

Written Evidence submitted by The Snowdrop Project (HUM0031)

1. About the Snowdrop Project

- 1.1 Snowdrop welcomes the opportunity to contribute to the Home Affairs Committee's inquiry into human trafficking and to provide evidence based on our experience of supporting survivors.
- 1.2 Set up in 2012, The Snowdrop Project was formed in direct response to the observed need for long-term support and advocacy for survivors of trafficking and modern slavery beyond the NRM. The Snowdrop Project is a leading charity in the UK in the field of long-term advocacy and has also grown to establish a trauma specialist therapy service alongside its community support services. Whilst Snowdrop is a provider of 'Reach-In' support under the Modern Slavery Victim Care Contract, the majority of our work is outside of the contract. The charity aims to empower survivors to fully recover and move forwards from their experiences of the past whilst training other professionals in effective identification, support and best practice. Snowdrop has co-authored a number of UK practice resources such as the 'Training Framework: Identification, Care and Support of Victims and Survivors of Modern Slavery and Human Trafficking'¹ and the 'Slavery and Trafficking Survivor Care Standards'².

2. Executive summary

- 2.1 Many victims of trafficking have support needs which are complex and require long-term holistic support beyond the current remit of the Modern Slavery Victim Care Contract (MSVCC) in order to ensure recovery and prevent further harm.
- 2.2 Quality of support within the MSVCC is variable, and there is a need for improved training and greater transparency and accountability.
- 2.3 Mental health support could be improved through simple interventions which assist victims with emotional regulation.
- 2.4 Further developments in response to the needs of children affected by trafficking are necessary, both in relation to child dependents, as well as for child victims transitioning into adulthood.
- 2.5 Access to the NRM could be improved, such as through wider training of First Responders and more First Responder Organisations, to ensure that genuine victims of trafficking can access support and protection.
- 2.6 To truly meet the needs of victims and prevent further harm, support delivery should be separated from the decision-making process and timescales, in line with almost every other health and social care provision.

3. To what extent do support services meet the needs of victims who have been trafficked in or to the UK?

- 3.1 The Home Office itself admits that support services do not meet the needs of victims who have been trafficked, stating "a full recovery should not be expected during this minimum 30-day period; for some victims this may take considerably longer... it is therefore expected that victims will leave the MSVCC with ongoing recovery needs when they have alternate sources of support to help them."³ Unfortunately, Snowdrop encounters victims who have been exited from the

¹ Skills For Care (2020) Training Framework: Identification, Care and Support of Victims and Survivors of Modern Slavery and Human Trafficking

² Human Trafficking Foundation (2018) The Slavery and Trafficking Survivor Care Standards

³ Home Office (2023) Modern Slavery: Statutory Guidance for England and Wales, paragraph 8.23

MSVCC without appropriate or alternative support. For example, one victim was referred to Snowdrop from the MSVCC with care and mobility needs that had never been referred to adult social care, and another victim was referred during the final stages of pregnancy with health complications, no birth plan or additional support (this victim would have died without Snowdrop's quick intervention). We have found that individuals require on average 18 months post-NRM casework support. This use of charitable funding to ensure that victims' needs are met is evidence that support through the contract is insufficient.

- 3.2 Snowdrop was founded in response to the needs of trafficking victims who could only receive time-limited support through the NRM. We acknowledge progress since then in extending support through Recovery Needs Assessments (RNAs) and Reach-In, however we continue to see evidence that many victims have complex needs requiring support beyond that which is available under the contract, as outlined below.

4. Holistic support needs

- 4.1 Statutory guidance⁴ states that support should be specific to needs arising from the individual's modern slavery experience, raising two concerns. Firstly, as the guidance acknowledges, there are often underlying precarities which make a person susceptible to being trafficked, such as homelessness, learning difficulties, and previous abuse⁵. Without addressing those precarities, how can a person fully recover or be protected from further harm? For example, if a trafficker targeted a person's vulnerability due to unsupported learning disabilities, the statutory support definition does not ensure that this root cause is addressed. A holistic approach to needs assessment would be more effective in promoting recovery and reducing the risk of further harm. The case study below exemplifies how a long-term holistic approach enables the victim's recovery alongside effective sentencing:

***Case study:** Jonas⁶ is a 61 year old man who was trafficked from Hungary to Canada to the UK. He was referred to Snowdrop on exiting the MSVCC because he had ongoing support needs. Jonas had limited English, memory problems, low mood, suicidal ideation, hoarded, was socially isolated, struggled to manage his bills and to attend appointments. A Snowdrop caseworker met regularly with Jonas, arranged for a volunteer to support his English learning and connected him to one of Snowdrop's social activities. They helped Jonas get a referral from his GP for support with his mental health and memory problems. They also supported Jonas with the criminal trial against his traffickers, helping him with techniques to avoid having panic attacks while giving evidence. His traffickers were sentenced to 49 years. Following the trial Jonas stated that without Snowdrop's long-term support he would never have been able to give evidence in court. Jonas continued to engage with Snowdrop who helped him access training, employment and compensation, and Jonas has progressed to studying GCSE maths.*

5. Quality of MSVCC support to meet the needs of survivors

- 5.1 It is encouraging that the contract has engaged the expertise of the CQC to assure standards. However, we continue see variations in quality of service provision across the country, to the extent that some victims are in unsafe conditions. For example, we were notified by a number of victims accessing our therapy and community support that when they moved into a safehouse there was no induction and therefore survivors in the house were leaving the hob gas on overnight; front doors were being left open or unlocked as they didn't know how to enter; rats were present and service men were allowed into the house unaccompanied. Furthermore, clients

⁴ Home Office (2023) Modern Slavery: Statutory Guidance for England and Wales, paragraph 8.21

⁵ Home Office (2023) Modern Slavery: Statutory Guidance for England and Wales, paragraph 13.5

⁶ Name changed to protect individual's identity.

reported that they either had not had an assigned support worker for months or that they had had 3 different support workers in the same number of weeks and struggled to trust what was happening. This was reported but to date we are still receiving similar complaints. The victims are afraid to raise these concerns themselves as they are worried they will lose their accommodation or receive a negative decision if they complain.

- 5.2 There is a need for greater transparency and accountability, such as demonstrable follow-up of reported concerns. Furthermore, Snowdrop would be concerned for re-procurement to take place before the appointment of an Independent Anti-Slavery Commissioner and a strategic plan approved by the Secretary of State, as per section 42 (10) (a) of the Modern Slavery Act 2015.

6. Length of support

- 6.1 The duration of support has never been guided by individual's needs, but by a nebulous time period dictated by how long it takes the competent authority to make a decision about whether the person fits the definition of trafficking and whether they are to be believed. No other support service in the UK is set up in such a way, and it is questionable why this applies to victims of such a devastating crime.
- 6.2 Whilst RNAs offer an extension to support for those with a positive conclusive grounds (CG) decision, we have encountered flaws in the system and found that it is not conducive to adequate assessment of ongoing unmet trafficking-related needs. We have supported victims who have not been informed of their right to an RNA; not been involved in the assessment process; or requests for support have been refused by the Home Office despite ongoing needs.

***Case study:** Ali⁷ was referred to Snowdrop casework support by an NGO concerned about her emotional health and that she was not receiving support following exit from her MSVCC provider. Snowdrop's assessment found clear ongoing support needs relating to Ali's trafficking experience, however no RNA had been done. Snowdrop raised this with TSA and she was duly referred back into MSVCC support. This should not have been necessary and indicates poor practice within the MSVCC.*

- 6.3 The short time periods that additional support is granted for following a successful RNA, means that MSVCC staff with high caseloads are having to use large portions of casework time to repeatedly review the assessment and apply for extensions instead of supporting victims with their recovery⁸.
- 6.4 A good RNA could be a valuable means for victims to evidence their need for a period of leave to remain (as per the new temporary settlement process), however victims are not given a copy of their RNA, which they could provide to their legal representative in support of such an application. MSVCC support staff and decision makers need more focused training around care need assessment and RNA completion, so this support mechanism can be used to ensure more appropriate support for victims.

7. Reach-In as an approach to support needs

- 7.1 Snowdrop welcomes the development of post-NRM 'Reach-In' support and became a provider in 2021. However, the service is only intended to be 'provision of information and signposting' (para 8.32) yet we see the needs of those referred from MSVCC support often far exceeding the need for simple signposting. Examples include victims exited from the MSVCC living in a tent at the side of the road working cash in hand for a car wash; victims with unsupported learning

⁷ Name changed to protect the individual's identity.

⁸ Anti-Slavery International for the Anti-Trafficking Monitoring Group (2022) One Day At A Time: A report of the Recovery Needs Assessment by those experiencing it on a daily basis

disabilities; and victims separated from family due to trafficking but not engaged in family reunion. Such needs cannot be met solely through providing information and signposting.

- 7.2 Snowdrop also receives referrals to our independently funded support program from other Reach-In providers who recognise the victims' needs are beyond the remit of the Reach-In service. This is a clear indicator that more intense, long-term support is needed for many victims of trafficking, and raises concern that there is a reliance on charitably funded services being used as 'alternate sources of support'. However, as they are not available in every locality and sustainable funding is not guaranteed, the availability and suitability of services should never be assumed.

8. Mental health support needs

- 8.1 The MSVCC statutory guidance directs support providers to assist victims with their mental health through the Community Mental Health Team and IAPT (Improving Access to Psychological Therapies) service. Although it is positive that the UK provides a free pathway to assist people with mental health problems, the IAPT service is rarely appropriate for those who have experienced long-term or multi-faceted abuse and trauma. A number of Snowdrop's trauma therapists have also worked for IAPT and found that the model is too time limited and not designed for those experiencing the impact of complex trauma. As a charity, we have developed and provide a trauma-specialist therapy service that adapts to the needs of survivors within their current stability, language ability and stage of processing⁹. Our theoretical framework for this draws upon practitioners such as Pat Ogden¹⁰ and Bessel van de Kolk¹¹ who argue that key to recovering from trauma is finding a sense of safety in one's own body, which comes through different therapeutic approaches.
- 8.2 Although it may be unrealistic to expect every MSVCC provider to be able to fund an independent therapy programme, there are perhaps a few steps that could be taken to more effectively assist survivors in their mental health recovery. The therapy team at Snowdrop take referrals for survivors at any stage of their journey; before, during, after or outside the NRM. However, they have noted that, regardless of the stage they are in, most survivors have not been given the basic skills of emotional regulation or grounding that is often required for a person to engage in meaningful therapy provision, or to cope with triggering life events. As such, many referrals initially go through a 6-session course, introducing a variety of techniques survivors can practice to assist emotional regulation and mental health awareness.

Case study: Frida¹² is a confirmed victim of trafficking receiving post-NRM casework and therapeutic support from Snowdrop. When she was triggered during a house viewing, to the point of shaking and bordering on dissociation, she was able to engage the techniques she had been taught, calm her nervous system and engage with the house viewing.

- 8.3 Something as simple as this course could be introduced at the earlier stages of MSVCC support providing a foundation for survivors to engage in one-to-one therapy at a later date. However, it must be noted that if MSVCC support provision really does decrease to 30 days in practice, this (along with even getting on the IAPT waiting list) would be an impossibility.

9. Legal Aid supporting legal needs

- 9.1 We are aware of proposals to increase legal aid for initial advice regarding NRM entry for some potential victims. We wholeheartedly endorse the increase in legal aid funding, but we recommend that this free legal advice is available to all potential victims.

⁹ Snowdrop Project 4 counselling pathways: https://www.snowdropproject.co.uk/_media/docs/Snowdrop-Project-Counselling-Pathways.pdf

¹⁰ Ogden, P. & Fisher, J. (2015) Sensorimotor Psychotherapy: Interventions for Trauma and Attachment

¹¹ Bessel van der Kolk (2014) The Body Keeps The Score

¹² Name changed to protect the individual's identity.

9.2 Accessibility to good quality legal support for various issues relating to trafficking victims has significantly decreased in recent years, and yet is key to their recovery¹³. Snowdrop's caseworkers regularly struggle to support trafficking victims with a positive CG decision to access legal advice for trafficking related issues, such as criminal proceedings, immigration and compensation. For example, one of the only legal aid solicitors in Sheffield currently has a waiting list of over 200 people, demonstrating the imbalance between supply and demand. There is a clear need for greater resourcing of legal advice across the range of issues affecting victims of trafficking.

10. Child victims' support needs

10.1 In 2019 the Secretary of the State for the Home Department presented an independent review¹⁴ of the Modern Slavery Act to parliament. Paragraph 19 exerts the government's commitment to a full UK roll out of section 48 (Independent Child Trafficking Guardians/Advocates). As of today, this has still not been completed, for example in South Yorkshire, the area where Snowdrop supports adult survivors, there still lacks any expression of this programme. It is remiss to still provide a patchy service to child victims of trafficking 8 years after the Modern Slavery Bill became law. Snowdrop are now aiming to pilot a reduced referral age of 16 to try to bridge this current gap in our geographical area.

10.2 A review of the ICTG service in 2019¹⁵ highlighted concerns with transitioning young people into adult services without dedicated trafficking support. We have been made aware of three cases within our region where the lack of transition from child to adult services resulted in the suicide of two child victims and the re-trafficking of a third, all of whom had been supported as children but not beyond 18. Whilst the Home Office recently stated that in exceptional circumstances ICTG support will be extended beyond a person's 18th birthday¹⁶, the guidance acknowledges both previous abuse and being a young adult as trafficking precarities. Therefore we advocate that clear pathways from child to adult support should be written into guidance and assured.

11. Support needs for dependents of victims

11.1 An additional cohort of children also affected by trafficking are the dependents of trafficked individuals¹⁷, however current guidance does not acknowledge any possible support needs linked to their experience of witnessing or being involved in the trafficking experience. It has long been accepted that witnessing domestic abuse is harmful to children¹⁸ yet witnessing trafficking is not yet recognised as an Adverse Childhood Experience¹⁹ despite the trauma and long-term impact it can have. We recommend that the list of ACEs is updated to include this.

11.2 Many dependents of Snowdrop's clients present with insecure attachments and developmental delay. The needs of these children do not fit under any specific provisions; universal services

¹³ www.modernslaverypec.org/resources/lack-access-legal-advice
<https://atleu.org.uk/news/2022/10/17/it-has-destroyed-me-new-report>

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https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/803406/Independent_review_of_the_Modern_Slavery_Act_-_final_report.pdf

¹⁵ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/819723/evaluation-independent-child-trafficking-guardians-final-horr111.pdf

¹⁶ Human Trafficking Foundation forum, 22nd February 2023

¹⁷ Hestia (2021) Underground Lives: Forgotten Children

<https://www.hestia.org/Handlers/Download.ashx?IDMF=9e80d4ef-5910-470d-b46a-968facba852d>

¹⁸ CAFCASS Cymru (2019)

<https://www.gov.wales/sites/default/files/publications/2019-08/cafcass-cymru-impact-on-20children-experiencing-domestic-abuse.pdf>

¹⁹ NHS (2023) <https://mft.nhs.uk/rmch/services/camhs/young-people/adverse-childhood-experiences-aces-and-attachment/>

cannot meet their specific needs; they are usually outside the threshold for support under section 17 or section 47 of the Children Act (1989); nor does the MSVCC provide for these children's needs, thus they currently fall in a gap. Snowdrop provides free childcare in order to enable adult survivors to engage in support without their children being re-traumatised, and in so doing we have observed that the provision of a consistently available, attuned and responsive children's worker has enabled those children to learn to trust and self-regulate.

- 11.3 We propose that statutory guidance recognises the needs of dependent children and provides guidance for support workers regarding the impact of trauma on children and potential referral options.

12. Entering support

- 12.1 In evaluating the extent to which victims' support needs are met, consideration must be given to the accessibility of support services. Although referrals into the National Referral Mechanism (NRM) have increased²⁰, there remain structural barriers to victims accessing NRM support.

First Responders

- 12.2 This includes an evidenced lack of First Responder capacity which means delay for victims in precarious situations²¹. The Home Office is not accepting First Responder Organisation applications despite a willingness within the sector to assist.
- 12.3 Meanwhile, many existing First Responders within local authorities do not know that they hold this responsibility. In order to access support, victims are reliant on finding, or being identified by, someone who knows what a first responder is and what their duties are. Snowdrop delivers training on this to local authorities and many participants had not previously understood or were oblivious to their duties. We are contacted on a semi-regular basis by First Responders who are unaware of their role, asking for assistance.

***Case study:** A social worker contacted Snowdrop because they had identified a potential victim of trafficking and wanted advice on what to do. They did not know they were a First Responder or how to complete an NRM referral. A Snowdrop caseworker guided them through the referral form and explained what information it may be helpful to include. If the social worker had not sought advice, that victim may not have been referred into the NRM and likely have been destitute and vulnerable as this individual had no recourse to public funds.*

- 12.4 Despite the Home Office developing a toolkit and information hub, these will not be accessed by local authority workers who do not know they hold the role. Statutory guidance (para 4.8) places responsibility on First Responding Organisations to coordinate a response and provide training, however, there is a clear need for centrally coordinated, funded training for First Responders. It would also be wholly appropriate for more anti-trafficking organisations to be given the First Responder role, which would increase capacity, enable sensitive information gathering and give genuine victims the chance of a positive Reasonable Grounds (RG) decision and subsequent access to support.

Reasonable Grounds decision threshold

- 12.5 Following the recent implementation of the Nationality and Borders Act 2022 section 5, it is likely that the requirement for a higher level of evidence at the point of referral into the NRM will prevent untold numbers of genuine victims from accessing support. This is partly due to the

²⁰ <https://www.gov.uk/government/collections/national-referral-mechanism-statistics>

²¹ http://www.kalayaan.org.uk/wp-content/uploads/2023/02/KALAYAAN_REPORT_UPDATED20FEB-2.0.pdf

aforementioned lack of training for First Responders, many of whom are unlikely to know about the new evidence requirement. Other circumstances which may prevent a victim having objective evidence beyond their own account of what happened include:

12.5.1 Disclosure of historical trafficking, such as a British survivor of childhood trafficking who disclosed to Snowdrop what had happened to them over 20 years after the trafficking had ended and requested support but has only their memories as ‘evidence’;

12.5.2 The impact of trauma, which can affect memory, feelings of shame and cause delay in fully disclosing what has happened. As acknowledged in statutory guidance for the competent authority²², it is often further along a person’s recovery journey that they feel safe enough to disclose more of what happened to them; and yet the new RG threshold requires a higher level of disclosure before they can access support.

12.6 It must be remembered that the RG process is mainly to decide whether a person should receive support while their case is assessed for a conclusive decision. By adding the burden of greater objective evidence, it risks genuine and vulnerable victims waiting longer than necessary while evidence is collated, or unfairly being denied access to support, both of which leaves victims in situations of potential further harm. It is concerning that the government’s choice to amend the support system by applying an immigration lens is skewing the system and treating victims as exploiters rather than exploited.

13. What evidence is there, if any, that the National Referral Mechanism process is being exploited by individuals seeking asylum in the UK?

13.1 We have not seen evidence that the NRM is being exploited by asylum seekers. Of those victims receiving support from Snowdrop who are asylum seekers, almost all have received a positive CG decision, demonstrating that many asylum seekers are genuine victims of trafficking who have not exploited the system but accessed what they need and are entitled to, as indeed is the purpose of the NRM. The fact that 89% of CG decisions in 2022 were positive²³ is a clear indication that the vast majority of people who enter the NRM are genuine victims. In cases we encounter where people have received a negative CG, the reasons for this decision vary. On some occasions the decision has been made incorrectly for reasons such as inconsistent information due to trauma, the account not being believed due to cultural differences, and insufficient time given to submit further evidence; in all of these examples the decision was later overturned. On other occasions the person has correctly received a negative decision but were not trying to ‘abuse’ the system; these victims have often been abused or exploited, but not trafficked. They entered the NRM on advice from a first responder or professional, and had not been given a full explanation of what that means. None of these examples equate to exploitation of the system.

13.2 The NRM decision making process, before the latest reforms, enabled identification of anyone who might be trying to take advantage of the system. Several Snowdrop staff sat on Multi-Agency Assurance Panels (MAAPs) before they were disbanded in December 2022. In reviewing negative CG decisions, there were a small number of cases where individuals found in cannabis houses had claimed to be victims of trafficking, when evidence at the scene provided by police contradicted this. Many of these cases did not meet the former evidentiary standard of RG, let alone CG, decisions, and so the SCA could have concluded these cases far earlier. The very fact they were being seen at a MAAP shows that the system was working effectively and

²² Home Office (2016) Victims of Modern Slavery – Competent Authority Guidance version 3.0, page 99

https://www.antislaverycommissioner.co.uk/media/1059/victims_of_modern_slavery_-_competent_authority_guidance_v3_0.pdf

²³ <https://www.gov.uk/government/statistics/modern-slavery-national-referral-mechanism-and-duty-to-notify-statistics-uk-end-of-year-summary-2022/modern-slavery-national-referral-mechanism-and-duty-to-notify-statistics-uk-end-of-year-summary-2022>

that they would go through the criminal justice system. It did not require the new evidentiary thresholds introduced on 30 January 2023, to facilitate this decision-making process. The problem with such cases was not that people could claim to be a victim, but that the system took so long to conclude that they were not victims of trafficking. The rare occasion of a misuse of the NRM process does not justify the increased evidentiary threshold which will prevent genuine victims accessing support and protection.

14. How can legislation, including the Modern Slavery Act 2015, policy and criminal justice system practice be improved to prevent and address human trafficking?

14.1 Recommendations:

14.2 Detach support provision from the NRM decision making period, making it more truly ‘needs based’ rather than time oriented. Two proposals to achieve this are:

14.2.1 Adopt a similar model of support to Independent Domestic Violence Advocates & Independent Sexual Violence Advocates, through the creation of Independent Modern Slavery Advocates (a model currently being developed by Snowdrop in partnership with Hope for Justice and British Red Cross²⁴).

14.2.2 In relation to the care and support element of MSVCC, we recommend that this be funded and controlled by an alternative and more appropriate government department, such as the Department of Health and Social Care.

14.3 Widen mental health provision within the MSVCC by introducing sessions around grounding and stabilisation (see paragraph 7.2 above).

14.4 Ensure an improved and consistent level of training for support providers, and greater transparency & accountability.

14.5 Recognise the needs of dependent children in statutory guidance and provide guidance for support workers regarding the impact of trauma on children and potential referral options.

14.6 Ensure a full UK roll out of the Independent Child Trafficking Guarding scheme, as promised in the Modern Slavery Act 2015.

14.7 Develop a defined strategy for child victims between 16-18 years to be transitioned to adult trafficking support services.

14.8 Process applications for NGOs to become First Responding Organisations and provide training and resourcing for the role, to ensure a clear referral pathway for all potential victims.

14.9 Increase Legal Aid for solicitors to ensure greater representative capacity for survivors of trafficking.

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²⁴ <https://hopeforjustice.org/news/new-partnership-launched-to-assist-survivors-of-modern-slavery-to-get-the-support-they-need/>