Modern slavery: addressing the gap between policy and practice

Rights Lab briefing on the findings of an academic article by Dr Alison Gardner, December 2018[i]

To ensure the impactful implementation of national anti-slavery policy and legislation, governments should build local level political support, resource institutional engagement from frontline services, and work alongside local 'policy entrepreneurs'.

Key research findings

Despite the introduction of the UK's Modern Slavery Act in 2015 and numerous national-level policy changes, there has been no identifiable reduction in the prevalence of modern slavery in the UK[ii], coupled with failures in the policing response[iii] and well-rehearsed criticisms in the quality of support provided to victims[iv].

Kingdon's 'multiple-streams approach' (1984)[v] can be used to help explain this implementation gap by considering three 'streams' – problems, politics and policy – at both the national and local level in relation to modern slavery. For change to occur, salient policy problems must be coupled together with political support and policy solutions, during a limited space of time described as a 'policy window' often led by skilled 'policy entrepreneurs'.

At the national level, significant political attention resulted in the passing of the Modern Slavery Act, led by Theresa May, however little attention was paid to local partners' capacity to implement these policies and develop a comprehensive anti-slavery response. This has led to a localised and inconsistent patchwork of responses to the problem, and in some cases, inaction.

Why is this important?

Modern slavery is a global problem that requires both a national and local level response. Ensuring that the policy 'problem' of modern slavery is linked with political support and workable solutions at local, as well as national, level **can help to mitigate against potential implementation gaps.**

Analysis of the UK context shows that having individuals or NGOs act as policy entrepreneurs is valuable in coordinating local action to tackle modern slavery, but to maximise impact this needs to be coupled with local political recognition and institutional engagement.

In order to make the most of the current policy window for anti-slavery activity, national legislators and policy-makers need to better understand the existing load on service delivery partners, clarifying where modern slavery sits amongst their competing priorities, and identifying or realigning resources where necessary. Attention must be paid to the engagement of key local stakeholders, including local politicians, and, if necessary, the problem must be reframed to have greater local resonance.

Recommendations for national policy-makers and legislators

When developing anti-slavery policy and legislation:

- Identify and meaningfully consult with national and local implementing partners, local political actors and policy entrepreneurs

- Assess the potential impact on survivors of modern slavery and provide opportunities for survivors to feed in to policy discussions

- Identify appropriate resources for implementing partners

- Develop a framework together with local partners to monitor the implementation and impact of policy change.

Recommendations for local actors

- Identify and engage with key regional and national policy-makers, including politicians, to highlight local ongoing/planned action to tackle modern slavery, share resource commitments and constraints, and, where possible, make suggestions for future policy change evidenced by local data and frontline experience.

Research overview

This article considers the implementation gap between the UK anti-slavery policy and legislative agenda compared to frontline practice using Kingdon's 'multiple-streams approach' (1984).

Kingdon's approach has been used as a way of understanding how policy change and implementation occurs through three streams: 'problems', politics' and 'policy', which exist independently but can be coupled during 'policy windows' to effect change, often through proactive 'policy entrepreneurs' drawing upon supportive policy communities.

Applying Kingdon's approach to the UK's anti-slavery response

There has been growing global momentum to end modern slavery and unprecedented recent international cooperation to achieve this end. Key 'focusing events' – typically newsworthy scandals, such as the Morecambe Bay tragedy[vi] – have impacted on the attention paid to this issue at a national and local level. Legislative developments have occurred across the world, including in the UK in 2015 with the introduction of the Modern Slavery Act.

At a national level, modern slavery policy in the UK has been supported by a coupling of the policy problem with political advocacy, leading to policy solutions being developed by and for national actors; however this process has not been translated consistently at a local level, resulting in a patchy response and, in policy terms, an 'implementation gap'.

At the national level, modern slavery has been mainly framed as a criminal justice problem, and an immigration and enforcement issue, with an emphasis being placed on action by national actors and institutions. In contrast, local actors have focused more on the safeguarding of victims and the protection of their human rights, and found this criminal justice focus inappropriate for the partnership response required at the frontline.

National level prevalence data is rarely broken down to a local level, leading to a lack of understanding and complacency of the scale of the problem by local actors. There has also been a little attention paid to local politics by national actors, and no attempts by central government to engage political leaders in local government.

Although there is an emphasis on partnership-working in the Home Office's 2014 Modern Slavery Strategy, there was no attention paid to the existing 'load' of local statutory and voluntary sector services who would partly be, in addition or conjunction with statutory services, responsible for its implementation. The Home Office was also reluctant to being directive on partnership working leading to local practitioners 'reinventing the wheel' when developing their partnership response.

Local anti-slavery action

Local communities have received little support or resources to undertake anti-slavery work, despite the critical role that action at a local level can play to the prevention of slavery, the identification and support of victims, and the development of communities that are resilient against slavery.

Given this dearth of attention from the national to the local, one might reasonably expect there to be little or no local anti-slavery policy implementation; however, research undertaken by the author in conjunction with the office of the Independent Anti-Slavery Commissioner, to map the existence of local multi-agency anti-slavery partnerships - which provide a useful proxy for understanding local and regional-level engagement with anti-slavery policies – found that the majority of areas have some form of partnership work and structures in place.[vii]

The extent of the partnership work in place depended on the local problem fit, the presence or absence of local political support and accompanying institutional influence, and the activity of local policy entrepreneurs.

The areas with some of the most highly developed partnership network arrangements showed evidence of a strong problem fit (often linked to an initial focusing event), strong local political support, and active anti-slavery policy entrepreneurs who were able to couple that environment with local policy levers and resources. Where local political support was not present, partnership work often took longer to establish and depended on long-term commitment of policy entrepreneurs. This 'bottom-up' action took longer to secure resources and formal institutional support.

Addressing the implementation gap

Policy entrepreneurship by individuals or NGOs is therefore valuable in coordinating local action, but to maximise impact needs to be coupled with local political recognition and institutional engagement.

To eliminate the implementation gap and maximise the impact of anti-slavery policy, national policy-makers must identify and engage with key local level actors when developing policies, recognise competing demands, and more proactively support local policy networks and communities engaged in anti-slavery activity.

[i] An Idea Whose Time Has Come? Modern Slavery, Multiple Streams Approach and Multilayer Policy Implementation. Published in Journal of Human Rights Practice, Volume 10, Issue 3, November 2018, Pages 461–481.
[ii] See NAO (National Audit Office). 2017. Reducing Modern Slavery.
[iii] See HMICFRS (Her Majesty's Inspectorate of Constabulary and Fire and Rescue Services). 2017. Stolen Freedom: The Policing Response to Modern Slavery and Human Trafficking.
[iv] See, for instance, House of Commons Work and Pensions Committee. 2017. Victims of Modern Slavery Inquiry.
[v] Kingdon J. 1984. Agendas, Alternatives and Public Policies. New York: Harper Collins.
[vi] BBC News. 2014a. Morecambe Bay Cockling Disaster's Lasting Impact. 3 February - https://www.bbc.co.uk/news/uk-england-lancashire-25986388
[vii] Collaborating for freedom: Anti-slavery partnerships in the UK - A research report from the Office of the Independent Anti-Slavery Commissioner and the University of Nottingham's Rights Lab.