

Duty to Notify the Home Office of Potential Victims of Modern Slavery

Guidance for Specified Public Authorities Version 2.0 (18 March 2016)

What is the 'Duty to Notify'?

From 1 November 2015, specified public authorities have a duty to notify the Secretary of State of any individual encountered in England and Wales who they believe is a suspected victim of slavery or human trafficking.

It is estimated that there were 10,000-13,000 victims of modern slavery in the UK in 2013, but only 1,746 potential victims were referred to the National Referral Mechanism (NRM) in the same period. In 2015, this figure rose to 3,266 potential victims.

This duty is intended to gather statistics and help build a more comprehensive picture of the nature and scale of modern slavery.

The 'duty to notify' provision is set out in Section 52 of the Modern Slavery Act 2015, and applies to the following public authorities in England and Wales at the time of publication (additional public authorities can be added through regulations):

- (a) a chief officer of police for a police area,
- (b) the chief constable of the British Transport Police Force,
- (c) the National Crime Agency,
- (d) a county council,
- (e) a county borough council,
- (f) a district council,
- (g) a London borough council,
- (h) the Greater London Authority,
- (i) the Common Council of the City of London,
- (j) the Council of the Isles of Scilly,
- (k) the Gangmasters Licensing Authority.

Home Office staff within UK Visas and Immigration, Border Force and Immigration Enforcement are also required, as a matter of Home Office policy, to comply with the duty to notify.

What information should be provided?

The information that must be provided is set out in the Modern Slavery Act 2015 (Duty to Notify) Regulations 2015 (www.legislation.gov.uk/uksi/2015/1743/pdfs/uksi_20151743_en.pdf).

This information can be provided by completing a National Referral Mechanism (NRM) form or an MS1 (Notification of a Potential Victim of Modern Slavery) form.

The NRM form should be used if the victim is an adult and consents to provide their personal details and would like to receive Government funded specialist support, or for a child victim (where consent is not needed). NRM forms and associated guidance are available on the gov.uk website (<https://www.gov.uk/government/publications/human-trafficking-victims-referral-and-assessment-forms>).

An MS1 form should only be used if the potential adult victim wants to remain anonymous and does not want specialist support (or if you are not able to contact the potential victim and do not know their personal details). The MS1 form is available on the gov.uk website (www.gov.uk/government/publications/duty-to-notify-the-home-office-of-potential-victims-of-modern-slavery).

The MS1 Form

The MS1 form is divided into parts A, B, C and D.

Mandatory information

Part A (Contact Details for the Person Making the Referral) and **Part B** (Anonymous Information about the Potential Victim) can be used to provide anonymous information about the potential victim. If you are responding on behalf of one of the public authorities listed above, anonymous information must be provided in response to all questions marked with an asterisk (*).

Voluntary Information

Part C (Additional Information about the Potential Victim) must only be completed if the adult potential victim has explicitly consented to the information being provided or if they are a child (so consent is not needed). You should sign the form to indicate that you have explained the duty to notify and received the adult potential victim's consent to share their details. If you are completing this form electronically, you can type your name to sign the form.

Where an adult has not consented to the referral, then the notification must not include information anywhere in the form that identifies the person, or enables the person to be identified (either by itself or in combination with other information). In very exceptional cases, this might require sections in Part B to be left blank – for example, where the person's nationality is so rare in the relevant police area that it could lead to their identification.¹

Part D (Other Relevant Information) should be used to provide any extra information which you think might help law enforcement bodies to investigate this case or build a

¹ A specified public authority which includes information in accordance with the Regulations does not breach any obligation of confidence owed by the public authority in relation to that information. Nothing in the Regulations requires or authorises the inclusion of information which contravenes any other restriction on the disclosure of information (however imposed). This includes restrictions under Part 1 of the Regulation of Investigatory Powers Act 2000 (interception of communications) or by order of the Court.

better picture of modern slavery in the UK. As with the rest of the form, the information must not identify the person unless they have consented to providing their personal details.

This duty is not retrospective and so public authorities do not need to notify the Home Office of victims first encountered prior to 1 November 2015. Where a case has already been referred into the NRM prior to 1 November 2015 and the individual is encountered again, a 'duty to notify' notification is not required.

How to notify the Home Office

Where an individual is being referred to the NRM, the NRM referral form will be sufficient in itself to satisfy the duty to notify.

Where an NRM referral is not being made, the MS1 form should be completed and sent to dutytonotify@homeoffice.gsi.gov.uk.

NRM forms do not need to be sent to the dutytonotify@homeoffice.gsi.gov.uk inbox.

This information should be provided as soon as practicable. Unless there are exceptional circumstances, the MS1 form should be sent to the duty to notify inbox within one month of encountering a victim.

Notification of child victims

Although the duty to notify applies to both children and adults, children do not need to consent to enter the NRM, so potential child victims should be referred into the NRM in all cases (rather than making an MS1 notification).

Multiple referrals

If you know that another organisation has already notified the Home Office of the potential victim you have encountered under the 'duty to notify', then an additional notification is not required. If possible and appropriate, you should contact other agencies who have previously encountered the individual to check whether a referral has already been made.

How the information will be used

The information provided will be used to build a better picture of modern slavery in England and Wales, and to improve our law enforcement response, by sharing the information with the National Crime Agency and other law enforcement agencies.

Police referrals and safeguarding

A duty to notify referral should not be relied upon to safeguard victims. **Existing safeguarding processes should still be followed in tandem with a notification.**

If you are submitting an NRM form to satisfy the duty to notify, you should refer to the NRM referrals section of the 'victims of modern slavery – frontline staff guidance'

which is available on the gov.uk website here:

<https://www.gov.uk/government/publications/victims-of-human-trafficking>

If you are submitting an MS1 form you should also separately refer the case to the police. You should do this as soon as possible, before you submit the MS1 form. You should then indicate on the MS1 form that this referral has been made.² The referral to the police is not part of the duty to notify, but necessary for safeguarding the victim and for the prevention and detection of crime.

The referral should be made to the police force where the alleged offence took place. If this is not known, or the offence occurred abroad, it should be to the police force where the potential victim was identified.

Even if the MS1 form is anonymous, the referral to the police should include any relevant information which may help the police to investigate the crime and safeguard the victim, including the potential victim's name. This is also true for any safeguarding referrals made directly to relevant agencies.

Voluntary notifications by agencies not covered by the duty

Organisations, including non-governmental organisations, are also encouraged to put forward notifications where they encounter a potential victim of modern slavery who cannot enter the NRM. The process and policy above should be followed by such organisations wishing to make voluntary notifications.

Further information

Please send any queries to dutytonotify@homeoffice.gsi.gov.uk.

² This process is different to the police referrals process for NRM forms where the Competent Authority or Case Management Unit will make most police referrals. See NRM guidance here: <https://www.gov.uk/government/publications/human-trafficking-victims-referral-and-assessment-forms>.