

## 7-minute Learning

### Safeguarding Adult Review (SAR) Modern Slavery – Drina Barking and Dagenham Safeguarding Adults Board<sup>1</sup>

#### Pen picture

**Drina** is a 35-year-old Romanian woman with severe learning disabilities, who came to the UK with her step-father in October 2016. Drina spoke only an unusual Romanian dialect which made communication with her difficult. Little is known about her early history other than that she was born out of a casual relationship and her biological father was not involved in her care. In 2003, Drina was assessed as having severe learning disabilities with an IQ of 23 and that she should be cared for by her mother. Her mother passed away in December 2014, and her step-father took over her care. He was in receipt of a monthly allowance in Romania as Drina's main carer.

#### Case Summary

Drina was referred to Barking and Dagenham council in November 2016 by bailiffs who reported she was dirty, unkempt hungry and appeared to be living in a shed and being kept in domestic servitude. This was reported to the police who later traced her to a second address in Walthamstow. Barking and Dagenham council provided emergency accommodation for Drina in an older people's care home and undertook a Care Act and Human Rights Assessment. A Mental Capacity Assessments concluded that Drina lacked capacity to make decisions about her accommodation or contact with the people alleged to have caused harm to her. Scarring and marking were noted on a body map, but this information was not shared with the police and neither was Drina medically examined.

The council made a referral to the National Referral Mechanism (NRM) and Drina was determined to be a victim of Modern Slavery and was therefore entitled to 45 days "reflection and recovery". During this period, Drina was entitled to a range of support (e.g. emergency medical treatment, information and counselling, psychological support and subsistence support), which was not provided. A section 42 safeguarding enquiry was initiated and Drina's step-father was invited to attend as well as another Person Alleged to Have Caused Harm. The initial safety plan involved Drina remaining at the care home with 24-hour supervision. No application was made authorising this deprivation of her liberty.

<sup>1</sup> The RWSAB would like to acknowledge the SAR on Drina prepared by Barking and Dagenham (Link to full report [Drina SAR](#)).

Changes occurred within the council and the SAM was moved from the case and further work ceased for 2 weeks, where after a Team Manager took over the case management. The team manager met with Drina and her step-father to decide if it was in her best interests to be returned to Romania. A Romanian staff member offered some level of translation, without being able to speak Drina's dialect. Drina disclosed through gestures that she was beaten by her stepfather and others. Her step-father described himself as her carer and dismissed her allegations. The team manager completed a Human Rights Assessment and recommended Drina should be repatriated with her step-father. The team manager liaised with the police and the National Referral Mechanism who expressed no objection to Drina returning to Romania with her step-father.

Despite Drina's known learning difficulties and communication challenges there was no consideration of the importance of undertaking a Mental Capacity Assessment in relation to the decision to be repatriated or to be cared for by her stepfather. She was not offered an Independent Mental Capacity Advocate (IMCA) or an interpreter who spoke her language. Drina was abruptly repatriated to Romania in December 2016, accompanied by the step-father, despite the evidence pointing to her stepfather's possible complicity in her slavery. Consequently, this decision was both flawed as well as in contravention of the Human Trafficking and Modern Slavery law and guidance.

The police did not pursue the false imprisonment suspects and closed the case in January 2017. There was no evidence that the issue of modern slavery had been adequately investigated and they relied on the decision of Adult Social Care to support the conclusion that there was no further action required. At no stage was Drina interviewed or considered for an Achieving Best Evidence interview.

### System Learnings:

#### Professional knowledge and awareness

- Awareness of identification of Human Trafficking and Modern Slavery across partnership needs to be improved.
- All professionals need to be clear of their own roles and that of other stakeholders in dealing with human trafficking and modern slavery.

#### Legal literacy

- Develop the understanding of the complex interplay between key legal frameworks (i.e. Care Act, Human trafficking and Modern Slavery and Human Rights) in the system to ensure people's legal rights are protected.
- Good multi-agency working and joined up decision making to support victims of human trafficking and modern slavery was highlighted.

#### International communication

- Where people have care and support needs and they are repatriated to another country, it is vital to communicate the findings of their needs and any risks to that country to ensure people are protected.

## Practice Learning

### Voice of person

Interpreters must be used to enable the person's views to be heard and to support their active involvement in all decisions, particularly where people are deemed to lack capacity.

### Use of Independent Mental Capacity Advocates

Family members should not be relied on as advocates where they lack insight into the issues being considered and/or are the Person Alleged To Have Caused Harm.

### Information Sharing

The Importance of medical examination where people show signs of physical abuse where the police are involved in an adult safeguarding case and of appropriate information sharing of the findings is key to adequately supporting people and protecting them from abuse and in securing social justice.

### Human Rights Assessments

Accurate recording and completing Human Rights Assessment to inform case decisions is vital. Practitioners should have regard for all clauses of the Human Rights legislations not only 'Right to family life' but also article 4, 'No forced labour or slavery'.

### Mental Capacity Act

There is a need for clear consideration of mental capacity in all cases where a decision is to be made, particularly where person has disturbance of mind or brain. Determination of mental capacity is time and decision specific and needs to be considered for all decisions.

### Duty of Care

The thresholds for action in terms of a duty of care differ between police and social services. Where police investigations into criminal matters end, it does not imply that no further action is needed from other partners to keep the person safe and protected. Social services should still consider its duties under the care act and human rights act to undertake safeguarding and protective actions.