

# CONSULTATION ON THE MAYOR'S DRAFT POLICE AND CRIME PLAN FOR LONDON 2017-21

Submission by signatories: A21, Africans Unite Against Child Abuse (AFRUCA), Bakhita House, Barnardo's, The Children's Society, East European Advice Centre, ECPAT UK, Ella's Home, Focus on Labour Exploitation (FLEX), Helen Bamber, Hestia, , Human Trafficking Foundation, The International Organization for Migration (IOM), Kalayaan, Latin American Women's Rights Service (LAWRS), Migrant Legal Action, British Red Cross, Salvation Army, Shpresa Programme, St Mungo's, STOP the TRAFFIK, Tamar (Westminster), Ugly Mugs.  
Recommendations collated by the Human Trafficking Foundation

*A Submission on  
Human  
Trafficking and  
Modern Day  
Slavery in  
London from  
non-statutory  
members of the  
Anti-Human  
Trafficking &  
Modern Day  
Slavery London  
Working Group  
(LWG)*

### **The Anti-Human Trafficking and Modern Day Slavery London Working Group**

*The Anti-Human Trafficking and Modern Day Slavery London Working Group (LWG) was formed in 2016 and is coordinated by the Human Trafficking Foundation.*

*The LWG is a group of expert, largely frontline, stakeholders working in pan-London services, from within statutory and non-statutory sectors.*

*These include stakeholders in the Modern Slavery and Kidnap Unit in the Metropolitan Police Service, legal services working with victims of trafficking and modern day slavery, the UK Visas and Immigration, the NHS, diaspora community groups, those in the anti-trafficking NGO sector, the children's NGO sector, the homeless NGO sector, sex worker NGO sector and NGO services supporting migrants.*

*This Submission was put together by a group of non-statutory members of the LWG with contributions by some statutory organisations.*

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*Consultation Submission on*

*Human Trafficking and Modern Day Slavery*

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*"My ambition for policing and crime is to make London a safer city for all Londoners, no matter who you are or where you live." Draft Police and Crime Plan, 2017-21*

## Summary of recommendations

1. **The Plan acts as a strategic guide to police in London's boroughs. Therefore there must be a specific section dedicated to human trafficking and modern day slavery (HTaMDS)<sup>1</sup> alone, within the Plan, which explicitly examines how the Mayor's Office for Policing and Crime (MOPAC) and the Metropolitan Police Service (MPS) will tackle trafficking and modern day slavery to ensure that it is effectively prioritised.**
  2. **Human trafficking and modern day slavery must also be cited in various other broader topic areas within the Plan, including under Violence against Women and Girls (VAWG) and in the VAWG Strategy and objectives; under gang crime; under Child Sexual Exploitation (CSE); under Criminal Justice, and under plans regarding refugees, witness support and single points of referral.**
  3. **MOPAC must make a specific commitment in the plan to develop a separate pan-London Strategy on human trafficking and modern slavery, with a pan-London protocol providing guidance to police and relevant partners.**
  4. **The MPS requires a consistent and strategic approach to human trafficking and modern day slavery in London, for all exploitation types.**
- I. There needs to be a wholesale cultural change by police. Human trafficking materialises in different ways, and can be a hidden crime, and is constantly evolving. This therefore requires a cultural change in the Met Police rather than relying on offence triggers. The Police must be alert and sensitive to the many manifestations of trafficking and the Plan must ensure that police can recognise and respond to it in all its forms. The Modern Slavery Act 2015 makes provision for the non-prosecution of victims who, as a result of their exploitation, may have committed a criminal offence.

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<sup>1</sup> The terms "Human trafficking" and "Modern day slavery" will be used interchangeably in this document.

Awareness of the statutory defence for trafficking victims is often low amongst frontline policing staff. A protection over enforcement approach is important to reduce the vulnerability of victims.

- II. A pan-London approach which understands the regular displacement of this crime is required.
- III. We recommend taking a strategic approach set out in a separate HTaMDS Action Plan, supported by experts working in the statutory and non-statutory sectors.
- IV. MOPAC must create pan-London guidance to police on how to respond to human trafficking. Clear protocols are required on how to safely identify victims of trafficking (VOTs) and to raise awareness on what support measures are or need to be in place for victims of trafficking as well as protection measures for victims of trafficking involved in criminal proceedings, and guidance on the police response when potential victims of trafficking go missing.
- V. Single points of contact must be fully formalised within the Met in each borough command. This will also ensure a consistency of approach and understanding.
- VI. There also needs to be consistent training of MPS officers (in Safer Neighbourhood Teams, custody sergeants, (Child Abuse Investigation Teams) CAIT teams etc., and also with partners such as Transport Police and immigration officers who work alongside the Met police) particularly on identification, understanding the underlying issues around the crime, filling out the NRM form, partnership work and the non-criminalisation of victims.
- VII. Multiagency training of Transport Police, United Kingdom Visas & Immigration (UKVI) immigration officers and local authority staff who work with police must also be in place to ensure expertise is coordinated and best practice is shared.

#### **5. The police need to be proactive with a victim-focused approach**

- I. Police need to have more proactive investigations to find VOTs. Within this work they should engage more closely with the NGO sector on patterns, trends, and issues relating too victims of trafficking and modern slavery, using this to proactively inform policing work and investigations.
- II. Proactive work should be victim focused rather than enforcement focused.
- III. Raids and visits require a formalised procedure which also looks at the intelligence aspect of how, for example, the undocumented VOTs were smuggled in, how they obtained a visa and so forth.

- IV. All borough forces need to have links and protocols with relevant NGOs regarding working together before, during and after carrying out visits or raids on premises that might have potential VOTs.
- V. Before any enforcement action is taken by police and immigration officers, relevant stakeholders and NGOs should be contacted and a plan of action should be taken to assess if vulnerable people will be present and if a non-enforcement approach may be preferable.
- VI. Police need guidance on broader enforcement-related work and so understand the risks around this approach, the alternatives, and what to do post-enforcement.

#### **6. The Plan requires an end-to-end approach to tackling human trafficking**

- I. Accommodation provision and other support services should be considered within the Plan's commitment to deliver improved services for victims of crime.
- II. We recommend the inclusion of victims of trafficking (VOT), male and female, as beneficiaries of the new proposed increased funding to refuges<sup>2</sup>.
- III. The Police and Crime plan needs to do more to recognise male victims of trafficking, and those more broadly who experience labour exploitation and sexual abuse, alongside the lack of support provision particularly for men in London.

#### **7. Set up a coordinated pan-London partnership**

- I. Trafficking ignores constituency boundaries and so a Pan-London approach is needed. With the assistance of the Mayor's convening powers, MOPAC should create a Joint Action Plan across London.
- II. What is also needed is strategic pan-London coordination - with police, local authorities, the NHS, the UK Border Force and NGO input.
- III. We recommend that the Mayor lead a mapping exercise on human trafficking by region across London so that borough police and local authorities can understand the human trafficking picture in their respective administrative territories.

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<sup>2</sup> "£50m of capital funding ... will enable the development of properties specifically earmarked for people who are moving on from 50 refuges or hostels"

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*Consultation Submission on*

*Human Trafficking and Modern Day Slavery*

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## **Background**

*“Some Londoners are at higher risk of becoming victims of crime, or of being exploited by others to commit criminal acts.” Draft Police and Crime Plan, 2017-21*

Human trafficking and modern day slavery (HTaMDS) is the fastest growing international crime and is the second largest source of illegal income for organised criminality in the world. It is also increasingly seen as one of the greatest human rights abuses of our times, and is now recognised as the number one national human rights priority by the present Government.

The Home Office made a modest estimate that there are between 10-13,000 people trafficked into the UK, but in 2015 only 3,266 potential victims were identified. In London, 278 potential victims were identified by the Met's trafficking unit in 2015; this figure has already jumped to 1008<sup>3</sup> in 2016.

Police are still coming across victims and failing to identify them, in some cases even criminalising them instead. When police do identify victims of trafficking (VOTs), in many cases there is a lack of appropriate support for them, which then impairs or halts prosecutions, with many VOTs ending up destitute or even being re-trafficked.

The UK is a signatory to the Palermo Protocol as well as having committed to the Convention on Action Against Trafficking in Human Beings of 2005, and the UK's international obligations are further established in Directive 2011/36/EU of the European Parliament and Council. The nation's commitment to the eradication of human trafficking is further illustrated most recently by the passing of the Modern Slavery Act 2015.

The Modern Slavery Act 2015 has placed a statutory duty on the police and local authorities to identify potential victims and refer them into the NRM. However, qualitative and

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<sup>3</sup> Data provided by SCO7

quantitative data so far points to the fact that most borough police and local authorities know very little about how to identify or support victims of modern day slavery and are failing to fulfil this obligation.

National Crime Agency figures, published in 2017, record that the Metropolitan Police Service is one of the highest referring services into the NRM in the UK.<sup>4</sup> It is therefore incumbent on the Mayor and DMPC to make every effort to fulfil the duty to prevent and combat trafficking in persons, to protect and assist victims of trafficking, and to punish perpetrators, and do so in a spirit of co-operation with partner agencies.

### **The Metropolitan Police Service and SCO7**

Our sector recognises that there have been real improvements in the UK's police response in a way that has been less visible in other statutory authorities. In London, while we have fallen behind in some respects, as will be described below in terms of long term post NRM support provisions and pan-London partnership work, the Metropolitan Police Service's specialist unit, the Modern Slavery and Kidnap Unit (SCO7) is not only highly rated in the sector across London, but is also nationally and internationally recognised as best practice.

It is broadly recognised by the NGO sector that SCO7 has always led the way on good practice but has made significant strides in the last three years around having a genuine victim-focused approach as well as having very high engagement with the NGO sector.

These include connecting with NGOs regularly and, for example, being members of the London Working Group. As we recommend below for borough police, SCO7 already carries out monthly joint visits to at-risk venues working directly with NGOs. They also work closely with NGOs such as Bakhita House, who support female victims of trafficking irrespective of whether they work with the police or go through the NRM. Borough police however continue to respond to these cases very differently although SCO7 has recently set about creating Police Single Points of Contact (SPoCs) in all boroughs to improve the local response.

Entire roles within SCO7 are dedicated to victim care - something that we believe should be normalised across the MPS. However it should be noted that the number of victims being found in London has increased significantly year on year and budgets have not reflected this. Hence there are concerns that SCO7 is very stretched and could soon struggle to continue to offer the first class service to victims that it presently does.

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<sup>4</sup> However due to the difficulty in identifying victims or in victims feeling confident to in coming forward, the data from both the NCA and within the draft Police and Crime is likely to significantly underestimate the scale of incidents of human trafficking in London.

## Citation of Human Trafficking and Modern Day Slavery (HTaMDS) in the Plan

### *A Section on HTaMDS within the Plan*

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We believe that the Mayor and DMPC play a critical role in ensuring the importance of human trafficking is understood by Police and, on a pan-London level, by local authorities.

The way many officers in borough police respond to Human Trafficking is not dissimilar to the way they responded to Domestic Violence thirty years ago or Female Genital Mutilation only a few years ago. The crime itself is not understood, the victims are not always perceived as victims, and are not adequately supported, and the indicators are too often missed. We hope this will change over the next decade but only with guidance and a strong command. This is why the substance of the Plan is so critical.

The decision in the draft Plan to prioritise vulnerability and victims is very welcome. However, the current draft police and crime plan only has one paragraph on the issue of human trafficking and modern day slavery (HTaMDS). Nonetheless we very much welcome placing this crime under broader strategic planning, rather than just under VAWG, which previously ignored the large number of male victims. We also welcome the explicit recognition of the serious crime of labour exploitation, a horrendous crime that has historically been downgraded behind sex trafficking in London's police efforts.

However, we feel that there needs to be a greater emphasis on HTaMDS within the Plan to ensure that it is effectively prioritised, with a specific section in the Plan examining how we can tackle this crime and protect victims.

### *Broader citations required within the Plan*

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We also observe that mention of HTaMDS is notably absent from various sections of the Plan.

- ii.) First, when discussing critical areas such as the need for single points of referral,<sup>5</sup> witness support, or the need for refuges in London for women and children, VOTs need to be included in these conversations and cited in these paragraphs in the Plan.

For example the plan should be amended to say "Our aim is to provide a single point of referral for victims into MPS services for investigating domestic abuse, child abuse, *modern day slavery* and sexual offences and to work with local authorities to ensure that enquiries are allocated to the right agency first time." Similarly the Plan should be amended to state, "We will also co-fund advocacy services to support sexual violence *and human trafficking* survivors through the criminal justice process, helping more victims to receive justice and more perpetrators to be convicted for their crimes."

Human trafficking and modern day slavery (HTaMDS) needs to also be cited in various other broader topic areas within the Plan:-

- iii.) For example, when the Plan discusses the issue of gangs:

It has been highlighted that British children, being exploited by older, violent gang members, are currently being overlooked and repeatedly criminalised in spite of the clear inability to consent written into the Modern Slavery Act.

There is increasing consensus that county lines<sup>6</sup> cases are no different to Vietnamese children being exploited for drug cultivation - the latter children are now recognised by many police as potential trafficking victims who have committed criminal offences as a result of their exploitation by traffickers; this response needs to be the same for British as well as Albanian child victims of exploitation in drug trafficking, who are still regularly seen as perpetrators not victims.

Therefore HTaMDS must be included in any section in the Plan examining gangs. This type of trafficking is an example where the Modern Slavery and Kidnap Unit needs to link up with Units dealing with Gangs, CSE and CAIT teams, as this exploitation overlaps all four teams.

<sup>5</sup>There is already work being carried out by the Met for example, by SCO7, to create points of referral in every London Borough.

<sup>6</sup> "County Lines' is a national issue involving the use of mobile phone 'lines' by groups to extend their drug dealing business into new locations outside of their home areas. This issue affects the majority of forces. A 'county lines' enterprise almost always involves exploitation of vulnerable persons; this can involve both children and adults who require safeguarding."

<http://www.nationalcrimeagency.gov.uk/publications/620-NCA-Intelligence-Assessment-County-Lines-Gangs-and-Safeguarding/file>

Some police are beginning to understand “county lines” cases as those involving exploitation and the Modern Slavery Act, however many still are not. Therefore the Plan, as a strategic guide to our forces, must lead the way in ensuring this perception filters through the Met.

However there is a concern that the draft Plan implies that children being used for trafficking drugs might continue to be criminalised as it writes that “the MPS will work to tackle the flow of drugs into and out of London, targeting the gangs that cross county lines and often exploit young people; ensuring that young Londoners who commit offences outside London are quickly identified and arrested..”

The MOPAC plan lacks a joined up view of related issues as concerns the internal trafficking of British child victims – such as missing persons investigations, gangs and CSE – which should be examined within any pan-London trafficking protocol. Stakeholders on the LWG have suggested specialist staff are required to manage such cases involving internal trafficking due to their complexity.

iv.) Similarly the VAWG and Justice agendas must also cite HTaMDS in the Plan:

For example, under the VAWG objectives,<sup>7</sup> increasing the number of human trafficking referrals would be a way to counteract the approach that “no crime reports = no crime” as has been the risk in other VAWG areas already cited in the Plan.

While human trafficking is more clearly linked in our perceptions of prostitution and in regard to domestic workers, other leading VAWG areas such as domestic violence and forced marriage need to recognise trafficking as highly inter-related. For example, a recent domestic violence project run by Women’s Aid and the Albanian NGO, Shpresa Programme, found that around 50 per cent of cases they support for DV, also had high indicators of being VOTs.

To ensure that those supporting victims of DV in the police and elsewhere recognise these trafficking risks around the victims they support and the potential to refer them for support into the NRM, the Plan again must lead the way in highlighting how the two crimes interlay. It is equally important that any new strategy mentions trafficking and how it can be tackled in all its forms involving women and girls, not just via organised prostitution.

This is in the interests of the victim who – for example if they are seen as a trafficking victim as well as a DV victim - can then access Home Office funded housing and support via the NRM and have access to legal aid, as well as to the Police, who can use Trafficking Prevention and Risk Orders to protect their victim as well as ensure justice is served since the MSA allows for life sentences.

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<sup>7</sup> Page 53 [https://www.london.gov.uk/sites/default/files/draft\\_police\\_and\\_crime\\_plan\\_for\\_london\\_2017-2021\\_-\\_consultation\\_document.pdf](https://www.london.gov.uk/sites/default/files/draft_police_and_crime_plan_for_london_2017-2021_-_consultation_document.pdf)

- v.) Similarly CSE, online grooming and other related areas all inter-relate with HTaMDS and the Plan must recognise this:

We know there are cases similar to the Oxford and Rochdale CSE taking place in London. CAIT teams need to be acutely aware of HTaMDS in all its forms. Police must not limit these cases to girls and understand that when dealing with any vulnerable young boys the first question should be whether they have been exploited and whether sexual abuse is involved.<sup>8</sup>

It is critical, as explained above, for the police and victims, to understand this in the context of the MSA and exploitation. This is also imperative so that new cases are also recognised as being serious forms of criminality. We have heard, for example, of boys being groomed online and sexually exploited by their 'boyfriends' to other men, but these, as in Rochdale and Oxford, are still regularly being dismissed as 'lifestyle choices' for these children.

In high-profile cases of sexual exploitation and internal trafficking, authorities have admitted having 'limited knowledge' of exploitation<sup>9</sup>, particularly when victims are aged 16-18 and above the age of consent for sexual activity. This lack of awareness for victims of trafficking results in victim-blaming and children's credibility being questioned, which has resulted in barriers to identification, safeguarding and prosecutions.

- vi.) Missing children and missing care leavers is another issue raised as a particular concern which should be considered alongside HTaMDS and in any main section examining human trafficking.

Her Majesty's Inspectorate of Constabulary (HMIC) inspected the police response to missing children, and identified that police and law enforcement do not consistently identify the risk to children of going missing and the links to child sexual exploitation, trafficking and other forms of abuse and exploitation.<sup>10</sup>

Recent research has shown that more than a quarter of child trafficking victims went missing from care in 2015. Anti-child trafficking NGO, ECPAT UK, has made several recommendations to police forces and others about how they can improve how data is collated and acted upon in missing trafficked child cases.<sup>11</sup>

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<sup>8</sup>"'Is this young man being sexually exploited?' is what all professionals working with vulnerable men need to be asking themselves. Until this happens, sexually exploited young men are going to remain hidden and unsupported.' Boys are not sexually exploited, A Challenge to Practitioners by Ralph Lillywhite, Children's Services Department, Barnardo's, London, UK and Paula Skidmore Barnardo's Policy & Research Unit and London Metropolitan University, London,

<sup>9</sup> <http://www.bbc.co.uk/news/uk-england-south-yorkshire-31360800>

<sup>10</sup> HMIC. (2016). Missing children: who cares? The police response to missing and 'absent' children. Available at: <https://www.justiceinspectorates.gov.uk/hmic/publications/missing-children-who-cares/>

<sup>11</sup> See p97: [http://www.ecpat.org.uk/sites/default/files/hbth\\_report2016\\_final\\_web\\_0.pdf](http://www.ecpat.org.uk/sites/default/files/hbth_report2016_final_web_0.pdf)

There are examples of good practice around policing this issue. A 'Talk Don't Walk' project in Cheshire which "interviewed children and young adults who had run away from home to identify the underlying causes and inform the development of effective solutions". This led to a reduction in the numbers going missing between 2004 and 2007 in the Warrington area by 72% and saved approximately £3.2m.

When creating pan-London guidance for police on how to respond to human trafficking there must be updated guidance on the police response when potential or recognised child or adult victims of trafficking go missing.

## Approach to be cited in the HTaMDS section of the Plan

Not only should all these sections cited above refer to HTaMDS, there must also be a specific section within the plan that looks explicitly at how the MPS will tackle human trafficking and modern day slavery.

Within this section, the following approaches need to be recognised -:

## Consistency

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There is a need for a consistent and strategic approach to human trafficking and modern day slavery in London, for all exploitation types.

### *Enforcement*

Presently, outside of SCO7, there is often a limited understanding of HTaMDS in borough police forces. A variety of potentially vulnerable groups may be VOTs but police tend to approach homeless people, undocumented migrants, sex workers, children in gangs, or others engaged in various forms of potentially forced criminality such as drug crime, benefit fraud, or pick pocketing, with an enforcement approach.

Poor identification of victims and a lack of awareness of forced criminality, in particular, among police and prosecutors, often leads to a failure to understand the rights of victims or to refer into the NRM.

Police need to understand the broader indicators around this issue and be alert to the issue in all cases they confront. For example, stakeholders have told of experiences where police may be arresting a homeless person for an immigration or ASB offence. However, this person is in fact a VOT and it is only once the case ends up in court that the charges get thrown out, or the victim might even be already going through the NRM and this isn't checked before enforcement takes place.

This enforcement approach is to the detriment of uncovering VOTs, who are unlikely to self-identify and tend to require significant support and safety before revealing information about their traumatic experience. If they are found by a raid or enforcement approach we cannot expect a victim to disclose the crimes being committed against them. By way of example, a British homeless man exploited for labour by an Irish traveller family, who physically and sexually abused him, took two years to reveal the abuse after being rescued.

### *Failure to investigate*

Furthermore, we continue to hear that victims who do have the courage to go to police are often turned away. One homeless man was turned away from several London borough police stations; another woman rescued from violent abuse and domestic servitude by a neighbour who heard her screams (and was willing to testify) was told by police that they didn't have enough evidence to prosecute. In another case, the police refused to investigate a case involving one victim of trafficking as they said there was no evidence available to find the trafficker. However, the caseworker Googled the offender and found him immediately on Facebook. We have heard that too much evidence and credibility of the victim was required even though in reality the Jury have only to decide if the essence is credible. What appears to be lacking, in truth, is not evidence but strength of will by the police to take cases forward.

Human trafficking and Modern Day Slavery must not be framed as fitting only under organised crime. Many cases of human trafficking do not involve organised criminal gangs but occur, for example, within one family.

Traditional practices among some ethnic groups, such as migration and private fostering, can also make children vulnerable to trafficking. In some countries, children moving unaccompanied at a young age is part of a deep-rooted socialisation process in which it is expected that a child will leave home and work elsewhere to provide for their family. One NGOs noted that they had learnt from the victims of trafficking they work with, for example from parts of West Africa, that a customary practice is for parents to transfer the care of their child to a relative or community member who is seen as better able to provide for the child. Traffickers exploit such practices, with children being brought to the UK and other countries in order to be domestic servants or for benefit fraud, rather than to receive education.

Not only must police understand the seriousness of these types of human trafficking and so investigate them as thoroughly as organised criminality, but they must understand that some labour exploitation may not fit under the MSA but may still be exploitative and warrant police efforts. This can particularly occur in unregulated sectors such as cleaning, construction and social care and must be part of any broader strategy on HTaMDS.

### *Immigration offences versus slavery offences*

Furthermore, many victims who have unstable immigration status are seen by the police as using the NRM to stay in the UK. We are particularly hearing concerns that victims of trafficking from Albania and West Africa are failing to be recognised. This is in spite of the fact that being recognised as trafficked by the NRM provides no guarantee of Leave to Remain.

One victim contacted the police after being attacked by her trafficker and was instead put in detention for immigration offences (which she was not in fact guilty of, but had been unable to present all her documents at the time). The trafficker was never charged and there are multiple stories of this kind across London.

Many NGOs remain concerned that potential victims of trafficking who are foreign nationals are perceived through an immigration lens by police and other public authorities. Concerns about a focus on immigration around trafficking are well documented and have resulted in VOTs being seen as immigrants first, and children or victims of trafficking second<sup>12</sup>. There is a persistent culture of disbelief and stakeholders in the statutory and non-statutory sectors have said the problems remind them of the issues they previously faced with victims of domestic violence.

One West African child victim of sex trafficking was discovered by borough police in a brothel raid, but she was treated as an undocumented migrant and locked in a cell before being released onto the streets by police. Alternatively, Police can treat an immigrant victim's claims of not being paid or having their passport removed as "an employment or civil matter".

### *Understanding the context*

Immigration fears are not the only concerns holding victims back from revealing their experiences on first contact with the police. Traffickers employ a range of methods to control their victims which are significant barriers to disclosure to the police on first contact. These can include the removal of ID documents, threats made to them or their families back home if they speak to the police, threats of punishment by UK authorities, physical and sexual violence, emotional abuse, and the use of juju and other psychological methods of control and intimidation.

An NGO notes that one girl who had been trafficked for sexual exploitation did not want anyone to try and trace her family. The police and Home Office officials assumed this was because she was lying, but it was due to that fact that she feared she would be putting other female members of her family at risk of trafficking. She has since, after considerable support, been able to speak with an NGO about tracing her family and it has been explained to her that they understand the risks and will work to safeguard her family first and foremost.

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<sup>12</sup> Alternative Report on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (2013)  
[http://www.ecpat.org.uk/sites/default/files/final\\_opsc\\_submission\\_pdf.pdf](http://www.ecpat.org.uk/sites/default/files/final_opsc_submission_pdf.pdf)

In another case a boy was told that unless he paid off his debt to the traffickers his family would be punished. Hence, he continued to work illegally and thought it normal for them to threaten him in this way. The police therefore did not recognise him as a victim of trafficking because they thought that as he had been offered accommodation and appeared to be 'free' to leave the situation, he must be 'choosing' the labour exploitation. This case also highlights that the Modern Slavery Act's definition of trafficking is not consistently applied, since children should be recognised as anyway not being able to consent to their exploitation

### *Creating a cultural change in the MPS*

We respectfully submit that the MOPAC plan can be the starting point or catalyst for cultural change within the police, as well as immigration officers and local authorities. Human trafficking materialises in different ways and is constantly evolving. This therefore requires a cultural change in the Met Police, rather than relying on offence triggers.

The Plan must ensure police recognise the mechanics behind the crime so that they can recognise it in all its forms. They also need a greater awareness of the statutory defence for slavery and trafficking victims in the MSA and understand that to uncover this very serious crime, they will need a protection over enforcement approach.

In regard to child VOTs, in order to build trust with trafficked, unaccompanied and separated children, and prevent them from going missing, a child's first and subsequent encounters with services should be supportive, and next steps should be clearly explained. On their first encounter with the police all trafficked, unaccompanied and separated children must be treated with respect, and their accounts given credence. Police who are likely to encounter this group of children must receive appropriate training.

### *Understanding displacement*

There also needs to be a pan-London approach which understands the regular displacement of this crime. A consequence of a raid on a brothel could mean vulnerable people working there are displaced to a neighbouring borough, possibly working less safely on the streets. It is in all boroughs' interest to work together on this. The Mayor and MOPAC are best placed therefore to lead this pan-London approach through strategic leadership with the police.

The Metropolitan police should use the NPCC National Policing Sex Work guidance as standard for understanding how to approach sex trafficking in brothels. The NPCC guidance notes for example that heavy-handed crackdown and raids do not result in the victims of trafficking coming forward and that *""Crackdowns"" on either sex workers themselves*

*or men in cars & on foot are at the very best, likely to prove only short-term palliatives and may result in displacement to other areas. Displacement is not a solution and will put sex workers at greater risk."*

### *Setting HTaMDS as a priority*

The draft Plan noted that local police will set targets on criminality in each borough. Since human trafficking is largely an unseen crime, we must ensure boroughs are not encouraged, by focusing on targets, to ignore low volume, high level crimes such as HTaMDS. There is a concern that this crime might again fall through the gaps if it is not identified as a broader priority. HTaMDS is not well suited to figure-driven exercises and therefore police need to receive direction from above, from the Mayor, to ensure it remains on the agenda.

We recommend having a strategic approach set out in an HTaMDS Action Plan, with input from experts in the statutory and non-statutory sectors.

There needs to be guidance in place on how to respond to human trafficking, with clear protocols on how to safely identify it and awareness on what protection measures are in place for victims of trafficking and on protection measures for victims of trafficking who are involved in criminal proceedings against their traffickers.

The protocol would look at a wide array of trafficking types including 'county lines', trafficking of homeless people, domestic servitude, sex trafficking within brothels and in gangs or closed communities, trafficking for benefit fraud, begging and cannabis cultivation, and labour exploitation in industries ranging from car washes to the care industry etc.

Single points of contact must be fully formalised within the Met in each borough command. This will also ensure a consistency of approach and understanding.

### *Complying with International Law*

#### *Training*

Contrary to the case studies cited earlier, the Palermo Protocol requires that the UK work to prevent and combat trafficking in persons and have the provision of protection and assistance to victims of trafficking, and the punishment of offenders. While Article 9 of Directive 2011/36/EU of the European Parliament and of the Council speaks of the duty to investigate.

Fundamental to the effective and fair execution of these duties is the requirement of the Convention on Action Against Trafficking in Human Beings 2005, that requires each party to

provide its competent authority with persons who are trained and qualified in preventing and combating trafficking in human beings, as well as identifying and helping victims.

It is perhaps particularly pertinent for the police as First Responders to take note of the requirement of Article 11(4) Directive 2011/36/EU of the European Parliament and of the Council, that requires that necessary measure be taken to establish appropriate mechanisms aimed at the early identification of, assistance to and support for victims, in co-operation with relevant support organisations.

There are therefore two clear themes:

- (i) appropriate training and qualification aimed at the early and accurate identification of victims
- (ii) co-operation between relevant partner agencies

Particular considerations must apply in respect of child victims, and here the reader is referred to Article 13, Article 16 and Article 18 of Directive 2011/36/EU of the European Parliament and of the Council.

There must be appropriate and consistent training of MPS officers (in SNTs, custody sergeants, CAIT teams etc., and also with partners such as transport police and immigration officers who work alongside the Met police) particularly on identification, understanding the underlying issues around HTaMDS, filling out the NRM form, partnership and non-criminalisation of victims.

When all police have a statutory duty to recognise human trafficking, we cannot continue to allow a situation where many police officers in boroughs still do not even recognise the NRM. This is also critical as non-organised trafficking is not always dealt with by SCO7.

In regard to child VOTs, in order to address the lack of awareness of the issues and risks faced by trafficked, unaccompanied and separated children, Police coming into contact with such children must be trained to an appropriate level. There is a concern amongst some child NGOs that much of the human trafficking training on offer across the UK pays little or no regard to the necessary child protection response required in child cases.

A failure to correctly identify a child victim of trafficking can have significant implications - impacting on, for example, their ability to access legal aid and impeding the child's access to justice and compensation, but also worryingly, potentially putting a child at further risk of harm, re-exploitation and going missing.

Human Trafficking training regarding child and adult VOTs must be mandatory but there needs to be a consideration of the requirement for a multiagency approach – training transport police, immigration officers and local authority staff that the police work with, to ensure expertise is coordinated and in sync. All training must aim to break down the culture of disbelief, must promote a culture of trust, and must encourage all in contact with trafficked, unaccompanied and separated children to recognise and understand their vulnerability.

## Victim focused approach

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### *Proactive investigations*

Victim focused approach over an immigration or enforcement approach

Police need to have more proactive investigations in finding victims and should engage more with the NGO sector on where we are seeing cases.

Police are still far too reactive to this form of criminality, with huge emphasis placed on the victim coming forward and other external sources. This contrasts to a more pro-active approach of seeking out cases that would be normal practice when dealing with other crimes such as drug trafficking, where they may be specialized personnel or protocols designed to guide investigations. However, such efforts must not be confused or merged around broader enforcement initiatives.

Victims of trafficking are remaining hidden in part because they fear enforcement, whether linked to their immigration status, or due to the crimes they are being compelled to commit. This fear is not unfounded since we are repeatedly still seeing victims of trafficking being criminalised. Whether as a West African woman working in a brothel, an Eastern-European man begging on the streets, a Vietnamese man working in a cannabis farm, or a British teen trafficking drugs across the country for older gang members, police must start to question their own assumptions and presume a victim-focused stance when dealing with potentially highly vulnerable cases.

Victims often do not self-identify and enforcement action tends to push victims further underground as they often fear the authorities. For example, one particular raid on a restaurant focused on the workers' perceived illegal immigration, even though some of the people working there had been trafficked. Rather than confess to the authorities, the restaurant workers went further underground. One woman moved into prostitution and so

was at risk of potentially even greater exploitation. Understanding that many VOTs cannot speak English is also critical but often ignored. One NGO told of a raid that failed to provide interpreters and only asked the victim of sex trafficking about her immigration status.

If raids are not carried out effectively, not only will intelligence be lost but many potential victims may move to more vulnerable areas such as working on the streets, where they will be more vulnerable to exploitation and violence. Likewise criminalising vulnerable people can do the same. For example, arresting someone for soliciting will likely result in them gaining a criminal record, leaving them less likely to escape possible exploitation.

However, enforcement still appears to take precedent, and at least while this belief prevails, we will not have VOTs coming forward or more prosecutions. In one case, a victim became so ill they could no longer work for the trafficker, so the trafficker contacted the authorities to reveal they were living here illegally and should be sent home – so confident were they that the authorities would prioritise enforcement over anything else.

As well as lacking victim-focused awareness, these raids often fail to seek out sufficient intelligence. Raids and visits require a more formalised procedure which also looks at the intelligence aspect of how for example the undocumented people were smuggled in, how they obtained a visa, what routes were used and where they heard about the employment role etc. There also need to be more questions beforehand as well regarding who the landlord is and so forth.

### *Good practice*

#### *Partnership work*

In Bristol, an NGO has arrangements with the Avon and Somerset police drug unit so that when the police carry out a cannabis raid, the NGO will accompany the police. In London, SCO7 has similar arrangements for example when entering brothels, but such structures are missing from most borough police activity.

All borough police need to have links and protocols with the NGO sector before carrying out similar types of work across London.

Police should partner with specialist organisations working with highly vulnerable sectors in order to develop holistic and effective approaches to combatting this crime.

Before any enforcement action takes place by police and immigration, relevant stakeholders and NGOs should be contacted and a plan of action should be taken to assess if vulnerable people will be present and if a non-enforcement approach may be preferable.

There are already good practice guidelines on raiding or visiting brothels within the NPCC guidance. We need similar guidance on broader 'enforcement' related work and the risks around this approach, the alternatives, and what to do post-enforcement (check-ups on the victims etc.)

An example, cited by one NGO of how partnership could assist work to identify exploitation in London, involves Operation Radix, where officers conduct 'welfare visits' on domestic workers in their employer's private households in London. This is an immigration enforcement initiative but the UKVI are meant to notify the MPS when they carry out these visits. The UKVI and MPS need to review the outcome of these visits and share it with NGOs who have first-hand experience of handling issues faced by domestic workers, so that adequate intelligence is shared and potentially vulnerable workers are protected.

## End to end approach

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### *Pre and post NRM housing and support*

The support currently provided to survivors of human trafficking and modern slavery leaves survivors with little realistic opportunity to rebuild their lives, with some ending up destitute, vulnerable to further harm or even being re-trafficked.

Victims of trafficking are supported by the Home Office once they enter the NRM for at least 45 days. However there is no support before victims enter the NRM and nothing after this support is provided. Someone who receives a positive CG decision<sup>13</sup> has two weeks to leave the safe house and support ends soon afterwards. If a person is not recognised as trafficked (sometimes due to lack of evidence) they have 48 hours to leave the safe house.

The need to address the critical shortage of housing and support for victims of human trafficking, particularly adult male victims is acute. A police officer recently told one LWG stakeholder that they had referred a male victim into the NRM three times! This was because each time the man left the safe house, there was no support for this highly vulnerable individual and he became homeless and was trafficked and abused again.

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<sup>13</sup> Conclusive ground – i.e. recognised as trafficked by the NRM.

Police and other statutory and non-statutory organisations that find potential victims of trafficking are also struggling to find accommodation when they identify a victim *before* a victim is able to enter a safe house and has a Reasonable Grounds decision – and can even lose the victim as a result.<sup>14</sup>

Others, due to the risk of being homeless while having exposed their trafficker, may decide not to come forward into the NRM and work with the police because of the risks and lack of protection pre and post NRM. This shortage has a significant impact on the police's work to identify and protect victims, as well as prosecutions.

### *Mayor's role in providing support to survivors*

The need for accommodation provision should be considered within the Plan's commitment to deliver improved services for victims of crime.

We believe one option would be to extend the draft Plan's refuge funding<sup>15</sup> to victims of trafficking (VOT), including male VOTs. The Plan could be amended to say, "In recognition of the Mayor's commitment to develop better support for victims of domestic abuse and tackle homelessness in the capital, ... This funding will enable the development of properties specifically earmarked for people who are moving on from 50 refuges, *human trafficking safe houses* or hostels because they no longer require the support services offered in those types of accommodation, and those leaving the streets who would benefit from a 'Housing First' approach."

However we need to do more to recognise male victims, and the lack of support for men, more broadly in the plan.

In London a few (though limited and oversubscribed) housing and support options exist in the voluntary sector for female victims after they leave a safe house. There are however currently no projects at all providing male victims of trafficking with housing or support. Even British male victims of trafficking have been found to regularly end up destitute or even choose to return to the trafficker because so little support exists.

<sup>14</sup> There are a few very good support and accommodation options for female victims outside of the NRM in London – such as Bakhita House who work alongside SCO7. However the number of beds and support workers is very limited and does not match the number of cases being seen, with nothing in place for male VOTs.

<sup>15</sup> "£50m of capital funding ... will enable the development of properties specifically earmarked for people who are moving on from 50 refuges or hostels"

There is not just a complete lack of housing post NRM for male victims, but also more general support services. A Salvation Army Human Trafficking report noted that “one African lad was so broken, he wouldn’t leave this room. We put him in touch with the rape crisis team but they wouldn’t touch him because he’s a man.”<sup>16</sup>

It is important to note here that Article 11 of Directive 2011/36/EU of the European Parliament and of the Council makes reference to the duty to ensure that assistance and support are provided to victims before, during and for an appropriate time after the conclusion of criminal proceedings.

As well as recognising the vulnerability of homeless and men and boys exploited for labour trafficking and criminality etc., the plan also needs to recognise the high prevalence of male and transgender sex workers in the city, alongside the barriers to LGBT reporting crime, and the importance of offering specially trained liaison officers in responding sensitively to their needs.

#### *The Metropolitan Police’s role in providing support to survivors*

Police are also sometimes unaware that Home Office guidance on Competent Authorities states that the police themselves can apply for discretionary leave (DL) for victims of trafficking if they are cooperating with the a criminal investigation. However this request must be made by the police. Moreover, if police intend to be involved in a vulnerable person’s case who has risked their lives to expose their traffickers, then the police need to offer that support and protection (as DL allows them to access housing and support) that will carry them through the criminal process. This further highlights the need for training.

## Coordinated partnership approach

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#### *Pan-London approach*

Many regions of the UK now have multiagency anti-trafficking partnerships often funded or part-funded by their PCCs<sup>17</sup>. London is behind on this with no pan-London work in place besides smaller efforts such as the work of the Tri-borough and a couple of internal borough partnership models such as in Croydon.<sup>18</sup>

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<sup>16</sup> Salvation Army report Support Needs of Male Victims of Human Trafficking, June 2013

<sup>17</sup> Regions where network partnerships are funded by PCCs include [Hampshire](#), [Cheshire](#), and [Greater Manchester](#). The PCC in West Yorkshire was awarded £200k from the MoJ to fund the partnership there

<sup>18</sup> tri-borough is anyway a tri-borough model for all departments

What is needed is a pan-London approach with police, local authorities, the NHS, UK Border Force and NGOs all involved.

### *Good practice – Greater Manchester Police*

Greater Manchester (GM) Police has set up a partnership and within two years have seen huge increase in identification: GM has seen referrals increase 197% increase from 2014. They work in partnership, for example, with an NGO coordinating the partnership, and the fire brigade providing pre-NRM accommodation for victims.

### *Benefits*

Partnership groups ensure the police, along with the border force, NGOs, local authorities, and businesses work together, support each other and avoid silo work. A partnership also allows the police to bring in the diaspora community groups and the business community into conversations around actions to tackle this complex crime.

These partnerships also lead to gaps being identified and then filled. For example, the provision of post-NRM housing in West Midlands came off the back of research linked to the West Midlands Partnership, which highlighted this gap.

Partnership work is also recommended within the NGO sector. For example, NGOs for the homeless sector recommend that raids on houses in multiple occupation (HMOs) should involve partnership with homeless NGOs to support potential victims of modern day slavery. Furthermore engagement with frontline rough sleeping services (night shelters, drop ins, day centres, soup kitchens etc.), would help ensure that best practice is being shared, along with information on known recruiting spots.

The CSJ Report, *It happens here*, found that partnership work “has had considerable success in fostering links between professionals who are able to share experience and generate a better understanding of how the problem manifests in their area...It is our recommendation that every region establishes an equivalent group, creating a forum whereby information and intelligence can be shared across agencies. This multi-agency approach is essential for police in disrupting traffickers and identifying victims.”

A London partnership could lead to developments such as creating single points of contact in each local authority, as well as formalising the creation of SPoCs already taking place in many London borough police forces, and identifying where training might be needed. Possibly this partnership or board (or regional boards) could advise, guide, act as lead investigators and deal with cross-border issues as well as would have the responsibility to train others.

### *Partnership recommendations*

Trafficking ignores constituency boundaries and there is a need for more Pan-London working. This can be achieved with the assistance of the Mayor's convening powers, through the creation of a Joint Action Plan across London.

To assist in partnership work with the local authorities as well as provide the police with correct information, the Mayor should lead a mapping exercise on human trafficking by region.

This could also support or link up with other areas of MOPAC's work, since it would include, for example, mapping internal trafficking and organised criminal groups running the 'county lines' activity.

Work should also be joined up to ensure police are working alongside operations at ports. Partnership is a key recommendation in the Independent Chief Inspectors of Borders and Immigration report, 2016.<sup>19</sup> The Met Police's Operation Paladin was a respected model of good practice in Heathrow. Other ports such as London City Airport and international train stations are also likely to be used by traffickers and therefore the police need to be alert to victims passing through these sites.

### *Police Transformation Fund*

There is a new national Police Transformation Fund (PTF)<sup>20</sup> that was announced in November 2016, which will allow for increased resources until 2019 and aims to improve our national coordination and joined-up approach to tackle human trafficking.

Regional analysts within the Regional Organised Crime Units will gather information from local police forces and regional coordinators, of Detective Inspector rank, will provide tactical advice and support regional partnerships. Our recommendation for partnership and mapping of activity in London will assist with their work and their work will also be able to feed into our intelligence picture and response.

An NRM Triage Centre will look at historic NRM referrals to determine whether any investigations or prosecutions might be possible, prioritising lines of inquiry. This perhaps relies on the assumption that non-historic cases will not need further investigation, further

<sup>19</sup> [http://icinspector.independent.gov.uk/wp-content/uploads/2017/02/Potential-Victims-of-Modern-Slavery-\\_Inspection-report.pdf](http://icinspector.independent.gov.uk/wp-content/uploads/2017/02/Potential-Victims-of-Modern-Slavery-_Inspection-report.pdf)

<sup>20</sup> "The funding, granted until 2018/19 following a bid to the Police Transformation Fund, will improve the country's enforcement response to modern slavery by providing high quality intelligence and analysis to assess the threat at a national and regional level, and an improved operational response throughout the investigative process"  
<https://www.gov.uk/government/news/home-secretary-strengthens-police-response-to-modern-slavery>

highlighting the need for our above recommendations around prioritising HTaMDS through a Joint Action Plan, and having new guidance and training.