Home Affairs Committee Call for Evidence on Modern Slavery

Written Evidence from the Rights Lab, University of Nottingham

Introduction

The Rights Lab at the University of Nottingham (UoN) is the world's largest group of modern slavery academics. Our staff and students are developing research to assist progress towards the Sustainable Development Goal of ending slavery by 2030. Evidence presented here is drawn from our four programmes: Data; Policy; Survivors; and Business.

This submission was compiled by Dr Alison Gardner with contributions from:
Dr Jennifer Birks
Minh Dang
Dr Caroline Emberson
Sarah Kerr
Andrea Nicholson
Professor Bernard Silverman
Dr Alex Trautrims
Professor Zoe Trodd
Dr Errolinda Ward

Section A. The impact of the Modern Slavery Act 2015

1) We are currently using a very narrow frame to understand the impact of the Modern Slavery Act (MSA), based mainly on quantitative data for prosecutions and National Referral Mechanism (NRM) referrals. We need to take a more systemic view, also informed by qualitative data, to understand how to improve existing legislation, policy and practice (this is discussed further in section D).

2) The Act has had some benefits, including raising awareness, improving understanding of the problem, clarifying legal definitions for slavery, forced labour and servitude, and highlighting the importance of business engagement. However, implementation of the Act has shown some weaknesses.

3) Minimal provision has been made for resourcing anti-slavery responses at a local level. There has been a lack of co-ordination in policy implementation, both horizontally, between relevant agencies in each later of governance, and vertically, from national to local level.

4) Research by the Rights Lab and the Independent Anti-Slavery Commissioner (IASC) in 2017[1] showed that although multi-agency anti-slavery partnerships had been initiated across the UK, there was variation in their scope, membership, activity and geographical

---

[1] www.antislaverycommissioner.co.uk/media/1186/collaborating-for-freedom_anti-slavery-partnerships-in-the-uk.pdf

coverage. Investment in training has also been ad-hoc with considerable variation in the content and standard of training.

5) Our action research with police in 2018 revealed that additional resources for frontline policing did not match demand created by increasing intelligence. Police were struggling to prioritise complex modern slavery cases against other forms of violent crime. Although the number of cases referred to the Crown Prosecution Service (CPS) is increasing, the proportion of cases leading to prosecution is reducing. (Further comments in Section F.)

6) Survivor support organisations also report that up to 50% of victims of modern slavery choose not to access the NRM. One issue is that the NRM may be experienced as punitive, and provides few benefits to survivors. (See section E for more details).

7) Spending cuts, extreme pressure on social housing and legislation such as the Immigration Act 2016 have also made it difficult for local authorities to adequately support victims post NRM. (See section E for more details).

8) Business compliance with MSA transparency requirements is low, and even when compliant it is often very weak (see section B for discussion).[2] A central registry and enforcement mechanisms are currently absent but essential for progress.

9) The public sector must be included in the MSA transparency in supply chains provision as in some industries the public sector is the largest buyer. 'Value for money for taxpayers' often translates as 'lowest cost', an approach which encourages exploitation in supply chains.

Recommendations
- Resource implementation of the Act, including local coordination to fully leverage the value of local multi-agency partnerships.
- A system-wide review of survivor support and prosecution processes is required in order to improve outcomes and ensure quality and consistency in the care provided to survivors.
- A central registry should be created for Modern Slavery Act transparency statements, and compliance with regulations actively enforced.
- Include the public sector in the Modern Slavery Act transparency in supply chains provision.

---

[2] See for example our recent report with IASC: www.antislaverycommissioner.co.uk/media/1220/modern-slavery-act-and-agriculture-poor-performance-briefing.pdf

Section B: Section 54 Transparency in Supply Chains (TISC)

1) Surveys report an incomplete response to the duty to provide an annual TISC statement.[3] FTSE 100 and sector-specific studies of agriculture, timber importation and distribution and higher education reveal that some companies have failed to meet the requirements of the legislation or have published tokenistic accounts which, while legally-compliant, fail to address the spirit of the Act. Technical non-compliance such as the failure to indicate board level approval or to include a named signatory is also evident. The lack of sanction for non-compliance makes these short-comings more difficult to address. The current educational approach with industry is slow and needs to have a stronger penalty structure for companies that are not willing to engage.

2) We have found that the companies with the strongest anti-slavery measurements are either marketing-driven companies, able to produce good reports and/or are the companies who had strong compliance structures in place already. Whilst these companies improve their processes further, the weakest companies continue to perform poorly on anti-slavery efforts.

3) Timber trade organisations have voiced their concerns about the existence of the £36 million threshold below which commercial organisations have no duty to publish an annual statement. In this sector (where compliance timber sourcing regulation is the norm) this arbitrary threshold appears to signal that compliance with human rights legislation such as the MSA is optional.

4) The failure to extend the duty to comply with Section 54 to most public authorities seriously weakens its impact. Research undertaken with Nottinghamshire County Council, (which has voluntarily produced statements for the past 2 years) examined the procurement of adult social care. It found that the fragmented industry structure of private-sector care providers, very few of whom met the £36 million threshold, left care-workers in the UK at greater risk of human rights abuses such as modern slavery.

5) The effect of the UK MSA on global supply chains may reduce without the buying power of European trade behind it. The global weight of the UK MSA and its consideration at overseas suppliers comes from the anticipation of European-wide legislation and regulation towards slavery-free supply chains.

---

[3] See for example: Business and Human Rights Resource Centre (2017) https://www.business-humanrights.org/en/first-year-of-ftse-100-reports-under-the-uk-modern-slavery-act-towards-elimination; Martin-Otega, O. and Krupinska, P. (2018) UK Modern Slavery Act Transparency in Supply Chains: The second year of reporting by Universities Research Series Report No.3 BHRE Group University of Greenwich; Sancroft-Tussell (2018) Eliminating Modern Slavery in Public Procurement https://sancroft.com/2018/03/22/the-sancroft-tussell-report-eliminating-modern-slavery-in-public-procurement/

Recommendations

- Clarify the rationale for the £36m threshold to companies, and consider inclusion of smaller companies, some of whom will be in the supply chains of existing eligible companies.

Section C: How to increase understanding and reporting of modern slavery offences

1) Our developing research into public reactions to local media reporting of modern slavery campaigns has highlighted challenges in raising awareness and encouraging resultant action. The public does not always know what slavery looks like, often equating slavery with the 19th century slave trade, and not understanding that forms of possession and violent control still continue today.

2) Content analysis of press and media reports shows a need to challenge stereotypes of victims and offenders. For instance, research highlights a tendency in press and media campaigns to focus on sex or child trafficking, when labour exploitation (including forced criminality) is more prevalent in the UK. Trafficking is also commonly associated with people smuggling and illegal immigration, and people are often surprised that EU (including British) citizens are significantly affected.

3) Police sources are more likely to assume or imply a lack of public sympathy, or to frame detection of slavery as 'helping' victims to return to their country of origin. Media reporting also often conflates slavery and immigration offences. This does little to reassure the public that slavery is not an immigration issue.

4) Focus groups indicate that the public are also sometimes unwilling to report suspicions, citing concern about what happens to the 'victims' after they are 'rescued' or after the perpetrators are prosecuted.

5) There is a need to avoid simplistic framings (for instance from Court reporting) of 'ideal' victims who are passive and 'vulnerable', which can detract from the complex nature of how people become caught in exploitation, and potentially discourage reporting of crimes.

6) Audiences respond well to survivor narratives that help them to understand how modern slavery occurs – this is more meaningful to them than police or court reporting. The promotion of survivor voices is an effective and underemployed means of educating those at risk and raising awareness among the public. The Rights Lab will launch a new database of hundreds of survivor narratives in 2018.

Recommendations
- Implement a long-term, sustained national awareness raising campaign in collaboration with local partnerships, identifying risk factors, dismantling stereotypes, and ensuring the Modern Slavery Helpline number is widely promoted alongside local referral pathways.
- Work with survivor-led groups and networks to embed survivors' own ideas and voices in educational and awareness-raising materials.

Section D: What does success in tackling modern slavery look like, and what benchmarks should be used to measure progress?

We have been working with frontline service providers to understand how to improve the evidence base for local modern slavery interventions. As part of this work we are collaborating with IASC to produce a multi-agency partnerships toolkit, including a guide to performance management.

1) Benchmarks need to go beyond the current focus on National Referral Mechanism (NRM) numbers and prosecutions to incorporate indicators of community engagement and resilience, partnership working, and a survivor-centred approach. They need to reflect governance processes, inputs, outputs, and final outcomes, and look at whole systems, such as the survivor journey, or prosecution pathways.

2) To achieve this, a wider range of tools could be employed for monitoring and evaluation, for example surfacing and testing theories of change, looking for evidence of good governance (strategies, action plans, annual reports etc.) or monitoring quantitative and qualitative outcomes via 'outcome stars'.

3) We also need greater consistency in recording data, and more information sharing by service providers, challenging myths that currently prevent some agencies from sharing data. This would provide clearer statistics and inform effective service provision by reflecting a more accurate picture of slavery.

4) Success factors might include evidence of resilience amongst vulnerable communities, widespread public familiarity with reporting mechanisms, changing business practices, consumer awareness and power, a high ratio of successful prosecutions, improved connection with and recovery of survivors, and coordination of efforts across different levels of governance.

5) Ultimately modern slavery should be also embedded in mainstream service provision, to improve consistency of responses from first responders.

Recommendations:
- Use a wider range of qualitative and quantitative evidence and success measures to assist in understanding slavery.
- Encourage greater consistency in data capture, and more information-sharing between agencies.

Section E: Levels of support for victims, and how they can be improved

As part of our action-learning research we have mapped victim and survivor pathways. Key problems identified included:

1) A lack of systemic approach to joining up responses at national and local levels, and before, during and after the NRM process. There are multiple actors and agencies in the field, varying by location, but very little coordination. In some cases (for instance access to legal provision or counselling) there appear to be significant gaps.

2) When combined with a lack of data and information sharing (for instance on victim identity and location) victims are frequently 'lost' in the system, and not able to access support that may be available, such as healthcare.

3) NRM form completion is problematic and results in a number of negative decisions and challenges to them. Service providers need thorough standardised training and better follow-through practices.

4) There is currently insufficient rigorous research on specialized assistance to survivors of slavery. The psychological therapy offered by responder organisations is often neither detailed nor delivered by professionals. Survivor care protocols should be standardised.

5) Local responses are underfunded and can be limited by legislation, such as the 2016 Immigration Act, and a lack of provision in the 2014 Care Act. Victims of slavery frequently have no recourse to public funds, and a positive 'conclusive grounds' decision does nothing to remedy this situation.

6) Work has been observed to be important for recovery, but asylum seekers are prevented from working, often for long periods.

7) The role of caseworkers in supporting survivors long-term is important to victim support and engagement with proceedings. However funding this is a challenge for statutory and voluntary sector agencies.

8) The current pressure on social housing is preventing local authorities from identifying safe and appropriate housing. Survivors are often moved around the country to access different services, severing them from established communities which provide feelings of safety and facilitate recovery.

9) These factors contribute to a lack of confidence in the system, which encourages victims and survivors to avoid the NRM and can result in homelessness, destitution, recidivism, and/or a return to a situation of exploitation.

10) Survivors report that legal advice, and criminal compensation are typically inadequate. Many survivors are having to pursue claims for civil compensation with little resource to do so.

11) Survivors have reported a number of concerns with the accuracy of interpretation by interpreters who are hostile to their circumstances or who misinterpret regional dialect.

12) Survivors have stated that information on helplines and awareness of where to seek help is not easily accessed or appropriately placed.

Recommendations

- Frontline organisations and academic researchers should collaborate in order to design and test appropriate treatment and support in the exit and post-exit phase as well in terms of follow-up during (re)integration.
- Give survivors the opportunity to be at the centre of discussion in terms of care requirements. Currently this is not the case in post-slavery mental healthcare.
- Improvements to survivor support should include implementing the announced extension of the 45-day recovery period, rehabilitative support, a review of the appropriateness of available accommodation, improved financial and emotional support, and consistent access to legal aid and compensation.
- Survivors report that links to the Modern Slavery Helpline and local referral pathways would more effectively reach those at risk if sited in places likely to be seen by victims, such as transport hubs, supermarkets, and toilet doors.
- Improve provision of specialist translation services for ethnicities more frequently encountered in modern slavery cases.

Section F: How could the police and immigration system's response to modern slavery offences be improved?

Our research into improving prosecutions has highlighted a number of important issues.

1) There is an intrinsic link between improving services and outcomes for victims and survivors, and improving rates of prosecutions. More attention could also be given to recovering proceeds of crime and providing compensation.

2) The complexity of modern slavery investigations means that they require a high level of specialist resources in a currently under-resourced context. For instance, financial analysis, business modelling and knowledge to interrogate the dark web have been identified as important skills.

3) In some cases, organisational protocols (for example around time allowed for police interviewing) do not take account of likely effects of trauma on the quality of testimony. Some police forces report pressure from the CPS to limit the time available to interview victims, conflicting with interviewing protocols, reducing the quality of witness testimony and inhibiting the gathering of intelligence.

4) There has been little research on survivor and law enforcement communication, and modern slavery unit team composition. Some survivors still report a 'culture of disbelief' and/or that they are treated as illegal immigrants or criminals first, and victims second.

5) There is evidence of a general conflation between asylum and immigration proceedings, and NRM proceedings. Our research also indicates that the fear of deportation (or getting someone else deported) represents a barrier to reporting and exiting exploitation, and therefore to survivors co-operating with police.

6) There is evidence that both adult and child survivors with uncertain immigration status are not receiving shelter, regardless of commitments under S.17 of the Children´s Act (1989) to shelter children, or the mother's status as a potential victim of trafficking.

8) There remains evidence that so-called 'historic' case decisions are still in some cases issued to victims at the Reasonable Grounds stage by the Competent Authority, despite a ruling in 2013 that this was unlawful (Atamewan, R (on the application of) v SSHD [2013] EWHC 2727.)

Recommendations
- Improve sharing of research and intelligence (for instance on internet-based exploitation) from international to national and local level.
- Invest in specialist staffing, deliver training programmes to enable frontline staff to apply legislation correctly, and identify vulnerabilities such as language difficulties and/or underlying mental capacity issues.
- Give due attention to recovering proceeds of crime and providing compensation to victims.

Section G: What should the priorities for the new Independent Anti-Slavery Commissioner be?

Building on the Strategic Plan for 2015-17, the next Commissioner's priorities should include:

1) Developing and encouraging survivor leadership, and amplifying survivor voice – the former through inclusion of a board of survivor advisors, and active input from survivors on policies and evaluation strategies; the latter through capitalising on a new depth of survivor-centred research being undertaken by survivors and allies in the UK.

2) Mapping to understand the UK antislavery ecosystem, building on the mapping of multi-stakeholder partners (2017 report by IASC and the Rights Lab), mapping of UK research (2018 report by IASC and the Rights Lab) and forthcoming mapping of the third sector (2018 report by IASC and the Rights Lab), to understand the full picture, with gaps and good scalable practice, across law enforcement, the financial sector, business activity and other key areas.

3) Systematically scoping and comparing good practise in other countries, with regular forums and exchanges to understand what works in the US, the Netherlands, Australia and other countries, and active leadership in international bodies like Alliance 8.7.

4) Working to improve data and information-sharing and calling for a greater culture of open research where research findings and methodology are freely published and widely available.

Recommendations
- The next Commissioner should lead on identifying and embedding models of what works to tackle slavery, encourage an innovative research and policy agenda that drives a unified, coherent and logical approach to on-the-ground anti-slavery work, and continue to synthesise and map the knowledge landscape on ending slavery.