

New Plan for Immigration Consultation

Written evidence submitted by The Salvation Army

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Introduction

The Salvation Army is a Christian church and registered charity, which has been fighting against social inequality and transforming lives for over 150 years. We help those who are need, including victims of modern slavery and human trafficking.

Since 2011, The Salvation Army has been contracted by the UK government to run the Adult Victims of Modern Slavery Care and Co-ordination Services Contract (MSVCC) for England and Wales. This includes providing a network of safe accommodation, and specialist support to facilitate access to vital services including financial, medical and legal support, counselling and interpretation services, and access to education for dependent children. Outside of the MSVCC, The Salvation Army coordinates volunteer services to assist victims of modern slavery. This includes first responders who help with referrals into the National Referral Mechanism (NRM) and a network of drivers, who escort potential victims to safe accommodation.

The Salvation Army also works internationally to combat modern slavery and human trafficking. We provide financial and technical support to projects in 11 countries and develop and share best practice through colleagues across The Salvation Army and other organisations tackling Modern Slavery.

Executive Summary

The introduction of the world leading Modern Slavery Act in 2015 demonstrated the UK's intent to eradicate modern slavery and ensure all victims receive the support they need to rebuild their lives. It is essential that the proposals contained within the new Plan for Immigration (referred to from this point on as 'the Plan') do not risk lessening the effect of this landmark legislation and the efforts of all stakeholders to combat the evil of modern slavery in all its forms, both domestically and internationally.

As the prime provider of services to victims of modern slavery for nearly a decade, The Salvation Army believes that while there are some encouraging proposals within the Plan, there are many which will prevent victims from accessing support to which they are legally entitled. We are also concerned that in making it harder for people to access support, the Plan will also have the unintended consequence of reinforcing the hold that traffickers have over their victims. This will reduce the number of victims coming forward for support, lengthen recovery periods for those able to access support, and embolden criminal networks.

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The Salvation Army agrees that certain specific improvements are required to the system of support for victims of modern slavery in England and Wales. However, we believe that these improvements can be achieved by ensuring that the current system is operating as it should be. This contrasts to the approach outlined in the Plan, which suggests wider changes to important parts of relevant legislation and guidance.

Based on our experiences of operating the Victim Care Contract (VCC) and the 2020 Modern Slavery Victim Care Contract (MSVCC), The Salvation Army recommends that the Plan be amended to incorporate the following recommendations, including:

- introducing accredited training for all FROs, including statutory bodies with a duty to notify;
- introducing a quality monitoring process to ensure that all FROs, including statutory bodies with a duty to notify, are carrying out their responsibilities effectively;
- requiring all FROs, including statutory bodies with a duty to notify, to regularly retrain to keep up with best practice;
- introducing funding for all non-statutory bodies acting as FROs;
- a requirement for all FROs, including statutory bodies with a duty to notify, to make contact details publicly available and to have a specific point of contact who is accountable for all matters concerning that FRO's role and performance in the National Referral Mechanism (NRM);
- using this improved training regime as the basis for establishing the veracity of a potential victim's claim for support. This would prevent the need to raise the threshold for Reasonable Grounds (RG) and Conclusive Grounds (CG) decisions;
- maintaining the current conditions around Public Order Offences and their relation to the NRM; and
- incorporating specialist workers within law enforcement settings (e.g. immigration and the Police) as a means of providing a clear delineation between the enforcement and support roles of these services.

The Salvation Army would also encourage the Home Office to publish a full needs and impact assessment to fully corroborate its claims of the need for specific reforms.

Reasons for Proposed Reforms

The Salvation Army agrees that improvements need to be made to the systems used to support victims of modern slavery, as well as the strategies, guidance, and legislation that underpin these systems. However, any proposed changes must be based in evidence and made in partnership with relevant stakeholders, including survivors.

The Salvation Army is concerned that many of the proposals put forward by the Plan are unnecessary. There is, for example, no real evidence to suggest that the NRM is open to abuse at the point of referral. Indeed, available evidence suggests that a very high percentage of RG decisions are made correctly. In 2020, 89% of people who received a positive RG decision went on to receive a

positive CG decision.¹ This shows that almost all people who pass the RG threshold will go on to satisfy the higher standard of proof (with decisions made on the balance of probabilities) required for a positive CG decision.

Due to the complexity of individual cases, it is also important to clearly explain why a potential victim might find themselves arrested and/or detained prior to referral into the NRM. For example, the Plan states that of those referred to the NRM after being detained (n. 1949), 89% received a positive RG decision. However, the Plan does not go on to explain why these detainments might have occurred and their relevance to the referrals process.

Although ideally potential victims of modern slavery should be identified at the earliest possible stage, they will sometimes be first identified following an arrest. As a result, their detainment pending interview can be a necessary precursor to their identification as a potential victim of modern slavery, especially if this has occurred as part of a Police action against a wider criminal enterprise. This context is important in demonstrating that detainment should not automatically be considered as cause for concern or suspicion when considering an individual's need for referral into the NRM.

Finally, it is important to recognise and acknowledge that the circumstance of people who have experienced trafficking and modern slavery will often be extremely complex, with many forced into committing unlawful acts by their traffickers. It is, therefore, vital that their situations are treated with sensitivity and understanding and that any subsequent interaction with law enforcement, including arrest or detainment, is not immediately treated as a sign of guilt or that the NRM is being exploited. A full and detailed understanding of peoples' circumstances and their consequences should also be carefully considered when presenting any rationale for changes to the system of support for victims of modern slavery.

Training for First Responders Organisations

The First Responder system is not operating as effectively as it needs to, with many victims of modern slavery encountering FROs without receiving appropriate support. The Salvation Army recommends increased training for first responders but believes the proposed reforms need to go further than improved training for those working in the immigration system. It is essential that all relevant stakeholders identified by the statutory guidance are trained to identify potential victims of modern slavery and initiate the process for NRM referrals. This training must be designed and implemented consistently across England and Wales, in order to give all FROs the tools to respond compassionately and appropriately to potential victims of modern slavery.

At present, many FROs fail to properly gather the necessary information required to make informed NRM referrals. The Salvation Army has seen referrals submitted from statutory agencies, which comprise of no more than three lines of information. These poor-quality submissions can make it difficult for the Single Competent Authority (SCA) to make informed decisions based on an initial submission and often result in delays to the decision-making process.

The quality of service offered by FROs can also vary depending on location. For example, previous research conducted by organisations, such as the Centre for Social Justice, has shown geographic

¹ Home Office. *Modern Slavery: National Referral Mechanism and Duty to Notify Statistics UK, End of Year Summary, 2020*. Accessed at: [Modern Slavery: National Referral Mechanism and Duty to Notify statistics UK, end of year summary 2020 \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/871217/modern-slavery-national-referral-mechanism-and-duty-to-notify-statistics-uk-end-of-year-summary-2020.pdf)

disparities in the quality of NRM awareness, which results in a postcode lottery in tackling the crime of trafficking and best practice in caring for potential victims.²

To ensure that all FROs are equipped to make high quality referrals, The Salvation Army recommends that accredited training be introduced across England and Wales, according to a set of recognised minimum standards. This will ensure potential victims of modern slavery are assured to encounter well trained first responders, regardless of who the FRO is and/or their geographic location. There are already structures in place that could help facilitate a national training strategy. The UK Training Delivery Group is comprised of representatives from several NGOs and government agencies and has produced a range of materials aimed at raising awareness of modern slavery.³ The Salvation Army recommends bodies such as The UK Training Delivery Group are given the logistical and financial support necessary to further develop training for all FROs.

The Salvation Army believes that FROs are essential to the effective running of the NRM system. It is, therefore, vital that any organisation with FRO status is required to go through regular reaccreditation. This process will mean FROs will be obliged to remain up to date with training and best practice models. The structure of this reaccreditation process should be a product of stakeholder consultation and carried out by an independent adjudicator. The structure of training and accreditation for FROs should be considered as part of the proposed review of the Modern Slavery Strategy. This would allow for detailed stakeholder input to shape training and accrediting structures.

Any changes carried out to the first responder training regime must be supported by clear messaging from the Home Office. There is a lack of awareness among FROs of their obligations and responsibilities under the statutory guidance. For example, there is an ongoing issue around the availability of relevant contact information for some FROs, especially larger statutory bodies. This can mean that there is no clear line of access to the NRM for potential victims and third parties looking to access support.

As part of the 2020 MSVCC, a Contact Centre has been introduced with the purpose of improving the overall experience of callers through provision of comprehensive, high quality information and advice. This includes signposting third parties to relevant FROs. The Salvation Army has been asking for contact information for FROs, including Single Points of Contact (SPoC) for local authorities, to be collated for several years. However, even with the introduction of the Contact Centre, more must be done by central government to help ensure that up-to-date contact information is available and accessible. This will help to avoid confusions and delays for third parties looking to refer potential victims into the NRM via FROs.

It is essential that the current confusion in the First Responder network is cleared up. All FROs must clearly present contact information for NRM referrals in easily accessible digital spaces. The Home Office should collate this information and hold it in a public database which will enable third parties to contact relevant organisations when required. This signposting must also be carried out internally within large FROs, such as the Police and local authorities.

FROs represent the first point of contact for victims of modern slavery. An effective FRO network is integral to the success of the NRM system. However, it is a system that is currently supported and underpinned by voluntary networks within NGOs and charities who receive no financial support for

² The Centre for Social Justice. *It Still Happens Here: Fighting UK Slavery in the 2020s*. (July 2020).

³ Home Office. *Modern Slavery Training: resource page*. (Updated 15th March 2021). Accessed at: [Modern slavery training: resource page - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/92117/modern-slavery-training-resource-page.pdf)

the exercise of this function from government. NGOs and charities are often more trusted by victims than institutions like the Police or immigration services, especially when traffickers have used threats and often violence to discourage their victims from trusting authorities.

As a result, it is vital that non-statutory bodies providing first responder services are financially supported by government. Without this support, the FRO network is at risk of failing to be able to provide the breadth of service required to assist survivors when accessing the NRM. This will mean the NRM will function at a limited capacity, reducing the numbers of survivors who are able to receive support. A lack of support could increase vulnerabilities in victims and make them vulnerable to further exploitation.

A New Reasonable Grounds Test & Credibility

The Salvation Army believes efforts to heighten the threshold for RG decisions risk restricting the number of victims able to receive support in the NRM. In addition, it also has the potential to strengthen the position of traffickers over victims. It is imperative that claims of victimhood are met with compassion and from an initial position of believing the victim. Victims of modern slavery must be assured that their experiences will be treated with the seriousness and sensitivity they deserve.

Crucially, The Salvation Army does not believe the current threshold for NRM decisions can be met based on an unsubstantiated claim. If completed correctly, all referrals to the NRM should contain detailed evidence and contextual information gathered throughout the interview process. From this information the SCA will be able to come to RG and CG decisions.

Based on The Salvation Army's extensive experience, issues with RG and CG decisions typically stem from poor procedural practice when gathering information for NRM referrals. Without a comprehensive understanding of a victim's history, it is difficult to make an informed decision regarding their entry into the NRM. The Salvation Army believes this issue can be resolved through regular accredited training for FROs, backed up by a quality monitoring process. This would prevent the need to raise the threshold for RG and CG decisions, which risks further compounding issues of poor practice.

To ensure potential victims receive a quality service, the SCA should also publish information on its performance. The publication of this information would help to show where gaps in the system exist and identify issues of poor practice. For example, where a lack of detailed information on NRM referral forms is leading to unnecessary delays. Importantly, it would also help to improve transparency and accountability at all levels of a decision-making process, which is underpinned by legal duties and entitlements to and for potential survivors.

By contrast, strengthening the burden of proof for RG and CG decisions raises the prospect of further lengthening the process for victims, which we know can increase the risk of unnecessary trauma and anxiety. This in turn can negatively impact people's mental health and wellbeing. For example, the average time it took for the SCA to reach a CG decision in 2020 was 339 days,⁴ although The Salvation Army works with some survivors who have been forced to wait several years before receiving a CG decision. These waits can often be stressful and prevent survivors from rebuilding their lives. It is recommended that greater resource be given to the SCA in order to facilitate quicker

⁴ Home Office. *Modern Slavery: National Referral Mechanism and Duty to Notify Statistics UK, End of Year Summary, 2020*. Accessed at: [Modern Slavery: National Referral Mechanism and Duty to Notify statistics UK, end of year summary 2020 \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/921107/modern-slavery-national-referral-mechanism-and-duty-to-notify-statistics-uk-end-of-year-summary-2020.pdf)

decision-making processes. This will expedite the processes within the NRM and help survivors work towards independence.

Many victims of modern slavery have experienced traumatic and abusive treatment, which can lead to psychological and emotional issues. Trauma often leads to victims recounting their experiences inconsistently within interview settings. The current statutory guidance surrounding the Modern Slavery Act 2015 states that inconsistencies in stories can arise due to the impact of trauma, which can also lead to delayed disclosure or difficulty recalling facts.⁵ The Salvation Army works daily with victims of modern slavery suffering from trauma. Many of these victims recalled initial experiences with contradictions or inconsistencies within their initial NRM interview and during their reflection and recovery period.

The Salvation Army ensures its first responders adhere to trauma informed practices. By being aware of the impact of trauma on evidence recall, volunteers can handle cases sensitively to ensure proper information is gathered for NRM referrals. These survivors of modern slavery were able to gain essential support to rebuild their lives due to their subsequent referral to the NRM, support that would have been withheld had contradictions been used to deny the credibility of their claims. This shows it is possible to improve the quality of NRM referrals through training of first responders, as opposed to increasing the burden of proof placed on traumatised survivors.

The Salvation Army is also concerned by the Plan's suggestion that evidence of individuals not previously identifying themselves as victims of modern slavery should be used as an indication of a lack of credibility. As demonstrated in the case study below, The Salvation Army has anecdotal evidence of victims of modern slavery who were unable to come forward with their experiences of exploitation for some time either due to trauma, as indicated above, or due to lacking the practical ability to do so. Victims should feel encouraged and able to come forward with experiences of their exploitation and seek support through the NRM. To impose a time limit on credibility will create an environment which discourages victims to come forward to seek support.

The Salvation Army strongly opposes attempts to raise the threshold for 'credibility' within RG and CG tests. Instead, it is recommended that efforts are directed towards improving and properly supporting existing processes. Our evidence suggests the ability to identify and support victims of modern slavery would be best served by greater funding and training within existing structures for FROs and improving resourcing for the SCA.

Public Order Grounds Exemption

The Salvation Army opposes plans to change the definition of Public Order Grounds offenses. It is recommended that before any consultation on amending current Public Order Grounds offences takes place, detailed evidence is published and made publicly available to demonstrate why this change is necessary.

At present, any changes to the definition of Public Order Grounds offenses risk impacting on victims who have been wrongly convicted of offences they were forced to carry out as a result of criminal exploitation. The Salvation Army has first-hand experience of supporting victims who were not identified as victims of criminal exploitation until after being charged and sentenced. It is often the case that even when indicators of modern slavery are mentioned during criminal proceedings, they

⁵ Home Office. *Modern Slavery: Statutory Guidance for England and Wales (under s49 of the Modern Slavery Act 2015) and Non-Statutory Guidance for Scotland and Northern Ireland*. Version 2.0. (January 2021)

do not always trigger NRM referrals and interviews. This shows an already existing failure within the NRM system to identify victims of modern slavery and offer them support at the earliest possible opportunity.

If victims are denied access to the NRM based on previous convictions, they are unlikely to seek support in the first place. Traffickers will use tactics of coercion to ensure victims believe they will be denied support if they try to enter the NRM. Therefore, any proposals to introduce a public grounds exemption and deny support to victims of criminal exploitation are likely to lead to a strengthening of traffickers' positions. By dissuading victims to come forward, proposals within the Plan will limit the UK's world leading efforts in tackling modern slavery including the ability to bring perpetrators to justice.

Case Study: Mohamed's Story*

Mohamed was criminally exploited from the age of 12. Taken from Mauritania to Spain, he was forced to move and sell drugs by criminal gangs across Europe, during this time Mohamed was homeless and often slept on the street. Mohamed escaped his exploiters by begging for money and fleeing via train. Following his arrival in the UK, Mohamed was detained unlawfully in a detention centre for four years. During this time Mohamed's behaviour became aggressive and was charged for assault, importantly he has a history of chronically poor mental health. His criminal history of aggression and also a charge of breaking and entering, are linked to periods of poor mental health when he was unable to access his medication. Following his release, Mohamed experienced 18 months of homelessness before being assessed and referred to the NRM through a Community Mental Health Team (CMHT). Since entering the NRM Mohamed has been working towards independence. He adheres to his medication regime and has had no further incidents of aggressive behaviour.

*The pseudonym Mohammed has been used to protect the victim's identity

Under the proposals for a new public order grounds exemption put forward by the Plan, Mohamed's criminal history would prevent his eligibility to the NRM. A history of drug related offences and charges of assault would be deemed acts of serious criminality. Mohamed's criminal history is a result of him being trafficked since childhood, the ensuing mental health issues and a failure to recognise his status. Alarming, despite being detained for four years, Mohamed's experience of exploitation never prompted a referral to the NRM. Without the CMHT recognising Mohamed as a victim of trafficking, he may never have been referred into the NRM. Again, this demonstrates the need for regular accredited training, backed by independent quality assurance, for all statutory organisations with a responsibility to identify victims of modern slavery at the earliest possible opportunity.

Mohamed's story will resonate with many survivors of modern slavery who have been forced into criminal activity by their exploiters. Like many of those The Salvation Army support, Mohamed has suffered mental health effects due to traumatic experiences and exploitation. If Mohamed had continued to live on the street, he would have been a target for re-trafficking due to his many vulnerabilities. The introduction of a public order grounds exemption will mean that many survivors are unable to enter the NRM and begin to rebuild their lives. Any proposal that would prevent victims from receiving the support they need must be reconsidered.

The Salvation Army does not believe a public order grounds exemption is necessary and recommends against its introduction. However, if such an exemption were to be implemented, it must be as a result of a fully informed consultation involving relevant stakeholders. Any exemption must also be subject to a much higher threshold than a 12-month prison sentence and liable to an appeals process, which would allow for proper legal representation and advice to be given.

Providing Victims of Modern Slavery with Increased Support

Temporary Leave to Remain

The Salvation Army recommends victims with long-term recovery needs are granted temporary leave to remain. It is vital these victims are granted recourse to public funds, in order to enable them to access the services, including secure and stable housing, they need to continue their recovery process. This should be coupled with access to timely and professional immigration advice throughout a person's time in the NRM and especially during their move on period.

Through practical experience, The Salvation Army is aware uncertainty about immigration status can create high levels of anxiety for survivors, which hampers the progress of their recovery. Furthermore, immigration status is the single biggest hold up in allowing victims to move on from the NRM. The average stay for survivors staying in safe house accommodation through the NRM is 170 days,⁶ but there are those who have been within the system for several years. It is recommended this proposal is subject to input from relevant stakeholders, including survivors, in order to ensure the legislation achieves its purpose of helping survivors to recover and move on to independence.

Strengthening the Criminal Justice System

The Salvation Army recommends specialist workers are embedded within statutory bodies such as the Police, immigration services, and local authorities. These specialists must be trained to recognise victims and support them through the NRM referrals process. Training must prioritise the needs of survivors and create a clear delineation between victim support and criminal enforcement. This training should include the use of trauma informed practice at the information gathering stage and the knowledge that a full picture of the individual's experience is required when making NRM decisions. The Modern Slavery Act statutory guidance provides information surrounding trauma informed practice and links to the *Trauma Informed Code of Conduct for all Professionals Working with Survivors of Human Trafficking and Slavery*. The Salvation Army recommends that this guidance is reviewed, and if necessary, updated by relevant experts.

The Modern Slavery Prevention Fund

In principle, The Salvation Army supports the creation of a Modern Slavery Prevention Fund. It is important this fund is used to support NGOs, charities, and key practitioners, both in the UK and internationally. This fund must be used not only to fund anti-trafficking work, but also to tackle the driving forces of modern slavery. Further information will need to be published regarding the fund

⁶ The Salvation Army. *Supporting Victims of Modern Slavery: Year nine report on the Salvation Army's Victim Care and Co-ordination Contract (July 2019 to June 2020)*.

and its proposed use. This process should also include a consultation for stakeholders, most importantly survivors, working to tackle and prevent modern slavery, both domestically and abroad.

Access to Mental Health Support

The Salvation Army agrees greater mental health support is required for survivors of modern slavery. Efforts must be made to ensure that the right kind of support is offered and is accessible for all who need it. The Salvation Army is aware of the impact of experiences of trafficking on mental health for survivors and their dependent children. An entitlement to mental health support for survivors and their dependents is already outlined within the statutory guidance. However, our research demonstrated numerous practical barriers preventing people from accessing this support. There is, for example, an administrative burden being placed on providers to obtain GP letters of approval for the Home Office to approve counselling for survivors. These letters can take several weeks to obtain and often delay essential access to appropriate services.

There is also a need to recognise that different groups require different types of support. For instance, we found dependent children faced constant delays in accessing child mental health support. It is recommended greater access to health support is extended to both survivors and dependent family members. To achieve this, practical considerations must be made to allow greater access. This includes greater funding for transport and childcare within the 2020 MSVCC. This will ensure that survivors are able to fulfil their legal entitlements, as set out in the relevant legislation and guidance.

Revising the Modern Slavery Strategy

We believe the Modern Slavery Strategy must be revised to match the progress that has been made in recent years in understanding the nature of modern slavery in the UK. The Salvation Army recommends any revision is done as part of a collaborative process alongside relevant stakeholders, including survivors and practitioners. Measures must be put in place to facilitate survivor participation, which address the barriers they may face in engaging with a formal process. It is worth noting that many of these barriers have featured within the consultation for the New Plan for Immigration. These include the unusually short six-week timeframe, the lack of available translation with the consultation only being available in English and Welsh, and the digital by default approach to submission.

It is also recommended the Modern Slavery Strategy is reviewed regularly to remain relevant in response to evolving methods of trafficking and models of best care practice. The review should also include engagement with the Group of Experts on Action against Trafficking in Human Beings (GRETA) to ensure the UK strategy takes account of best practice across all signatories of the Council of Europe Convention on Action against Trafficking in Human Beings (ECAT).

Conclusion

Based on our extensive experience working with victims and survivors of human trafficking and modern slavery, The Salvation Army believes the system of support for victims of modern slavery requires improvements. However, we do not believe many of the proposals put forward by the Plan are right for this purpose. By contrast, they risk exacerbating many of the current problems faced by all stakeholders, and most importantly victims themselves.

Instead, The Salvation Army believes the Government can achieve its stated aims by ensuring that the existing system is operating efficiently and effectively. This includes improving training and resources for all FROs, including the statutory bodies with a duty to notify. These changes will ensure a quality service is offered regardless of who the FRO is and their geographical location. It will also prevent the need for costly, complicated, and time-consuming reforms to things like the threshold for RG and CG decisions. Crucially, any changes that are implemented by the Plan must be backed by evidence, subject to clear communication, and devised and implemented in partnership with all relevant stakeholders, including survivors.