies and also police forces in England, Wales and Northern Ireland through the office of the Association of Chief Police Officers lead on human trafficking, Chief Constable Shaun Sawyer of Devon and Cornwall police.

We have taken written evidence from 59 different sources including 23 police forces, nine statutory organisations and local authorities and 27 non-government organisations and academics, listed in Appendix 1. We have also conducted oral evidence hearings in which we heard from 13 individuals (see Appendix 2 for names) and have reviewed a number of key reports, listed in Appendix 3.

<sup>1</sup> *It Happens Here: Equipping the United Kingdom to fight modern slavery*, March 2013, Centre for Social Justice

During the course of the Inquiry, we welcomed the publication of the draft Modern Slavery Bill and associated Evidence Review and the government's commitment to establish an Anti-slavery Commissioner. Both the Scottish Parliament and Northern Ireland Assembly are also progressing anti-trafficking bills. We acknowledge the excellent work done by both Jenny Marra MSP and Lord Morrow in sponsoring their respective Bills and by doing so increasing opportunities to take evidence on modern slavery in Scotland and Northern Ireland. We hope the findings of this Inquiry into the importance of better data collection, capture and sharing will be helpful in making the new laws effective.

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## Acknowledgements

The APPG is very grateful to Christine Beddoe who has co-ordinated the work of the Inquiry and drafted the report, and to all the organisations which provided evidence, both written and oral, in particular the large number of police forces which contributed. The members sitting on the Inquiry were Fiona Mactaggart MP, the Rt. Hon. the Baroness Butler-Sloss, Anthony Steen, Ann Coffey MP, Michael Connarty MP, Margot James MP, Andrew Selous MP and David Simpson MP.

We are grateful for the financial support from the Joseph Rowntree Foundation and the financial, technical and administrative support from CARE and the Human Trafficking Foundation in the production of the report. Pat Kahn designed the report and hard copies were printed by Langford Printers in conjunction with the Human Trafficking Foundation.

We appreciate the support for our conclusions in *Establishing Britain as a world leader in the fight against modern slavery*, the excellent report of the Evidence Review chaired by Frank Field MP, in conjunction with Baroness Butler-Sloss and Sir John Randall MP, published together with the draft Modern Slavery Bill.

We would also like to thank focal points in Northern Ireland, Wales and Scotland; the Association of Chief Police Officers, the Anti-Trafficking Monitoring Group, the Anti-Trafficking Legal Project and the Forced Labour Monitoring Group, in particular Professor Gary Craig, for advising and circulating the call for evidence to a significantly wider audience than we would have been able to reach on our own.

## Executive summary and recommendations

It is clear from the evidence we have received that improved data capture and data exchange systems are needed. In some cases this could require only a tweaking of existing practice but in other cases a more robust review of policy and information-sharing protocols may be required.

Accurate data is required to see the whole picture, which is hard to do in the murky underworld of modern slavery. Agencies do not need to have conclusive statistics provided by a single source before making modern slavery a priority or taking immediate action to protect any individual from harm, but improving information and statistics will improve the prospects of tackling this crime effectively. An Anti-slavery Commissioner will be key to this process.

Throughout this Inquiry, witnesses referred to the importance of accurate data and data sharing. Identifying characteristics of these crimes is vital for improving case management, better co-ordination, improving outcomes for victims, improving confidence in the criminal justice system and greater accountability. Evidence highlighted the need to improve risk assessment processes and to improve how services access vulnerable people before they become victims of exploitation. To do that requires the engagement of a wider range of agencies and greater interrogation of the data that is currently collected for other purposes and to look at that data through the lens of modern slavery.

Through this Inquiry we have learned, among other things, that:

- There is no data category which includes modern slavery or trafficking for purposes other than sexual exploitation in Home Office Counting Rules;
- There is no national police recording system to flag cases;
- The Crown Prosecution Service has a double flag system to record (a) when there is a human trafficking offence; and (b) where the victim was under 18 at the time when the crime was committed but this analysis is not shared widely;
- There is no interface between the NRM system and missing persons investigations;
- The UK Human Trafficking Centre, now a unit within the National Crime Agency (NCA), does not have statutory powers or a mandate to request data from other government agencies;
- There is no formalised or uniform process of screening children and young people against risk indicators or victim profiles once they have entered the prison system;
- The government does not plan to include mandatory modern slavery assessments as part of the duties of the Criminal Casework PORT (Prisons, Operations and Removals Team) officers;
- There is no data management system that reports on the number of trafficked people in the prison estate;
- There is no data kept centrally on unaccompanied children entering or leaving the UK.

## Recommendations

### ■ An Anti-slavery Commissioner

The Inquiry welcomed the government's proposal for an Anti-slavery Commissioner. We recommend that the Commissioner should have:

- the statutory powers to commission reports and request data from across all departments/agencies of government and not only those working on the criminal justice dimensions of human trafficking and forced labour;
- the freedom to seek advice and data from a wide range of non-government sources including national and international organisations and academics;
- the freedom to ask questions about the quality, quantity and frequency of data they receive to ensure that the reports prepared by the Commissioner are credible, robust and transparent;
- the statutory authority to provide leadership and give support to existing structures such as Inspectorates, Local Safeguarding Children Boards and Police and Crime Commissioners;
- the independence to monitor and report on the progress of government plans and initiatives to combat modern slavery;
- the mandate and resources, both human and financial, to report to Parliament on an annual basis.

An early task for the Anti-slavery Commissioner should be to conduct an information audit and establish a national data collection plan. There are disparate sources of information which are currently not brought together anywhere

It is with these points in mind that we recommend that the role of Anti-slavery Commissioner is situated within the Cabinet Office and that there be a duty placed on all government departments and agencies to co-operate with and to submit data requested by the Anti-slavery Commissioner.

### ■ We recommend that:

Careful consideration is given to ensuring how the term modern slavery is used in policy, procedures, protocols, training and future legislation to ensure that it is not simply interchangeable with the definition of human trafficking and that it has a wide enough reach to capture all forms of sexual exploitation, labour exploitation, child exploitation and criminal exploitation, irrespective of whether an individual has been moved from one place to another.

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The Home Office, the Ministry of Justice and ACPO look at lessons drawn from the flagging systems used for domestic violence and that consideration is given to the creation of a police flagging system for modern slavery offences to enable data to be tracked and monitored even if the victim moves between police force areas or goes missing.

The government Inspectorates, including OFSTED, the Prisons Inspectorate and the Police Inspectorate, consider requesting information held about trafficking and modern slavery in their inspections.

## ■ National Referral Mechanism

The Home Office UK Visas and Immigration be removed from its position as Competent Authority within the NRM and that either an independent decision-making body be set up or all decisions be made by the UKHTC.

The Home Secretary's review of the NRM be conducted by a panel independent of the Home Office Joint Strategy Group, that it includes a specific focus on children and the role of local authorities in identification and decision making; and that it reviews all cases affected by the *Atamewan* judgement.

The NRM referral form is regularly reviewed and updated to include emerging trends and indicator sets based on case knowledge, because this would be a quick way of strategically sharing the learning from cases that come to light.

The NRM referral form adds a specific box to request the crime reference number, where this is applicable.

## ■ National Crime Agency

The NCA should review all available data on individuals who have been prosecuted for offences where trafficking and slavery are known to have occurred and report on this, using disaggregated data, so that other professionals can be made more aware of criminal methods of control, abuse and exploitation.

Publish annual reports, or strategic threat assessments, specific to children that is separate to the annual UKHTC report so that it includes rolling data from local authorities, police child abuse investigation teams, youth offending teams, missing children investigations, and children's organisations, and that it is co-published with the Department for Education and distributed to all local authority chief executives.

Accelerate any current work being done by National Missing Persons Bureau and CEOP on missing children and with the assistance of the organisation Missing People and others, coordinate a national review of all available data on missing children and report on the threat of onward trafficking of children who have gone missing once they have entered the local authority care system.

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## ■ Home Office

The Home Office Counting Rules are reviewed to incorporate modern slavery and all forms of human trafficking.

The Home Office pass all asylum screening interview data returns for separated children to a separate specialist agency to sift for further identification of trafficking trends and indicators of exploitation.

The Home Office report all unaccompanied asylum seeking children to the Refugee Council within 24 hours, as per statutory requirement.

That an independent review is undertaken of the Migrant Domestic Worker Visa and the application data capture processes.

The Home Office Joint Strategy Group on Human Trafficking is tasked with reviewing existing telephone and online reporting hotlines and investigating the feasibility of combining hotlines where possible to reduce confusion and promote data sharing.

The Home Office Criminal Casework PORT officers have a mandatory duty to conduct trafficking assessments on all foreign national prisoners to confirm the person is not trafficked before taking steps to arrange removal.

## ■ Ministry of Justice

Judges to be asked to include in published sentencing remarks in criminal cases and also in case summary headnotes or titles in employment and immigration and asylum tribunal decisions key words such as 'trafficking' to help to identify the scale of the issue.

National Offender Management Service and the Youth Justice Board to be tasked with reporting on the number of foreign national children and young people in prisons across the UK.

## ■ Association of Chief Police Officers

A national framework for multi-agency risk assessment for modern slavery is developed using lessons from the MARAC and MASH experiences.

## ■ Information Commissioner's Office

The Information Commissioner's Office be asked to provide guidance where required to address data sharing between those agencies who may be supporting an individual through different support, welfare and criminal justice systems.

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## ■ Children

A new system of compulsory data collection and data management be put into place so that authorities establish a mechanism to collect data and report regularly on '*children at risk*' of trafficking and sexual exploitation including data on children going missing, based on more robust risk assessment framework.

That the National Crime Agency accelerate any current work being done by National Missing Persons Bureau and CEOP on missing children and with the assistance of the organisation Missing People and others, coordinate a national review of all available data on missing children and report on the threat of onward trafficking of children who have gone missing once they have entered the local authority care system.

There should be a review of how children's biometric data can be collected and used to protect children who have been or are at risk of being trafficked. Collecting information about the child by way of a digital photograph and physical description at the time of first presentation should be considered mandatory as part of a statutory responsibility to safeguard the child, not simply recommended as good practice.

The Department for Education change the data collection form SSDA903 to include data on whether a child is at risk of being trafficked, their nationality and immigration status, and information about children who have gone missing from care. This should incorporate data from the police, local authorities, youth offending services, the custodial estate and other agencies.

The government makes clear who holds the strategic lead for child exploitation, including trafficking, labour exploitation and sexual exploitation and that a vacuum in leadership does not occur as a result of shifting responsibilities within the National Crime Agency.

Youth Offending Teams include trafficking assessments into their core assessments for all foreign national children and young people up to age 21.

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# The current situation

**‘To use a metaphor, if data collection were a table, and each leg were given to a different agency with free rein to make the leg as they saw fit, none would end up the same size and the table would fall over.’**

– From written evidence to the Inquiry: Police Force

The problem is comprehensively described by the Anti-Trafficking Monitoring Group, a coalition of nine organisations,<sup>2</sup> in their report *In The Dock* which states that ‘the current dual system of data collection on prosecutions and convictions of traffickers gives an inaccurate and potentially misleading picture on how successful the UK is in tackling trafficking. The result is a situation where different statistics are presented by different departments, leading to an uncertainty over the number of perpetrators actually brought to justice for trafficking. Furthermore, conviction statistics are not disaggregated, rendering it difficult to ascertain how many child traffickers are prosecuted.’<sup>3</sup>

In 2012 the Inter-Departmental Ministerial Group on Human Trafficking Annual Report stated that ‘although basic information about potential victims of human trafficking is captured through the NRM, data capture is an area that, if improved, could help to further strengthen the UK’s approach to identifying and supporting victims as well as targeting potential threats from organised crime groups.’<sup>4</sup>

A common theme across the Inquiry has been that, despite some good practice in local areas, the national picture on modern slavery is incomplete, patchy and at times misleading by what it leaves out. There is virtually no data published by government about the criminals who exploit or traffic people and no disaggregated data on the offences with which they are charged – and therefore information is more likely to be shared informally between people within specific networks, rather than being regularly shared with front line agencies to identify trends and to reach victims more quickly. This matters for many reasons: not least because, in the case of children, this also relates to the need to understand more about the methods used by seemingly ‘responsible’ adults in cases involving benefit fraud, begging and criminal activity where the adult is still in contact with the child.

<sup>2</sup> Afruca, Amnesty International Northern Ireland, Anti-Slavery International, Black Association of Women Step Out, ECPAT UK, Helen Bamber Foundation, Kalayaan, the POPPY project and Trafficking Awareness Raising Alliance

<sup>3</sup> *In the Dock: Examining the UK’s criminal justice response to trafficking*, June 2013, Anti-Trafficking Monitoring Group

<sup>4</sup> *First annual report of the Inter-Departmental Ministerial Group on Human Trafficking*, October 2012, Department of Justice, Scottish Government, HMG

In October 2013 the Anti-Trafficking Monitoring Group launched their fourth report, *Hidden In Plain Sight – an analysis of UK measures to protect trafficked persons*, which reviews data collection across the UK. The group, which also gave evidence to the Inquiry, state that data collection has improved over the past three years mostly as a direct result of the efforts of the UK Human Trafficking Centre but it is concerned about the gaps that still exist. The report states: ‘there is still insufficient data collection about traffickers... The data collection by the Ministry of Justice however does not provide an accurate picture of the number of traffickers brought to justice. The UKHTC assessments provide almost no information about traffickers.’<sup>5</sup> In addition, various Parliamentary Questions seeking information about where victims have been found and what charges have been brought have not been answered.<sup>6</sup>

#### ■ RECOMMENDATION

**That the National Crime Agency review all available data on individuals who have been prosecuted for offences where trafficking and slavery are known to have occurred and report on this, using disaggregated data, so that other professionals can be made more aware of criminal methods of control, abuse and exploitation.**

### Modern slavery or human trafficking?

A number of witnesses have pointed out that the term ‘modern slavery’ is not always clearly defined and leaves people unsure of whether someone is a victim of exploitation. The obvious risk this creates is that cases are only reported when they are on the most abusive end of the spectrum of exploitation.

This could also lead to misunderstanding when dealing with other EU countries as the term ‘modern slavery’ is not used, and when it is, it is believed to be less all-embracing than human trafficking. For that reason, care should be taken not to interchange the terms.

Part 4 of the draft Modern Slavery Bill creates a new duty that specified public authorities must notify the National Crime Agency if they have reasonable grounds to suspect that an individual may be a victim of human trafficking. We question why this new statutory requirement is focused on human trafficking and does not include a duty to report other forms of slavery and servitude, including forced labour, that are also included in the Bill as criminal offences.

To support the Modern Slavery Bill there is now a need to bring up to date a raft of policies, procedures and training materials to acknowledge that

<sup>5</sup> *Hidden in plain sight: three years on: an updated analysis of UK measures to protect trafficked persons*, Anti-Trafficking Monitoring Group, 2013

<sup>6</sup> For example, answers on 13 May 2013, HC Deb col. 10W, 3 June 2013, HC Deb col. 899W, 17 June 2013, HC Deb col. 477W

### Child trafficking

Three separate police, SOCA<sup>7</sup> and immigration investigations in 2008 – 2013 resulted in the convictions of individuals who were responsible for trafficking Nigerian children out of the UK: Odoosa Usiobaifo<sup>8</sup> in 2013, Anthony Harrison<sup>9</sup> in 2011, and Kennedy Johnson<sup>10</sup> in 2009. In all three cases children were trafficked into the UK, and then trafficked out of the UK for prostitution in mainland Europe. Similar cases with UK connections were reported in the Netherlands<sup>11</sup> as early as 2007.

The Harrison investigation by specialist Metropolitan Police detectives exposed that the practice of juju was used to create such a significant level of control that children and young women feared speaking to authorities. Although the actual numbers of children caught up in this organised crime network were never fully identified, many children would have been reported as missing children as it was known that at least some of the victims had been in the local authority care system at the time of being moved out of the UK, or re-trafficked.

It appears that neither SOCA nor the Home Office prepared any briefing for local authorities, police and other agencies responsible for the welfare of children. Arguably the details that emerged in each case were significant enough to distribute in their own right, but together they form an indispensable guide to understanding how trafficking occurs, what to look out for in children's statements, and the reasons why children are not just missing but re-trafficked. This could enable the early identification of other children and assist in training and increasing the understanding of social workers, health workers, teachers and police of the risk facing other Nigerian girls.

Many of those children, now young adults, who were first brought into the UK by the traffickers but not yet moved on may still be in the UK and have no idea that these traffickers have been convicted. This has significance for their ability to come forward to authorities but also for adding credibility to their account for police investigations, NRM referral and immigration status decision about whether they have been trafficked.

modern slavery goes wider than human trafficking and that it includes many different exploitative practices including forced and compulsory labour and forced criminality. Evidence to the Inquiry has pointed out that the true picture of exploitative labour practices is not fully understood because the current, although limited, data capture methods are within the context of human trafficking and if a case does not meet the threshold of human trafficking the data is either not shared or not thought necessary to record.

The Modern Slavery Bill has the potential to focus people's minds on the nature and extent of exploitation in all its forms and that should change the way data is being captured.

<sup>7</sup> Serious and Organised Crime Agency

<sup>8</sup> [www.ukba.homeoffice.gov.uk/sitecontent/newsarticles/2013/march/16-usiobaifo](http://www.ukba.homeoffice.gov.uk/sitecontent/newsarticles/2013/march/16-usiobaifo)

<sup>9</sup> [www.18rlc.co.uk/cases/R%20v%20Anthony%20Harrison](http://www.18rlc.co.uk/cases/R%20v%20Anthony%20Harrison)

<sup>10</sup> <http://allpartygrouphumantrafficking.org/downloads/barking-and-dagenham.pdf>

<sup>11</sup> <http://news.bbc.co.uk/1/hi/world/europe/7061145.stm>

‘Currently, data on exploitation in general and forced labour in particular is poor, patchy and fragmented. The National Referral Mechanism is the best source of data we have but it has not been designed to measure exploitation and forced labour per se and there is no other adequate mechanism for pulling this data together.’

– Forced Labour Monitoring Group

‘The second IDMG report makes little use of the information from reports on forced labour, such as the Joseph Rowntree Foundation’s 2013 report on forced labour in the UK. This report estimated the number of victims of forced labour in the UK to run into the thousands, which starkly contrasts with the Government’s official figures.’

– ECPAT UK

The Gangmasters Licensing Authority gave oral evidence to the Inquiry and explained the spectrum of exploitative labour practices that may or may not end up defined as human trafficking but undoubtedly would be considered modern slavery.

‘We deal with a whole host of victims who fall short of being trafficked because they may have come across from another Eastern European country on the promise of good work and good accommodation. So it’s debt bondage, falling short of human trafficking, but nevertheless they then feel in a downward spiral, both of fear because they’re told if they go to the authorities they will be denounced, or threats of violence.’

– Paul Broadbent, Gangmasters Licensing Authority

## ■ RECOMMENDATION

**That careful consideration is given to ensuring how the term modern slavery is used in policy, procedures, protocols, training and future legislation to ensure that it is not simply interchangeable with the definition of human trafficking and that it has a wide enough reach to capture all forms of sexual exploitation, labour exploitation, child exploitation and criminal exploitation, irrespective of whether an individual has been moved from one place to another.**



# An Anti-slavery Commissioner

We welcome the Home Secretary's decision to appoint an Anti-slavery Commissioner who will have the power to request information in their role of encouraging good practice in the prevention, detection, investigation and prosecution of modern slavery. This provides an opportunity to strengthen national data and put in place a strategy for data collection that goes well beyond the existing NRM statistics. One of the first tasks of the Commissioner must be to produce a national data collection plan and undertake an audit of agencies that can provide baseline data of people at risk of modern slavery.

An independent Commissioner with wide powers to oversee the government's anti-slavery work and to recommend changes will increase the visibility of the problem and give confidence to those working to tackle it. The Commissioner must be fully independent of government and be accountable to Parliament, and provide independent scrutiny of policies.

We hope that the holder of this office will press the government to make the keeping, collection and sharing of improved data a priority. The Commissioner's powers must include that of requesting data and influencing the data collected and shared by different organisations. As Baroness Butler-Sloss stated at the Inquiry evidence session on 21 November 2013:

'... the government is actually proposing [a Commissioner] and I would have thought the first thing they would be asking would be to collect data. I'm hoping.'

Because the practice of modern slavery affects so many areas of life, and occurs on a spectrum of abusiveness, the post of Anti-slavery Commissioner should have a remit to deal with and influence many government departments, not just those which may be considered most directly involved. These include Department for Environment, Food and Rural Affairs, Department for Business, Innovation and Skills, UK Trade and Investment, Department for Education, Department for Communities and Local Government and Department for International Development as much as the Home Office.

The Inquiry asked witnesses to feed back to us what they would like to see in an Anti-slavery Commissioner. From the evidence we have heard, we recommend that an Anti-slavery Commissioner should have:

- the statutory powers to commission reports and request data from across all departments/agencies of government and not only those working on the criminal justice dimensions of human trafficking and forced labour;
- the freedom to seek advice and data from a wide range of non-government sources including national and international organisations and academics;
- the freedom to ask questions about the quality, quantity and frequency of data they receive to ensure that the reports prepared by the Commissioner are credible, robust and transparent;

- the statutory authority to provide leadership and give support to existing structures such as Inspectorates, Local Safeguarding Children Boards and Police and Crime Commissioners;
- the independence to monitor and report on the progress of government plans and initiatives to combat modern slavery;
- the mandate and resources, both human and financial, to report to Parliament on an annual basis.

We agree that the Commissioner should be a named individual with the experience and gravitas to take a leadership role; and they should report direct to Parliament on progress made against government plans to combat modern slavery.

An Anti-slavery Commissioner should not function as a cross-government co-ordinator, this would still be the role of the Inter-Departmental Ministerial Group<sup>12</sup> which meets two to four times a year and oversees government policy.<sup>13</sup> Evidence from both government and non-government contributors alike repeatedly highlighted the need for a Commissioner to have the independence and freedom to seek data from a wide range of sources and the authority to hold others to account.

The Modern Slavery Bill Evidence Review supports the appointment of a Commissioner, stating:

'A significant number of witnesses and written evidence respondents believed it to be the most important measure in the fight against modern slavery that the Government could enact. ... In particular, it was appreciated by the Panel that as there is currently insufficient empirical data and a consequential lack of understanding of the various issues related to modern slavery, the appointment of a Commissioner would be vital. A Commissioner would ensure that such deficiencies of data were addressed in the medium to long term, enabling those who deal with modern slavery not only to understand and respond effectively to present phenomena, but to recognise and proactively work to combat developing phenomena.'<sup>14</sup>

#### ■ RECOMMENDATION

**It is with these points in mind that we recommend that the role of Anti-slavery Commissioner is situated within the Cabinet Office and that there be a duty placed on all government departments and agencies to co-operate with and submit data requested by the Anti-slavery Commissioner.**

<sup>12</sup> Anti-Slavery International written evidence

<sup>13</sup> It has met eight times since May 2010, HC Deb, 28 November 2013, col. 393W, reports at [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/251487/9794-TSO-HMG\\_Human\\_Trafficking.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/251487/9794-TSO-HMG_Human_Trafficking.pdf)

<sup>14</sup> *Establishing Britain as a world leader in the fight against modern slavery: Report of the Modern Slavery Bill Evidence Review*, 16 December 2013, Baroness Butler-Sloss, Frank Field MP (Chair) and Sir John Randall MP, p. 40

- ‘ Any Commissioner ought to bring to this issue what it has patently lacked within the UK that is a dedicated, vociferous champion with a statutory footing and budget.’
  - Police Force
- ‘ [The Anti-slavery Commissioner should have] ... the ability to work with a wide range of statutory and nongovernmental organisations across countries in order to build confidence in the need to share and collect data ... to lead on the development of a country wide protocol in aiming for a consistent approach to this issue with a key understanding of the NRM role.’
  - Local Authority

### **Finland’s National Rapporteur**

In Finland, the National Rapporteur on Trafficking in Human Beings has extensive monitoring rights: she reports not only on actual human trafficking offences (trafficking in human beings and aggravated trafficking), but also on phenomena and offences closely related to human trafficking (in particular, extortionate industrial discrimination, aggravated procuring and aggravated arrangement of illegal immigration). Thanks to this wide perspective, the Rapporteur’s reporting on human trafficking has helped to clarify the boundaries between various phenomena and offence categories, and thus has also facilitated the identification of trafficking victims in a greater number of cases. [ECPAT UK]

- ‘ The Commissioner should be able to request information from statutory agencies and instigate or commission investigations and studies into the nature and extent of slavery and human trafficking in the UK.’
  - NGO – Care
- ‘ Clear and visible leadership for this issue; to own the national action plan and to be able to engage directly with ACPO, College of Policing, and PCC to ensure that there is a coordinated and consistent joint agency and NGO response to these issues.’
  - Police Force
- ‘ We would suggest that the new Anti-Slavery Commissioner (included in the upcoming Modern Slavery Bill) should have a role and specific guidance in relation to statutory guidance and practice guidelines related to multi-agency work for safeguarding children and vulnerable adults.’
  - Local authority
- ‘ The Association is in favour of this appointment and recommends its role include a mandate to support LSCBs holding local partnerships to account for work with children at risk of trafficking and sexual exploitation.’
  - Association of Independent LSCB Chairs
- ‘ The role would be one of action – collating what resources are currently available, sharing that information amongst the UK sectors, aiding open communication, and consequently revealing more quickly existing and emerging gaps.’
  - NGO – City Hearts, Sheffield

## Data

'Data capture' is used to mean the gathering and use of data in order to see the whole picture, the collection and analysis of statistics for understanding national trends. Individual agencies do not need to have conclusive statistics before making modern slavery a priority or taking immediate action to protect any individual from harm. But across the Inquiry our witnesses have talked of the importance of data capture for improving case management, better co-ordination, improving outcomes for victims, improving confidence in the criminal justice system and greater accountability. There must be improvement in the way data that already exists in the criminal justice system is shared in order better to understand risk.

Improved data capture on the outcomes for the victim as they pass through the recovery, support and resettlement processes will help to evaluate whether our interventions on victim protection are successful, are cost effective and are contributing to crime prevention. For example data could include the number of victims who receive compensation (including through employment tribunals) or the number of victims who are granted leave to remain.<sup>15</sup>

- ‘So one of the things that we’re really challenged about is how we can collect data post exit, because it’s very difficult to keep track of people once they’ve left the service.’  
– Anne Read, Salvation Army, oral evidence 21 November 2013

Some data collection and exchange problems are caused by challenges when IT systems are incompatible, as noted by ACPO; other challenges are more human in their nature. Data exchange should not be solely dependent on those who have good informal working relationships: it should be part of an agreed protocol with a clear purpose. If one organisation requests data from another to add to a wider pool of information then transparency, accountability and trust are essential so that all parties feel secure about exactly how the data will be managed and used. When personal data is being exchanged, mechanisms should be in place for the subjects of the data to have access to all data that is held on them.<sup>16</sup>

- ‘Where there is close collaboration and understanding of one another’s work, agencies are more likely to share data in a timely manner for the common good.’  
– CHTB
- ‘The tension that exists around immigration status for individuals also is a barrier to free flowing information and intelligence.’  
– Police Force

<sup>15</sup> FLEX written evidence.

<sup>16</sup> Anti-Slavery International written evidence

‘ Good practice around data collation and dissemination should include a consistent format of data capture by all sectors (Statutory and Non Statutory). This in part is dealt with by the format offered by the baseline assessment conducted by the UKHTC. All agencies that purport to identify and manage victims of trafficking must be compelled into submitting returns to the annual baseline assessment.’

– ACPO

## Data handling

It is easy to say that it is because modern slavery is a hidden, underground or criminal issue that information is hidden along with it. That is partly true, but it is also the case that the most significant source of information, the victims themselves, are dependent on the professionals they have contact with, both before and after they are identified, to act in their best interests when using the data they have collected for other purposes. This potentially identifies a larger number of sources who could be doing more to interpret the data they have, and to look at it through the lens of modern slavery, where in the past they might not have done so. Coupled with a requirement for more government departments to report routinely on modern slavery, this could be a potentially powerful step change in the quality of data made available.

John Vine, the Independent Chief Inspector of Borders and Immigration, raised an important point in evidence at the Inquiry hearings when he said:

‘in most of my reports I find that [Home Office] data capture, data handling is generally weak and sometimes extremely poor. That is because, generally speaking, I think staff at the operational level don’t understand how the data is aggregated up to try and create a picture which can help address these issues strategically. There doesn’t seem to be a culture whereby data handling is something that the staff on the front end see as an important part of their work, and that has to change.’

– John Vine, oral evidence 19 November 2013

The Association of Independent LSCB Chairs raised similar comments about the potential to strengthen data recording by adding a requirement to report regularly:

‘It’s not about new legislation, but just enhancing that scrutiny role, and there’s ways of doing that, for example, by requiring an annual analysis of the numbers of children most at risk from trafficking and sexual exploitation, and I would then argue co-ordinating that by bringing it together at a regional level and then asking for a national analysis, again on an annual basis.’

– Maggie Blyth, Association of Independent LSCB Chairs,  
oral evidence 19 November 2013

Another way of encouraging data collection could be if government Inspectorates, including OFSTED, the Prisons Inspectorate and the Police Inspectorate, regularly requested the organisations they inspect to provide information about instances of suspected trafficking and modern slavery. This would help to focus attention on possible indicators of these crimes and would improve understanding and awareness.

## ■ RECOMMENDATION

**That government Inspectorates, including OFSTED, the Prisons Inspectorate and the Police Inspectorate, consider requesting information held about trafficking and modern slavery in their inspections.**

## Multi-agency data sharing

A number of witnesses including Victim Support and ACPO considered that the Multi-Agency Risk Assessment Conference or MARAC model used in domestic abuse cases could be adapted to great effect in cases involving victims of trafficking and modern slavery. Similarly the Multi-Agency Safeguarding Hub (MASH)<sup>17</sup> is the central resource for safeguarding and child protection in a local area, staffed with professionals from a range of agencies including police, health, education and social care, who share information to ensure early identification of potential significant harm. The emphasis is on triggering interventions to support the child or young person and their family to prevent harm. Closer partnership working allows the sharing not only of quantitative data but also of qualitative data that can be crucial to understanding incidents and planning an effective response. This can also lead to more effective intelligence for prosecutions for trafficking and better safeguarding responses.<sup>18</sup> In addition to providing improved support to victims these models offer a way to escalate information or intelligence so that it is acted on more quickly and provide trusted pathways for sharing data between agencies.

‘At Victim Support, we get the MARAC lists and we are able to search and we are able to see, actually, we’ve been in touch with this person, we’ve been in touch with that person, because a lot of the time we find that we still get cases that come through straight from the police and they’re crimed as a burglary, and actually they’re domestic violence; or criminal damage, and it’s actually domestic violence.’

– Rebecca White, Victim Support, oral evidence, 21 November 2013

‘Some forces have established Multi Agency Safeguarding Hubs (MASH) to manage safeguarding cases via PPU’s [Public Protection Units]. It is perceived that this existing multi-agency process could be the vehicle for capturing modern slavery victims. Other processes such as the Multi Agency Risk Assessment Conferences (MARAC), currently used for domestic abuse victims, would be a significant step forward ensuring that multi-agency partners share information and jointly plan safeguarding activity.’

– ACPO

## ■ RECOMMENDATION

**That a national framework for multi-agency risk assessment for modern slavery is developed using lessons from the MARAC and MASH experiences.**

<sup>17</sup> See London Safeguarding Children Board website [www.londonscb.gov.uk](http://www.londonscb.gov.uk) for further details on the MASH model

<sup>18</sup> The Children’s Society written evidence

## Data Protection Act 1998

Evidence to the Inquiry has brought to our attention concerns with the way in which the Data Protection Act 1998 is being invoked when agencies are requested to share data, particularly data about victims or potential victims. We recognise that this can be a complex area of law, and that it is easier to err on the side of caution rather than making an error of judgement in releasing information but the basic provisions of the law should be understood in relation to those holding personal data on individuals, and to those asking for it. Examples already exist of data-sharing protocols in other situations such as the Multi-Agency Risk Assessment Conference model used in domestic abuse.

‘... this issue plays into many other arenas, particularly in terms of information sharing between Health, Social Services and Law Enforcement Bodies where all too often the Data Protection Act is utilised as a medium to ‘manage’ risk to the organisation rather than to manage risk to the individual.’

– ACPO

The Data Protection Act 1998 regulates the processing of personal data. According to the Information Commissioner’s Office<sup>19</sup> ‘processing’, in relation to information or data, means obtaining, recording or holding the information or data or carrying out any operation or set of operations on the information or data. Multi-agency information sharing protocols should be used more frequently to avoid any misinterpretation of the Act.

‘Not many agencies have a good understanding of the legal principles surrounding data protection and confidentiality which then impedes important information being shared. [An NGO] requested urgent information from a government contractor required to enable the victim to obtain urgent legal advice on their housing situation. Despite having a form of authority to obtain relevant information on the victim’s behalf the contractor believed that sharing the information would breach confidentiality and the Data Protection Act when in fact the opposite was true. The contractor was clearly fearful of breaching confidentiality because of a lack of understanding of the law.’

– A local NGO, written evidence

‘I believe the main current and future challenges surround the efficiency and regulatory of data flow between partner agencies due to the lack of current processes and structures in place.’

– Police Force

### ■ RECOMMENDATION

**That the Information Commissioner’s Office be asked to provide guidance where required to address data sharing between those agencies who may be supporting an individual through different support, welfare and criminal justice systems, and all agencies should develop processes and promote data sharing.**

<sup>19</sup> [www.ico.org.uk/for\\_organisations/data\\_protection/the\\_guide/key\\_definitions#regulated-activities](http://www.ico.org.uk/for_organisations/data_protection/the_guide/key_definitions#regulated-activities)



## The National Referral Mechanism

The National Referral Mechanism (NRM) was established in 2009 as part of the UK's implementation of the Council of Europe Convention on Action Against Trafficking. The NRM was not established by legislation but is a Home Office policy responsibility and shares decision making powers between the Home Office and the UK Human Trafficking Centre, now a part of the National Crime Agency. The first aim of the NRM is to identify victims of trafficking in compliance with Article 10 of the Convention which obliges states to identify trafficked persons within their territory.<sup>20</sup> In the NRM system the decisions about whether an individual is a victim of trafficking are made by either the Home Office UK Visas and Immigration (formerly part of the UK Border Agency) or the UK Human Trafficking Centre (UKHTC) acting as Competent Authorities or CAs. An NRM decision is made by Home Office staff when the potential victim is known to the Home Office or has an active immigration or asylum case and by the staff of the UKHTC when the potential victim is from the UK or the EU where no immigration issue is present. To date the NRM has been central to the way the UK reports on human trafficking and its statistics form the basis of reports coming from government, including the UKHTC, the Inter-departmental Ministerial Group on Trafficking annual reports and written answers to parliamentary questions.

The NRM has become the government's default mechanism for gathering statistics on human trafficking but this has created a number of data related problems and potentially compromises the ability for the NRM to be truly victim-centred. Of immediate concern are reports we have received that the NRM decisions made by the Home Office UK Visas and Immigration are unduly influenced by their role in immigration control and that decision making is inconsistent between the two Competent Authorities. The Anti-Trafficking Monitoring Group illustrated these discrepancies in its 2013 report *Hidden in Plain Sight*:

There is a significant difference between the proportion of positive decisions granted by the UKHTC CA and the Home Office CA. In 2012 UKHTC dealt with 299 referrals in which it granted around 80% of positive conclusive grounds. In the same year UKBA received 875 referrals and granted less than 20% positive conclusive grounds. The ratio between positive and negative decisions appears to be similar to those for 2011.

<sup>20</sup> *Hidden in plain sight: three years on: an updated analysis of UK measures to protect trafficked persons*, 2013, Anti-Trafficking Monitoring Group



As one NGO's evidence to the Inquiry stated:

Experience shows the UKBA finds it difficult to put to one side its immigration control role when exercising its function as a CA [Competent Authority]. Despite asserting that the two processes are distinct and separate, in reality they have become conflated. The reasoning used to dismiss the credibility of a victim of trafficking, such as late disclosure and inconsistencies in a child's account, often reflects that used in asylum determinations.<sup>21</sup>

– ECPAT UK

We welcome the Home Secretary's announcement that she will review the National Referral Mechanism, and the support for this review in the Modern Slavery Bill Evidence Review. We urge her to ensure that the review panel is independent, that it includes at least one legal representative, and that it sits separately from the Home Office Joint Strategy Group on Modern Slavery.

The Centre for Social Justice in their 2013 report on modern slavery *It Happens Here* also recommended annually reviewing indicators of trafficking and modern slavery and adding them to the NRM referral form.

#### ■ RECOMMENDATION

**We reaffirm this recommendation that the NRM referral form is regularly reviewed and updated to include emerging trends and indicator sets based on case knowledge, because this would be a quick way of strategically sharing the learning from cases that come to light.**

## Referral to the NRM

Adults must give their consent before being referred into the NRM and they can make an active choice based on whether it is in their best interest to be referred. It is not mandatory for local authorities or other first responders to refer children into the NRM and evidence to the Inquiry confirmed that local authorities often are not referring, either because they do not know about the NRM, or they believe it is not in the child's best interest to make the referral.<sup>22</sup> Therefore the NRM data can only ever be a partial picture of the true number of trafficked people being supported by government or non-government organisations.

‘ECPAT UK has regularly seen referral forms that are very poor in detail and quality. Such forms tend to lead to negative RG decisions, meaning the child has lost out on the opportunity to be formally identified as a victim and thus receive appropriate protection and care. In addition, ECPAT UK has learned that some local authorities choose not to refer children into the NRM as they fail to see any benefits in doing so.’

– ECPAT UK

<sup>21</sup> ECPAT UK written evidence

<sup>22</sup> ECPAT UK, and CARE, written evidence

Information gets into the NRM system by means of a First Responder completing a referral form and submitting the form to the NRM gateway. The first stage of the decision making process is intended to be a gateway to screening into a *Reasonable Grounds* threshold of 'I suspect but I can't prove you are a victim of trafficking,' after which the decision progresses to a Conclusive Grounds determination. If the first stage threshold of reasonable grounds is not reached, then the application is rejected with a negative reasonable grounds decision. An application that receives an initial positive reasonable grounds decision may later receive a negative conclusive grounds decision and there is no appeal process against either a negative reasonable grounds or a negative conclusive grounds decision. The recent changes to legal aid for judicial review now severely curtail the ability to challenge negative decisions. This Inquiry did not set out to take evidence specifically on assessing the effectiveness of the NRM; but the NRM is integral to how data is collected and managed and therefore the members felt that it was important to look at some of the concerns raised by witnesses that impact on data management and the limitations of the NRM data that are currently being used to underpin government policies on human trafficking.

The most compelling issue is that not all victims are being referred into the NRM system because authorities either do not know about the NRM, cannot identify trafficking indicators to the level which is required to make an NRM referral or, worryingly, because they actively choose not to refer because they believe that the victim will not be believed or will be refused. Upon receiving advice from support agencies victims may decide that it is not in their best interest to be referred. A number of witnesses were concerned that under the current arrangements the NRM decisions made by the Home Office are driven by an aggressive pattern of challenging credibility of the victim, as they may do when dealing with an asylum application and the result is that a disproportionate number of people from outside the EU are refused. This weakens the NRM because of a lack of trust in the government's own identification system and causes NRM statistics to be unrepresentative and unreliable. ATLeP, the Anti-Trafficking Legal Project, a network of legal representatives and policy specialists, gave evidence to support this.

## Not a victim for the purpose of the Convention

A recent High Court challenge examined the way in which the Home Office was applying a negative NRM decision to those it considered as *historic victims*. Aikens LJ in *R (Atamewan) v SSHD*<sup>23</sup> held that the Home Office guidance was erroneous in its treatment of historic victims of trafficking in excluding them from the category of persons to be treated as 'victims' and entitled to appropriate assistance and support under the Convention on Action against Trafficking.<sup>24</sup>

<sup>23</sup> *R (Atamewan) v. Secretary of State for the Home Department* [2013] EWHC 2727 (Admin), at [www.bailii.org/ew/cases/EWHC/Admin/2013/2727.html](http://www.bailii.org/ew/cases/EWHC/Admin/2013/2727.html)

<sup>24</sup> ECPAT UK written evidence

It is perverse that Home Office guidance could allow a process that on the one hand would judge a person to be a victim of trafficking, and on the other make a negative NRM decision that would be shown in national statistics as if the person were not a victim. This has led to some decision letters which state that although people were credible victims of trafficking they were 'not a victim for the purpose of the Convention' and as such they received a negative NRM decision. We hope that the Home Secretary's review of the NRM will take account of the *Atamewan* judgement and look into the actual number of cases where this occurred and confer a retrospective positive decision on all those affected.

If the cumulative impact of all these concerns is that victim support organisations and local authorities are making active choices not to refer victims into the NRM then the entire system for victim support is compromised and government data is unreliable.

With the introduction of the Modern Slavery Bill, this is the right time to demonstrate that the UK can be a world leader in tackling trafficking and supporting victims. The move of trafficking to the brief of the Minister for Security rather than Immigration is also a welcome step but a much greater cultural and political change is required to embed this shift in focus.

There is a current debate about whether a referral to the NRM should be a statutory obligation. However with the current tensions around the quality of NRM decision-making any new obligations to refer should only be considered as part of a wider independent review of the NRM as a whole and whether it is truly operating as a victim-centred approach to identification.

The Evidence Review Report on the Modern Slavery Bill stated:

'The recommendation of the Panel therefore is that the Competent Authority status is removed from the UKVI and that either a new expert, multi-agency Panel is established to make all NRM decisions regardless of the nationality or immigration status of the person or that the UKVI's NRM functions be removed and the entire competent authority role be taken by the UKHTC (which has a good track record).'

#### ■ RECOMMENDATION

**We support the recommendation that Home Office UK Visas and Immigration be removed from its position as Competent Authority within the NRM and that either an independent decision-making body be set up or all decisions be made by the UKHTC.**

However, we also acknowledge that without the NRM data there would be almost no information to drive forward the government's agenda to combat modern slavery. The National Crime Agency informed us that 'the data from the NRM is used regularly to inform a range of national and international reports and assessments, including but not limited to, Group of Experts on Action against Trafficking in Human Beings (GRETA), United Nations Office on Drugs and crime (UNODC), EuroStats and US Trafficking In Persons report. Without the NRM or similar function it would not be possible to do this.

Together with other assessed reporting it is used to inform and influence the work of HMG overseas. The priority source countries are understood and this influences the country business plans through ministerial direction.<sup>25</sup>

The NRM should be strengthened to ensure it is victim-centred so that there is a clear separation between its purpose as a gateway for support services for potential victims of trafficking and any future immigration decision about their cases.

‘The NRM should be developed to show geographical referrals as well as agency referrals. Police data will show number per force area, Local Authority and Charity data will show agency but not location, therefore [our force area] may have 10 referral by other agencies but police data may show 2, this waters down the issue may not receive the attention the problem deserves.’

– Police Force

#### ■ RECOMMENDATION

**That the Home Secretary’s review of the NRM be conducted by a panel independent of the Home Office Joint Strategy Group, that it includes a specific focus on children and the role of local authorities in identification and decision making; and that it reviews all cases affected by the *Atamewan* judgement.**

<sup>25</sup> National Crime Agency written evidence

# Pre-identification

Evidence to the Inquiry suggested that agencies holding information on people vulnerable to exploitation are not being engaged, or not enough is being done to interrogate data that is collected for other purposes. This would help to understand early warning signs, discover trends and most importantly aid in early identification of victims or suspects. Of particular concern is the lack of data coming from within the prison estate and the absence of mandatory trafficking assessments for all foreign national children and adults. For example the trafficking of children for cannabis cultivation is an established profile for human trafficking and for Vietnamese children in particular. However, the Minister of State for Justice recently replied to a parliamentary question that it is not possible to provide information on the number of Vietnamese nationals under 18 who were accommodated in the youth secure estate in each year between 2009 and 2012 because it would require the manual inspection of each individual's record, which could be done only at disproportionate cost.<sup>26</sup>

Through the Inquiry we have learned that there is no formalised or uniform process of screening children and young people against risk indicators or victim profiles once they have entered the prison system; and that the government does not plan to include mandatory modern slavery assessments as part of the duties of the Criminal Casework PORT (Prisons, Operations and Removals Team) officers.<sup>27</sup> Youth Offending Teams carry out a core assessment at the time the young person enters the youth justice system. It would seem self-evident that for every foreign national child the assessment should include a risk assessment for trafficking. The Youth Justice Board was invited to submit evidence to the Inquiry but they felt that they would not be able to contribute at this point.

- ‘Increased training and awareness for first responders, magistrates courts, the judiciary, solicitors regulation authority, bars standards board and others is essential to ensure that victims of exploitation are not prosecuted... Additionally young people, for example in possession of false documentation indicating an age above their true age, need to be protected from being pursued as adult offenders through the CJ system.’

– ACPO

## ■ RECOMMENDATIONS

**That the National Offender Management Service and the Youth Justice Board to be tasked with reporting on the number of foreign national children and young people in prisons across the UK.**

**That Youth Offending Teams include trafficking assessments into their core assessments for all foreign national children and young people up to age 21.**

<sup>26</sup> HC Deb, 2 December 2013, c583W

<sup>27</sup> HC Deb, 17 December 2013, c541W

**That Home Office Criminal Casework PORT officers have a mandatory duty to conduct trafficking assessments on all foreign national prisoners to confirm the person is not trafficked before taking steps to arrange removal.**

The Anti-slavery Commissioner will need to identify many different networks and sources of data to improve understanding of all forms of modern slavery. It encompasses those who are trafficked into the UK but also those individuals who are forced, tricked, coerced, sold or compelled into exploitation to pay back debt and it is immaterial whether they were born abroad or born in the UK. Data collection must not only be used to look into international trafficking patterns to identify sources of intelligence and information which can lead to early identification but to consider exploitation more widely. The organisation Thames Reach brought to our attention the use of soup kitchens as recruiting grounds for labour exploitation and other witnesses mentioned different sources of government data that could be valuable to the early identification of exploitative labour practices if it were harnessed centrally. Missing People offered to share their data as a useful source to better understand human trafficking. They wrote:

‘We would be able to produce and share annual data reports from our Services Database about the number of missing people we support through publicity and helpline services who have experienced trafficking or are believed to be at risk of trafficking.’

ACPO told us that the Community Safety Partnership framework and Health and Well Being Boards may prove to be a positive area to focus initial attention.<sup>28</sup>

‘At present the following government organisations collect data pertaining to workplace exploitation: the Gangmasters Licensing Authority, HMRC National Minimum Wage unit, the Employment Agencies Standards Inspectorate, the Pay and Work Rights Helpline, the Health and Safety Executive, and Employment Tribunals (although the latter are unlikely to provide much helpful data since recent changes in the arrangements for employment tribunals and chargeable fees mean that few if any vulnerable workers will be able to access them).’

– FLMG

‘Consider data collected at EU level – Eurojust/Europol or other EU institutions. Often the same victims will be trafficked/exploited either in transit to the UK or will be moved around EU states.’

– CPS

■ **RECOMMENDATION**

**An early task for the Anti-slavery Commissioner should be to conduct an information audit and establish a national data collection plan. There are disparate sources of information which are currently not brought together anywhere.**

## Visa issuing

Of the 143 suspected victims of trafficking the Home Office referred to the National Referral Mechanism between April and June 2013, 37 (26%) of the suspected victims entered on a passport with the appropriate visa; 105 were illegal entrants; and one case was an EEA national holding a passport.<sup>29</sup> Similarly, of the 98 potential child-trafficking cases referred into the National Referral Mechanism by the UK Border Agency and Border Force in 2012, 29 (30%) can be matched to a UK visa.<sup>30</sup> These are of course only those cases detected, and only those referred to the NRM by Home Office officials. Looking at these figures alone there must be an opportunity to scrutinise more closely the data that is being provided to entry clearance officers, how it is being managed and how it can be used by other authorities, not only on a case by case basis but more strategically to reveal more about methods used by traffickers.

A very specific issue of concern was brought to our attention by Kalayaan regarding data collected by UK authorities on the issue of domestic worker visas which they obtained through a Freedom of Information request; a copy has been provided to the Inquiry as written evidence. Kalayaan are highly concerned that information provided on domestic worker visa applications is not being scrutinised and that rather than the nationality of the domestic worker being recorded correctly, the nationality recorded may be that of the employer or the data provided is in fact on visa-issuing posts not on the nationality of those to whom visas were issued. By its very nature, domestic servitude is hidden, usually involving one or two individuals in private households. When cases do come to court, evidence is often based on one person's word against another. It is vital that wherever possible organisations such as Kalayaan as well as government collect and share the most accurate data they can in order to develop a proper understanding of the scale of abuse of migrant domestic workers and the factors which protect against abuse or increase their vulnerability.<sup>31</sup>

The Anti-Trafficking Monitoring Group raised another point during evidence hearings about the damage caused when the UK authorities challenge the credibility of a victim because information held on a visa application is assumed to be more correct than the disclosure of the victim or the advice of victim support agencies. We would like to see this point addressed during the forthcoming review of the NRM.

<sup>29</sup> HC Deb, 3 December 2013, c596W

<sup>30</sup> HL Deb, 22 April 2013, c383W

<sup>31</sup> Kalayaan written evidence

‘ For example, you have a woman who is has very low education, she’s illiterate, she has a lot of learning needs. However, her visa application says that she’s a wealthy businesswoman, and obviously these two things don’t match. But that’s being used [by the Home Office] to say that she’s disbelieved because she’s giving different information; – so who is assisting people to make these visa applications? What information is being taken from the embassies and consular services in the countries of origin? I think we’re missing out on channels of really important information.’

– Sally Montier, ATMG, oral evidence 21 November 2013

■ **RECOMMENDATION**

**That an independent review is undertaken of the Migrant Domestic Worker Visa and the application data capture processes.**



# Children

As with adults, the full extent of child exploitation and the trafficking of children into, within and out of the UK is unknown. The Inquiry heard from children's charities and from local authorities and the police about the particular issues in relation to child protection, missing children, trafficked children who are convicted of criminal offences and the lack of data available to trace children through different systems. We fully support the call for a system of guardianship for children who are victims of trafficking and exploitation. Although guardianship is not the focus of this Inquiry, it is indivisible from it because a guardian would be the one single person with legal authority who would be responsible for holding, sharing and managing the data from many different agencies throughout the child's pathway of care and into adulthood, just as a parent would do. Should that child then go missing a guardian would be the one person who can provide a focal point for a multi-agency investigation and recovery of the child.

The Inquiry members fully support the recommendation by Frank Field MP in his Report of the Modern Slavery Bill Evidence Review that a new offence of child exploitation should be introduced in the Bill to legislate for child abuse occurring in the UK but where legislation is lacking and where the evidence falls short of trafficking. This includes domestic servitude, involving children in the production and trafficking of drugs, making a child commit a crime, and other forms of exploitation not covered by the Sexual Offences Act 2003. Between 1 April 2009 and 3 December 2013 1,190 children were referred into the NRM. Of these, 105 were recorded as cases of domestic servitude.<sup>32</sup>

Evidence given to the Parliamentary Joint Committee on Human Rights (JCHR) in their 2013 Inquiry into the Human Rights of Unaccompanied Migrant Children and Young People in the UK showed significant gaps in data on children who are trafficked. The JCHR report states that 'the UK Children's Commissioners criticised the present picture given of trafficking as 'incomplete.' The Commissioners said the combination of NRM referral figures, which they considered underestimated case numbers, and the lack of a centralised tracking and tracing mechanism, led to a systematic under-reporting of cases and a lack of detailed outcome data. ECPAT UK agreed that there was a 'lack of reliable and representative data' on the scale of trafficking. The Office of the Children's Commissioner for England was also concerned that there had not yet been a formal assessment of the number of young people in either youth or adult custody who were victims of trafficking.

One of the most worrying issues raised in evidence to the Inquiry is the inability of statutory agencies to protect children once they have come in contact with the authorities, despite the fact that there are statutory requirements to safeguard the welfare of all children and legal duties to investigate. The National Register for Unaccompanied Children, set up by the Home Office and shared with local authorities, was shut down in 2011. Currently there is no national IT system to

<sup>32</sup> HC Deb, 10 December 2013, c139W

track and trace children as they pass through different statutory systems either before or after they have been identified as potential victims of trafficking or exploitation.

There is no interface between the existing systems for children who go missing and children who are suspected to have been re-trafficked. For example, not all unaccompanied migrant children are put on to the Police National Database when they go missing from local authority care.<sup>33</sup> There appears to be a schism within local authorities and police between their statutory duties to safeguard, which are clear, unambiguous and well documented, and the duty to investigate and record a crime, particularly in circumstances where professionals hold information but the child has not directly given the testimony needed to establish that a crime has been committed. Without a record in local police crime recording systems, and therefore no national record, the national picture is incomplete.

More critical is that it also means that the child will not get access to justice and a criminal may potentially put other children in a situation of harm. Robust methods of inquiry, collating information from different sources and sharing it between all those responsible for child protection, are essential to protect this very vulnerable group and to prosecute the criminals that abuse them.

The Inquiry Committee was very fortunate to have the Independent Chief Inspector of Borders and Immigration, John Vine, and Deputy Chief Inspector, Rod Maclean, provide evidence on their recent inspection report on the treatment of unaccompanied asylum seeking children.<sup>34</sup> The Chief Inspector explained that up to 90% of unaccompanied children who eventually go on to seek asylum have passed through ports unidentified and will have been living in the UK for a period of time completely outside of official systems. Some will have been living under the radar for many years. Not all of these children will be considered trafficked but it illustrates the scale and vulnerability of this population of hidden children and the importance of having highly sensitive and highly skilled officials who are tasked with interviewing children at that initial point of contact.

An area of particular concern in the Chief Inspector's report is that the mandatory requirement for the Home Office to notify the Refugee Council within 24 hours of a child's asylum claim was being done in only 39% of files sampled, and only at Croydon and Heathrow. It was noted that this was a poor use of resources, given that the Home Office is paying the Refugee Council £800,000 per year to provide support to child applicants. It was also noted that although children would at this stage also be supported by the local authority, it was important the referrals are made within 24 hours so that the Refugee Council are able to use their specialist staff to probe more carefully into the circumstances of the child with regarding to trafficking and exploitation.<sup>35</sup>

<sup>33</sup> The Children's Society written evidence

<sup>34</sup> <http://icinspector.independent.gov.uk/wp-content/uploads/2013/10/An-Inspection-into-the-Handling-of-Asylum-Applications-Made-by-Unaccompanied-Children-FINAL.pdf>

<sup>35</sup> John Vine, oral evidence 19 November 2013

More could be done with the data that is captured when unaccompanied children first seek asylum, particularly at the Home Office in Croydon. Although recognising that vulnerable people, and children in particular, are not likely or may not be able to disclose abuse when first entering the asylum process, it would be of significant benefit if the Home Office were to pass all asylum screening interview data for unaccompanied children to a separate specialist agency to sift for further identification of trafficking trends and indicators of exploitation, thus ensuring maximum scrutiny of data for early identification of trafficking trends and at the same time preserving the Home Office role of asylum processing. The Inquiry Committee invited Caroline Rowe, the Home Office (Borders and Immigration) Children's Champion, to give evidence to the Inquiry but our request was declined.

‘What we did find was that, in the last year that we looked at, last year's figures, there were about 1,400 children came to light as unaccompanied asylum seeking minors. Over 90% of those were children who were already in the country having arrived here either having been trafficked or having arrived here illegally, and they presented themselves to the authorities, principally to what was the UK Border Agency Centre at Croydon. Only a small percentage of them – less than 10% – were actually found at ports, or presented themselves at ports.’

– John Vine, Independent Chief Inspector of Borders and Immigration,  
oral evidence 19 November 2013

## ■ RECOMMENDATIONS

**That the Home Office pass all asylum screening interview data returns for separated children to a separate specialist agency to sift for further identification of trafficking trends and indicators of exploitation.**

**That the Home Office report all separated asylum seeking children to the Refugee Council within 24 hours as per statutory requirement.**

## Strategic oversight

### The National Crime Agency

The government's strategic oversight on child trafficking appears to have shifted in recent years. Until 2011 the Child Exploitation and Online Protection Centre (CEOP) assumed a lead on child trafficking matters, supporting a child trafficking unit, producing reports and providing a focal point. CEOP is now a command within the National Crime Agency. It now appears that child trafficking does not have a specific strategic oversight separate from that of all human trafficking which sits with the UKHTC, now a part of the Organised Crime Command of the National Crime Agency. A full analysis of this shift is outside the scope of this Inquiry and may be scrutinised by the APPG in the future; however one regrettable impact of this re-positioning has been the reduction in published government data on the trafficking of children.

Between 2007 and 2011 CEOP produced seven strategic and thematic reports specific to child trafficking. These reports are available on their website.<sup>36</sup>

In 2012 and 2013 the UKHTC produced strategic assessments on human trafficking. These assessments contain a chapter on child trafficking and the statistical data is heavily drawn from NRM data with some additional law enforcement sources. While recognising the good work done by the UKHTC to achieve improved overall reporting, the information on children contained in the UKHTC strategic assessments is not always disaggregated and not to the same scale as earlier reports produced by CEOP. CEOP also produced analytical reports from data on missing children who were suspected to have been trafficked but this has not been done for over two years.

Both CEOP and the UKHTC were invited to give evidence to the Inquiry hearings. Unfortunately CEOP were not able to attend. We were keen to understand more about the process of data collection specific to children so emailed our questions to CEOP and received a reply from its then Director, Peter Davies.<sup>37</sup> We asked why it stopped producing Strategic Threat Assessment reports specific to children who may be trafficked and when the next report specific to children will be published.

Mr Davies responded:

'CEOP did produce Strategic Threat Assessments as you say. These were well received intelligence products. The reason we ceased to produce them was to do with tightening CEOP's focus onto our core mission of protecting children from sexual exploitation and abuse. This was done formally during the creation of CEOP's three year strategy during 2011, a summary of which was published early in 2012 and is still accessible via CEOP's website. ... In view of the many different manifestations of child sexual exploitation yet to be fully understood, we decided that our analytical resources needed to be completely focused on areas that are central to our core mission, such as the proliferation of child abuse imagery, and the online and offline sexual abuse of children. We also felt that we needed to deconflict different reports emanating from national law enforcement and reduce duplication. Now that the National Crime Agency – which has a CEOP Command and has incorporated the UK Human Trafficking Centre into its Organised Crime Command – has started operating we feel that the need for a unified approach to tackling the many different manifestations of trafficking will be met better than ever and this unified approach extends of course to the continuous process of identifying, understanding and tackling the issue.'

CEOP was unable to tell the Inquiry when the next dedicated report on child trafficking would be published.

We understand that ECPAT UK recently wrote to Keith Bristow, head of the National Crime Agency, to discuss having social workers embedded in the UKHTC to assist

<sup>36</sup> <http://ceop.police.uk/Publications/>

<sup>37</sup> Mr Johnny Gwynne has recently been appointed Director of the CEOP command in the National Crime Agency.

with NRM decisions for children and to support in child cases or where a child is age-disputed.<sup>38</sup> If this could be achieved it would in some part address the strengthening of the NCA in this area of work on children and increase its partnerships with local authorities and other agencies.

However, we do not believe this goes far enough to address the lack of national reporting on the safety and protection of trafficked and exploited children. The NCA is subject to Section 11 of the Children Act 2004 which places a statutory duty on the Agency to safeguard and promote the welfare of children. At the very minimum the NCA should be working towards a separate annual strategic threat assessment specific to children that includes the analysis of data from local authorities, police child abuse investigation teams, missing children investigations, and children's organisations.

## ■ RECOMMENDATIONS

**That the government makes clear who holds the strategic lead for child exploitation, including trafficking, labour exploitation and sexual exploitation and that a vacuum in leadership does not occur as a result of shifting responsibilities within the National Crime Agency.**

**That the NCA conducts separate annual strategic threat assessments specific to children including data from local authorities, police child abuse investigation teams, youth offending teams, missing children investigations, and children's organisations, and that it is co-published with the Department for Education and distributed to all local authority chief executives.**

## Department for Education

The Department for Education requires local authorities to report annually on all looked after children. Local authorities currently report to DfE using form SSDA903. This form does not require specific information on the children's nationality or immigration status, whether they have gone missing or whether they are victims of trafficking or exploitation; it should do.

This relatively straightforward shift in data collection would require local authorities to put systems in place to collect and monitor data routinely. Statutory agencies must start to embed a positive obligation to investigate trafficking and exploitation. At the very least, data forms should ask the question 'is this child a victim of trafficking or exploitation?' This should result in individuals asking more questions and increasing the flow of data onwards.<sup>39</sup>

## ■ RECOMMENDATION

**That the Department for Education change the data collection form SSDA903 to include data on whether a child is at risk of being trafficked, their nationality and immigration status, and information about children who have gone missing from care. This should incorporate data from the police, local authorities, youth offending services, the custodial estate and other agencies.**

<sup>38</sup> ECPAT UK written evidence

<sup>39</sup> The Children's Society written evidence

## Local Safeguarding Children Boards (LSCB)

The APPG invited the Association of Independent LSCB Chairs (the Association) to give evidence to the Inquiry hearings. Their members include 108 Independent Chairs and 148 LSCBs. Their evidence, given by Ms Maggie Blyth, provided an opportunity to discuss the potential for greater scrutiny and oversight on child trafficking matters at local, regional and national levels by using the LSCB structures to greater effect. She suggested that agencies could add an additional category for data collection, 'children at risk of trafficking,' that could then be reported on, and collected locally, regionally and then nationally. The Inquiry believes that this would contribute to the understanding of child trafficking and strengthen the strategic and operational responses to the protection of children.

### ■ RECOMMENDATION

**That a new system of compulsory data collection and data management be put into place so that authorities collect data and report regularly on 'children at risk' of trafficking and sexual exploitation, including data on children going missing, based on more robust risk assessment.**

Much more could be done to build stronger, more strategic partnerships between agencies, and across local authority boundaries, to understand the risks to children and consolidate relevant data from different agencies, even if they are in different parts of the country. For example, where one criminal network traffics children around the country, individual victims may end up in different local authorities; how can intelligence be shared more quickly and effectively to understand how criminal networks operate, identify victims and detect patterns of organised crime. In further written evidence the Association of Independent LSCB Chairs stated it believed that the Department for Education guidance on missing children requires a stronger focus on partnership working than currently set out. The Association also supports the principle of developing measures to collate information about trafficked, missing and exploited children between LSCBs to determine whether it is a single incident or an organised pattern involving more than one child.<sup>40</sup> This last point is an area of work that the APPG hopes will be taken forward by LSCBs led by the Association.

‘At present, there is no specific data track for recording trafficking or elements of modern slavery by [name of local authority]. Elements of the identified impact on children as a result of harm will refer to risk from child sexual exploitation, children missing, drug and alcohol misuse, and unaccompanied asylum seeker, each of which may be signs of potential trafficking or slavery. Such considerations are made by practitioners, but not recorded separately as data on trafficking. As a result of this survey, consideration will be given to a 'trafficking' data stream.’

– Local Authority

<sup>40</sup> The Association of Independent LSCB Chairs written evidence



‘Despite the good practice recommendation (from the London Safeguarding Trafficked Children Guidance) that local authorities nominate a ‘local trafficked child lead’ to advise other professionals in relation to suspected trafficked children neither we nor any attendees at our training courses are aware of anyone holding this position within our region.’

– Migration Yorkshire

## Missing children

The links between child trafficking and children going missing are so frequently talked about that there is a risk of complacency and a feeling of inevitability that sets in and this must be challenged.

Data from local authorities provided to the 2012 APPGs Inquiry on children missing from care<sup>41</sup> revealed that only two local authorities out of the 64 who responded collect data on whether children missing from care had been trafficked and only five out of the 64 local authorities collect the nationality of children in care who going missing.<sup>42</sup>

Evidence to this Inquiry has identified that in current data recording systems if a child goes missing from local authority care the child gets referred as a ‘missing person’ case and dealt with through the local procedures. However, if at the time of going missing the child was suspected to be a victim of trafficking then any current investigation into trafficking is suspended. The child, by virtue of being missing, has probably been moved even further into a situation of serious harm. A culture shift is therefore needed so that any child suspected or known to be trafficked who goes missing should be, even in their absence, risk assessed and recorded by all agencies as suspected (re)trafficked and an investigation dealt with accordingly. Data on re-trafficking or onward trafficking does not appear to be recorded or published anywhere, either for adults or children.

There are currently two data base systems that potentially hold data on trafficked children who go missing. The first is the COMPACT system developed by West Mercia Police and operating regionally. The other is the Hermes system established with the organisation Missing People which contains information on both adults and children.

### ■ RECOMMENDATION

**That the National Crime Agency accelerate any current work being done by National Missing Persons Bureau and CEOP on missing children and with the assistance of the organisation Missing People and others, coordinate a national review of all available data on missing children and report on the threat of onward trafficking of children who have gone missing once they have entered the local authority care system.**

<sup>41</sup> *Report from the joint inquiry into children who go missing from care*, June 2012, APPG for Runaway and Missing Children and Adults and APPG for Looked After Children and Care Leavers

<sup>42</sup> The Children’s Society written evidence

**COMPACT**

COMPACT is an IT system used by 23 UK police forces for recording and investigating its missing persons and automatically sends email notifications to local authorities notifying them of the details of all missing children and provides details of the outcomes of police 'safe and well' checks. This is helping local authorities see the true picture of all missing children in their area so that they can understand the problem and put effective safeguarding arrangements in place. The new COMPACT v5 now includes an area to manage reports of the new police approach to absent cases and share this information with local authorities. Police users of COMPACT can now specify review times to check the status of absent people and build up case histories of such individuals. This enables officers to investigate the reasons behind their repeated absences and work with local authorities and care homes to reduce them. The latest version of COMPACT also includes a new module for managing child abduction notices which are issued to those suspected of grooming children. The system helps police identify those youngsters who are most at risk of abuse by creating detailed profiles of runaways – and their suspected abusers – and identifying links between individuals.

The effective use of COMPACT in West Mercia has enabled them to identify and tackle the problem of repeat cases and in 2013 the Force achieved a reduction of 581 missing reports, which represents £1.4 million operational efficiency savings. This is the equivalent of freeing up over 30 constable posts. [West Mercia Police]

**Biometric data**

Currently there is no national register for children who arrive in the UK without a parent or legal guardian. In the absence of such a register the Committee believes that much more should be done to document details about individual children at the time they first come to notice of UK authorities. This information should be in such a format that it can be shared more rapidly between police forces and local authorities to ascertain if a child has been identified previously and any associated data on trafficking and exploitation. Collecting information about the child by way of a digital photograph and physical description at the time of first presentation should be considered mandatory as part of a statutory responsibility to safeguard the child, not simply recommended as good practice. We understand that photographs and physical descriptions are not always made immediately available to the police when a child is reported missing, despite a wealth of guidance given to local authorities.

There are currently two fingerprint data bases: the National Finger Print Data Base used by police to collect fingerprints of criminal suspects; and the UK Borders Data Base used for immigration and asylum purposes. These two data bases are not linked. The collection of children's data such as fingerprints and DNA is an issue that has been raised during the Inquiry as a tool to support the identification of children who go missing but the Committee believes it first requires a robust debate that places the best interests of children at the centre of any new direction to obtain and store children's biometric data. It also raises questions about who would give legal consent to the collection of such data when children do not have a legal guardian.



Local authorities do not have the legal status known as parental responsibility. We do not believe children's fingerprints should simply be on either the police or the borders database in their current form as this is not the purpose of those systems and there are no inbuilt protections for children. However there is merit in the National Missing Persons Bureau leading a major review into the use of children's biometric data with the support of other colleagues in the NCA, children's organisations, Missing People and the Children's Commissioners of England, Wales, Scotland and Northern Ireland.

If deemed appropriate children's fingerprints could be stored as a protected sub-set or subordinate cache of the National Fingerprint Data Base which is accessible by all police forces. The data would not be viewed as a criminal data set, thus keeping a distinct division between the purpose and use of other fingerprint or DNA data. It is important to remember that children who have been trafficked may have been groomed to believe that they are being criminalised if their fingerprints are taken so all care should be used to take the views of children and young people into consideration.

‘Missing person coordination is another matter of concern, I am not sure the recording of these children is always identified as we would our local population. Trafficked children lack guardians to report their movements or disappearance, there should be a method of reporting when agencies have had contact and that child can no longer be located but this would require a coordinated approach between health, education, charities and police.’

– Police Force

## ■ RECOMMENDATION

**There should be a review of how children's biometric data can be collected and used to protect children who have been or are at risk of being trafficked. Collecting information about the child by way of a digital photograph and physical description at the time of first presentation should be considered mandatory as part of a statutory responsibility to safeguard the child, not simply recommended as good practice.**

## Crime reporting

Local authority systems across the UK are supported by robust and well-documented child safeguarding procedures that are underpinned by legislation and statutory duties. Supplementary guidance on safeguarding child victims of trafficking has been in place since 2007 but unless a child goes direct to police or is found as part of a police operation it usually becomes the responsibility of others to report the crime to local police. Any individual can make a crime report but in the absence of a legal guardian there must be someone in a position of authority to take responsibility for reporting to police in a formal capacity. The Inquiry was unable to ascertain whether all children referred to the NRM have had their cases reported to police and whether this is reflected in local crime mapping; we suspect not. The impact is that local intelligence and data held by social work teams about individual trafficking cases do not get escalated to other local, regional or national investigations that may involve many other victims.

‘ Any account they [the local authority] obtain from the child is likely to revolve around welfare. The child is unlikely to appreciate they have been the victim of a crime and, regardless of that, would be reticent, given the nature of coercion and control exerted on them by the traffickers, to disclose voluntarily any evidence of such criminality. The practical consequence is that these victims are likely to go through the system without being brought to the police’s attention.’

– Police Force

‘ In one case involving a group (including children) who had been trafficked the social worker did identify the indicators of trafficking and tried to report the matter to the police but the case wasn’t initially crimed or investigated by the police which caused the social worker incredible frustration.’

– Hope 4 Justice

Similarly, evidence to the Inquiry suggests that neither the asylum case management system nor the NRM system include any compulsion for Home Office caseworkers to report individual trafficking and exploitation cases direct to police. Yet it is these caseworkers who may be reviewing multiple documents from different sources that contain intelligence or even evidence of a crime. Instructions to front-line staff state only: ‘where appropriate, the information must also be passed to your local intelligence team and the police’ but give no guidance on when it would or would not be appropriate.<sup>43</sup> Home Office officials have a statutory duty to safeguard the welfare of children under Section 55 of the Borders, Citizenship and Immigration Act 2009 but procedurally there appears to be a grey area about their responsibility to report information to police on a case by case basis when trafficking or exploitation has been identified.

‘ But I do think that there ought to be some very clear compulsion on UKBA to refer these cases to the police for investigation, and they routinely do not, and that would, I think, assist enormously in actually getting some capacity to collect data, and I also think that there needs to be a compulsion upon UKBA to note every person who comes to their attention who entered as a child, unaccompanied, because it also picks up these hidden children whose existence we wouldn’t have any idea about at all.’

– Kathryn Cronin, ATLeP, oral evidence 19 November 2013

Listening to children and providing opportunities for them to tell their story over time and in an appropriate and safe way can enhance understanding of the methods used by traffickers. Organisations such as Barnardo’s, ECPAT UK, The Children’s Society, The Refugee Council and NSPCC have published reports using quotations from children. This data, though it may be fragmented, has an important place in our understanding of how adults control children more often by what they say than what they do.

<sup>43</sup> At [www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/modernised/cross-cut/protecting-vulnerable/04-victimstrafficking?view+Binary](http://www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/modernised/cross-cut/protecting-vulnerable/04-victimstrafficking?view+Binary) p. 37 [accessed 23 December 2013]

# Crime recording

Devon and Cornwall Chief Constable Shaun Sawyer, the ACPO strategic lead for Migration and Related Matters (including human trafficking) gave invaluable assistance in getting the APPG Inquiry terms of reference out to police forces. The Inquiry received written submissions from 23 police forces across England, Wales and Northern Ireland and a written submission from ACPO, far exceeding expectations. These submissions give an important insight into the policing of modern slavery that goes far beyond the current focus on data, and the contributions will be used to inform the future work of the APPG well beyond this Inquiry.

A clear need, which came through evidence from a range of sources, was to have better ways of sharing information. To do this requires at the very least compatible data. The creation of single points of contact is an important beginning to finding a common language across police forces and sharing intelligence and data on modern slavery. Too often there are unnecessary barriers to sharing data between organisations which would contribute to better protection of victims and detection of crime. This can have serious consequences if, as too frequently happens, victims go missing to face further exploitation.

We heard from a number of police forces and the NCA about the positive achievements of Operation Eagle and congratulate ACPO and the former strategic lead Olivia Pinkney for fostering such operations to investigate modern slavery. It appears that this type of concentrated activity is well suited to providing a platform for developing a common policing language on modern slavery across different regions.

## Operation Eagle

In April 2013 the former national lead for the ACPO Migration and Related Matters portfolio, Olivia Pinkney, devised Operation Eagle. Up to that point there had been no nationally coordinated strategy for police forces for trafficking-related matters. The objective of Operation Eagle was to provide a model for forces to implement procedures to improve their response to human trafficking and organised immigration crime. The initial strategy was a 12 month programme. To facilitate it a network of Single Points of Contact (SPOCs) were instigated in each of the 43 forces to progress tactical delivery. Additionally strategic SPOCs were established regionally to assist the ACPO lead in developing the national strategy and framework.

The intended outcomes were increased awareness, increased levels and quality of information and intelligence, greater coordination of operational activity both between police forces and between partners, improved investigative practices, improved detection rates and improved prosecution levels. To date we have seen increasing levels of policing activity, particularly with key stakeholders such as the GLA, NGOs, Immigration Enforcement and the UK Border Force.

In the lead up to National Anti-Slavery Day on October 18, Operation Eagle promoted weeks of action across all 43 forces to raise awareness and progress operational activity. This resulted in some very high profile operations notably Operation Endeavour in Cambridgeshire. In January 2014 the current ACPO lead for Migration and Related Matters, Chief Constable Shaun Sawyer, held a conference with strategic SPOCs across the country to develop the Operation Eagle strategy beyond April 2014. [ACPO]

## Case markers

An important data set for monitoring modern slavery is the number of prosecutions and convictions. However, this is a grey area for data collection because not all criminals are charged with specific human trafficking or forced labour offences and not all victims want to pursue criminal charges.

‘There is also the issue of most offenders involved in Human Trafficking being charged with other substantive offences. This makes analysis of the scale of criminality and case progression difficult. It also makes the tackling of the issue less visible.’

– Police Force

The Crown Prosecution Service use a ‘double flag’ system using both the Human Trafficking Monitoring Flag to identify the number of defendants prosecuted for these offences and the Child Abuse Flag to distinguish cases where the victim was under 18 at the time of the commission of the offence. But in a recent answer to a parliamentary question about the number of trafficking cases successfully prosecuted where children are victims the answer received was that ‘the Ministry of Justice Court Proceedings Database does not include information about all the circumstances behind each case other than those which may be identified from a statute. Therefore, from these data, it is not possible to identify separately the age breakdown of victims of human trafficking offences. As such, the information requested can only be obtained at disproportionate cost.’<sup>44</sup>

Currently there is no flag system operating across police monitoring systems. ACPO stated:

‘Within current legislation there are cases where Forces, in conjunction with the CPS, will pursue human trafficking offenders through statutory offences not specifically linked to human trafficking, for example rape and violent assault. To safeguard against loss of HT-related data it may be helpful if the Modern Slavery Bill were to enable a HT marker to be attached to any offence where evidence of HT exists. However, the impact of this will need to be considered by the Ministry of Justice in terms of databases and cost. Due to the multiplicity of different police crime recording systems it would be highly problematic to place this marker within police systems although due regard should also be given to this as a possibility and were it felt that such an approach would truly add value over time to preventing and reducing human trafficking whilst also managing the needs of trafficked individuals.’

### ■ RECOMMENDATION

**We recommend that the Home Office, the Ministry of Justice and ACPO look at lessons drawn from the flagging systems used for domestic violence and that consideration is given to the creation of a police flagging system for modern slavery offences to enable data to be tracked and monitored even if the victim moves between police force areas or goes missing.**

<sup>44</sup> HL Deb, 7 January 2014, c275W

## Reporting crime

The organisation Stop the Traffik told the Inquiry that there are at least 15 telephone 'hotlines' or helplines in the UK.<sup>45</sup> The Inquiry was able to establish that there are at least two telephone reporting lines to take reports about human trafficking, as well as Crimestoppers and local police numbers and the Home Office email address for reports of immigration crime. The first is the UK Border Agency hotline for airlines to report human trafficking concerns. This initiative was reported in 2011 by the Inter-Departmental Ministerial Group on Human Trafficking. We understand that three calls have been made to the hotline since it was launched in 2011.<sup>46</sup> With such low numbers of reporting we question how vigorously this line has been promoted.

The Metropolitan Police Freephone Human Trafficking hotline which has been publicised in a poster campaign by Stop the Traffik and others has received 133 calls reporting trafficking suspicions or seeking anti-trafficking advice since it was launched in 2011.<sup>47</sup>

### ■ RECOMMENDATION

**That the Home Office Joint Strategy Group on Human Trafficking is tasked with reviewing existing telephone and online reporting hotlines and investigating the feasibility of combining hotlines where possible to reduce confusion and promote data sharing.**

Evidence to the Inquiry suggests that there is under-reporting of trafficking and slavery-like practices involving both adults and children. More needs to be understood in relation to how different statutory agencies and victim support agencies make crime reports, or in the case of adult victims assist individuals to make those reports to police should they want to do so. The NRM referral form does not ask for a crime report number so the central NRM data system cannot be used to show what percentage of cases have been 'crimed'.

‘Furthermore, when the NRM then gives a positive reasonable grounds decision in a trafficking case, at this point, the Police should be obligated to record the crime not only to enable the victim to access Victim Support and various other support services, but in order that statistics pertaining to human trafficking are up to date, accurate and reflective of the reality of the situation.’

– NGO – Hope 4 Justice

‘All referrals to the NRM are recorded and all allegations of crime (when referred to the Police) are also recorded.’

– ACPO

### ■ RECOMMENDATION

**That the NRM referral form adds a specific box to request the crime reference number, where this is applicable.**

<sup>45</sup> Stop the Traffik written evidence

<sup>46</sup> HC Deb, 12 December 2013, c319W

<sup>47</sup> HC Deb, 10 December 2013, c139W

When traffickers and exploiters are taken to court, and convicted, this may not be for a specific trafficking-related crime and therefore statistics about the incidence of these crimes are not complete. This is of particular concern to those who work with children and vulnerable adults as more complete information would help them better understand the methods used by criminals to control and coerce children. The Inquiry was told that if judges and Tribunals were requested to include key words such as 'trafficking' or 'exploitation' in case titles or headnotes, or published sentencing remarks in criminal cases, this would enable cases to be more easily tracked through the existing monitoring systems. In this way cases going through employment and immigration tribunals, as well as criminal cases, would be able to be monitored and identified as a trafficking case. Data on cases where a judge makes a finding that a person is a victim of trafficking could then be more readily collated and fed back into the national picture.

#### ■ RECOMMENDATION

**That judges be asked to include in published sentencing remarks in criminal cases and also in case summary headnotes or titles in employment and immigration and asylum tribunal decisions key words such as 'trafficking' to help to identify the scale of the issue.**

## Home Office Counting Rules

The Inquiry has learned that neither modern slavery nor forced labour are currently included in the Home Office Counting Rules for recorded crime and that only trafficking for sexual exploitation is included in the Counting Rules.<sup>48</sup> This is an area of policy that will need to be reviewed before the appointment of an Anti-slavery Commissioner. There is a classification in the Home Office Counting Rules for rape of a child under 16, and rape of a child under 13, but there is no parallel classification for exploitation of children in situations of labour or criminal exploitation. While other offences commonly encountered in situations of modern slavery are included, such as possession of false documents, prostitution, fraud, and profiting from proceeds of crime, and must be dealt with accordingly, there is no overarching rule where they occur in a modern slavery setting and this has implications for crime recording.<sup>49</sup> Section A of the General Rules on whether to record a crime states that:

Where apparent criminal activity comes to the attention of the police, and the alleged victim confirms that a crime has taken place but declines to support any police action, a crime should be recorded. A victim's refusal to supply details is not reason in itself for failing to record a crime.

Unless all law enforcement agencies, including those responsible for immigration enforcement, are asked to record key information about modern slavery on a routine basis they will not have the administrative and management systems to collect data that is essential for strategic oversight.

<sup>48</sup> HC Deb, 9 December 2013, c18W

<sup>49</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/224119/count-general-july-2013.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/224119/count-general-july-2013.pdf) [accessed 9 December 2013]



‘ However you will know it is often the case that subsequent charging decisions do not always reflect the Human Trafficking context of the case and therefore to rely on specific charges and convictions does not necessarily capture an accurate picture of perpetrators brought to justice however linked offence types I believe is something that should be considered as part of the data collection as should a nationally agreed data collection plan.’

– Police Force

## ■ RECOMMENDATION

**That the Home Office Counting Rules are reviewed to incorporate modern slavery and all forms of human trafficking.**

## A pan-European approach

Beyond prosecutions and convictions, effective data mapping should be able to provide information for both local and national strategic purposes. An example brought to the attention of the Inquiry is the mapping initiative developed in Portugal and now extending across Europe. Members of the APPG on Human Trafficking and Modern Slavery visited Portugal as part of the *Parliamentarians Against Human Trafficking* project, supported by ECPAT UK and the Human Trafficking Foundation and were impressed with Portugal’s initiative to consolidate data between different authorities and NGOs. This innovative model has now been extended into a pan-European initiative and the APPG would like to see the UK authorities engage more with this initiative.

### **Towards a pan-European monitoring system of trafficking in human beings (MoSy)**

The Portuguese Observatory on Trafficking in Human Beings (OTSH), attached to the Portuguese Ministry of Internal Affairs, is leading a European-wide platform for data sharing on trafficking in human beings, or THB. Based on a programme developed by OTSH and the Portuguese authorities to map the situation in Portugal, MoSy is an innovative multi-layered mapping system using GIS, Geographic Information Systems, to integrate data from police, justice, borders and victims support organisations either government or non-government organisations.

MoSy includes a pan-European database on victims and perpetrators to be used by each participating country; a GIS application to present integrated/fused information; a web service for database; a Pan-European THB report centre to present national statistical reports based on EU indicators; and a Collaborative National Network of THB data providers coordinated by national work groups. With full protections built in for data security, the reports and data synthesis that are produced are highly detailed and can be used to map local and cross border trends, target resources and identify hot spots.

MoSy reporting tools using GIS technology provide visual mapping, not only text-based reports. The MoSy Advisory Board is made up of the Austrian Institute for International Affairs; EUROPOL; Organisation for the Security and Cooperation in Europe (OSCE); International Organization for Migration (IOM); International Centre for Migration Policy Development (ICMPD); Frontex; and DGPJ (Portugal). MoSy is open to all European member states for participation. More information at [www.otsh.mai.gov.pt](http://www.otsh.mai.gov.pt)

# Conclusion

Having as accurate data as possible on the prevalence of human trafficking and modern slavery is key to developing more effective strategies to combat these evils. This report draws together the information given from experts currently working in this field, from the police, local authorities and non-government organisations. Implementing their suggestions of what can be done to ensure that data is recorded, that it is in compatible forms to be shared between agencies and to be used to protect victims and to enhance the detection and prosecution of perpetrators will help all agencies to work together more effectively and efficiently against the crimes of human trafficking and modern slavery.

The existence of an independent Anti-slavery Commissioner, with the power to direct policy and record-keeping, and to obtain information from government departments and agencies, will help to focus the work on support for victims, and thus more effective prosecution and deterrence of traffickers and exploiters.

We urge the government to consider extending the remit of the Anti-slavery Commissioner more widely than that currently envisaged in the draft Modern Slavery Bill, placing equal emphasis on effective support for victims and on effective prosecution of traffickers and exploiters. Both are needed to succeed in the fight to eradicate modern slavery and human trafficking.



## Appendix 1: Written evidence submitted to the Inquiry

Organisation	Submission sent by
<b>Voluntary organisations</b>	
Anti-Slavery International	Klara Skrivankova, Trafficking Programme Coordinator
Anti-Trafficking Legal Project	Michelle L. Brewer, Barrister, Garden Court Chambers
Anti-Trafficking Monitoring Group	Vicky Brotherton, Project Researcher and Coordinator
Barnardo's	Gunes Kalkan, Research and Policy Officer
CARE	Louise Gleich, Human Trafficking and Sexual Exploitation Policy Officer
Children and Families Across Borders	Andy Elvin, Chief Executive Officer
Children's Society	Ilona Pinter, Policy Adviser
City Hearts	Jen Baker, Anti-Trafficking Director
Counter Human Trafficking Bureau	Peter Dolby, Director
Croydon Community Against Trafficking	Peter Cox, Chair
ECPAT UK	Chloe Setter, Head of Advocacy, Policy & Campaigns
Focus on Labour Exploitation	Caroline Robinson, Policy Director
Forced Labour Monitoring Group	Gary Craig, Professor of Community Development and Social Justice, Durham University
Hope for Justice	Heidi Hughes, Legal Intern
Institute for Conflict Research Northern Ireland	Neil Jarman, Director
Joint Debriefing Team consultancy	Dave West, Director
Kalayaan	Kate Roberts, Community Advocate
Migration Yorkshire	Pip Tyler, Policy and Research Manager
Missing People	Susannah Drury, Director of Policy and Advocacy
Stop the Traffik	Andy Turner, UK Coordinator
Thames Reach	Audrey Mitchell, Director of North London and Outreach Services
Victim Support	Kaylee Wildman, Policy Researcher

**Statutory organisations**

Crown Prosecution Service	Pam Bowen, Strategy and Policy Directorate
Gangmasters Licensing Authority	Paul Broadbent, Chief Executive
National Crime Agency	Amy Norman, Senior Officer, Government Relations Corporate Affairs
National Crime Agency/CEOP	Peter Davies, Director National Crime Agency CEOP Command
Observatory on Trafficking in Human Beings, Portugal	Rita Penedo, Director

**Local authorities**

Haringey Children and Young People's Services	Marion Wheeler, Assistant Director
Kent Multi-Agency Children's Services	Dr Jennifer Maiden-Brooks, Policy Manager (strategic)
Northumberland Children's Services	Saira Park, Safeguarding & LAC Quality Assurance Officer and NSCB Business Support Officer
Plymouth City Council	Tony Staunton, Child Protection Manager, Children's Social Care

**Police**

Association of Chief Police Officers	Chief Constable Shaun Sawyer, Devon and Cornwall Police, National Lead for Migration and Related Matters
Bedfordshire Police	Detective Chief Inspector David Cestaro
Cambridgeshire Constabulary	T/Detective Chief Inspector Rebecca Tipping, Serious & Organised Crime Department
Cheshire Constabulary	Detective Superintendent Geraint Jones, Head of Serious and Organised Crime
Devon and Cornwall Constabulary	Chief Constable Shaun Sawyer, ACPO National Lead for Migration and Related Matters
Durham Constabulary	Gary Pearson, Performance Manager
Gloucestershire Constabulary	Detective Inspector Sue Bradshaw, Gloucestershire Public Protection Bureau
Hampshire Constabulary	Detective Superintendent Dick Pearson
Hertfordshire Constabulary	ACC Mick Ball Crime and Operational Support
Lancashire Constabulary	Detective Chief Inspector Sue Cawley, Public Protection Unit Quality
Merseyside Police	Assistant Chief Constable Andy Ward, Protective Services

Metropolitan Police Service	Detective Chief Inspector Nick Sumner, Organised and Economic Crime Command
Ministry of Defence Police	Chief Constable Alf Hitchcock
Norfolk and Suffolk Constabularies	Detective Superintendent Alan McCullough, Serious and Organised Crime Directorate
Northamptonshire Police	Detective Chief Superintendent Paul Phillips, Crime & Justice Commander
North Wales Police	Detective Inspector Paul Speight, Force Intelligence Section
North Yorkshire Police	Detective Superintendent Steve Smith, Director of intelligence
Nottinghamshire Police	Superintendent Helen Chamberlain, Head of Public Protection
Police Service of Northern Ireland	Detective Superintendent Philip Marshall, Lead Officer for Human Trafficking & Exploitation
South Yorkshire Police	Detective Chief Inspector Tom Whiteley
West Mercia Police	Case study information on COMPACT sent by Inspector Philip Shakesheff
West Midlands Police	T/Assistant Chief Constable Clive Burgess
West Yorkshire Police	Assistant Chief Constable Ingrid Lee
Wiltshire Police	Detective Sergeant Rob Findlay, Human Exploitation Team
<b>Others</b>	
Association of Independent Local Children's Safeguarding Board Chairs	Maggie Blyth, Director
Keele University	Professor Tsachi Keren-Paz, Professor of Private Law
Queen's University Belfast School of Law	Professor Jean Allain and Robin Hickey, Senior Lecturer

## Appendix 2: Oral evidence given to the Inquiry

Oral Evidence was given to the Inquiry on 19 and 21 November 2013 by the following:

Maggie Blyth, on behalf of the Association of Independent Local Safeguarding Children Board (LSCB) Chairs

Michelle Brewer, Barrister, and Kathryn Cronin, Barrister, Garden Court Chambers on behalf of the Anti-Trafficking Legal Project

Paul Broadbent, Gangmasters Licensing Authority

Professor Gary Craig of Durham University and Dr Kendra Strauss of Cambridge University on behalf of the Forced Labour Monitoring Group

Sally Montier on behalf of the Anti-Trafficking Monitoring Group

Major Anne Read, Salvation Army

Kate Roberts, Community Advocate, Kalayaan

Liam Vernon, Head, UK Human Trafficking Centre, National Crime Agency

Chief Inspector John Vine, and Assistant Inspector Rod McLean, Independent Chief Inspector of Borders and Immigration

Rebecca White, Victim Support

## Appendix 3: List of reports consulted

*Absent: an exploration of common police procedures for safeguarding practices in cases of missing children and adults*, Dr Karen Shalev Greene and Dr Francis Pakes, December 2013, ACPO, NCA and University of Portsmouth, at: [www.acpo.police.uk/documents/reports/2013/201312-absent-report.pdf](http://www.acpo.police.uk/documents/reports/2013/201312-absent-report.pdf)

*Breaking the wall of silence: practitioners' responses to trafficked children and young people*, 2009, NSPCC

*Cutting them free: how is the UK progressing in protecting its children from sexual exploitation?* 2012, Barnardo's

*Detecting and tackling forced labour in Europe*, 2013, Nick Clark, Joseph Rowntree Foundation

*Establishing Britain as a world leader in the fight against modern slavery: Report of the Modern Slavery Bill Evidence Review*, 16 December 2013, Baroness Butler-Sloss, Frank Field MP (Chair) and Sir John Randall MP

*First annual report of the Inter-Departmental Ministerial Group on Human Trafficking*, October 2012, Department of Justice (NI), Scottish Government, HMG

*Forced labour and UK immigration policy: status matters?* 2011, Peter Dwyer et al, Joseph Rowntree Foundation

*Forced labour in the UK*, Alistair Geddes et al, 2013, Joseph Rowntree Foundation

*Forced labour's business policy and supply chains*, 2013, Jean Allain et al, Joseph Rowntree Foundation

*Hidden children: separated children at risk*, 2009, The Children's Society

*Hidden children: the trafficking and exploitation of children within the home*, 2011, CEOP

*Hidden in plain sight: three years on: an updated analysis of UK measures to protect trafficked persons*, 2013, Anti-Trafficking Monitoring Group

*In the Dock: Examining the UK's criminal justice response to trafficking*, June 2013, Anti-Trafficking Monitoring Group

*It Happens Here: Equipping the United Kingdom to fight modern slavery*, March 2013, Centre for Social Justice

*Modern slavery in the UK*, 2007, Gary Craig et al, Joseph Rowntree Foundation

*Second report of the Inter-Departmental Ministerial Group on Human Trafficking*, October 2013, HM Government, Department of Justice (NI), Scottish Government

*Still at risk: a review of support for trafficked children*, The Children's Society and the Refugee Council, September 2013

*A Strategic Assessment on the Nature and Scale of Human Trafficking in 2012*, 2013, UKHTC

*Tackling child sexual exploitation: helping local authorities to develop effective responses*, June 2012, Barnardo's

*Trafficked Young People: Breaking the wall of silence*, 2013, Jenny Pearce, University of Bedfordshire, et al

*Watch over me: a system of guardianship for child victims of trafficking*, 2011, ECPAT UK

*Wrong kind of victim? One year on: an analysis of UK measures to protect trafficked persons*, 2010, ATMG

All-Party Parliamentary Group on Human Trafficking and Modern Day Slavery  
House of Commons, London SW1A 0AA

**Inquiry into the collection, exchange and use of data  
about human trafficking and modern slavery**

January 2014