

IASC Research Priorities Briefing Paper

April 2022

© Independent Anti-Slavery Commissioner copyright 2022

The text of this document (this excludes, where present, the Royal Arms and all departmental or agency logos) may be reproduced free of charge in any format or medium provided that it is reproduced accurately and not in a misleading context.

The material must be acknowledged as Independent Anti-Slavery Commissioner copyright and the document title specified.

This publication is available at <https://www.antislaverycommissioner.co.uk/resources/>

Any enquiries regarding this publication should be sent to us at iasc@iasc.independent.gov.uk

Edited by

Katherine Lawson

Research and Innovation Lead, Independent Anti-Slavery Commissioner's Office

Contents

FOREWORD	5
ABOUT THIS PAPER	6
Aims	6
Background	6
Contributors	7
RESEARCH BRIEFINGS	9
‘Survivors’ Mental Wellness’ by Abigail Egbe	9
‘The characteristics of defendants and offences charged under the Modern Slavery Act 2015’ by Jenna Teasdale	14
‘Are we protecting or punishing children who are victims of criminal exploitation? The Modern Slavery Act 2015 statutory defence’ by Katherine Lawson	20
‘Assessing and Improving the Quality of Modern Slavery Statements’ by Dr Bruce Pinnington and Professor Jo Meehan	25
‘How can we measure prevalence and why does it matter?’ By Sir Bernard W. Silverman	27
APPENDIX: IASC RESEARCH PRIORITIES	31

FOREWORD

Dame Sara Thornton – Independent Anti-Slavery Commissioner

As the Independent Anti-Slavery Commissioner, I have a statutory remit to support research that facilitates my functions to encourage good practice in the prevention, detection, investigation and prosecution of modern slavery offences and the identification of victims. During my tenure, I have developed work to build the evidence base on modern slavery, and I have convened experts from academia, practitioner networks and survivorship to address modern slavery research needs and to share and translate research findings.

This paper builds on my work to develop and promulgate modern slavery research priorities. In my Annual Report 2019-2020 I resolved to establish a series of ‘grand challenges’ for academics to address the real challenges faced by the modern slavery sector. This evolved into a series of modern slavery research priorities which I published in 2021 and which align with my strategic priorities. The research briefings in this paper begin to address the questions set out under my research priorities, and draw on published and emergent research from a range of researcher backgrounds.

Evidence and data is essential to inform effective interventions on modern slavery, but research findings must also be accessible to policymakers and practitioners. I hope that this paper is useful for policymakers and that it will inspire further research which can address the remaining evidence gaps and which embeds policy impact at its core.

ABOUT THIS PAPER

Aims

This paper brings together five policy-focused research briefings produced by members of the Independent Anti-Slavery Commissioner's (IASC) office and by academics with expertise on modern slavery and human trafficking. These research briefings draw on published and emergent research, and seek to address the IASC modern slavery research priorities.¹

Since the IASC modern slavery research priorities were published in 2021, a number of identified evidence needs have been resolved through research,² yet gaps remain. This paper is not a comprehensive response to all of the IASC modern slavery research priorities. It is intended to initiate debate about the most pressing modern slavery research needs, which research needs are being addressed and which are not, and to encourage researchers from all backgrounds to consider how to answer the most policy-relevant issues using evidence and data.

Background

The IASC Strategic Plan 2019-2021³ outlines four strategic priorities, including getting value from research and innovation. This sets out the ambition to support research that can improve the evidence base on modern slavery, and to help bridge the gap between research, policy and practice. Research must be relevant and timely, and must meet the needs of policymakers as well as drive evidence based policymaking.⁴

The modern slavery research landscape has grown significantly since the passing of the Modern Slavery Act in 2015. Evidence producers include researchers from different academic disciplines, and from civil society and peer research. The importance of research for policy impact was explored in a 2020 report published by the IASC and UK Research and Innovation Partnership for Conflict, Crime and Security Research.⁵ This outlined the need for deeper collaboration between survivors, practitioners, policymakers and academics to overcome barriers to impact for modern slavery research.

In 2021, the IASC published a series of modern slavery research priorities and research questions to address research and evidence needs for policymakers. These lead on from on earlier initiatives to develop research priorities led by the Home Office in 2018⁶ and by the Modern

¹ See Appendix for the full list of IASC modern slavery research priorities, and IASC (2021), 'IASC Research Priorities': <http://www.antislaverycommissioner.co.uk/media/1732/iasc-research-priorities-2021.pdf>.

² For example, see IASC and University of Nottingham Rights Lab (2021), 'The benefits and the barriers to accessing employment: Considerations for survivors of modern slavery': https://www.antislaverycommissioner.co.uk/media/1599/rights_lab_access-to-work-pathways_final.pdf.

³ IASC (2019), Independent Anti-Slavery Commissioner Strategic Plan 2019-21: <https://www.antislaverycommissioner.co.uk/media/1329/independent-anti-slavery-commissioners-strategic-plan-19-21-screen-readable.pdf>.

⁴ Gill Rutter, 'Will civil service reform improve Whitehall's use of expert advice?', The Guardian: <https://www.theguardian.com/science/political-science/2013/apr/10/civil-service-reform-whitehall-expert-advice>.

⁵ Juliana Semione (2020), 'Preparing for Impact - How we can overcome barriers and cultivate a culture of collaboration, understanding, and respect to achieve impact on survivor support': <http://www.antislaverycommissioner.co.uk/media/1433/iasc-review-preparing-for-impact-july-2020.pdf>.

⁶ Home Office (2018), '2018 UK Annual Report on Modern Slavery': <https://www.gov.uk/government/publications/2018-uk-annual-report-on-modern-slavery>.

Slavery and Human Rights Policy and Evidence Centre (Modern Slavery PEC) in 2021.⁷ The IASC research priorities reflect the current IASC policy priorities of improving victim care and support, supporting law enforcement and prosecutions, focusing on preventing, getting value from research and innovation, and international.

To test the IASC modern slavery research priorities, the IASC held a roundtable with the University of Nottingham Rights Lab in 2021, bringing together a small group of cross-disciplinary researchers. The roundtable examined three questions:

1. Which of the questions from the research priorities can be answered in the short term, or could link up with existing research?
2. Are there any questions which could be addressed immediately, or could be addressed with the removal of a small obstacle?
3. Are there any questions which require a lot of work to address, or face a lot of obstacles?

Participants identified a need to convene cross-disciplinary academics, practitioners and survivors to develop a consensus on the most pressing evidence gaps and ways in which to resolve these. One practical suggestion to address gaps was to share emergent and published research aligned to the IASC research priorities through usable, policy-focused outputs. Such briefings would build on the work of organisations such as the Rights Lab and the Modern Slavery PEC which produce research briefings that are widely shared beyond academic networks.

Contributors

Abigail Egbe, Project Officer, IASC Office. The first research briefing is relevant to the IASC research priorities heading of 'Improving victim care and support'. Abigail's research briefing is taken from her report 'Survivors' Mental Wellness: Our Feelings, our Minds, our World'.⁸ This report examined trafficking survivors' experiences of mental health support to identify the gaps and challenges to sustainable mental wellness. The research was informed by a call for survivor insights which considered whether the provision of mental health support for those in the National Referral Mechanism (NRM) is able to adequately meet the needs of survivors of modern slavery; and to examine whether the mental health support provided is culturally sensitive and to what extent this is important to survivors' recovery process.

Jenna Teasdale, International Lead, IASC Office. The second research briefing is in support of the IASC research priorities heading of 'Supporting law enforcement and prosecutions'. Jenna recently completed the University of Cambridge MSt in Applied Criminology and Police Management hosted by the Cambridge Institute of Criminology. The programme is centred around the concept of evidence based policing. Jenna's research briefing draws on her thesis which examined the characteristics of defendants and offences charged under the Modern Slavery Act 2015, and the extent to which these align with our understanding of modern slavery as organised crime. The research found that whilst, strictly speaking, many cases meet the definition of organised crime they do not typically fit the archetypal stereotypes.

⁷ Modern Slavery and Human Rights Policy and Evidence Centre (2021), 'Consultation on the Modern Slavery PEC's research priorities': <https://modernslaverypec.org/assets/downloads/Research-consultation-report-final.pdf>.

⁸ Abigail Egbe (2022), 'Survivors' Mental Wellness: Our Feelings, our Minds, our World': <https://www.antislaverycommissioner.co.uk/media/1776/survivors-mental-wellness-report-april-2022.pdf>.

Katherine Lawson, Research and Innovation Lead, IASC Office. The third research briefing is also relevant to the IASC research priorities heading ‘Supporting law enforcement and prosecutions’. Katherine also recently completed the University of Cambridge MSt in Applied Criminology and Police Management. Her research briefing reflects her thesis, which considered the application of the Modern Slavery Act 2015 statutory defence and whether the modern slavery policy and legislative framework is providing adequate protection to children who are victims of criminal exploitation. This research found that a partnership approach across agencies, sharing data and practitioner expertise is essential to prevent child criminal exploitation and reduce harm to children and the public.

Dr Bruce Pinnington, Lecturer in Operations Management, University of Liverpool and Professor Joanne Meehan, Professor of Responsible Procurement, University of Liverpool. The fourth research briefing is in support of IASC research priorities under the heading ‘Focusing on prevention’. This joint briefing is drawn from a co-authored article ‘Transparency in Supply Chains (TISC): Assessing and Improving the Quality of Modern Slavery Statements’.⁹ This utilises the Ethical Trading Initiative assessment framework to evaluate the content of 95 UK government suppliers’ modern slavery statements. The findings suggest that in a modern slavery context, discovery challenges are more important than firms’ attitudes to disclosure.

Sir Bernard W. Silverman, Professor of Modern Slavery Statistics, University of Nottingham Rights Lab. The final research briefing is in response to an IASC research priority question under the heading ‘Getting value from research and evaluation’ focused on understanding differing approaches to assessing prevalence of modern slavery in the UK. This research briefing explores the challenge of measuring prevalence, approaches such as multiple systems estimation and suggestions for future research. Sir Bernard was formerly the Home Office Chief Scientific Adviser and produced the estimate of 10,000 to 13,000 potential victims of modern slavery in the UK using multiple systems estimation.¹⁰

⁹ Bruce Pinnington, Amy Benstead and Joanne Meehan (2022), ‘Transparency in Supply Chains (TISC): Assessing and improving the quality of modern slavery statements’, *Journal of Business Ethics*: <https://link.springer.com/content/pdf/10.1007/s10551-022-05037-w.pdf>.

¹⁰ Bernard W. Silverman (2014), ‘Modern Slavery: an application of Multiple Systems Estimation’: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/386841/Modern_Slavery_an_application_of_MSE_revised.pdf.

RESEARCH BRIEFINGS

Survivors' mental wellness: Our feelings, our minds, our world

By Abigail Egbe, IASC Project Officer, Independent Anti-Slavery Commissioner's Office

Aims

Mental health is a pivotal foundation of everyone's wellbeing. This research project examined the experiences of survivors of human trafficking regarding mental health support in order to identify the various gaps and challenges to sustainable mental wellness.

Many survivors who desperately need mental health support encounter barriers when seeking to obtain timely help. There has been limited research on mental health support for survivors of trafficking, and very little work on the extent to which this is culturally sensitive and trauma informed. This is important, as having proper therapeutic intervention earlier on will enable survivors to be more independent, achieve their desired mental wellness and become functioning members of society.¹¹

The inclusion of survivors' voices within this work is of particular importance and aligns with the IASC Strategic Plan 2019-2021, which encourages studies and research into victims' experiences and the inclusion of survivors' voices within this work.¹² As part of this research, survivors' views were gathered on their experiences of the barriers to appropriate mental health support and their perspectives on what has been positive for those who were lucky to get mental health support.

This research had two aims:

1. To consider whether the current provision of mental health support for those in the National Referral Mechanism (NRM) is able to adequately meet the needs of survivors of modern slavery;
2. To examine whether the mental health support provided is culturally sensitive and to what extent this is important to survivors' recovery process.

Methodology

In order to explore survivors' views on the current provision of mental health support and how culturally sensitive these provisions are, this project was conducted using a qualitative research methodology that combined primary and secondary data collection. This included three components:

1. Desk-based research examining published literature on mental health support for survivors of human trafficking.
2. A call for insights to gather perspectives from survivors with first-hand experiences on the mental health support they received and the extent to which this was culturally sensitive. This was made available on the IASC website and ran between October-November 2021.

¹¹ Early Intervention Foundation (2022), 'Why early intervention matters': <https://www.eif.org.uk/why-it-matters>.

¹² IASC (2019), 'Independent Anti-Slavery Commissioner Strategic Plan 2019-2021'.

3. Examination of extracts from the MOMENTS-1 initiative¹³ by the University of Nottingham Rights Lab on mental health support for survivors and cultural sensitivity within this.

Due to the sensitivity of the subject, a number of ethical considerations were taken when conducting this research to ensure the safety and wellbeing of all participants. Survivors were invited to complete the call for insights using an online form, and this form contained signposting information should they need to seek support. The potential impact of trauma was taken into account when drafting the questions and all participants were given the option to answer or decline individual questions. In addition, we made clear that their response would be anonymised, omitting all personal and/or identifiable information. The MOMENTS 1 project had already undergone an ethical approval process.

It is also important to emphasise that survivors' views were given in the context of responding to the survey through the call for insights, therefore answers were limited to multiple choice answers and text boxes. In addition, this was a rapid piece of research, therefore the survey was only available in English which may have prevented some individuals from responding. It is important to note that the survey reflects the views of survivors who were motivated to respond and is not representative of all views. Finally, the call for insights was carried out during the Covid-19 pandemic with restrictions altering the way that mental health support was delivered, therefore it must be acknowledged that this may have had an impact on survivors' perceptions of mental health support.

Findings

There were eight responses to the call for insights from two men and six women. A pen picture for each of the participants is below:

- Respondent 1 is a male, currently still in the NRM and has not been offered mental health support, and therefore none has been accepted. He commented 'nobody contacted me even if I have a positive conclusion ground(s)'.
- Respondent 2 is a female, who has left the NRM after receiving a Conclusive Grounds decision. While still in the NRM, mental health support was offered after she had been on the waiting list for one year and she accepted. She found accessing mental health support neutral however, the support provided was suitable to her personal needs. She commented more relaxation activities should be provided to support people's mental health.
- Respondent 3 is a female, who is still in the NRM. She was offered mental health support and accepted it. She found accessing mental health support easy and support given was suitable to her personal needs and was culturally appropriate.
- Respondent 4 is a female, who is still in the NRM. Mental health support was offered after being on the waiting list for years under Community Mental Health Teams (CMHT), and she accepted the support. She found accessing mental health support easy but she did not comment on the suitability of the support to her needs. She noted the need for more face-to-face counselling sessions and being provided as much support as possible.

¹³ MOMENTS-1 (Mental health recovery for survivors of modern slavery: A grounded theory study) is funded by the National Institute for Health Research (NIHR) under its Research for Patient Benefit (RfPB) Programme (Grant Reference Number NIHR RfPB PG-PB-1217-20036).

- Respondent 5 is a female, who is still in the NRM. Mental health support was offered and she accepted. She found support easy to access and the support provided was suitable to her personal needs and culturally appropriate.
- Respondent 6 is a male who is currently still in the NRM. Mental health support was offered which he accepted. He found accessing mental support 'very easy' and the support was suitable to his needs, however, did not comment on whether or not the mental health support was culturally appropriate for him.
- Respondent 7 is a female and currently still in the NRM. Mental health support has not been offered and therefore, none has been accepted.
- Respondent 8 is a female, who has left the NRM after receiving her Conclusive Grounds decision. She was offered mental health support while she was still in the NRM and she accepted it. However, she had difficulties accessing mental health support and she found the mental health support provided to her not suitable for her personal needs. She stated the support given to her was 'general counselling and time limited' and had challenges engaging in counselling sessions in the same living environment. She also commented that 'the counsellor did not understand cultural element' and the support she received was not culturally appropriate and the counsellor was unaware of how mental health is perceived within her culture. She also noted the need for follow up care and the importance of counselling therapists to understand the distinction between trauma informed therapy for trafficking victims and general trauma.

Within the call for the insights, participants were asked if they were offered mental health support whilst they were in the NRM. Of those who responded, 75% were offered mental health support while in the NRM, while 25% were not. Participants were also asked to comment on how accessible mental health support was for them. 13% found it very easy to access, 38% said it was easy, 25% encountered difficulties, while it was neutral for 25% of the participants.

We also asked about the suitability of the mental health support they received. In response, 50% found the support was suitable to their needs, 38% reported the support to be unsuitable to their needs and 13% preferred not to comment on the suitability of support. Furthermore, 50% of the participants who took part in the survey found the mental health provision culturally appropriate, however, 38% did not find the support to be culturally appropriate and 13% either preferred not to say or did not know.

When asked if there is an importance to mental health support being culturally appropriate to recovery, 88% of the participant agreed that culturally appropriate support is important to their recovery. 13% said it was somewhat important and nobody said it was 'not important'.

The study also examined an extract from MOMENTS-1 research led by the Rights Lab. The aim of this work was to develop a theoretically informed understanding of what mental health recovery means to modern slavery survivors in the UK. A qualitative research approach was used including semi-structured interviews with 36 participants with a range of slavery experiences and mental health experiences.

The findings used in this section of the report examined participants' views on mental health support and cultural sensitivity from this research. First, the findings highlighted the need for therapists to understand the importance of treating the person and not the illness. Participants also expressed the need to be listened to and be heard during counselling sections.

The research also found that respondents shared common sentiments on how mental health is portrayed and perceived in different cultures and religions compared to how it is seen in the UK. The misrepresentation of mental health, stigma and the lack of acceptance in most cultures however has also created challenges for people. During the interview, some participants talked about the difficulties of admitting to mental health challenges due to this being deemed shameful in some cultures and religions, leading to people being isolated in their community.

Policy Implications

This project explored the perceptions of people with lived experience on the current provision of mental health supports and its cultural sensitivity. In exploring participants' experiences, five overarching themes emerged: the impact of time limited sessions, long waiting lists for mental health support, the lack of face-to-face support, counsellors are unaware and/or misunderstanding of cultural elements and incomplete therapy sessions.

1. Long waiting lists for mental health support

When analysing the responses from the call for insights, long waiting lists for mental health support was a central theme that was mentioned by respondents. The participants highlighted being on the waiting list for as long as one year before they were offered mental health support, and other participants under the CMHT were waiting for years to access support. It is important to recognise the impact of the long waiting period of time for mental health support on survivors' psychological and mental wellbeing. Being without support, especially after trauma could likely lead to further deterioration of their mental wellbeing, and this can impede the recovery process.

2. The impact of time limited nature of mental health support

This project has also identified participants' concerns about the time limited nature of the mental health support that is currently offered to survivors. This can lead to survivors finding it difficult to engage with support, as the first few sessions can be spent with individuals trying to build trust and rapport with a counsellor. It is also important to acknowledge that even after a good rapport had been developed, it may still take a while for survivors to dig deep and feel comfortable enough to share their experiences with their counsellors. It can also be re-traumatising being required to recall experiences multiple times. The research identified concerns that when people exit the NRM, ongoing support can be a postcode lottery.

3. The importance of face-to-face mental health support

The findings also suggest survivors' reluctance to engage with mental health support where face-to-face support is not being offered. During the Covid-19 pandemic, it was necessary for a lot of mental health support to move online, however, in some cases, this has resulted in survivors finding it difficult to share their experiences with their counsellor over online therapy sessions via online platforms such as Zoom and Teams. There are concerns about the lack of privacy from other residents in the same living environment which can make it uncomfortable for survivors to share their most difficult and personal experiences, as well as a need for more in-person interaction in order to build trust and rapport.

4. Concerns regarding incomplete therapy sessions

Some participants recognised that they found the therapy they participated in to be ‘amazing’ and ‘completely beneficial’, however sadly they were unable to fully complete it. There were also concerns about incomplete therapy sessions due to different reasons. For example, after exiting the NRM after having received a Conclusive Grounds decision, either positive or negative, or moving from accommodation such as a safe house to National Asylum Support Service accommodation. In such cases, the instability of the circumstances can also cause interference in survivors’ mental health. In addition, when moving accommodation, survivors are often referred back to access support from the relevant local area, which can mean being on the long waiting lists and starting all over again. The time spent without continuation of care, and not having the right provisions of mental health support in place can hinder the work and progress already made.

5. The extent to which mental health support is culturally sensitive

Further findings also identified the significance of having trauma informed, and culturally sensitive care in aiding survivors' recovery processes. Both those responding to the call for insights and participants in the MOMENTS-1 research indicated however that counsellors are often unaware and/or misunderstand cultural elements. This is a particular area that needs more focus because many victims and survivors of human trafficking and modern slavery are from different cultural backgrounds. Where counsellors misunderstand or are unaware of these cultural influences, it can create a challenging gap for accurate provision of trauma informed and person-centred care.

With this in mind, organisations need to think about making counselling more culturally sensitive. Justice and Care have undertaken work to identify counsellors with language skills and fund private therapy sessions for survivors. The aim of this project is to offer efficient access to trauma informed counselling in a survivor’s first language; and to provide the individual, and police (with consent), a psychological injuries assessment to support further treatment. Through this project, nine survivors have received private counselling with 83 privately funded counselling sessions taking place between 1 January 2021 and 31 December 2021.

The characteristics of defendants and offences charged under the Modern Slavery Act 2015

By Jenna Teasdale, International Lead, Independent Anti-Slavery Commissioner's Office

Aims

Modern slavery is challenging to identify, investigate and bring to justice due to its hidden nature and the impact on survivors. The Modern Slavery Act 2015 simplified and consolidated existing legislation and provided law enforcement with new powers. It increased the maximum sentence to life imprisonment and strengthened survivor protections.¹⁴ Enforcing the Act is important on two fronts. Not only does it act as a deterrent to those seeking to exploit others for their own personal gain, but it also provides victims with justice and reparations.¹⁵

Whilst numbers of identified victims, recorded crimes and operational activity have risen, prosecutions and convictions have not kept pace, a trend not unique to the UK. Further to this, efforts to monitor implementation of the Modern Slavery Act are hampered by a lack of robust quantitative data. Modern slavery is diverse and the second Independent Review of the Modern Slavery Act noted an inability to disaggregate data on prosecutions and convictions to understand the nature of these cases.¹⁶ Home Office research has identified 17 types of modern slavery offences in the UK, with a range of victim, perpetrator and offence characteristics.¹⁷ Awareness and priorities have also evolved over time, but it is currently unclear how these dynamics are represented among cases being charged, prosecuted and convicted.

The UK's policy response to modern slavery has been rooted in interpretation of the problem as one of transnational organised crime.¹⁸ So too has the legislative framing, with the Modern Slavery Act describing it as 'a brutal form of organised crime in which people are treated as commodities for criminal gain...' The National Crime Agency (NCA) assess that offenders involved in modern slavery in the UK are most likely to operate in organised groups or networks.¹⁹ A more nuanced assessment is that most organised crime groups involved in modern slavery are low sophistication and loosely networked.²⁰ But recent research involving interviews with

¹⁴ Caroline Haughey (2016), 'The Modern Slavery Act Review':

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/542047/2016_07_31_Haughey_Review_of_Modern_Slavery_Act_-_final_1.0.pdf.

¹⁵ IASC (2021), 'Independent Anti-Slavery Commissioner Annual Report 2020-2021':

<https://www.antislaverycommissioner.co.uk/media/1642/independent-anti-slavery-commissioner-annual-report-2020-2021.pdf>.

¹⁶ Frank Field, Maria Miller and Elizabeth Butler-Sloss (2019), 'Independent Review of the Modern Slavery Act 2015: Final Report':

<https://www.gov.uk/government/publications/independent-review-of-the-modern-slavery-act-final-report>.

¹⁷ Christine Cooper, Olivia Hesketh, Nicola Ellis and Adam Fair (2017), 'A Typology of Modern Slavery Offences in the UK: Research Report 93':

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/652652/typology-modern-slavery-offences-horr93.pdf.

¹⁸ Kiril Sharapov (2015), 'Traffickers and their victims: anti-trafficking policy in the United Kingdom', *Critical Sociology*, 43(1): 91-111.

¹⁹ National Crime Agency (NCA) (2020), 'National Strategic Assessment of Serious and Organised Crime':

<https://www.nationalcrimeagency.gov.uk/who-we-are/publications/437-national-strategic-assessment-of-serious-and-organised-crime-2020/file>.

²⁰ NCA (2019), 'Organised Crime and MSHT' (Official Sensitive), [Unpublished], cited in IASC (2019), 'Independent Anti-Slavery Commissioner Strategic Plan 2019-2021'.

perpetrators finds that ‘most people convicted of a trafficking or modern slavery offence are a long way from having Crime Boss on their CV.’²¹

This study examines who is being charged under the Modern Slavery Act and the nature of their offences. Seven years on from its introduction, what forms of exploitation are represented, what can be learnt about the individuals involved and is the framing of the threat as one of organised crime borne out by those charged under the Act?

Methodology

The study analysed police prosecution casefiles in which at least one defendant had been charged under the Modern Slavery Act 2015. Gathering and analysing data from 43 police forces was not feasible and so the study used Metropolitan Police Service (MPS) casefiles for the period 2015 to 2019. The MPS was selected as it provides the largest force-level dataset from which to draw conclusions. A range of offending should also be seen that is not dissimilar to other, particularly urban, forces. The final dataset comprised 63 casefiles relating to 44 cases and 96 defendants charged with modern slavery offences.

A mixed methods approach combining quantitative and qualitative techniques was used to illustrate characteristics and trends including exploitation type, defendant demographics and whether cases met broad definitions of organised crime. 12 sample cases were examined in more detail to understand roles and relationships.

It is worth noting that the aim had initially been to examine completed prosecutions, however, identifying police casefiles that meet this definition is challenging without Crown Prosecution Service (CPS) or Ministry of Justice data.

Findings

The study found a clear skew towards certain forms of offending and demographic patterns. Although the diversity of modern slavery is to some degree reflected, cases of commercial sexual exploitation feature most prominently, with victims commonly advertised on adult services websites (ASWs). This doesn’t mean sexual exploitation is the dominant form of exploitation, but makes sense when considering the context. At an organisational level, the MPS Modern Slavery and Child Exploitation Team has evolved from the Clubs and Vice Unit. The findings are also indicative of a broader historic tendency in the anti-trafficking sector to focus primarily on sexual exploitation.²² Successes in investigating county lines cases without reliance on victim testimony under Operation Orochi since 2019 would certainly influence more recent trends.

Most defendants and victims in the study are European and certain countries of origin feature prominently, namely Romania and the UK. Again, this to a large extent aligns with broader trends in identified victims and police investigations. Romanian females are commonly identified as victims of sexual exploitation and research from other force areas has found high representation among those exploited in brothels.²³ The UK is now the most common country of origin for

²¹ David Gadd and Rosemary Broad (2022), ‘The truth about modern slavery offenders’: <https://www.opendemocracy.net/en/beyond-trafficking-and-slavery/the-truth-about-modern-slavery-offenders/>.

²² Prabha Kotiswaran (2021), ‘The sexual politics of anti-trafficking discourse’, *Feminist Legal Studies*, 29, 43-65.

²³ APPG on Prostitution and the Global Sex Trade (2018), ‘Behind Closed Doors: Organised Sexual Exploitation in England and Wales’: <https://www.appg-cse.uk/wp-content/uploads/2018/05/Behind-closed-doors-APPG-on-Prostitution.pdf>.

potential victims referred into the NRM.²⁴ And British and Romanian nationals have been the most common victim and suspect nationalities in police investigations nationally between 2017 and 2021.²⁵ The numbers of non-European defendants and victims are, however, comparatively small. Contributing factors likely to have significant influence include relationships with other domestic and foreign law enforcement agencies, particularly police officer embeds, intelligence sharing arrangements and use of Joint Investigation Teams facilitated by the EU Agency for Criminal Justice Cooperation, Eurojust.

A notable minority of defendants are female (23%), very much in line with broader trends both domestically and internationally. The United Nations Office on Drugs and Crime has found women are more frequently involved in trafficking than other types of crime.²⁶ Male and female co-offending was also a prominent theme, particularly in sexual exploitation cases. Prior victimisation has been identified as a pathway into offending among female defendants and perpetrators in cases of sexual exploitation.²⁷ This study did not find any clear such cases. The findings do, however, speak to the complex relationship between victimisation and offending, gender and power dynamics explored in existing research, particularly where female defendants were themselves engaged in sex work. Intimate relationships between male and female co-defendants were common and in some instances imbalances of power were apparent. Some casefiles also demonstrated the challenges in differentiating between victims and suspects.

Finally, the study finds a continuum of offending. Some defendants were acting alone but this was uncommon, and several cases involved opportunistic pairs of offenders. The study of organised crime is beset by issues of subjectivity and in the UK there is no legal definition. This study uses broad conditions in the Serious Crime Act 2015 and the Serious and Organised Crime Strategy 2018. Essentially, that is, cases in which three or more people are planning, coordinating and committing modern slavery offences. Much of the activity meets this definition, but it doesn't typically represent what one would perceive to be transnational organised criminal enterprises. Offending does not typically appear to involve a high degree of sophistication and defendants don't necessarily fit the stereotypes of organised criminals. Rather, co-offenders were commonly groups of friends or acquaintances, family members and partners with fluid roles. Whilst not necessarily acting with a high degree of sophistication, some were established organised crime groups. In other cases involving small groups, it was difficult to tell if offending involved systematic trafficking over sustained periods or was, in fact, more opportunistic.

Policy implications

Whilst the data and some observations may be specific to the MPS, the policy implications are applicable more broadly. National trends and developments are therefore referenced.

²⁴ Home Office (2022), 'Modern Slavery: National Referral Mechanism and Duty to Notify statistics UK, end of year summary, 2021': <https://www.gov.uk/government/statistics/modern-slavery-national-referral-mechanism-and-duty-to-notify-statistics-uk-end-of-year-summary-2021>.

²⁵ Modern Slavery and Organised Immigration Crime Unit (MSOICU) (2021), 'Modern Slavery and Organised Immigration Crime Programme: Annual Report 2020-21': <https://policingslavery.co.uk/media/2930/msoicu-annual-report-2021.pdf>.

²⁶ United Nations Office on Drugs and Crime (UNODC) (2020), 'Global Report on Trafficking in Persons': https://www.unodc.org/documents/data-and-analysis/tip/2021/GLOTiP_2020_15jan_web.pdf.

²⁷ Rosemary Broad (2015), 'A vile and violent thing: female traffickers and the criminal justice response', *British Journal of Criminology*, 55: 1058–1075; UNODC (2021), 'Female Victims of Trafficking for Sexual Exploitation as Defendants: A Caselaw Analysis': https://www.unodc.org/documents/human-trafficking/2020/final_Female_victims_of_trafficking_for_sexual_exploitation_as_defendants.pdf.

1. Charges appear to be heavily influenced by factors beyond the strategic threat picture

Charges are seemingly influenced by historic norms, expertise and tactical relationships and arrangements that have clear benefits and have supported successful results. However, it is also important that activity is driven by an ongoing strategic assessment of the threat. Proactive activity is necessary to increase opportunities and identify offences across the broad spectrum of modern slavery offending. Aligned with this is the need for a coordinated multi-agency response, which there is now strong emphasis on. The NCA Intelligence Assessment Team, for example, has a key role to play here, with responsibility for tactical proactive identification and development, as well as intelligence collection against strategic priorities and intelligence gaps.²⁸

At the same time, given the disconnect between identified victims, investigations and prosecutions nationally, there is also a need to turn more reactive investigations into prosecutions. Supporting vulnerable victims through the criminal justice process is key to this and initiatives such as the Victim Navigator programme are important in forming a trusted bridge between victims and the police.²⁹

2. There is a need to monitor the types of modern slavery offences being charged more broadly

The second Independent Review of the Modern Slavery Act recommended that government collect data on the types of modern slavery being prosecuted. The skew in the types of offences being charged in this study gives the recommendation renewed impetus. Is it similarly the case that charges have been dominated by cases of commercial sexual exploitation across the UK? Further to this, the study has illuminated the disjointed nature of criminal justice data systems and complexity involved in identifying relevant data. This is not a new issue and is certainly not unique to modern slavery, but it does pose challenges for monitoring implementation of the Act. This should prompt consideration of how data is flagged, recorded and shared among the police, CPS and courts.

3. Is the framing of modern slavery as organised crime helpful?

There is somewhat of a disconnect between how organised crime can be defined on the one hand and common characteristics and perceptions on the other. Some modern slavery may be what one would typically perceive to be organised crime, but that doesn't appear to be the norm. The diversity, complexities and nuances of modern slavery are to some extent at odds with its often simplistic representation. The subjectivity and definitional challenges do not help here and, at the least, there needs to be greater clarity about what is meant by organised crime in the context of modern slavery. This is discussed below under suggestions for further research.

The problem with drawing firm conclusions on organised crime here is that we likely don't have the full picture and what remains unclear is the extent to which this is a true reflection of modern slavery offending as opposed to those most susceptible to law enforcement detection. Aside from limitations of the dataset, the IASC has previously raised concerns about the effective mapping and scoring of modern slavery organised crime groups.³⁰ Is the question of organised crime involvement being asked sufficiently often enough? This is relevant when considering evidence of organised criminality, the tools available to tackle it and coordination across the

²⁸ MSOICU (2021), 'Modern Slavery and Organised Immigration Crime Programme: Annual Report 2020-21'.

²⁹ Justice and Care (2021), 'Victim Navigator Interim Evaluation July 2021': <https://justiceandcare.org/wp-content/uploads/2021/09/Victim-Navigator-Interim-Evaluation-July-2021.pdf>.

³⁰ IASC (2021), 'Independent Anti-Slavery Commissioner Annual Report 2020-2021'.

system. If investigations are dealt with in isolation and tools such as financial investigation are not applied then there is a risk that only the low-hanging fruit will be identified.

4. Future preventative approaches need to take account of the complexities of modern slavery offending

The Strategic Review of Policing focuses the long-term direction on prevention, with particular focus on a public health approach.³¹ An emergent public health approach to modern slavery provides a promising preventative framework, having already been applied to complex social issues such as serious violence. A core component of this is understanding the causes and framing the problem as part of a complex system.³² If such a public health approach is pursued, it must be alive to the complexities, relationships, power and gender dynamics, and broader socio-economic drivers that contribute to modern slavery, from the perspective of both victimisation and perpetration. This, in turn, links to the need for policy and practice to be evidence driven and is explored under suggestions for further research.

5. A more strategic approach to addressing ASWs as a key enabler of sexual exploitation is required

The Strategic Review of Policing also advocates for a duty on businesses to prevent crime. Although not a central theme in the analysis, use of ASWs is fundamental to most of the commercial sexual exploitation cases in this study. This is in line with assessments that ASWs are the most significant enabler of commercial sexual exploitation in the UK.³³ Only so much can be done by law enforcement to identify and safeguard victims, and a more strategic, preventative approach is clearly required. The recent addition of controlling prostitution for gain to the face of the Online Harms Bill³⁴ is an important step and will mean that firms are required to take a proactive approach to prevention.

The Organization for Security and Cooperation in Europe recently published an analysis of current approaches to technology-facilitated human trafficking. The report concluded that governments' current responses focused on self-regulation have not worked. This has resulted in inadequate adoption of safety measures, poor reporting to authorities, lack of redress for victims and impunity for perpetrators.³⁵ The analysis calls for strong legislative action and, whilst not for this study to advocate a solution, the recommendations form a useful basis for discussion in the UK context.

³¹ The Police Foundation (2022), 'The Final Report of the Strategic Review of Policing in England and Wales': <https://www.police-foundation.org.uk/project/strategic-review-of-policing/>.

³² Elizabeth Such, Kate Hayes, Jonathan Woodward, Ines Campos-Matos and April McCoig (2021), 'Refining a public health approach to modern slavery': <https://www.antislaverycommissioner.co.uk/media/1606/final-report-24-may-21.pdf>.

³³ Joint Slavery and Trafficking Analysis Centre, cited in APPG on Prostitution and the Global Sex Trade (2018), 'Behind Closed Doors: Organised Sexual Exploitation in England and Wales'.

³⁴ Department for Digital, Culture, Media and Sport and Home Office (2022), 'Online safety law to be strengthened to stamp out illegal content': <https://www.gov.uk/government/news/online-safety-law-to-be-strengthened-to-stamp-out-illegal-content>.

³⁵ Organization for Security and Cooperation in Europe (2022), 'Policy responses to technology-facilitated trafficking in human beings: Analysis of current approaches and considerations for moving forward': <https://www.osce.org/files/f/documents/8/5/512170.pdf>.

Further research

There is a clear need for more empirical data on perpetrators of modern slavery. Police data on perpetrators is in many ways limited and so we must look across the criminal justice system more broadly. Examination of pre-sentencing reports, for example, would provide valuable insight into backgrounds and criminal histories. But even this is a secondary source of information and further empirical studies involving interviews with perpetrators are required to build the evidence base.

Further research is also needed to inform the response to the complex relationship between victimisation and offending. Firstly, there is a need to better understand the associated gender dynamics, power dynamics and cultural contexts. Secondly, given the broad range of modern slavery offending, the relationship between victimisation and offending needs to be examined in the context of different exploitation types and typologies. Finally, it is vital to understand intervention points and what responses work in prevention.

Whilst there is much debate about organised crime and modern slavery, there is little empirical research in the public domain. This is particularly apparent in relation to the UK. Research on the nuances and varying degrees of sophistication is important in informing policy development and the operational response, but it would also contribute to the ongoing public debate on this matter.

Are we protecting or punishing children who are victims of criminal exploitation? The Modern Slavery Act 2015 statutory defence

By Katherine Lawson, Research and Innovation Lead, Independent Anti-Slavery Commissioner's Office

Aims

The Modern Slavery Act 2015 (MSA 2015) introduced duties for police to investigate crimes of modern slavery, to identify potential victims of exploitation, and to prevent the criminalisation of individuals who have been forced to commit offences because of their situation of slavery or trafficking.

The statutory defence enshrines in law the important principle of non-punishment for slavery or trafficking victims who commit certain offences³⁶ because of their exploitation. The statutory defence reflects international human rights-based instruments,³⁷ although these vary in their definition of 'non-punishment' and implementation of the instruments by states is on a discretionary basis. This has resulted in an idiosyncratic statutory defence which is regularly tested by case law. Practitioners are attempting to implement the defence in a constantly moving area of jurisprudence.

Victims of modern slavery do not have immunity from prosecution,³⁸ and a nexus between offending and trafficking must be evidenced. The statutory defence is silent on the burden of proof to establish the defence, which has been interpreted as resting on the prosecution to prove an individual is not a victim of modern slavery once the defence has been raised.³⁹ The significant weight given to a positive trafficking determination following an NRM referral as evidence of exploitation⁴⁰ has produced an unintended consequence, whereby the presence of an initial NRM referral has undermined police and prosecutors' confidence to successfully prosecute potential victims of trafficking who are committing serious offences, even when it would be apposite for public safety to do so.

The operation of the statutory defence has faced accusations that it is not protecting potential victims of slavery and trafficking who are forced to commit offences, and that it is also being used disingenuously.⁴¹ There is no empirical data on the use of the defence to counter these concerns, although practitioner evidence collated by the IASC found that the defence is predominantly used in drugs trafficking cases involving British children.⁴² That study found that in some cases, police were not considering whether children may be a victim of modern slavery, usually child

³⁶ Schedule 4 of the MSA 2015 lists a range of excluded offences.

³⁷ Article 26 of the Council of Europe Convention on Action against Trafficking in Human Beings (ECAT), Article 8 of the EU Directive 2011/36/EU on Preventing and Combating Trafficking in Human Beings (the Directive) and Article 4 of the European Convention on Human Rights and Fundamental Freedoms (ECHR).

³⁸ CPS guidance includes a public interest consideration. See CPS (2021), 'Modern Slavery, Human Trafficking and Smuggling: Legal Guidance, International and Organised Crime': <https://www.cps.gov.uk/legal-guidance/modern-slavery-human-trafficking-and-smuggling>.

³⁹ R v MK [2018] EWCA Crim 667.

⁴⁰ R v Breani [2021] EWCA Crim 731. This found that NRM decisions do not meet the threshold for court evidence.

⁴¹ The Centre for Social Justice and Justice and Care (2020), 'It still happens here: Fighting UK slavery in the 2020s': <https://www.centreforsocialjustice.org.uk/library/it-still-happens-here-fighting-uk-slavery-in-the-2020s>.

⁴² Jennifer Bristow and Helen Lomas (2020), 'The Modern Slavery Act 2015 statutory defence: A call for evidence': <https://www.antislaverycommissioner.co.uk/media/1478/the-modern-slavery-act-2015-statutory-defence-call-for-evidence.pdf>.

criminal exploitation (CCE), risking their criminalisation. When children did have an NRM referral, concurrent safeguarding activity was not being taken. That study also found that in other cases, children with an NRM referral were having their cases dropped even when committing serious offences. The IASC concluded: 'Non-prosecution alone will not protect a child or vulnerable adult; it must be supported by effective safeguarding. The operation of the statutory defence is neither adequately protecting victims of trafficking nor adequately protecting the public'.

This research seeks to build the evidence base on whether we are protecting or punishing children who are victims of criminal exploitation. The study considers whether children who have been arrested for suspected drugs offences present indicators of CCE, and whether these indicators are recognised by police. It also considers whether an NRM referral and the availability of the statutory defence is protecting children from harm. It finally examines opportunities to prevent exploitation at the earliest stages, using multi-agency, contextual and child-centred approaches.

Methodology

This study used a mixed methods approach. First, anonymised crime records for children aged 12-17 in one unnamed police force arrested for supply and possession with intent to supply (PWITS) drugs offences were assessed. A subset of 22 case studies was then purposively selected, spanning the range of demographic backgrounds and offending histories. The available police records for the 22 cases were examined. This assessment considered whether the child had an NRM referral at any stage, whether the statutory defence was referenced, and whether the child presented indicators of CCE. Semi-structured interviews with criminal justice and safeguarding experts were conducted to mitigate researcher biases during the case file analysis.

A limitation of this study is that individuals with lived experience of modern slavery were not interviewed. Involving survivors in modern slavery research provides powerful insights to improve policy and practice,⁴³ and must be conducted with appropriate resource and in line with a trauma informed approach.⁴⁴ Consultation with children requires additional safeguards and should seek to promote their wishes, thoughts and feelings in line with the UN Convention on the Rights of the Child, Article 2. Practitioners from civil society were interviewed to provide insights in lieu of the voice of the child.

Findings

All of the 22 cases examined were described by police as linked to county lines. Half of the children had an NRM referral, although it was not always possible to tell whether this was linked to the case being examined nor whether the child had received a Conclusive Grounds decision yet. Overall, 16 children presented indicators of CCE, therefore there were five children who should have been recognised as potential victims of modern slavery and who were not. Two of these five children faced criminal charges which could have been avoided.

A number of cases were discontinued by police or prosecutors as not being in the public interest, and all of these were for children with an NRM referral. Some of the cases which were dropped involved serious offending which warranted intervention beyond an NRM referral.

⁴³ Kimberley Hutchinson, KJ, Nancy Esiovwa and Anna Sereni (2021), 'Agents for Change: Survivor peer researchers bridge the evidence and inclusion gap': <https://www.antislavery.org/wp-content/uploads/2021/06/Agents-For-Change-PDF.pdf>.

⁴⁴ Rachel Witkin and Katy Robjant (2018), 'The Trauma-Informed Code of Conduct': <https://www.helenbamber.org/sites/default/files/2022-01/HBF%20Trauma%20Informed%20Code%20of%20Conduct%202nd%20Edition.pdf>.

The statutory defence was mentioned in four cases. In three of these, which all involved serious or repeat offending, an NRM referral was noted by police as having the possibility of assisting the defence and the cases were dropped. In the fourth case, the child was a victim of a violent kidnapping and robbery to invoke a county lines drugs debt. The child was described as 'not a street dealer', but despite the criminal exploitation described was not considered for an NRM referral as the police officer noted this would support the statutory defence. The child faced criminal charges.

There were common themes to the offences. Significant amounts of drugs, cash or burner phones were found in most cases. Some children had a knife or weapon, and some had train tickets or were arrested in a car with an older individual. Many were recorded as in debt bondage related to county lines. *Modi operandi* of county lines activity were present in a number of cases, with four children arrested at properties noted to have been 'cuckooed'.⁴⁵ In two cases, children had items indicating plugging of drugs, a form of sexual abuse where drugs are inserted into the body. There were three boys and two girls who experienced sexual abuse related to criminal exploitation, but this was not recorded as potential sexual exploitation.

There were also common themes for the children. Exposure to criminality, violence and harm was prevalent. More than half of the children had multiple previous arrests, usually for similar drugs offences. Half of the children were frequent missing persons. A number of children were known to children's services and some had family members recorded as involved in offending. Many children had neurodiverse conditions such as autism, or learning disabilities. A number had safeguarding flags for domestic abuse, sexual assault, self-harm and suicide attempts. Four children had been the victim of a stabbing or attempted stabbing.

There was a lack of communication between agencies making NRM referrals and between the Single Competent Authority (SCA) in the Home Office, the police and the child involved. In a number of cases, a referral had been made by a local authority agency or another police force, and this was not acknowledged or noted in the case examined. The trafficking minutes attached to one case stated that the child had not been notified of the positive determination of trafficking. In another, the case file recorded an email from the SCA which stated that as the child had turned 18, the SCA were 'suspending' the pending NRM decision as consent was needed from the now adult.

In one case, a child arrested for PWITS had not been identified by police as at risk of becoming involved in serious drugs offending and the case was dropped. The same child had an NRM referral from the local authority describing long-standing criminal and sexual exploitation through county lines. Six months after the PWITS offence, the child committed the homicide of another child in the case study. The second child also presented multiple indicators of exploitation but did not have an NRM referral. This case was reminiscent of the experience of 'Child C', the subject of a Serious Case Review which highlighted the many missed opportunities to intervene and safeguard.⁴⁶ 'Child C' was not recognised as a potential victim of criminal exploitation, and was killed by a teenager who had a positive determination of trafficking.

Overall, NRM referrals were not being made in a consistent manner and there was a lack of communication between agencies identifying safeguarding concerns. Children were not always recognised as potential victims of criminal exploitation when presenting indicators of exploitation

⁴⁵ 'Cuckooing' is when an individual's home is taken over and used for criminal purposes, usually storing and selling drugs.

⁴⁶ Waltham Forest Safeguarding Children Board (2020), 'Serious Case Review: Child C a 14 year old boy'.

despite all the cases being described as related to county lines. When children did have an NRM referral, this was not always safeguarding them and preventing their criminalisation, nor was it preventing escalation of offending. The presence of an NRM referral meant that some cases were being discontinued, even when serious offences were being committed, due to a concern that the statutory defence would be raised.

Policy and research implications

- 1. Some children committing criminal offences are victims of CCE, and this requires evidence and data to be understood*

Since criminal exploitation has been recorded as a discrete category of exploitation in the NRM, there has been a rapid increase in children referred for CCE.⁴⁷ This may be because practitioners are increasingly recognising this form of exploitation, but there is a need to build the evidence base on the nature of child trafficking.

More data is needed to ensure practitioners are considering whether children arrested for suspected drugs offences present indicators of exploitation. Anonymised, demographic data on children referred to the NRM as potential victims of modern slavery must be collected and published, specifically on age at time of exploitation and ethnicity. This is needed for policymakers and practitioners to tailor age-appropriate and culturally sensitive responses. Insights from children affected by criminal exploitation must be embedded in practitioner and policymaker responses.

To support improved identification of exploitation, the government should reconsider the merits of a statutory definition of CCE, working with practitioners and survivors to develop a credible definition that reflects the realities of lived experience. This will support practitioners to look beyond assumptions inherent to a tactical county lines focus, which precludes professional curiosity about other forms of exploitation related to criminal exploitation. The list of indicators of CCE should be updated to reflect practitioner and survivor views, with consideration of related personal and social factors influencing vulnerability.

- 2. The "modern slavery" framework is not protecting children who are being exploited, and is also preventing prosecutions where a child has passed the point of exploitation*

There is an inconsistent approach to making NRM referrals for children. When these are made, they seem to have no tangible safeguarding impact on children. Statutory guidance on modern slavery states that NRM referrals for children must be joined up with a referral to Children's Social Care. This was not happening in practice in the study. Two recommendations previously made by the IASC are relevant. First, every child referred to the NRM should be referred to Children's Social Care and a Strategy Discussion under Section 47 of the Children Act 1989 should be initiated.⁴⁸ Second, NRM decision-making for children should be made by local partners and not centrally by the Home Office to join up safeguarding practice across statutory agencies.⁴⁹ This has been piloted by the Home Office and if found effective, should be rolled out without delay.

⁴⁷ Home Office (2022), 'Modern Slavery: National Referral Mechanism and Duty to Notify statistics UK, end of year summary, 2021'.

⁴⁸ Jennifer Bristow and Helen Lomas (2020), 'The Modern Slavery Act 2015 statutory defence: A call for evidence'.

⁴⁹ April McCoig and Laura Durán (2020), 'A review of what works in multi-agency decision making and the implications for child victims of trafficking': <http://www.antislaverycommissioner.co.uk/media/1451/iasc-and-ecpat-rapid-evidence-assessment-august-2020.pdf>.

Meanwhile, prosecutions for children committing serious and repeat offences are being discontinued due to a concern that the child will raise the statutory defence. The CPS has recently updated its guidance on defendants who may be victims of slavery or trafficking, but more awareness of this guidance is needed, and training on the statutory defence must be prioritised by police, prosecutors, magistrates and the judiciary, as called for by the IASC.⁵⁰ The efforts of the National Police Chief's Council (NPCC) Modern Slavery and Organised Immigration Crime Unit (MSOICU) on modern slavery police training must be resourced and embedded in College of Policing materials.

3. *A whole systems approach working across agencies, which embeds a public health approach, looks promising to support police in their duties and prevent exploitation from taking place*

CCE has been brought under the umbrella of 'modern slavery', but the issue is not new and is intertwined with personal, social and community risk and vulnerability factors. A strategic and joined-up policing response is required across modern slavery, child exploitation and related vulnerability portfolios. NPCC leads in these areas must work in partnership with the lead on modern slavery.

The police are not the only agencies with a remit to prevent exploitation. There is a need for policymakers to reorient away from a 'pursue', county lines tactical approach towards 'prevention', to identify children at risk of exploitation earlier and divert them from the criminal justice system. Multi-agency and public health approaches such as led by Violence Reduction Units (VRUs) look promising, collaborating and sharing data to identify opportunities to intervene and prevent harm. An interim evaluation of VRUs found that they have laid the foundation for an evidence based approach to preventing serious violence, but they need sustainable funding to continue.⁵¹ The government must consider the longer-term funding structure of VRUs which are subject to annual funding cycles.

Practitioners and policymakers must be proactive and humble in working with civil society organisations, to understand cultural sensitivities, the needs and views of children, and to co-develop solutions to child exploitation from a place of learning and respect. Discussions led from the ground upwards can begin to address harmful practices such as the adultification of Black children. Good practice should be replicated, such as the Therapeutic Intervention for Peace initiative (TIP), led by civil society organisation Power the Fight which has piloted culturally humble responses to serious youth violence in London.⁵² VRUs present an ideal platform to support such initiatives, working across communities and criminal justice agencies to respond in culturally appropriate ways to serious youth violence and exploitation.

⁵⁰ Jennifer Bristow and Helen Lomas (2020), 'The Modern Slavery Act 2015 statutory defence: A call for evidence'.

⁵¹ Meera Craston, Reuben Balfour, Max Henley, Jessica Baxendale and Sarah Fullick (2020), 'Process evaluation of the Violence Reduction Units: Research Report 116': https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/910822/process-evaluation-of-the-violence-reduction-units-horr116.pdf.

⁵² Elaine Williams, Ebinehita Iyere, Ben Lindsay, Claude Murray and Zeyana Ramadhan (2020), 'Therapeutic Intervention for Peace (TIP) Report: Culturally Competent Responses to Serious Youth Violence in London': <https://www.powerthefight.org.uk/wp-content/uploads/2021/11/tip-report.pdf>.

Transparency in Supply Chains (TISC): Assessing and Improving the Quality of Modern Slavery Statements

By Dr Bruce Pinnington, Lecturer in Operations Management, University of Liverpool; and Professor Joanne Meehan, Professor of Responsible Procurement, University of Liverpool

Transparency lies at the heart of the Modern Slavery Act 2015 Section 54 requirements for large company annual reporting of activities undertaken toward modern slavery prevention and elimination.

The underlying policy principle, is that greater transparency in firms' supply chains and their associated modern slavery risks, will enable more informed decisions to be taken by investors and consumers alike. In turn, such ethically-oriented decisions will increase pressure on firms to improve modern slavery outcomes across their supply chains.

There is however, an increasing body of evidence to suggest that firms are engaging only superficially with the aims of the legislation and are publishing statements with symbolic conformance rather than substantial content.

In the research outlined in this policy brief,⁵³ the Ethical Trading Initiative framework is used to examine statements in detail across each of the required reporting topics to establish where the greatest strengths and weaknesses lie.

The findings of this research, suggest that the overwhelming majority of firms demonstrate only symbolic levels of compliance and that evidence of detailed supply chain analysis practices in particular, is weak. Firms currently have insufficient motivation to invest in substantial supply chain analysis projects.

This symbolic level of reporting has become an established norm for modern slavery statement writing and policymakers will need to disrupt these practices if effective best practice is to be widely established.

Previous research, in sustainability contexts, has considered ways in which firms may be encouraged to *disclose* more details about their supply chain risks. However, the specific deficiencies identified in our analysis of firms' modern slavery statements, suggests that most are not investing sufficiently in *discovery* processes, so that they do not even have adequate data to disclose.

The report suggests that through reward mechanisms (such as public sector procurement processes), firms may be encouraged to recognise and disclose the limitations of their knowledge. Transparency about firms' knowledge gaps is the first step in gaining commitment to filling those knowledge gaps and ultimately in enabling substantial disclosure.

Firms' motivation to invest in supply chain transparency is not just driven by the strength of legislation alone, but also by the collective perceptions of large firms generally in the legitimacy of the legislative regime. In practice, this means the extent to which practitioners regard the legislation and associated guidance as being mandatory or optional. This in turn is influenced by perceptions of competitors' likely reactions.

⁵³ Bruce Pinnington, Amy Benstead and Joanne Meehan (2022), 'Transparency in Supply Chains (TISC): Assessing and improving the quality of modern slavery statements', *Journal of Business Ethics*: <https://link.springer.com/content/pdf/10.1007/s10551-022-05037-w.pdf>.

Currently, very few firms are researching modern slavery risks in their supply chains in enough depth to find examples of modern slavery which can be addressed. Public procurement evaluation processes can contribute to a much needed change in reporting culture by allocating higher evaluation scores to firms that dedicate resources to finding and remediating instances of modern slavery in their supply chains, as well as rewarding firms that recognise the limitations of their existing processes but publish timed commitments to improving those processes.

How can we measure prevalence and why does it matter?

By Sir Bernard W. Silverman, Professor of Modern Slavery Statistics, University of Nottingham Rights Lab

Why is it difficult to measure prevalence?

Measuring the prevalence of modern slavery and human trafficking (MSHT) is particularly problematic. Most crimes are best quantified through victimisation surveys, such as the Crime Survey for England and Wales (CSEW). According to the Office of National Statistics (ONS),⁵⁴ the CSEW estimates 'provide the best indicator of long-term trends in crime. ... For the crime types and populations it covers, the face-to-face CSEW is a better indicator ... than police recorded crime.' The ONS gives the National Statistics kitemark to its statistics based on the CSEW. However, the CSEW does not cover all crime types. Obviously, homicides can only be quantified using police-recorded crime figures, but the ONS also prefers them for 'higher-harm but less common types of violence, such as those involving a knife or sharp instrument'.

These approaches to data collection reflect the notion that in the case of less serious crimes, asking a random sample of possible victims is the best way forward, while for crimes such as homicide or knife-related violence, it is reasonable to suppose that most offences come to police attention. Unfortunately neither of these is the case for MSHT, which is very much a hidden crime. Victims may be reluctant or unable to come forward for a number of reasons. They may feel fear or shame about their experiences or about the consequences of reporting them; they may be controlled or still in servitude; they may even not be fully aware that they are or have been victims of exploitation. Nevertheless, the NRM statistics⁵⁵ show a five-fold increase since 2014 in the numbers of potential victims referred to the authorities through various routes; this is highly unlikely to reflect any increase in the actual level of MSHT, but demonstrates a welcome increase both in public awareness of MSHT and in the attention paid by public and non-governmental authorities to the issue, though there is no doubt still a long way to go.⁵⁶

While the hidden nature of MSHT is perhaps the main obstacle to gaining a better handle on its prevalence, another factor is that it is an umbrella covering a number of disparate activities. The Home Office Typology⁵⁷ sets out 17 types of offence, broadly grouped into four categories: labour exploitation, domestic servitude, sexual exploitation, and criminal exploitation. There is considerable heterogeneity within these categories; for example criminal exploitation ranges from county lines (using children to transport drugs and money between dealers and customers) to forced begging to trafficking for forced sham marriage. The NRM statistics already demonstrate that the demographic characteristics of reported victims vary across these exploitation types, and so it is also likely that the 'discoverability' of victims also varies, as do the underlying drivers and vulnerabilities.

⁵⁴ Office for National Statistics (2021), 'Crime in England and Wales: year ending September 2021': <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/bulletins/crimeinenglandandwales/yearendingseptember2021#main-points>.

⁵⁵ Home Office (2022), 'Modern Slavery: National Referral Mechanism and Duty to Notify statistics UK, end of year summary, 2021'.

⁵⁶ For example, the requirement for companies to publish Modern Slavery Statements has had a considerable positive impact, but compliance is still patchy. See: Emma Crates and Bernard Silverman (2022), 'Linking to the Modern Slavery Statement Registry: An exploratory study of corporate behaviour': <https://www.antislaverycommissioner.co.uk/media/1738/linking-to-the-modern-slavery-statement-registry-an-exploratory-study-of-corporate-behaviour-january-2022.pdf>.

⁵⁷ Christine Cooper, Olivia Hesketh, Nicola Ellis and Adam Fair (2017), 'A Typology of Modern Slavery Offences in the UK: Research Report 93.'

Multiple systems estimation

The UK estimate that has attracted the widest attention⁵⁸ is the figure of 10,000 to 13,000 produced as part of the strategy for the Modern Slavery Act 2015. This was produced from NRM data using multiple systems estimation, an approach which groups the data into a number of lists, and then works from the counts on each list and on each possible overlap between lists. The method then makes various mathematical assumptions to fit a model to the observed data and then to estimate the 'dark figure', the number of cases which do not appear on any list, in other words which have not actually come to attention. By adding the dark figure to the number actually observed, an estimate of the total population is obtained. Producing the actual input data required a considerable effort because every case in the NRM had to be examined individually to discern on which lists it actually fell. The estimate produced was inevitably somewhat conservative, as has been amply demonstrated by subsequent NRM figures, but nevertheless had a profound impact at the time. It gained wide public attention and front-page news coverage, and arguably galvanised both political action and public opinion.

Perhaps the clearest summary of the benefits given by this method is that of Vincent et al. (2020):⁵⁹

One of the greatest challenges within human rights is the estimate or measurement of human rights violations, which are often hidden from view. In the case of modern slavery, estimating the number of victims, even roughly, has only recently been possible. For countries with a higher prevalence of slavery, random sample surveys have proven useful, but until the application of multiple systems estimation there was no equivalently reliable way to measure slavery victims in the richer countries that have lower prevalence...[and] simply no reliable way to measure slavery in many locations. Appropriate estimation can support appropriate policy and law enforcement responses, and that means saved lives and crimes halted. This statistical argument is simply **a brick in the foundation of an informed and effective response to modern slavery.** (author's emphasis).

Other approaches

A rather different approach was taken by the Global Slavery Index⁶⁰ to provide individual country-level estimates. Surveys in 48 countries were correlated with vulnerability measures and then extrapolated to other countries. The surveys were focused on countries with high expected prevalence and/or large populations; none were in North America, Western Europe, or richer parts of Asia. Respondents were asked whether they or their immediate family had been subjected to forced labour or forced marriage.

⁵⁸ See Bernard W. Silverman (2014), 'Modern Slavery: an application of Multiple Systems Estimation' and Kevin Bales, Olivia Hesketh and Bernard W. Silverman (2015), 'Modern slavery in the UK: How many victims?', *Significance*, 12: 16-21: <https://rss.onlinelibrary.wiley.com/doi/10.1111/j.1740-9713.2015.00824.x>.

⁵⁹ Kyle Vincent, Kevin Bales, Davina P. Durgana, Maarten Cruyff, Peter G.M. van der Heijden and Jan van Dijk (2020), 'Misunderstandings of Multiple Systems Estimation: A Response to "On the Unreliability of Multiple Systems Estimation for Estimating the Number of Potential Victims of Modern Slavery in the UK" by Whitehead, Jackson, Balch, and Francis (2019)', *Journal of Human Trafficking*: <https://www.tandfonline.com/doi/full/10.1080/23322705.2020.1833571>.

⁶⁰ See Pablo Diego-Rosell and Jacqueline Joudo Larsen (2018), 'Modelling the Risk of Modern Slavery': https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3215368.

The vulnerability measures were broadly as follows: governance, including areas such as political instability and regulatory quality; nourishment and access, including areas such as undernourishment and social safety net; inequality, including measures such as being able to come up with money; disenfranchised groups, including treatment of immigrants and other minorities; and effects of conflict, including impact of terrorism and displaced persons. The prediction intervals given by the method are extremely wide (e.g. from less than nothing to 4 million for the USA). For the UK, the method produces a prevalence estimate of 0.38% with a standard error of 0.31%, with similar figures for other Western European countries. The actual Global Slavery Index report tempered the UK figure by averaging it with the multiple systems estimate to give a figure which was still in excess of 100,000.

Overall, the approach is arguably better at identifying risks and vulnerabilities than it is for estimating prevalence at a granular level.⁶¹ For example it provides evidential support, if any were needed, that the current war in Ukraine presents a substantial risk of victimisation.

A completely different approach has been explored by West Midlands Police,⁶² using machine learning/natural language processing to analyse lengthy police documents, both crime reports and intelligence logs. Their approach suggests that as many of 90% of cases known to the police are not actually flagged as modern slavery, and hence that there are around 100,000 cases identifiable from police data alone; since this will only represent a proportion of all cases, it indicates a total prevalence in the hundreds of thousands. The algorithms are quite simple and involve looking for words like 'slavery' or 'trafficking' in the records and so, without further research, it remains unclear how so many cases are missed where these words are actually used in the police report or log.

Conclusion and suggestions for future research

On the scale of 'hard to count' populations, the number of victims of modern slavery is even harder to count than many others, such as deaths in conflicts and intravenous drug users. Nevertheless, modern slavery is by no means the first important policy issue where rather unreliable statistics have made a crucial contribution.⁶³ The statistician George Box famously said 'all models are wrong, but some are useful'⁶⁴ and this is an obvious example. Nevertheless, to avoid compromising statistical integrity, it seems appropriate to describe clearly the methodology and the assumptions made, and if at all possible to publish the original data and the software used, so that it is possible to independently verify the estimates. Furthermore, confidence intervals, or some other measure of statistical accuracy, should be provided.

Turning to future research, the state of detailed knowledge of MSHT perhaps parallels that of climate change some decades ago. It is only seven years since the Modern Slavery Act 2015, before which the issue scarcely figured in the public consciousness. We already know that MSHT is a serious issue but there is much more that we need to learn.

⁶¹ See Bernard W. Silverman (2018), 'Demonstrating Risks Is Not the Same as Estimating Prevalence', Contribution to a Symposium on the Global Slavery Index, Delta 8.7 (United Nations University, Centre for Policy Research): <https://delta87.org/2018/12/demonstrating-risk-not-same-estimating-prevalence/>.

⁶² See the appendix to The Centre for Social Justice and Justice and Care (2020), 'It still happens here: Fighting UK slavery in the 2020s'.

⁶³ See the discussion of Florence Nightingale's use of statistics, International Centre for Mathematical Sciences (2022), 'Florence Nightingale Lecture by Professor Sir Bernard Silverman FRS': <https://www.icms.org.uk/events/2022/florence-nightingale-lecture>.

⁶⁴ For a discussion of this aphorism, see Wikipedia (linked 1 April 2022), 'All models are wrong': https://en.wikipedia.org/w/index.php?title=All_models_are_wrong&oldid=1075515884.

How can real data sets be put into the public domain in detail, to allow researchers to develop methodology? For example there are, to the author's knowledge, no public data sets including covariates. This is entirely understandable because of privacy concerns and the precautionary approach of many agencies. The safety of individual victims is paramount; many agencies are extremely reluctant to share data, and some are not allowed to. Simulation studies and theoretical analysis will mostly only tell you about data that actually follow the model, rather than helping to understand in what ways real data do not. Getting any sort of 'ground truth', the true number of victims in a population, is in practice impossible. More thought needs to be given to ways of constructing standard real, or nearly real, data sets in the public domain, for example by obfuscating variables which would allow individuals to be identified. A central bank of test data sets would be very useful.

Innovative approaches using crowd sourcing and citizen science to gain more situational awareness could be very fruitful. For example apps like the Safe Car Wash app⁶⁵ could be extended in several ways. Incorporating other public domain data sources, for example various kinds of location data, it would be useful to map all outlets in a particular industry, not just those causing concern, to give an idea of the total size. Models could be built to allow for account to be taken of outlets where concerns did not reach the threshold for individual action, but nevertheless could be regarded as having some probability of an MSHT victim. Adding these probabilities up would contribute to an overall prevalence estimate. Extending to other at-risk industries is another obvious opportunity. Some thought could even be given as to whether these could even go beyond forms of slavery other than labour exploitation.

Further work would be desirable on the drivers of individual types of MSHT, providing specific insights into vulnerability. Qualitative research⁶⁶ has already demonstrated the effects of the pandemic on county lines, and it would be of interest to extend work of this kind both to cover other forms of MSHT and, where possible, to make use of quantitative approaches as well. If there is a clear idea of drivers then it may be possible to assess progress in fighting MSHT not just by the output figures of the numbers of victims, but also input measures of reductions in risk factors.

Overall, prevalence estimation in general should be seen as an integral part of our anti-slavery work. There are often ingenious ways of piggy-backing on to other activities to build a better quantitative picture. Gaining that understanding will help concentrate and improve our response and will also provide further evidence to raise the profile of anti-slavery activity. Prevalence estimation has a crucial strategic role in our fight against modern slavery.

⁶⁵ See The Clewer Initiative Safe Car Wash App: <https://theclewerinitiative.org/campaigns/safe-car-wash>.

⁶⁶ Ben Brewster, Grace Robinson, Bernard W. Silverman and David Walsh (2021), 'Covid-19 and child criminal exploitation in the UK: implications of the pandemic for county lines', *Trends in Organized Crime*: <https://link.springer.com/article/10.1007/s12117-021-09442-x>.

APPENDIX: IASC RESEARCH PRIORITIES

Improving victim care and support
Understanding victim and survivor experiences and longer-term outcomes. How can survivor experiences best be captured? How can outcomes be measured (quantitatively and qualitatively) and what does a positive outcome look like?
Understanding what makes people vulnerable to trafficking and re-trafficking to inform prevention efforts and build resilience at a structural level and among vulnerable communities.
Identifying support needs of child victims of trafficking including during transition into adulthood. Understanding the scale and nature of child trafficking in the UK and effective models of intervention such as contextual safeguarding.
Focusing on primary prevention as per a public health approach to determine vulnerability factors at a population level. Exploring a public health approach to modern slavery.
Developing an evidence base for the benefits of access to work and the harms of not working for victim and survivor outcomes, agency and sustainable independence.
Researching the scale and nature of domestic servitude in the UK, and how challenges linked to identification and a lack of awareness impacts the response to this exploitation type.
Researching the impact of digital poverty for victims and survivors in the NRM and evaluating efforts to provide practical support such as digital access and literacy within the NRM.
Supporting law enforcement and prosecutions
Understanding barriers to prosecution. Why has an increase in operational activity by the police not translated into successful prosecutions using the Modern Slavery Act 2015? How can victim engagement in the criminal justice process be improved and what can be learned from rape and sexual assault and domestic abuse offences?
Researching the key challenges undermining effective financial investigation of modern slavery crimes and ability to seize assets. How do we ensure modern slavery is seen as a priority for financial investigators? How can we move towards greater levels of victim reparations?
Developing understanding of the transitions from a victim of exploitation to offender (and vice versa). Where are the indicators and intervention points? What forms of exploitation is this most prevalent in and why? Can contextual safeguarding and interventions prevent this?

Focusing on prevention
Exploring consumer attitudes and their impact on businesses. Does increased public awareness of modern slavery lead to behavioural change of consumers and does the purchasing power of consumers influence businesses to change procurement and manufacturing practices?
Understanding links between low or non-compliance with labour regulations, and labour exploitation. Are low levels of compliance or non-compliance evidence of non-compliance in other areas? How can we establish a baseline of evidence for this?
What does success look like in the detection of trafficking in supply chains? What best practice exists in terms of business efforts to examine and understand their supply chains and to mitigate trafficking and exploitation risks?
How effective is leadership in reorienting the business practices and expectations of suppliers and investors towards a focus on sustainability which values people and planet, as well as profit?
Getting value from research and innovation
Understanding the impact of research on modern slavery on policy and practice, including research and practice by academics and practitioners. Identifying good practice in the translation of research which improves policy and outcomes, as well as preventing exploitation.
Adopting a what works approach to monitoring, evaluating and informing modern slavery policy and practice, with a focus on synthesising and translating evidence into effective policy.
Building the evidence base on modern slavery, including understanding differing approaches to assess prevalence of modern slavery in the UK to support policy and practice which is underpinned by accurate data.
Exploring the use of data analytics to provide insight on trafficking-related issues such as identifying illicit financial flows and other suspicious activity resulting from human trafficking.
Scoping out opportunities to conduct systematic reviews, gap maps and evaluations of survivor interventions, criminal justice responses and prevention efforts. Synthesising cost-benefit analyses related to modern slavery support and interventions.
International
Assessing and evaluating the impact of immigration policy on modern slavery and vulnerability, including the points-based system and Domestic Worker Visas.
Evaluating returns and reintegration programmes, developing and sharing best practice, and understanding what works through longitudinal analyses.
Exploring the links between human trafficking and related socio-economic and humanitarian issues such as climate change and migration.

