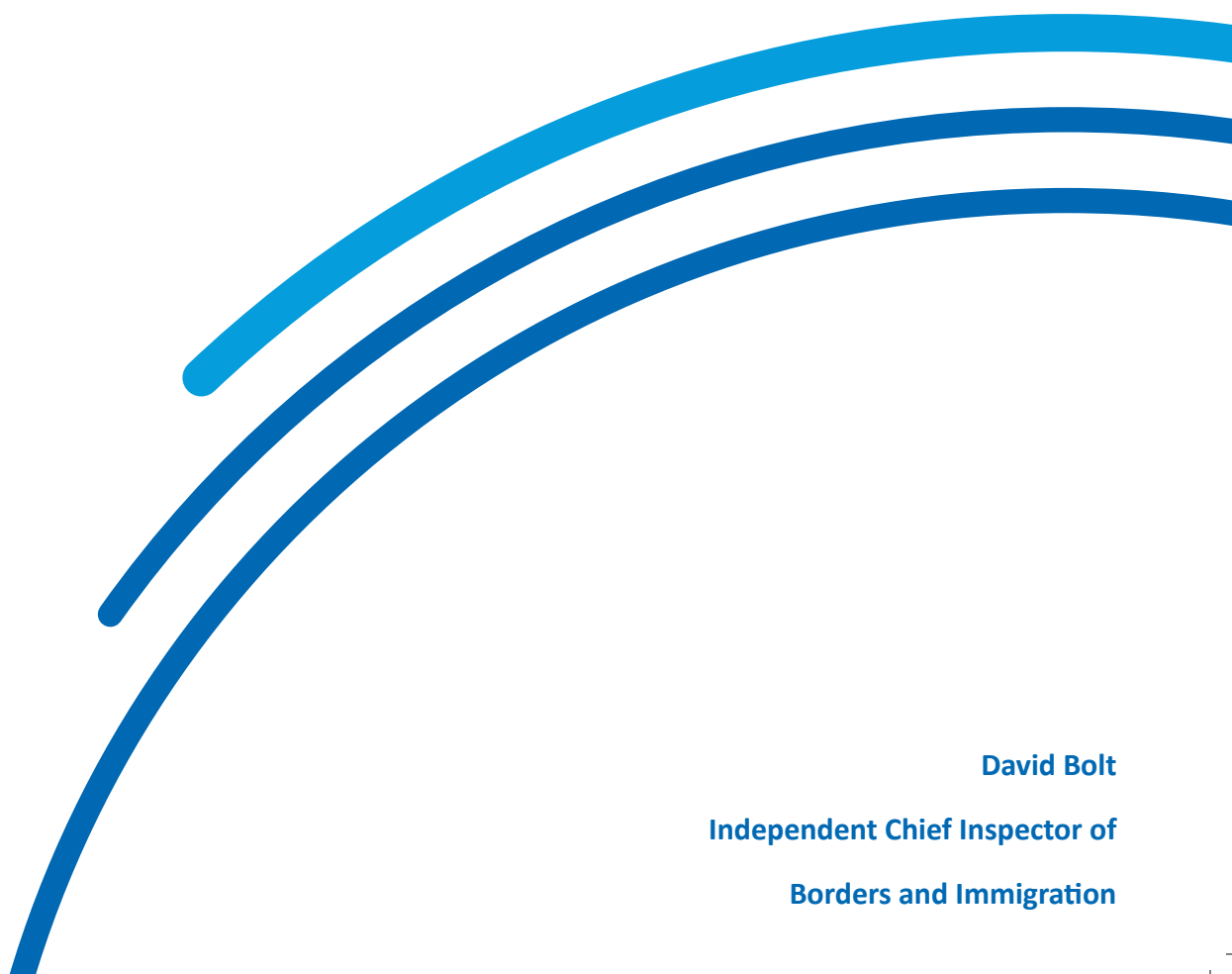




An Inspection of Border Force's Identification and Treatment of Potential Victims of Modern Slavery

July to October 2016



David Bolt
Independent Chief Inspector of
Borders and Immigration

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July to October 2016

Presented to Parliament pursuant to Section 50 (2) of the UK Borders Act 2007

February 2017



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Contents

Foreword by the Independent Chief Inspector of Borders and Immigration	2
Foreword by the Independent Anti-Slavery Commissioner	3
1. Purpose and scope	4
2. Methodology	5
3. Summary of conclusions	6
4. Summary of recommendations	9
5. Background and context	11
6. Inspection findings – Training of Border Force officers	15
7. Inspection findings – Identification of potential victims	18
8. Inspection findings – NRM referrals and other post-identification actions	23
9. Inspection findings – Targeting, intercepting and disrupting the traffickers	28
Appendix 1 – Role and remit of the Chief Inspector	30
Appendix 2 – Role and remit of the Independent Anti-Slavery Commissioner	32
Appendix 3 – Inspection criteria used in this inspection	33
Appendix 4 – NRM Review recommendations	34
Appendix 5 – The Independent Anti-Slavery Commissioner’s recommendations on Border Force training materials	35
Acknowledgements	37

Foreword

In November 2014, the government published its Modern Slavery Strategy. In her Foreword, the then Home Secretary referred to a new Bill that would ‘ensure tough penalties are in place, alongside important protections and support for victims.’ The government’s approach, she added, ‘puts victims at the heart of everything we do.’

The Modern Slavery Strategy recognised Border Force as the lead for targeting and disrupting traffickers and identifying potential victims at the border. It referred to Border Force’s programme to strengthen its capability to tackle modern slavery, including through the training of frontline officers and the rolling out of specialist safeguarding and trafficking (SAT) teams to support potential victims and ensure they receive the immediate help and support they need.

In reality, this programme was a consolidation of the work Border Force was already doing. As part of the UK’s response to the Council of Europe Convention on Action against Trafficking in Human Beings (ratified by the UK in 2008), Border Force (and previously the UK Border Agency) had been identifying and referring potential victims into the National Referral Mechanism. And, frontline Border Force officers were aware of and discharging their responsibilities under Section 55 of the Borders, Citizenship and Welfare Act, 2009 to safeguard and promote the welfare of children.

The inspection therefore concentrated on what Border Force had achieved since 2014 to strengthen its capabilities and the effect this had had on its performance. It found that, for a number of practical and logistical reasons, the task of identifying victims at the immigration and customs controls was and would remain a challenging one. Border Force’s emphasis on frontline training, with support from SAT teams, was sensible and considerable effort had gone into this. However, training delivery and validation needed closer management.

As noted in earlier inspections, the standard of its record keeping is letting Border Force down, and this made it difficult to assess the quality of its decision making and arrive at a clear and reliable picture of its overall performance. However, set against the estimated scale of the problem, its annual targets for identifying potential victims at the border since 2014 have been modest, while the numbers of suspected traffickers identified and referred for investigation have been low by any standards.

The Modern Slavery Act 2015 became law on 26 March 2015. The Act established the post of Independent Anti-Slavery Commissioner (IASC), and I have liaised closely with Kevin Hyland and his team in conducting this inspection and in producing this report. IASC supports all twelve of the report’s Recommendations, and at Appendix 4 has added its own in relation to training, which I fully endorse.

This report was sent to the Home Secretary 9 December 2016.

David Bolt

Independent Chief Inspector of Borders and Immigration



Foreword by Kevin Hyland OBE Independent Anti-Slavery Commissioner

Border Force officers have a crucial role in combating the crime of modern slavery. They may well be the first point of contact for both victim and trafficker – a body of authority for the criminal and a figure of hope for the vulnerable.

As First Responders in the National Referral Mechanism, Border Force officers are in a unique position to identify potential victims of modern slavery on entry to the UK. While some are from the UK, in 2015 94% of potential victims referred to the NRM came from 101 countries, many of whom have entered through ports staffed by Border Force officers. Border Force has a duty and responsibility to respond to the crime of slavery with urgency and efficiency, as recognised in the UK Government's Modern Slavery Strategy.

This inspection has revealed pockets of good practice developed by Border Force, but has also identified areas of concern. Identification of both victims and criminals needs major improvement. Data must be recorded, collected and shared appropriately in order to build a better understanding of modern slavery. Border Force staff require training that is tailored to their specific role. As the Independent Anti-Slavery Commissioner, I welcome the introduction of mandatory e-learning courses; however, I believe that these are not enough to equip Border Force frontline officers with the necessary tools to identify and support victims at the border. This is a challenging task, therefore Border Force must work in partnership to create an environment where criminals expect capture and victims experience safety.

Modern slavery has been described by Prime Minister Theresa May as 'the greatest human rights issue of our time.' It is a crime that requires resource, commitment and action. This is not simply a matter of numbers, targets and processes for Border Force to manage; human lives are at stake and people's freedom is in question. Modern slavery is an evil that debilitates and destroys lives and demands an appropriate response.

I am thankful to the Independent Chief Inspector of Borders and Immigration, David Bolt, for committing his time and resource to this issue. I fully endorse this report and I look forward to seeing Border Force build on the recommendations to drastically disrupt modern slavery at our borders and ultimately ensure those traded as human commodities are protected.

Kevin Hyland OBE
Independent Anti-Slavery Commissioner

1. Purpose and scope

1.1 This inspection examined the efficiency, effectiveness and consistency of Border Force's identification and treatment of Potential Victims of Modern Slavery¹ at the UK border, with a particular focus on:

- compliance with legislation and guidance;
- the effectiveness of training for frontline Border Force officers; and
- the effectiveness of data collection and sharing in relation to potential victims of modern slavery.

1.2 The inspection excluded from its scope:

- the juxtaposed border controls in Belgium and France, as potential victims of modern slavery identified at those controls are referred to the relevant authorities in Belgium or France; and
- the ongoing pilot to test the recommendations of the National Referral Mechanism (NRM) Review,² which was judged unlikely to have significant impact on Border Force.

¹ Prior to the introduction of the Modern Slavery Act 2015, the National Referral Mechanism (NRM) provided support to 'Potential Victims of Trafficking', often shortened to 'PVoT'. The 2015 Act extended the support provided by the NRM to include 'Potential Victims of Modern Slavery', adopting that term to encompass trafficking victims.

² The NRM Review was an Independent Review commissioned by the Home Office. The Review, published in November 2014, made a series of recommendations. The Home Office began a pilot of the recommendations in August 2015, which was due to complete in March 2017. The NRM Review is available at:

<https://www.gov.uk/mwg-internal/de5fs23hu73ds/progress?id=BmkIvKjiTuu1sBQbrWJbeapoo53E-IIReBGoWasGync.&dl>.

2. Methodology

2.1 Inspectors:

- consulted and collaborated with the Independent Anti-Slavery Commissioner;³
- held a stakeholder workshop at the scoping stage, and later sought written evidence from stakeholders;⁴
- researched and reviewed open-source information in relation to human trafficking and modern slavery;
- reviewed relevant legislation, Home Office guidance and other documentation (e.g. training materials) and data;
- sampled 72 Border Force port files – 20 cases in which NRM Referrals were made and 52 in which no referral was made – comprising all those cases identified by Border Force as potential victims of modern slavery between 1 January and 31 March 2016;⁵
- held interviews with managers at Border Force Higher Officer (BFHO) and Senior Officer (BFSO) grade, and with Border Force Officers (BFO) at Heathrow Airport (Terminal 2), Liverpool John Lennon Airport and Portsmouth Seaport; and
- interviewed Border Force senior managers at Grade 7 and Senior Civil Service 1 (SCS1) grades with responsibility for combating trafficking and modern slavery.

³ More information on the Independent Anti-Slavery Commissioner can be found at Appendix 2 and at: <https://www.gov.uk/government/organisations/independent-anti-slavery-commissioner>.

⁴ A list of the stakeholders consulted is at Appendix 5.

⁵ With the exception of those potential victims identified by the Border Force South East and Europe region, which were out of the scope of this inspection.

3. Summary of conclusions

- 3.1 The criminal nature of modern slavery means that much of it remains hidden and unknown. Consequently, there is no verifiable figure for the number of victims present in the UK, or for the number that enter the UK annually. The former has been estimated at 10,000 to 13,000.⁶ No official estimates exist for the latter. Meanwhile, in 2015, 3,266 potential victims of modern slavery were referred to the National Referral Mechanism (NRM).
- 3.2 Set against this picture, and in light of the role assigned to it in the Modern Slavery Strategy⁷ to 'lead on targeting and disrupting traffickers and identifying potential victims at the border', Border Force's target to identify 313 potential victims of modern slavery in 2015 – 16 (up from 296 in 2014 – 15) appears modest.
- 3.3 Whether or not its target for identifications and for other actions related to trafficking and modern slavery are appropriate, the poor standard of record keeping and different datasets in use mean that Border Force cannot be certain whether any targets are being met.
- 3.4 As the Modern Slavery Strategy recognises, Border Force officers have a unique opportunity to identify potential victims of modern slavery and traffickers as they enter the UK. However, this is by no means an easy task. Officers at the Primary Control Point (PCP) have mandatory checks to complete for every passenger, but also have to keep queues moving, which they see as their absolute priority. This message is reinforced by local management.
- 3.5 In some instances, for example at car controls, the circumstances and environment make it impractical for PCP officers to interact substantively with every passenger. Also, the inspection found that the risk that adults, EEA Nationals, and individuals with adverse immigration or criminal backgrounds might be victims is not fully appreciated. At the same time, the majority of victims look to pass through the controls unnoticed, either through fear of their traffickers, or of uniformed officials, or because they do not recognise themselves as victims. Border Force officers therefore need to be alert to the risk and to the signs to look out for.
- 3.6 Border Force had recognised the importance of training to raise officer awareness of modern slavery and knowledge of the indicators. It had produced two e-learning packages and committed to ensuring that all frontline officers had completed both packages by 18 October 2016 (Anti-Slavery Day). This was not achieved, but because it had not maintained a record of who had completed the training the exact shortfall was not known. Meanwhile, a number of officers told inspectors that they had completed the training quickly, merely as 'a tick box exercise', in order to satisfy their managers.

⁶ Modern Slavery: an application of Multiple Systems Estimation; Professor B. Silverman. 11 December 2014. Available at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/386841/Modern_Slavery_an_application_of_MSE_revised.pdf.

⁷ Modern Slavery Strategy. Available at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/383764/Modern_Slavery_Strategy_FINAL_DEC2015.pdf.

- 3.7 Under the National Referral Mechanism, Border Force is a designated ‘first responder’.⁸ It also has duties to safeguard and promote the welfare of children under Section 55 of the Borders, Citizenship and Immigration Act, 2009. Consequently, in 2014, prior to the Modern Slavery Act 2015 and Modern Slavery Strategy, Border Force had created a cadre of Safeguarding and Trafficking (SAT) officers, covering all ports and airports. SAT officers typically carry out frontline duties, but are available to support colleagues with advice and practical assistance where they encounter an individual who may be at risk.
- 3.8 Inspectors found that some SAT Officers had not received SAT training, and in some cases training had not yet been arranged. Many SAT Officers had been trained in 2014, but had not received any refresher training since. The training itself had not been reviewed and revised to take account of the Modern Slavery Act 2015,⁹ and the Independent Anti-Slavery Commissioner (IASC) told inspectors that in his view the training was outdated, insufficiently victim-focused, and did not equip front line staff with the skills needed to identify potential victims of modern slavery. He drew similar conclusions with respect to the e-learning packages, although they were up to date.
- 3.9 The increased use of ePassport gates (e-gates) to process low risk passengers forms a key part of Border Force’s forward thinking about efficiency and effectiveness. As part of this strategy, Border Force has been trialling the use of e-gates by accompanied 12–17 year olds. At the time of the inspection, the trial was ongoing. As a safety measure, Border Force had created a ‘Roving Officer’ role, to observe and interact with passengers in the arrivals hall and identify anyone using the e-gates who should be re-directed to a PCP desk where an officer can speak to them and satisfy any safeguarding concerns.
- 3.10 Officers told inspectors that the ‘Roving Officer’ role was a difficult one to perform effectively, and many questioned the efficiency of deploying resources in that way. They said that the ‘Roving Officer’ was often redeployed to the PCP, and inspectors observed two occasions where no ‘Roving Officer’ was deployed, although this was later explained as an ‘administrative error’.
- 3.11 Based on the data provided, the majority of adults identified by Border Force as potential victims of modern slavery refuse their consent to being referred into the NRM.¹⁰ Officers offered a number of explanations for this, including a distrust of authority and the potential victim themselves not realising they may be at risk of exploitation. These ring true, but the evidence is largely anecdotal.
- 3.12 Where they are not satisfied that the individual should be granted entry, Border Force officers are required to make a referral to the relevant authorities in the receiving State, typically via the RALON network,¹¹ before considering removal. However, inspectors were told that removal often proceeds without such a referral, most commonly to States where RALON does not have a presence and there are no established alternative mechanisms.
- 3.13 Border Force had recognised the importance of partnership working in order to maximise its effectiveness in dealing with the threat of modern slavery at the border. Inspectors were told of a number of joint operations with law enforcement and other partner agencies. It had also

⁸ Originally, responsibility for referring potential victims of trafficking to the NRM rested with certain organisations designated by the Home Office as ‘first responders’.

The NRM Review recommended *inter alia* the phasing out of ‘first responders’ and having a wider range of organisations able to refer potential victims to a Slavery Safeguarding Lead. The way in which Border Force were required to fulfil their duties was unaffected.

More detail on the NRM, including the list of ‘first responders’, the NRM review, and the pilot, is available at

<http://www.nationalcrimeagency.gov.uk/about-us/what-we-do/specialist-capabilities/uk-human-trafficking-centre/national-referral-mechanism>.

⁹ Modern Slavery Act: Available at:

<http://www.legislation.gov.uk/ukpga/2015/30/contents/enacted>.

¹⁰ Referral is mandatory in the case of children.

¹¹ RALON is a unit administered by the Home Office Immigration Enforcement Directorate, comprised of 200 staff based in 40 locations across the world. Their objective is to prevent illegal migration and disrupt the organised crime groups behind it. Taken from Horizon (the Home Office Intranet).

begun to work with port and airport employers to raise the awareness of their employees of modern slavery and what they could do to assist Border Force in its role, essentially acting as additional 'eyes and ears' in spotting potential victims. Given the challenges that officers will continue to face at the controls, it is important that this sensible initiative is extended and embedded.

- 3.14 The Modern Slavery Strategy refers to Border Force's leading role in 'targeting', 'intercepting' and 'disrupting' traffickers. In addition to refusing entry to the UK to suspected traffickers, Border Force is able to refer cases to an Immigration Enforcement Crime and Financial Investigation (CFI) team to consider whether to arrest, investigate and, if appropriate, charge and prosecute an individual. The inspection found that the number of such referrals was low relative to the numbers identified (also low), while there had been only two successful convictions in 2014 – 15 and 2015 – 16 (one in each year). Border Force officers told inspectors that they were sceptical that CFI teams would accept a case, so they were not inclined to refer a suspected trafficker if there was an alternative, such as removal from the UK, although the CFI acceptance rates did not support this. Meanwhile, CFI teams complained that the quality of the evidence received from Border Force officers was poor. Whatever, both Border Force and CFI need to 'up their game' to pose a credible threat and deterrent to the traffickers.
- 3.15 Overall, the inspection struggled to obtain a clear and reliable picture of Border Force performance in identifying potential victims of modern slavery, in referring cases into the NRM, in the appropriateness of other outcomes including removals, and in identifying traffickers and referring them for investigation (primarily by Immigration Enforcement). This was because of the lack of detail recorded in paper and electronic case files, and the different datasets in use. For the same reasons, management assurance of these processes cannot hope to be effective, and Border Force is not creating the evidence base from which to learn and improve. More seriously, it may also be failing potential victims. The priority must be to improve the collection, recording and analysis of data, in order to inform operational activity and the training and development needs of staff, and to ensure that Border Force is delivering what the Modern Slavery Act and Modern Slavery Strategy require of it.

4. Summary of recommendations

The Home Office should

1. In relation to record keeping and data collection:

- quality assure 'port files' (and corresponding database entries), ensuring that all records are sufficiently detailed to determine why an individual was identified as a potential victim of modern slavery, what action was taken, and the outcome, including the reasons where the officer satisfied themselves that the individual was not, in fact, a potential victim and the rationale where concerns remained but the potential victim did not consent to an NRM referral;
- standardise data collection in relation to potential victims of modern slavery so that there are robust data for, as a minimum, the number of potential victims identified (by location), the number referred to the NRM, the number removed from the UK (including the number of referrals to RALON or the receiving State in such instances), the profile of potential victims, the number of MS1 forms¹² submitted, and the number of traffickers identified, prosecuted and convicted; and
- use the improved data to inform intelligence profiles, trend analysis, and to develop a better understanding of the scale of modern slavery at the border, sharing information, data and analysis with other relevant agencies, specifically the National Crime Agency (NCA) and police forces, and working with the Police Transformation Fund project to develop improved intelligence and analytical capabilities.¹³

2. In relation to training:

- ensure (and record) that all frontline staff have completed the mandatory e-learning packages 'Modern Slavery – Border Force' and 'Modern Slavery – NRM';
- ensure (and record) that only those Safeguarding and Trafficking (SAT) officers who have received SAT training are deployed on SAT duties;
- review and revise the mandatory e-learning and SAT training packages, taking full account of the recommendations of the Independent Anti-Slavery Commissioner (at Appendix 5 to this report);
- provide training to frontline Border Force officers in evidence gathering in order to increase the prospect that suspected traffickers will be successfully prosecuted.

3. In relation to decision-making and managing effective outcomes:

- review and refresh risk profiles for victims of modern slavery within all passenger 'groups', ensuring this includes EEA Nationals, and individuals with adverse immigration or criminal histories;

¹² More detail on MS1 forms can be found at Paragraph 8.7 of this report.

¹³ The Police Transformation Fund project was announced on 18 October 2016. £8.5 million funding has been allocated to provide 'high quality intelligence and analysis to assess the threat at a national and regional level, and an improved operational response throughout the investigative process.' More detail is available at:

<https://www.gov.uk/government/news/home-secretary-strengthens-police-response-to-modern-slavery>

- determine whether the 'Roving Officer' role is required to safeguard accompanied 12 to 17 year olds using the ePassport gates and, if so, ensure that officers fulfilling that role are trained appropriately and have the confidence to do it effectively;
 - ensure that the accommodation and facilities at ports used for individuals identified as potential victims of modern slavery are conducive to gaining their trust and consent to being referred into the NRM; and
 - develop a consistent, documented process for managing the removal of potential victims of modern slavery to each country of origin or permanent residence, detailing where RALON and/or others, including agencies in the receiving country, must be involved in order to provide the victim with appropriate support on their return and reduce the risk of re-trafficking.
4. In relation to partnership working and awareness raising:
- develop a systematic approach to raising the awareness of port and airport workers of modern slavery and how they can assist Border Force in its functions, including what to do and who to contact should they identify a potential victim of modern slavery, and with regular updates on case studies and trends to reinforce the messages.

5. Background and context

The National Referral Mechanism

- 5.1 On 17 December 2008, the UK government ratified the Council of Europe Convention on Action against Trafficking in Human Beings ('the Convention'). The Convention defined human trafficking as:
- 'the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion...to achieve the consent of a person having control over another person, for the purpose of exploitation.'¹⁴
- 5.2 The Convention's primary goals were to deter and prevent trafficking, and to protect the human rights of victims, including through the provision of a framework to protect victims and investigate criminal activity. In the UK, the National Referral Mechanism (NRM), administered by the UK Human Trafficking Centre (UKHTC),¹⁵ was established as a framework for the identification, referral, and assessment of Potential Victims of Trafficking (PVoT), and for the provision of financial and other support, including accommodation and counselling.
- 5.3 In 2014, the Home Office commissioned a review of the NRM, the findings of which were published on 12 November 2014.¹⁶ In July 2015, the Government implemented the key recommendation, to extend the NRM to cover all victims of modern slavery. In August 2015, the Home Office commenced a pilot of the other main recommendations,¹⁷ which included structural and process improvements to the identification, referral and assessment stages of the NRM. The pilot was due to be completed in August 2016, but at that point was extended by the Home Office until March 2017.
- 5.4 Responsibility for referring potential victims of trafficking into the NRM rested with organisations designated as 'first responders' by the Home Office, based on the likelihood that they would encounter potential victims. Designated 'first responders' included Police Forces, Local Authorities and a number of non-governmental organisations. At the time of the inspection, Border Force, Immigration Enforcement and UK Visas and Immigration were all designated as 'first responders'.¹⁸
- 5.5 The Home Office document 'Victims of modern slavery – frontline staff guidance', issued 18 March 2016, set out the four steps to be taken by 'first responders':

¹⁴ 'The Convention' was introduced on 16 May 2005. The UK ratified the Convention on 17 December 2008 and it came into force on 1 April 2009. The text of the Convention is available at:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/236093/8414.pdf.

¹⁵ In September 2016, UKHTC was re-named as the Modern Slavery and Human Trafficking Unit (MSHTU). The MSHTU is part of the Organised Crime Command of the National Crime Agency (NCA).

<http://www.nationalcrimeagency.gov.uk/about-us/what-we-do/specialist-capabilities/uk-human-trafficking-centre>.

¹⁶ Full report available at:

<https://www.gov.uk/government/publications/review-of-the-national-referral-mechanism-for-victims-of-human-trafficking>.

¹⁷ Further details on the pilot can be found at:

<http://www.nationalcrimeagency.gov.uk/about-us/what-we-do/specialist-capabilities/uk-human-trafficking-centre/national-referral-mechanism>.

¹⁸ More detail on the NRM, including the list of 'first responders' is available at:

<http://www.nationalcrimeagency.gov.uk/about-us/what-we-do/specialist-capabilities/uk-human-trafficking-centre/national-referral-mechanism>.

- Step 1: identify a potential victim of modern slavery
- Step 2: arrange emergency medical treatment
- Step 3: refer a potential victim of modern slavery to the NRM
- Step 4: arrange accommodation.¹⁹

5.6 Figure 1 below summarises the NRM referrals made by all ‘first responders’ between 1 April 2009 and 31 December 2015.

Figure 1: Referrals to the National Referral Mechanism		
Calendar year	NRM referrals²⁰	Year on year increase
2009 – 2010 ²¹	1,261	-
2011	946	-
2012	1,186	25%
2013	1,746	47%
2014	2,340	34%
2015	3,266	40%

5.7 The assessment of individuals referred by ‘first responders’ is the responsibility of one of two designated ‘competent authorities’: the National Crime Agency (previously the Serious Organised Crime Agency) Modern Slavery and Human Trafficking Unit (MSHTU) and a unit within UK Visas and Immigration, the ‘NRM Hub’. The ‘competent authorities’ are required to decide within five days of receiving a referral from a ‘first responder’ whether there are ‘reasonable grounds’ for believing that the individual is a victim of trafficking, in which case they qualify for support and accommodation for a period of 45 days. During this 45 day ‘recovery and reflection’ period, the ‘competent authority’ is required to make a ‘conclusive grounds’ decision, on a balance of probabilities, whether the individual is indeed a victim of trafficking.

Modern Slavery

5.8 In November 2014, the Home Office Chief Scientific Adviser released a paper in which the number of potential victims of trafficking in the UK was estimated to be between 10,000 and 13,000.²² The paper’s findings were described as ‘tentative’. In 2014, ‘first responders’ had referred 2,340 potential victims of modern slavery to the NRM. The 10,000 – 13,000 figure was derived from statistical modelling using the number of referrals and intelligence reporting.²³ At the time of inspection, the 2014 estimate had not been updated, nor had any estimates been made of the number of potential victims who enter the UK each year.

¹⁹ Taken from version 3.0 of ‘Victims of modern slavery – frontline staff guidance’. Available at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/509326/victims-of-modern-slavery-frontline-staff-guidance-v3.pdf.

²⁰ Data taken from the NRM Statistics, published by the National Crime Agency. Available at: <http://www.nationalcrimeagency.gov.uk/publications/national-referral-mechanism-statistics> and <http://webarchive.nationalarchives.gov.uk/20130703102353/http://www.soca.gov.uk/about-soca/about-the-ukhtc/national-referral-mechanism/statistics>.

²¹ Published data does not provide a breakdown of the number of referrals made in each of the years 2009 and 2010.

²² Data taken from Modern Slavery: an application of Multiple Systems Estimation. Available at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/386841/Modern_Slavery_an_application_of_MSE_revised.pdf.

²³ The method used was multiple systems estimation, an established technique.

- 5.9 The 10,000 – 13,000 figure was repeated in the government’s Modern Slavery Strategy,²⁴ published in November 2014, which detailed the range of operational activities being undertaken to tackle Modern Slavery, including work to ‘Strengthen Border Security and improve our ability to detect victims and traffickers at the border’.²⁵
- 5.10 The Modern Slavery Act received Royal Assent on 26 March 2015.²⁶ It consolidated and simplified previous slavery offences into one Act to provide clarity and focus to law enforcement organisations, and introduced a range of sanctions against criminals engaged in human trafficking and modern slavery. In addition, in England and Wales, the Act extended the support provided to potential victims of trafficking by the NRM to victims of slavery, servitude and compulsory labour.

Border Force’s role within the Modern Slavery Strategy

- 5.11 Border Force is a law enforcement command within the Home Office responsible for securing the UK border by carrying out immigration and customs controls of people and goods entering the UK. Border Force has been a designated NRM ‘first responder’ since it was established on 1 March 2012.²⁷ Figure 2 below shows the number of NRM referrals²⁸ made by Border Force between 1 January 2013 and 31 December 2015.²⁹

Figure 2: NRM referrals made by Border Force

Calendar year	Number of NRM referrals made by Border Force	Proportion of total NRM referrals (%)
2013	6	0.3%
2014	14	0.6%
2015	18	0.6%

- 5.12 The Modern Slavery Strategy emphasised that Border Force would ‘lead on targeting and disrupting traffickers and identifying potential victims at the border’ and, to do so, had established ‘a programme of activity to strengthen its capability to tackle modern slavery, including:
- Ensuring all frontline officials receive training that enables them to spot the signs of trafficking and to understand the trafficking threats specific to their airports or ports.
 - Rolling out specialist safeguarding and trafficking teams at major airports and ports, to support potential victims identified at the border and ensure they receive the immediate help and support they need.’³⁰
- 5.13 The Modern Slavery Strategy also stated that:

‘Border Force will work closely with law enforcement agencies and civil society organisations in source countries to intercept traffickers, prevent victims from being trafficked to the UK in the first place and provide enhanced support and protection against re-trafficking.’³¹

24 Available at

<https://www.gov.uk/government/publications/modern-slavery-strategy>.

25 Paragraphs 6.14 to 6.20, Modern Slavery Strategy.

26 <http://www.legislation.gov.uk/ukpga/2015/30/contents/enacted>.

27 Prior to 1 March 2012, Border Force was a Directorate within the now defunct UK Border Agency.

28 Data taken from National Referral Mechanism Statistics. Available at:

<http://www.nationalcrimeagency.gov.uk/publications/national-referral-mechanism-statistics>.

29 There are no published statistics detailing the number of referrals made by Border Force prior to 1 January 2013.

30 Paragraph 6.18, Modern Slavery Strategy. Available at:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/383764/Modern_Slavery_Strategy_FINAL_DEC2015.pdf.

31 Paragraph 6.17, Modern Slavery Strategy.

- 5.14 In addition to 'Victims of modern slavery – frontline staff guidance', Border Force's Operations Manual³² includes a section entitled 'Human Trafficking (including modern slavery)'. This contains guidance on the indicators of trafficking and modern slavery, the treatment of potential victims, and how to refer individuals to the NRM. It also provides a detailed process map and embedded links to other relevant guidance and reference documents.
- 5.15 In September 2016, Border Force conducted a review of its modern slavery processes and reported to senior managers with responsibility for trafficking and modern slavery. Inspectors requested a copy of this report, but this was not provided as, at 23 November 2016, the report had not yet been approved by Border Force senior managers.³³

³² An internal Home Office document.

³³ During the onsite phase, an early draft of this report was provided to inspectors. At the time of inspection, this had been reviewed and revised by Border Force. An updated copy was requested but not provided.

6. Inspection findings – Training of Border Force officers

Mandatory training for all Border Force frontline staff

- 6.1 Since 26 April 2016, all Border Force frontline staff have been required to complete two e-learning packages:³⁴ ‘Modern Slavery – Border Force’ and ‘Modern Slavery – NRM.’³⁵ When they were introduced, Border Force had an internal target that all staff would have completed them by Anti-Slavery Day,³⁶ 18 October 2016. On 17 October 2016, senior managers informed inspectors that this commitment would not be met. Border Force was unable to say how many frontline staff had completed the training by that date.³⁷
- 6.2 A large proportion of frontline officers to whom inspectors spoke reported that they and their colleagues had not completed the e-learning training as they had ‘forgotten’ or had not had the time to do so. Some of those who had completed the e-learning training admitted that they had done so quickly as a ‘tick box’ exercise to satisfy their managers that it had been done.
- 6.3 The Independent Anti-Slavery Commissioner (IASC) conducted a content analysis of the two e-learning packages.³⁸ IASC concluded that the ‘Modern Slavery – Border Force’ package was:
- ‘a generic one, focussing on theory rather than practical advice and recommendations... and does not provide frontline officers with the necessary tools to spot the signs and symptoms that potential victims or traffickers may show on entry to the UK.’
- 6.4 IASC considered that the ‘Modern Slavery – NRM’ package:
- ‘gives clear guidance to frontline staff on what to do if they encounter a suspected modern slavery case’ but that ‘the course is too process focussed rather than victim focussed...it does not provide Border Force Officers with an understanding of the victim’s needs, rights and entitlements.’
- 6.5 In addition, IASC noted that:
- ‘No information is provided on what to do if they [the potential victim] refuse the assistance and support they are entitled to through the NRM.’

34 E-Learning is defined by Oxford Dictionaries as ‘learning conducted via electronic media.’ Available at: <https://en.oxforddictionaries.com/definition/us/e-learning>.

35 Prior to 26 April 2016, all Border Force staff had been required to complete the e-learning package – ‘Human trafficking’.

36 Anti-Slavery Day, held on the 18th October each year, was created in 2010 by a Private Members Bill introduced by Anthony Steen CBE who was then the MP for Totnes. It was created to ‘raise awareness of modern slavery and to inspire government, business and individuals to eliminate it’. More information is available at:

<http://www.antislaveryday.com/>.

37 Border Force subsequently told inspectors that, of 7,735 Border Force staff, 5,502 had completed the ‘Modern Slavery – Border Force’ package while 3,642 had completed the ‘Modern Slavery – NRM’ package by 31 October 2016. The deadline for completion of both packages had been extended to 31 December 2016.

38 The Independent Anti-Slavery Commissioner’s recommendations can be found at Appendix 5.

Safeguarding and Trafficking Officers

- 6.6 To meet its 'first responder' responsibilities under the NRM, and its duties under Section 55 of the Borders, Citizenship and Welfare Act, 2009 to safeguard and promote the welfare of children, in 2014 Border Force had established a cadre of Safeguarding and Trafficking (SAT) officers. Most are Border Force Officer (BFO) grade, although Border Force Higher Officers (BFHO) and Border Force Senior Officers (BFSO) can also elect to become SAT officers³⁹ to ensure wider knowledge across all grades and managerial expertise in managing cases and the treatment of victims. Border Force told inspectors that there were 'over 600' SAT officers, but it could not provide an exact figure, as the number was 'fluid due to courses ongoing and people leaving teams and transferring elsewhere.'
- 6.7 BFOs and BFHOs should receive additional, classroom-based training to equip them for the SAT role (the same training for both grades). Meanwhile, BFHOs who did not wish to become SAT officers received a one-day classroom-based training course to ensure that, as managers, their level of knowledge about human trafficking and modern slavery was greater than that of a frontline BFO. This recognised that BFOs at the immigration and customs controls were likely to refer to a BFHO where they had concerns about a passenger. Non-SAT cadre BFHOs told inspectors that while they welcomed the additional training, they actually, actually relied on SAT officers to provide advice, support and expertise.
- 6.8 Some members of the Heathrow SAT cadre had received a four day classroom training course, which included first-hand testimony from a victim of trafficking. The SAT training was warmly received by staff, who felt that interaction with a victim provided a deeper appreciation of the importance of their work. Other Heathrow SAT officers told inspectors that they had been allocated SAT duties but had not yet received the training.
- 6.9 Officers at other ports told inspectors that their SAT training was shorter than the four days provided at Heathrow. Managers explained that the shorter initial training package covered the 'core' areas. Other elements were intended to be covered during subsequent training events.
- 6.10 Some officers had joined SAT 'teams' when they were first established 2014. While they were trained at this time, inspectors were told that they had not received any 'refresher' or follow up training to ensure that they were up to date with the latest policies, guidance or processes, including the Modern Slavery Act 2015, and Modern Slavery Strategy. Some of these original SAT officers believed their experience and exposure to safeguarding and trafficking cases was sufficient for them to be fully effective, but others considered they had become de-skilled due to the infrequency of encountering a potential victim at their port. Managers recognised this risk. In Border Force South region, for example, SAT officers based at more remote locations had been offered the opportunity to refresh their skills through a short secondment at Gatwick Airport.
- 6.11 As part of the inspection, IASC conducted a paper-based review of the SAT training presentation. IASC supported the idea of SAT officers, and considered much of their training to be valuable, but noted that it was dated and made only limited reference to the Modern Slavery Act, and none to the Modern Slavery Strategy. IASC also commented that:

³⁹ The Border Force Officer grade is equivalent to Executive Officer in the wider Civil Service, Border Force Higher Officer is equivalent to Higher Executive Officer. A Border Force Officer fulfils the functions of an Immigration Officer and Customs Officer as required by legislation and guidance, most commonly processing arriving passengers and goods in accordance with the relevant rules. A Higher Officer fulfils the function of a Chief Immigration Officer or Customs Higher Officer as set out in legislation and guidance, and is responsible for managing teams of Officers.

‘the information on indicators of human trafficking is too general...only in the case of sexual exploitation and forced labour are there more details about what indicators potential victims can reveal at the border.’

6.12 Again, IASC noted that:

‘the information on the NRM is very limited and process focussed, rather than victim focussed.’

6.13 Border Force senior managers told inspectors that the SAT training package was in need of updating, but they could not say when this might be done. They also recognised the need to do more to improve the awareness and skills of frontline staff. Although they valued the work of SAT officers, their long-term aspiration was to reduce reliance on specialist teams.

7. Inspection findings – Identification of potential victims

Number of potential victims of trafficking identified⁴⁰ by Border Force

- 7.1 Data from the Home Office Performance Risk and Analysis Unit (PRAU) indicated that between 1 April 2014 and 31 March 2015, Border Force identified 313 potential victims of modern slavery, and between 1 April 2015 and 31 March 2016 it identified a further 312.
- 7.2 However, Border Force data⁴¹ for the same periods recorded 271 and 360 identifications of potential victims of modern slavery. Border Force explained that the disparity was due to a lack of uniformity in the way data and outcomes are recorded regionally. Regions use a safeguarding log book to record identifications in the first instance. Officers were unsurprised by the data collection issues. They told inspectors that the log book was tailored toward the safeguarding of minors and was inappropriate for use with potential victims of modern slavery.
- 7.3 In its 2015 – 16 business plan,⁴² Border Force set a target of identifying 313 potential victims of modern slavery. The target for the previous year had been 296. Given the disparities in the data provided by the Home Office, it was unclear whether Border Force had met its target in either year – see Figure 3 below.

Figure 3: Identification of potential victims of modern slavery: PRAU vs local statistics

Year	Business Plan target	No. of identifications (PRAU)	Performance against target	No. of identifications (Border Force data)	Performance against target
2014-15	296	313	+17	271	-25
2015-16	313	312	-1	360	+48

A small window of opportunity

- 7.4 Both Border Force officers and stakeholders highlighted Border Force’s difficulties in fulfilling its role within the Modern Slavery Strategy of leading on targeting and disrupting traffickers and identifying potential victims at the borders. They pointed particularly to the weight of numbers, 125.2 million arriving passengers in the year to June 2016,⁴³ and the small window of opportunity Border Force officers have within which to make an intervention.
- 7.5 Border Force officers told inspectors of other factors that prevented them from maximising the opportunity to intervene in that ‘small window’.

⁴⁰ The data in this chapter refers to all potential victims identified. Data relating to NRM referrals can be found in Chapter 8.

⁴¹ This local data was not cleansed by the Home Office.

⁴² An internal Home Office document.

⁴³ Data from Immigration Statistics April – June 2016. Available at: <https://www.gov.uk/government/publications/immigration-statistics-april-to-june-2016/passenger-arrivals-and-visitors>.

Queue pressures

- 7.6 Officers reported that they felt under pressure from managers to process arriving passengers quickly, in order not to breach Service Level Agreements between Border Force and the port authorities in relation to queue processing times. Many felt they would not be supported or encouraged to investigate further should they raise concerns.
- 7.7 This perception was exacerbated at Heathrow Airport by the messages conveyed by managers via e-mail when a new resourcing model, the Maximum Deployment Model (MDM), was introduced on 15 August 2016. The MDM required that all officers start their shift on one of the Primary Control Point (PCP) desks,⁴⁴ where they must remain until released to conduct other duties by the Higher Officer on duty at that time. When informing staff of these changes, the communication by managers described all non-PCP work as ‘ancillary’. Officers interpreted this as meaning that SAT work was one of those ‘ancillary’ duties. Senior managers told inspectors that safeguarding and trafficking work was part of PCP work and not an ‘ancillary’ activity, but they acknowledged that the messaging ought to have been clearer.

EEA Nationals

- 7.8 Inspectors were told that, as EEA Nationals had the right to reside in the UK for three months without any conditions or formalities,⁴⁵ many officers lacked the confidence to probe the circumstances of those passengers, even where they had safeguarding and trafficking concerns.
- 7.9 Locally-held Border Force data showed that of 258 potential victims of modern slavery identified in 2015 – 16 by the Heathrow, North and South Border Force regions,⁴⁶ 48 were EEA Nationals. All of these came from Heathrow and North Regions, as Border Force South Region did not identify a single EEA National as a potential victim. Overall, there was limited awareness or recognition of the risk that EEA Nationals could be victims of modern slavery.

Focus on immigration and criminality

- 7.10 Border Force managers expressed concern that some frontline officers focused on immigration and criminality issues and paid less attention to safeguarding and trafficking considerations.
- 7.11 Inspectors sampled 52 ‘port files’⁴⁷ relating to individuals identified by Border Force Officers as potential modern slavery victims⁴⁸ but not referred to the NRM. In five cases, it was evident that indicators of modern slavery had not been given sufficient weight when set against immigration or criminality concerns. In one of those cases, the potential victim was detained for two weeks before the indicators of modern slavery were identified and a referral made to the NRM. In the other four cases, the potential victims were refused entry and removed from the UK. Figure 4 provides an example of one such case.

44 The Primary Control Point (PCP) is the immigration control point where Border Force officers check passengers’ identification and their eligibility to enter the UK.

45 In accordance with Directive 2004/38/EC. Available at:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2004:158:0077:0123:en:PDF>

46 Border Force South-East and Europe region was out of scope for this inspection. Border Force Central Region statistics were excluded from this analysis as they were not broken down by nationality.

47 Paper casework files created by Border Force are commonly referred to as ‘port files’.

48 Identifications by Border Force were made between 1 January and 31 March 2016.

Figure 4: Case study: A focus on immigration and criminality concerns (BHM/4939889)

- On 8 February 2016, the passenger arrives at Birmingham Airport.
- Border Force officers suspect that the individual may be a trafficker.
- The individual tells officers that they had previously been ‘forced to do things’ as part of a prostitution ring, but there is no evidence from the file that this was probed further and no further investigation of whether the individual is a trafficker.
- The individual claims asylum and is detained pending consideration of their claim.
- On 12 March 2016, the individual withdraws their asylum application and makes a voluntary departure from the UK.

Independent Chief Inspector’s comments

- While the record in this case is limited in detail, it is evident that immigration concerns were uppermost in the minds of the officers involved. Trafficking and modern slavery concerns, including investigation of trafficking suspicions, were not pursued. While this provided a ‘quick win’ in terms of removal, it did little to address any risks to the individual as a potential victim or to others if the individual were a trafficker.

Focus on safeguarding children

- 7.12 Border Force managers told inspectors that all Border Force officers were keenly aware of their duty regarding the welfare of children as set out by Section 55 of the Borders, Citizenship and Immigration Act 2009.⁴⁹ Safeguarding children had been a Border Force priority for a number of years and, as a result, officers believed that they were alert to the modern slavery risks associated with children.
- 7.13 However, officers were less confident about identifying adult modern slavery victims. Where a minor is identified as a potential victim of modern slavery, this often results from the officer having general safeguarding concerns. Officers are less likely to have such concerns about an adult, so there is a greater reliance on identifying the indicators of modern slavery. Senior managers agreed with this analysis, but said that the Home Office planned to reinforce to staff the importance of protecting vulnerable adults, which may reduce this risk in future.

Seaport – car controls

- 7.14 Border Force officers at seaports face additional challenges in identifying potential victims of modern slavery. Vehicles entering the UK at seaports are required to stop at the immigration control point (PCP), typically a booth in which the officer is seated at a desk from where they run systems checks on each passport or identity document.
- 7.15 The Border Force Operations Manual makes it clear that each passport or identity document should be handed to the officer by the person to whom the document belongs. However, the layout of vehicle controls, plus potential health and safety issues and time, make this impractical in many instances. Border Force officers are able to ask passengers to exit the vehicle in order

⁴⁹ Section 55 of this Act required that the Secretary of State makes arrangements to ensure that the Immigration Agencies’ functions ‘are discharged having regard to the need to safeguard and promote the welfare of children who are in the United Kingdom’. Section 55(1)(a) of the Borders, Citizenship and Immigration Act 2009. Available at: http://www.legislation.gov.uk/ukpga/2009/11/pdfs/ukpga_20090011_en.pdf.

to speak to them directly, but inspectors were told that this rarely happens. In a small number of cases, the officer leaves the booth to look more closely at and speak to the occupants of a vehicle, normally having first checked all of the documents. But, most exchanges are with the driver or front seat passenger, through the windows of the booth and the vehicle.

Electronic Passport Gates

- 7.16 Electronic Passport Gates (e-gates) are now installed at most major airports in the UK. E-gates continue to increase in number and spread. They form a key part of Border Force's thinking about how to process significant volumes of low-risk arriving passengers effectively and more efficiently now and in the future. As such, most airport operators are in favour of e-gates, and some have funded the installation of additional ones.
- 7.17 During summer 2015, Border Force ran a trial in which UK Nationals between the ages of 12 and 17 could use e-gates when travelling with their parents. The Home Office judged the trial to have been successful, and extended it to include EEA Nationals between the ages of 12 and 17, again when accompanied by their parents. This extension was introduced at Stansted Airport from January 2016 and was rolled out to other ports during the early part of 2016. The extended trial was still running at the time of this inspection. The Home Office planned to evaluate the use of e-gates by accompanied 12 to 17 year olds after the end of the trial in September 2016.
- 7.18 During the initial phase of the trial, Border Force introduced a 'Roving Officer' role. The purpose of the 'Roving Officer' was to ensure that unaccompanied children were referred to an officer at a PCP desk, in order to mitigate safeguarding risks. The 'Roving Officer' was also to look to identify any passengers attempting to use the e-gates to evade Border Force scrutiny, for example terrorists or criminals. When ministerial approval was given for the extension to the trial, it was made clear to Border Force that the additional safeguard provided by the 'Roving Officer' role was a requirement.
- 7.19 Officers who had operated as the 'Roving Officer' told inspectors that it was a difficult role to perform effectively, because of the volume of passengers, the difficulty of assessing the age of some older children, and because of all the factors that needed to be considered. Meanwhile, frontline Border Force managers commented that some officers lacked the confidence to approach and engage families away from the PCP setting. These views replicated some of the early findings from the second phase of the trial, which questioned the efficiency of using staff resources in this manner.
- 7.20 Notwithstanding scepticism about the effectiveness of the 'Roving Officer' role, the Border Force managers and officers to whom inspectors spoke were all clear that it was mandatory for there to be a 'Roving Officer' in place whenever the e-gates were operational. However, inspectors were told that this was not always the case, and that 'Roving Officers' were re-directed to a PCP desk on a regular basis in order to ease pressures on the controls.
- 7.21 Inspectors observed the PCP at Heathrow Airport (Terminal 2) for a total of two hours between 1 pm and 8 pm on Wednesday 5 October 2016, and found no 'Roving Officer' in place on two separate occasions. Managers on duty at the time told inspectors that an officer had been allocated to be the 'Roving Officer'. They could not explain why the absence of a 'Roving Officer' had not been identified. Senior managers later informed inspectors that there had been an administrative error resulting in the duty Higher Officer not being clear which BFO was fulfilling the 'Roving Officer' function.

Working with partners

- 7.22 While the Modern Slavery Strategy makes it clear that Border Force ‘lead on targeting and disrupting traffickers and identifying potential victims at the border’, it is equally clear that to fulfil this responsibility Border Force must ‘work closely with law enforcement agencies and civil society organisations’.⁵⁰ Border Force provided inspectors with a number of examples of partnership working and of its awareness-raising activities.
- 7.23 Operation Outrun was an initiative involving Border Force at Liverpool John Lennon Airport, police forces, including Merseyside Police and Greater Manchester Police, and local social services, Phase 4 of which ran between 3 June 2016 and 13 June 2016. This operation involved the creation of intelligence alerts and profiles for specific flights and greater scrutiny of passengers on those flights by Border Force officers to identify any potential victims of modern slavery and to gather relevant intelligence. Officers probed the travel plans and backgrounds of particular passengers in greater detail than would normally be the case and captured relevant information to feed back to intelligence teams. Border Force staff told inspectors that this operation was considered by all the agencies involved to be a success, with a number of potential victims identified and useful intelligence obtained. The Operation has since been replicated at other ports across the Border Force North Region.
- 7.24 Between 17 April 2016 and 14 May 2016, Heathrow Airport (Terminal 4) ran Operation Marvey. In this operation, a SAT officer was posted behind the PCP on ‘floor walking’ duties at all times for a period of one month. The ‘floor walking’ SAT officer shared their expertise with, and answered queries from, colleagues on the PCP. At the same time, a small number of SAT officers were on hand to provide support and guidance to those officers who had to complete any necessary case work or follow up activity. Frontline officers told inspectors that the opportunity to engage more frequently with SAT colleagues was invaluable.
- 7.25 Frontline officers were supportive of exercises specific to modern slavery, viewing them as a useful means by which to raise awareness and focus more intensively on potential victims. However, some managers expressed concern that they may lead officers to ‘tune out’ during periods where such exercises were not being conducted.

Raising Awareness

- 7.26 In order to support and supplement its efforts to identify potential victims of modern slavery at the border, Border Force is committed to raising the awareness of other staff working at ports, such as airline employees, ground crew and check-in staff. For example, in 2015, Border Force had provided some airlines, such as Virgin Atlantic, with a bespoke e-learning training package to raise the awareness of their staff.
- 7.27 On 18 October 2016, Border Force and Heathrow Airport⁵¹ collaborated to hold an event to mark Anti-Slavery Day, which was attended by airport employers and other agencies. Speakers included the Parliamentary Under-Secretary of State for Vulnerability, Safeguarding and Countering Extremism, Sarah Newton MP, and the Independent Anti-Slavery Commissioner, Kevin Hyland OBE. Attendees⁵² received a pen-drive produced by Border Force and containing a presentation to assist managers to raise awareness of trafficking and modern slavery with their staff.

⁵⁰ Paragraph 6.17, Modern Slavery Strategy. Available at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/383764/Modern_Slavery_Strategy_FINAL_DEC2015.pdf.

⁵¹ The airport operator.

⁵² Attendees included the Independent Chief Inspector of Borders and Immigration.

8. Inspection findings – NRM referrals and other post-identification actions

Border Force referrals to the National Referral Mechanism

- 8.1 Having identified a potential victim of modern slavery, Border Force is required to explain the National Referral Mechanism (NRM) to them and, in the case of adults, to seek their consent to make an NRM referral. In the case of minors, consent is not required and referral to the NRM is mandatory. The Border Force Operations Manual provides a ‘best practice’ approach to engaging with potential victims, including the need to separate the potential victim from any passengers they were travelling with, to ensure that the potential victim is made aware of the officer’s concern, and they are fully informed about the support and protection available.
- 8.2 Border Force set itself the target of making 81 NRM referrals in 2014 – 15 and 85 NRM referrals in 2015 – 16. The National Crime Agency (NCA), Home Office Performance and Analysis Unit (PRAU), and Border Force at local level each holds its own data for the referrals made by Border Force in these two years. The discrepancies in the three data sets mean that it is unclear whether Border Force met its target in either year – see Figure 5.

Figure 5: Border Force referrals to the National Referral Mechanism

Border Force referrals to the National Referral Mechanism			
Year	NCA data	PRAU data	Border Force data
2014-15	20	81	81
2015-16	37	57	116

- 8.3 Meanwhile, the locally-held Border Force data for 2015 – 16 showed significant regional variations in the proportion of potential victims identified by Border Force who were subsequently referred to the NRM – see Figure 6.

Figure 6: NRM referrals by Border Force region

Border Force region	Potential victims identified	NRM referrals	Percentage of cases referred
Heathrow	161	25	16%
South	53	53	100%
Central	27	14	52%
North	44	19	43%
Total⁵³	285	111	39%

⁵³ The total excludes referrals from Border Force South-East and Europe Region as the juxtaposed controls were out of scope for this inspection. Most potential victims identified at these controls would not be referred to the UK NRM, but to the relevant authorities in Belgium and France.

File sampling exercise

- 8.4 Inspectors sampled 20 ‘port files’ relating to potential victims of modern slavery who were referred to the NRM between 1 January and 31 March 2016. The notes contained within ‘port files’, and corresponding notes on the Casework Information Database,⁵⁴ (CID), were insufficiently detailed to explain the regional variations in referral decisions following the identification of a potential victim. For example, in one case examined by inspectors the passenger was refused entry to the UK as they did not hold a visa. Although this case had been recorded in a local database by Border Force as one in which there were modern slavery concerns, there were no notes relating to this on the paper or electronic files.
- 8.5 However, file sampling did point to an apparent trend: all eight minors within the sample who had arrived in the UK via clandestine means⁵⁵ had been referred to the NRM. Officers at Portsmouth Seaport told inspectors that this had been ‘local practice’ even where officers had no concerns that the individual was a potential victim of modern slavery. The case study at Figure 7 illustrates such a referral. Prior to the inspection, the Home Office had already identified this trend and, on 26 April 2016, had circulated a global email to staff making it clear that this was not appropriate.

Figure 7: Case study: Clandestine minor referred to the NRM despite no obvious signs of modern slavery (POM/4943062)

- On 6 March 2016, the minor arrived in the UK clandestinely and was encountered by Border Force officers.
- The individual was provided with urgent medical attention and the appropriate child safeguarding measures were taken.
- An NRM referral was made the same day, although the paper and electronic files make no reference to any modern slavery concerns.
- The referral was rejected by the UKVI NRM Hub at the ‘Reasonable Grounds’ stage. The Hub considered that, although the indicators identified in this case were contained within the trafficking and modern slavery guidance for frontline staff, they would also have been evident in clandestine cases.

Independent Chief Inspector’s comments

- The practice of referring all clandestine minors into the NRM, regardless of any modern slavery concerns, meant that Border Force officers were not properly exercising their judgement in such cases. While referring all clandestine minors might be seen as a ‘safety first’ approach, failure to follow the processes correctly is ultimately self-defeating as officers take less care to understand and look for the indicators of trafficking and modern slavery.
- The record keeping in this case, as with most of those sampled, was not up to the standard required.

⁵⁴ The Casework Information Database (CID) is an electronic database used by Border Force, UK Visas and Immigration, and Immigration Enforcement.

⁵⁵ Clandestine entry involves an individual seeking to evade immigration controls through concealment in a vehicle, typically a lorry.

Cases not referred to the NRM

- 8.6 Border Force had done no analysis of why the majority of identified potential victims had not been referred to the NRM, and the 'port files' reviewed by inspectors lacked sufficient detail to draw any meaningful conclusions from them. Border Force told inspectors that there were essentially two reasons:
- the potential victim had not consented to an NRM referral and was either allowed to proceed, or was refused entry to the UK and removed; or
 - the potential victim was admitted to the UK as officers had satisfied themselves that there were no remaining modern slavery concerns.
- 8.7 Since 1 November 2015, Border Force officers who identify a potential victim of modern slavery and are not able to satisfy themselves that there are no remaining modern slavery concerns, but do not obtain the individual's consent to make an NRM referral, have been required to complete a 'duty to notify' form (an 'MS1'). The completed form must be submitted to the Home Office Duty to Notify Team.
- 8.8 The 'duty to notify' requirement was set out in Section 52 of the Modern Slavery Act 2015, and applies to designated public bodies. Although Border Force is not a designated body for the purposes of Section 52, the Home Office determined that its '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.' This is explained in a Home Office guidance document, 'Duty to Notify the Home Office of Potential Victims of Modern Slavery'.⁵⁶
- 8.9 Between 1 November 2015 and 31 March 2016, Border Force officers submitted 55 'MS1' forms. However, officers told inspectors that 'MS1' forms were not routinely completed, so this figure may not be a reliable indicator the proportion of potential victims identified by Border Force who are not referred to the NRM because they do not give their consent.

Barriers to obtaining consent

- 8.10 Both stakeholders and Border Force officers considered that there were barriers to gaining the trust of a potential victim of modern slavery such that they were prepared to consent to an NRM referral. It is not uncommon for potential victims to be reluctant to open up about their situation, through fear of the consequences or because they do not recognise themselves as victims (perhaps because their exploitation will begin once they are in the UK). Stakeholders were clear that the Border Force official uniform acts as a barrier which any potential victim has to overcome. Border Force staff agreed, adding that some officers were also required to carry personal protective equipment, such as handcuffs and batons, reinforcing negative perceptions the potential victim may have about individuals in positions of authority.
- 8.11 There was also agreement that the accommodation and facilities available at ports are a barrier to building trust. At larger ports, potential victims are typically taken to a 'holding area', which stakeholders likened to detention. Many smaller ports have only a small interview room in which to accommodate potential victims, with officers having to 'stand guard', thereby further reducing any chance of building trust. Border Force officers at smaller ports felt that these arrangements did not promote a sense of support or protection, and this was exacerbated by the fact that officers often had to scramble around to provide essentials, such as food, which they had to buy themselves from local shops.

⁵⁶ Available at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/508817/Duty_to_Notify_Guidance_Version_2.0_.pdf.

Refusal and removal

8.12 Stakeholders had serious concerns that potential victims who refused their consent to an NRM referral were being refused entry to the UK and removed back to their country of origin or permanent residence, where they may be at risk of being 're-trafficked'.

8.13 The Modern Slavery Strategy requires Border Force to work with law enforcement agencies and 'civil organisations in source countries' to 'provide enhanced support and protection against re-trafficking.' The Border Force Operations Manual states that:

'Where Border Force has refused admission or entry and is removing an adult as they failed to give consent, officers must ensure that onward referrals are made to the protection agencies in the country of removal. Referrals for ongoing investigation and potential intervention should be made to our counterparts abroad through RALON.'⁵⁷

8.14 Border Force frontline managers said that every effort was made to ensure that the receiving State was advised of a potential victim who was being returned. Typically, this was done via the Home Office Risk and Liaison Overseas Network (RALON), as required by the Operations Manual. Where there was no RALON presence, Border Force officers would use every alternative available to them. This may involve liaising with staff at the Foreign and Commonwealth Office, or using any regular contacts Border Force staff may have with the receiving State's officials.

8.15 Border Force officers told inspectors that the only routine practice was liaison with RALON officers. If no RALON officer was available to assist, removal frequently proceeded regardless of whether any alternative arrangements could be made to receive the individual on arrival. In the file sample, there were 21 cases (out of 52) in which the potential victim was removed from the UK with no evidence that reception arrangements had been put in place, either through RALON or any alternative means. Figure 8 provides an example of this.

Figure 8: Case study: Potential victim refused entry to the UK and removed (MN1/4942334)

- On 17 February 2016, the individual presented themselves at the PCP at Manchester Airport seeking to transit to join a cruise ship.
- Intelligence alerts indicated that the cruise in question was a hoax, and that this was linked to a modern slavery network.
- The Border Force officer informed the potential victim of this intelligence and the risk they faced if they were to proceed.
- The officer also informed the potential victim about the support and protection that could be provided if an NRM referral were made.
- The individual refused to consent to an NRM referral.
- Border Force then refused leave to enter.
- The following day (18 February 2016), the individual was removed from the UK.

⁵⁷ According to the Home Office intranet 'RALON is a unit administered by the Home Office Immigration Enforcement Directorate, comprised of 200 staff based in 40 locations across the world. Their objective is to prevent illegal migration and disrupt the organised crime groups behind it.' Accessed on 15 November 2016.

Independent Chief Inspector's comments

- The record showed no evidence of liaison with RALON or of any attempt to contact the relevant authorities in the receiving State.
- There was no record of an 'MS1' or an intelligence report having been completed.
- This example showed the value of intelligence profiles, as frontline officers were able to intervene and prevent a potential victim of modern slavery being immediately exploited. However, thereafter the handling of the removal failed on all counts to follow the required procedure, and as a result to provide any further protection to the individual or to any others who might be prey to the traffickers involved.

8.16 In the case of minors, where there was no RALON presence in the country of return, Border Force also works with social services agencies in the UK and the receiving State to ensure that the receiving State authorities or the potential victim's parents are notified of the removal and able to meet the individual upon arrival. Officers told inspectors that social services in the UK were invaluable in this respect, as they often had existing relationships with social services agencies in receiving States and had greater expertise about concerning the care and support required by the potential victim. Often, however, removal was not possible, as the relevant reception arrangements could not be made within a practicable timeframe. In such instances, Border Force and social services worked together to ensure the child was kept safe and an NRM referral was made.

Initial concerns alleviated

8.17 Border Force officers told inspectors that, in many cases, further examination of an individual's circumstances would alleviate any concerns that they might be a potential victim of modern slavery. Inspectors sought to test this through the file sample, but the notes contained within 'port files' were not detailed enough to establish why there were concerns in the first instance and what information had been obtained that had alleviated these concerns.

8.18 Stakeholders told inspectors that the lack of detailed records created a risk that Border Force officers were making decisions about whether there were 'Reasonable Grounds' for believing an individual to be a potential victim of modern slavery, which they were not empowered to make, since responsibility for these decisions sat with the 'Competent Authority'. Border Force managers accepted that this was a risk, but were confident that it was not the case. However, they conceded that the lack of detail in 'port file' records meant that it was difficult to evidence this.

9. Inspection findings – Targeting, intercepting and disrupting the traffickers

Identification and prosecution

- 9.1 It is often the case that victims arrive in the UK accompanied by a trafficker, or are met by a waiting trafficker as soon as they are through the Border Force controls. In this way, the traffickers remain in control of their victims. Where the trafficker travels with the victim they will normally approach the PCP as if travelling separately, except where the victim is a minor and the trafficker is purporting to be the responsible adult, or where the trafficker wishes to reinforce their control over the victim, as is often the case with Overseas Domestic Workers.
- 9.2 The Modern Slavery Strategy refers to Border Force's leading role in 'targeting', 'intercepting' and 'disrupting' traffickers. Border Force does this by checking passenger manifests against risk profiles and alerts to identify suspected traffickers before they arrive in the UK, or through PCP officers identifying indicators that an individual may be a trafficker.
- 9.3 Where Border Force identifies a suspected trafficker arriving in the UK, an officer should issue them with a Home Office 'IS81' form⁵⁸ (informing the individual that Border Force intends to make further enquiries before making a decision whether to grant entry to the UK). The further enquiries might involve interviewing the suspected trafficker and/or any UK-based sponsors,⁵⁹ conducting checks on the suspected trafficker's immigration or travel history, and/or liaising with other law enforcement agencies in the UK or overseas. Should the officer continue to suspect the individual is a trafficker, they can refer the case to an Immigration Enforcement Crime and Financial Investigation (CFI) team to consider whether to arrest, investigate and, if appropriate, charge and prosecute the individual.
- 9.4 Data provided by the Home Office⁶⁰ indicated that Border Force identified 48 suspected traffickers in 2014 – 15 and a further 58 in 2015 – 16. Figure 9 below shows the number of suspected traffickers referred to CFI teams by Border Force in 2014 – 15 and 2015 – 16, and of those the numbers adopted by CFI teams for further investigation.
- 9.5 Between 1 April 2014 and 31 March 2016, CFI teams adopted the majority of the cases referred to them by Border Force, but only two of these cases resulted in a prosecution and conviction. Most of the referred cases (11 out of 15 in 2014 – 15 and 12 out of 14 in 2015 – 16) were closed by the CFI team because there was insufficient evidence to proceed. In the UK as a whole, in 2014 – 15 there were 130 convictions⁶¹ for trafficking related offences. In the first six months of 2015 – 16 (1 April – 31 October 2015) there were 96.

⁵⁸ An IS81 is not served where the suspected trafficker is a British national. In such circumstances, Section 2 of the UK Borders Act 2007 applies, which permits a Border Force Officer to 'detain an individual if the immigration officer thinks that the individual...may be liable to arrest by a constable.' Section 2, UK Borders Act 2007, available at: http://www.legislation.gov.uk/ukpga/2007/30/pdfs/ukpga_20070030_en.pdf.

⁵⁹ Sponsor is the term commonly used by Border Force to describe any individual or organisation who may be supporting the passenger during their trip to the UK. This can include formal sponsors, such as an employer or educational establishment, where sponsorship is necessary, or informal sponsors, such as friends or family members with whom the passenger may spend some or all of their time visiting.

⁶⁰ The PRAU submission included data from Border Force South-East and Europe Region: 11 suspected traffickers in 2014 – 15, and 9 in 2015 – 16. However, as inspectors were unable to determine how many of these originated from the juxtaposed controls, which were out of scope for this inspection, they are all excluded from the figures quoted in this Chapter.

⁶¹ Data provided by the Independent Anti-Slavery Commissioner.

Figure 9: Identification and prosecution of suspected traffickers

Identification and prosecution of suspected traffickers					
Year	Suspected traffickers identified by Border Force	Traffickers referred by Border Force to CFI	Referred traffickers investigated by CFI	Prosecutions and convictions	Trafficking convictions – UK total
2014 – 15	48	18	15	1	130
2015 – 16	58	19	14*	1	96^

* As at 4 November 2016, one investigation was not concluded

^ Data only available for the period 1 April to 31 October 2015

- 9.6 The data provided did not reveal the outcomes of the cases that were not referred to CFI teams, or were referred but not adopted by CFI teams. However, frontline Border Force officers told inspectors that they were sceptical that CFI teams would accept a case, so they were not inclined to refer a suspected trafficker if there was an alternative, such as removal from the UK.
- 9.7 This was not reflected in the data provided by Border Force, which indicated that most cases referred to CFI teams were accepted. CFI staff said they would accept any referral, but were often unable to progress cases due to the quality of the evidence provided by Border Force. The latter is consistent with the findings from the ‘port files’ sampled, which were lacking in detail, but the investigation of suspected traffickers by CFI teams fell outside the scope of this inspection and therefore this point was not tested.

Appendix 1 – Role and remit of the Chief Inspector

The role of the Independent Chief Inspector of Borders and Immigration (until 2012, the Chief Inspector of the UK Border Agency) was established by the UK Borders Act 2007. Sections 48 – 56 of the UK Borders Act 2007 (as amended) provide the legislative framework for the inspection of the efficiency and effectiveness of the performance of functions relating to immigration, asylum, nationality and customs by the Home Secretary and by any person exercising such functions on her behalf.

The legislation empowers the Independent Chief Inspector to monitor, report on and make recommendations about all such functions. However, functions exercised at removal centres, short-term holding facilities and under escort arrangements are excepted insofar as these are subject to inspection by Her Majesty's Chief Inspector of Prisons or Her Majesty's Inspectors of Constabulary (and equivalents in Scotland and Northern Ireland).

The legislation directs the Independent Chief Inspector to consider and make recommendations about, in particular:

- consistency of approach;
- the practice and performance of listed persons compared to other persons doing similar activities;
- the procedure in making decisions;
- the treatment of claimants and applicants;
- certification under section 94 of the Nationality, Immigration and Asylum act 2002 (c. 41) (unfounded claim);
- the law about discrimination in the exercise of functions, including reliance on section 19D of the Race Relations Act 1976 (c. 74) (exception for immigration functions);
- the procedure in relation to the exercise of enforcement powers (including powers of arrest, entry, search and seizure);
- the practice and procedure in relation to the prevention, detection and investigation of offences;
- the procedure in relation to the conduct of criminal proceedings;
- whether customs functions have been appropriately exercised by the Secretary of State and the Director of Border Revenue;
- the provision of information;
- the handling of complaints; and
- the content of information about conditions in countries outside the United Kingdom, which the Secretary of State compiles and makes available, for purposes connected with immigration and asylum, to immigration officers and other officials.

In addition, the legislation enables the Secretary of State to request the Independent Chief Inspector to report to her in writing in relation to specified matters.

The legislation requires the Independent Chief Inspector to report in writing to the Secretary of State. The Secretary of State lays all reports before Parliament, which she has committed to do within eight weeks of receipt, subject to both Houses of Parliament being in session. Reports are published in full except for any material that the Secretary of State determines it is undesirable to publish for reasons of national security or where publication might jeopardise an individual's safety, in which case the legislation permits the Secretary of State to omit the relevant passages from the published report.

As soon as a report has been laid in Parliament, it is published on the Inspectorate's website, together with the Home Office's response to the report and recommendations.

Appendix 2 – Role and remit of the Independent Anti-Slavery Commissioner

Part 4 of the Modern Slavery Act 2015 established the role of Independent Anti-Slavery Commissioner. The Commissioner has a UK-wide remit to encourage good practice in the prevention, detection, investigation and prosecution of modern slavery offences and the identification of victims. The role was created to spearhead the UK's fight against modern slavery.

The following public authorities are under a duty to cooperate with the Commissioner:

- Chief officers of police for police areas in England and Wales and the chief constable of the British Transport Police Force;
- The National Crime Agency;
- An immigration officer or other official exercising functions in relation to immigration or asylum;
- A designated customs official;
- Local government;
- Health bodies including National Health Service trusts, NHS foundation trusts and Local Health Boards; and
- The Gangmasters' Licensing Authority

The Commissioner may request any of these specified public authorities to cooperate with the Commissioner in any way that the Commissioner considers necessary for the purposes of the Commissioner's functions. A specified public authority must so far as reasonably practicable comply with a request made to it.

Kevin Hyland OBE was appointed as designate Independent Anti-Slavery Commissioner in November 2014 and after the Modern Slavery Act received Royal Assent, his role was confirmed on 31 July 2015. In October 2015, to coincide with Anti-Slavery Day, the Commissioner published his first Strategic Plan, for the period 2015 – 2017, which focused on five priorities to galvanise the UK's response to modern slavery:

1. Ensuring improved identification and care of victims of modern slavery;
2. Driving an improved law enforcement and criminal justice response;
3. Promoting best practice in partnership working;
4. Private sector engagement to encourage supply chain transparency and combat labour exploitation; and
5. Encouraging effective and targeted international collaboration.

Appendix 3 – Criteria used in this inspection

Inspection criteria
Operational delivery
1. Decisions on the entry, stay and removal of individuals should be taken in accordance with the law and the principles of good administration.
2. Customs and immigration offences should be prevented, detected, investigated and, where appropriate, prosecuted to ensure the law is upheld.
3. Resources should be allocated to support operational delivery and achieve value for money.
Safeguarding individuals
4. All individuals should be treated with dignity and respect and without discrimination in accordance with the law.
5. All border and immigration functions should be carried out with regard to the need to safeguard and promote the welfare of children.
6. Personal data of individuals should be treated and stored securely in accordance with the relevant legislation and regulations.
Continuous improvement
7. The implementation of policies and processes should support the efficient and effective delivery of border and immigration functions.
8. Risks to operational delivery should be identified, monitored and mitigated.

Appendix 4 – NRM Review recommendations⁶²

2.2.1 The review recommends developing, with key partners, a comprehensive awareness strategy leading to increased recognition of human trafficking by the public and professionals.

2.2.2 Thus the review recommends an overhaul of the referral process of the National Referral Mechanism by professionalising the current First Responder role, replacing it with Slavery Safeguarding Leads² and replacing the reasonable grounds decision with an alternative referral mechanism once the successful implementation of accredited Slavery Safeguarding Leads has occurred.

2.2.3 The review recommends providing support based on an assessment of the individual needs of the victim. Consideration should be given to entry and exit timescales, support following conclusive identification, and the audit and inspection of support provision.

2.2.4 The review recommends a process of conclusive identification of trafficking victims 1 74% NRM data 2013 (as of 08/09/14) and 85 – 90% based on NRM data January – March 2014 2. The name of these leads may differ in the devolved administrations. Executive Summary and Recommendations 9 through regional multi-disciplinary panels should be tested with a view to terminating the sole decision-making roles of UK Visas and Immigration and UK Human Trafficking Centre and Immigration Enforcement.

2.2.5 The review recommends that a single management process for trafficking cases should be put in place and accountability for this system should lie with the Home Office.

2.2.6 The review recommends improving the collection and collation of data in order to facilitate the progression of cases and the management of the system and to contribute to intelligence.

2.2.7 Recommendations are focused around improving awareness of the indicators of trafficking and the additional safeguarding that is recommended for child victims. The review also recommends that the various child protection timelines are taken into account.

⁶² Extracted from Review of the National Referral Mechanism for victims of human trafficking. Available at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/467434/Review_of_the_National_Referral_Mechanism_for_victims_of_human_trafficking.pdf.

Appendix 5 – The Independent Anti-Slavery Commissioner’s recommendations on Border Force training materials

Failure to identify potential victims of modern slavery means that cycles of abuse and exploitation continue unabated. Border Force officers have a unique opportunity to prevent exploitation and modern slavery from happening in the first place, or in some cases stop it and prevent it from continuing in the UK. Often victims of modern slavery, when crossing the border, still remain under the spell of deceitful messages and lies of traffickers. They therefore do not realise what will happen to them when they reach their destination. 3,266 potential victims of modern slavery have been referred to the NRM in 2015; 3,075 of these potential victims were non-UK nationals who came from 101 countries and at some point they will have crossed the border and entered the UK, either legally or illegally.

The Commissioner believes that it is important to improve training for Border Force officers to enable them to properly fulfil their role.

Recommendations:

E-learning and Tier 3 SAT awareness training materials should be:

1. Tailored to the specific role of the Border Force officers by providing more specific examples, scenarios and indicators to look for, in order to more efficiently identify potential cases of modern slavery at the border. They should also include information on the most recent trends on trafficking routes, *modus operandi* of the traffickers, and profiles of the victims.
2. Made more victim focused by including further information on the profile of victims, their rights and entitlements in the UK, informed consent, reasons why a potential victim may be reluctant to engage in a dialogue and consent to receive assistance, traffickers *modus operandi*, as well as possible risks if a potential victim is refused leave to enter the UK and is sent home, or allowed to proceed and not removed from the trafficker who may be accompanying the victim.

In addition, the e-Learning courses should include:

3. More information about how to properly treat and interview a potential victim of modern slavery at the border, but also how to deal with the trafficker who may be accompanying the potential victim when crossing the border. This is important because the e-learning training modules have a much wider reach and therefore more Border Force officers will be made aware and better equipped to respond to potential cases of modern slavery.

Tier 3 SAT awareness training should be:

4. Urgently updated with information on the most recent legal and policy developments.

5. Strengthened with more relevant materials on how to identify a potential victim at the border, what risks are present for the potential victim, and how to better safeguard and protect the victim from further abuse. This should also include a list of resources and contact details for expert organisations that could be of help as needed.

Other related issues:

1. It is important to provide more train-the-trainer sessions and sessions for SAT officers across all ports and entry points in the UK. Whilst e-learning undoubtedly has a wider reach, the risk that it may be treated as a tick-box exercise by frontline staff is very high. Personal training sessions are much more effective to ensure better results for the frontline officers. Therefore, Border Force needs to be provided with necessary resources to implement such training.
2. It is important to monitor and evaluate the results of the e-Learning and Tier 3 training on a regular basis. This includes periodically testing the knowledge of Border Force officers, for example through exercises such as the mystery shopping research technique. When asked for data on how many Border Force frontline officers have completed the mandatory e-learning training courses, the response was that such data was not collated. Therefore, it is impossible to establish the reach of the training, let alone its effectiveness.
3. It is important to regularly update training materials and provide follow-up training sessions to refresh and strengthen the knowledge on issues around modern slavery, as it is a fast-changing phenomenon in terms of *modus operandi*, exploitation techniques and trends, etc.

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- Focus on Labour Exploitation (FLEX)
- Helen Bamber Foundation
- Human Trafficking Foundation
- Immigration Law Practitioners Association (ILPA)
- Kalayaan
- Law Centre Northern Ireland
- Poppy Project
- Refugee Action
- The Children's Society
- The TARA Service
- United Nations High Commissioner for Refugees (UNHCR)
- United Nations International Children's Emergency Fund (UNICEF)

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