

Learning Disabilities and Modern Slavery

A post-event report summary
of the underexplored correlation between
cognitive impairment and exploitation



Human Trafficking Foundation

Learning Disabilities and Modern Slavery Post-Event Report Summary



Thank you to all our speakers: Dr Noelle Blackman at Respond, Lara Bundock and Kamille Fijalkowski at the Snowdrop Project, Sarah Goff at the Ann Craft Trust, Ann-Marie Douglas at The Salvation Army, Maria Cassidy and Kevin Murphy at NWG Exploitation Response Unit, Dr Alison Gardner at Rights Lab and Jennifer Blair at Migrants Organise.

With special thanks to Lara Bundock at the Snowdrop Project and Julie Christie-Webb at Caritas Westminster for initiating this important discussion.

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The below is a summary of the concerns, experiences and recommendations made during HTF's online forum in partnership with The Snowdrop Project.

Introduction

As a sector we are acutely aware that neurodivergence increases an individual's susceptibility to grooming and exploitation.

The interplay of modern slavery and learning disabilities is observable in all exploitation types. From sexual exploitation, notable in the landmark Rotherham case where multiple survivors had cognitive impairments, to criminal and labour exploitation, evident in the Rooney Case where, often homeless, victims with learning disabilities were coerced into work and lived in squalid conditions for up to twenty-five years. At the forum, Respond, a national charity providing specialist support services to people with learning disabilities, also referenced a large cohort of survivors with learning disabilities in the UK married into domestic servitude through networks of extended families and supposed trusted individuals known to the survivor.

While there is an understanding of learning disabilities as a potential risk factor of modern slavery, there is little emphasis placed on the additional support needs of those with learning disabilities after exploitation, and many survivors experience multiple barriers to appropriate care during their rehabilitation. This lack of emphasis is also demonstrable in the absence of data on survivors who enter the National Referral Mechanism (NRM) with a learning disability in the Home Office's quarterly statistics.¹

Lara Bundock at The Snowdrop Project and Julie Christie-Webb at Caritas Westminster raised these concerns to the Human Trafficking Foundation, demonstrating how it is also often difficult to diagnose survivors with a learning disability. Additionally, that foreign national survivors experience further barriers to receiving a formal diagnosis, as in many instances, additional needs are dismissed and instead interpreted as an absence of English language proficiency or a lack of formal schooling.

The relevance of acknowledging the impact of learning disabilities and additional needs of survivors is critical in preventing re-trafficking. Individuals with learning disabilities can struggle to keep themselves safe if their on-going support needs are not met throughout their recovery journey, which is likely if their cognitive impairments are underlying and undiagnosed.

¹ <https://www.gov.uk/government/collections/national-referral-mechanism-statistics>

Case study

The Snowdrop Project was working with R, a foreign national survivor with undiagnosed but assumed cognitive impairments. After navigating the asylum process and receiving refugee status, with the assistance of The Snowdrop Project, R went to the job centre to receive support. Here, R's learning disabilities were interpreted as an English language proficiency issue and dismissed. It took 18 months of ESOL classes, where no development was seen, for R's learning disabilities to be acknowledged by the job centre and additional support to be given. With this additional support in place, she was able to progress and was able to gain employment.

Challenges Raised

Diagnosis

- It is often challenging to diagnose a survivor of modern slavery with a learning disability when there are likely additional factors at play such as PTSD and complex trauma, and because of this, practitioners regularly see misdiagnosis.
- Further, for young people with developmental trauma, observable in many survivors of trafficking, their cognition will often be impacted, which is easy to conflate with undiagnosed learning disabilities.
- Practitioners noted significant delays in diagnosing survivors with learning disabilities, meaning that in many instances additional support is received too late, for example after interviews with law enforcement or the Home Office.
- When diagnosing survivors with learning disabilities, the areas that are explored and the questions asked can be re-triggering. Survivors may also be asked for information they do not have access to, such as school performance records.
- Professionals on the panel witnessed refusals to diagnose survivors because they are adults, even though their lack of diagnosis may be owing to the fact they are from countries that do not assess children.
- Practitioners also found that survivors with mild learning disabilities were not triggering an assessment or diagnosis owing to the 'high eligibility threshold' for disability services, and were therefore not receiving the support they need.²

² <https://www.barnardos.org.uk/sites/default/files/uploads/Unprotected%2C%20overprotected%20-%20meeting%20the%20needs%20of%20young%20people%20with%20learning%20disabilities%20who%20experience%2Cor%20are%20at%20risk%20of%2C%20sexual%20exploitation%202015.pdf>

National Referral Mechanism

- Migrants Organise Mental Capacity Advocacy Project works with survivors of trafficking who struggle to articulate a claim of Modern Slavery to the Home Office gain legal protection. Migrants Organise find that the Home Office frequently consider the actions of survivors implausible and interrogate their stories' credibility without a consideration of an undiagnosed learning disability.
- Often individuals with learning disabilities referred into the NRM are shuttled through with little chance to engage or fully understand the process.
- When a survivor is referred into the NRM an initial risk assessment is conducted which asks questions around mental capacity. However, if relevant information isn't provided by the First Responder (FR), the recognition of learning disabilities is then reliant only on the self-disclosure of the survivor.
- The Salvation Army's data shows that only 2% entering the Victim Care Contract since January 2021 have disclosed a learning disability. At the point of referral, where data is collected, potential victims can often be uncertain on the nature and purpose of the NRM and have not yet built rapport so do not always disclose all necessary information. Therefore, the likelihood is that the 2% figure is vastly underreporting survivors in the NRM with learning disabilities.

- Within the Modern Slavery Victim Care Contract, it is expected that a survivor is registered with a GP within two weeks, although, The Salvation Army noted that it is not always easy to obtain a registration and there are often further barriers in receiving appropriate interventions from health professionals.

Children

- In the 2019 – 2020 academic year the permanent exclusion rate for children with 'an education, health and care plan was 0.10, and for pupils with SEN with no EHC plan is 0.20, compared to 0.04 for those without SEN.'³ This demonstrates how a disproportionate number of children with learning disabilities are excluded from mainstream schools, and once outside education children are often at a heightened risk of exploitation.
- The NWG noted that Serious Case Reviews have highlighted that the capacity of young people in their ability to protect themselves is often overestimated by professionals.⁴ This is reflected in the Child Safeguarding Practice Review Panel Report 2018 and described as an 'optimism bias' as decisions are guided by a behavioural expectation based on age rather than mental capacity.⁵
- Practitioners also observed expectations of adult behaviour when children turn 18, which is not always the case, especially for those with cognitive impairments. As the provision of support ends at 18, young people face a cliff edge and they are left increasingly vulnerable to exploitation.

³ <https://explore-education-statistics.service.gov.uk/find-statistics/permanent-and-fixed-period-exclusions-in-england/2019-20>

⁴ <https://static1.squarespace.com/static/599abfb4e6f2e19ff048494f/t/61d439229bb2d47373ff4d72/1641298210929/Chronological-Age-and-Capacity-2021.pdf>

⁵ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/870033/Child_Safeguarding_Practice_Review_Panel___Annual_Report_2018_2019.pdf

Data

- Rights Lab research utilising Nottingham City Council Slavery and Exploitation Risk Assessment Conference (SERAC) process data found that the most common exploitation type for individuals with diagnosed learning disabilities was financial exploitation (39%). Practitioners observed that financial exploitation receives a disproportionately weaker safeguarding response than other forms of exploitation and is interpreted as less severe. This can leave individuals with learning disabilities without a robust safeguarding response, susceptible to further, more harmful exploitation.
- Only three case out of total of 38 with cognitive impairments discussed at SERAC were categorised as trafficking or modern slavery. The remaining cases were not considered to be at a significant threshold where officials were convinced a prosecution for modern slavery could take place. Despite this, 78% of referrals to the SERAC included serious violence.

Prevention

- The loneliness, disempowerment and social isolation some individuals with learning disabilities experience leaves them increasingly vulnerable to exploitation.
- Internet Matters research shows that those with learning disabilities face heightened risks online to grooming for exploitation, and that they spend an increased amount of time online and are more likely to be exposed to more extreme content.⁶

⁶ <https://www.internetmatters.org/resources/esafety-leaflets-resources/#other>

8 Key Recommendations

From the panel of expert speakers on learning disabilities and modern slavery The Human Trafficking Foundation have established eight key recommendations to improve the support given to survivors of trafficking with cognitive impairments in the UK.

1. Create specific guidance and training for professionals on issues relating to cognitive impairments and on the intersection between the Mental Capacity Act and Modern Slavery processes.
2. Ensure early diagnosis and a subsequent multi-agency response for survivors with an assumed learning disability.
3. Education for young people with learning disabilities on healthy relationships, proper forms of employment, CSE, CCE, keeping safe online and grooming so they are equipped to recognise exploitation.
4. Create properly diversified information on the NRM and pathways to specialist support so individuals with learning disabilities are equipped to know their rights and make key decisions.
5. Ensure survivors with learning disabilities have a court advocate available to support them in ongoing court proceedings.
6. Decisions for young people by Children's Services must focus on cogitative capacity rather than age.⁷
7. Diagnostic tools and parenting assessment questions must have alternatives for those who did not grown up in a UK context.
8. Include a section on the NRM form for First Responders to mark whether the person has a diagnosed learning disability or believed additional needs.

⁷ <https://static1.squarespace.com/static/599abfb4e6f2e19ff048494f/t/61d439229bb2d47373ff4d72/1641298210929/Chronological-Age-and-Capacity-2021.pdf>

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