



DEBATE PACK

Number CDP-2017-0199, 24 October 2017

Implementation of the Modern Slavery Act 2015

Commons Chamber, Thursday 26 October 2017

A Backbench Business debate on Implementation of the Modern Slavery Act 2015 is scheduled for Thursday 26 October 2017. This will be a general debate, to be held in the Commons Chamber. The subject of the debate was nominated by the Backbench Business Committee.

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The House of Commons Library prepares a briefing in hard copy and/or online for most non-legislative debates in the Chamber and Westminster Hall other than half-hour debates. Debate Packs are produced quickly after the announcement of parliamentary business. They are intended to provide a summary or overview of the issue being debated and identify relevant briefings and useful documents, including press and parliamentary material. More detailed briefing can be prepared for Members on request to the Library.

1. Background

The Government has described modern slavery as a “brutal form of organised crime in which people are treated as commodities and exploited for criminal gain”, which “takes a number of forms, including sexual exploitation, forced labour and domestic servitude”. [The Home Office says](#) that the true extent of modern slavery is difficult to ascertain, as it is a “highly complex and hidden crime”. In 2014, it estimated that in 2013 there were between 10,000 and 13,000 potential victims in the UK.

1.1 The Modern Slavery Act 2015

Legislation relating to modern slavery was enacted across all UK jurisdictions in 2015. The [Modern Slavery Act 2015](#), most of the provisions of which apply to England and Wales only, received royal assent on 26 March 2015. The [Human Trafficking and Exploitation \(Scotland\) Act 2015](#) and the [Human Trafficking and Exploitation \(Criminal Justice and Support for Victims\) Act \(Northern Ireland\) 2015](#) were also passed in Scotland and Northern Ireland, respectively. These measures permit similar victim support measures and law enforcement powers throughout the UK.

The [Modern Slavery Act 2015](#):

- Consolidates and clarifies the existing offences of slavery and human trafficking and increases the maximum penalty for these offences;
- Provides for two new civil preventative orders, the Slavery and Trafficking Prevention Order and the Slavery and Trafficking Risk Order;
- Creates new maritime enforcement powers, so that the police can pursue traffickers on ships;
- Sets up the office of [Independent Anti-slavery Commissioner](#);
- Brings in measures focussed to support and protect victims, including a defence for slavery or trafficking victims and special measures for witnesses in criminal proceedings; and
- Requires certain businesses to say what they are doing to eliminate slavery and trafficking from their supply chains and their own business.

The Act extended the [National Referral Mechanism \(NRM\)](#) process to all victims of modern slavery in England and Wales. The NRM process grants a minimum 45 day reflection and recovery period whilst the case

is assessed. During this time, the person is provided with accommodation and is not liable to immigration enforcement action.

1.2 Developments since the 2015 Act

Independent review of the Act

The then Home Secretary Theresa May set up [an independent review of the 2015 Act](#) a year after it came into force. The review, by barrister Caroline Haughey, found that the 2015 Act had set “an international benchmark to which other jurisdictions aspire”. It found that slavery remained under-reported, but the operational response was improving. However, the review said there were problems, including a lack of consistency between law enforcement and criminal justice agencies and poor quality intelligence at all levels. The review recommended better training and a more structured approach to prosecuting and preventing slavery.

Modern Slavery Taskforce

The Government set up a [taskforce on modern slavery](#) in July 2016 to help co-ordinate policy and operational responses. Membership includes the heads of all 3 intelligence agencies, the Metropolitan Police Commissioner, and the Secretary General of Interpol. Alongside the taskforce, the Government announced a £33 million International Modern Slavery Fund from the UK aid budget to tackle modern slavery in countries where victims are regularly trafficked to the UK.

On 17 October 2017, the taskforce announced [three new measures](#). The NRM will be reformed to try and improve decision-making and support, including a new digital system. A new unit in the Home Office will handle all potential modern slavery cases, and an independent panel of experts will review all negative decisions.

Work and Pensions Committee

In April 2017 the [Work and Pensions Committee published a report following its inquiry into victims of modern slavery](#). The Chair, Frank Field, announcing the report, said there was “a shocking lack of awareness and co-ordination in the front line services dealing with modern slavery” and called for an “urgent review” to ensure some minimum safeguards for victims were in place.

Her Majesty’s Inspectorate of Constabulary and Fire & Rescue Services Report, October 2017

On 24 October 2017, Her Majesty’s Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) [published a thematic inspection of police forces response to modern slavery](#). The report expressed concern that police were closing cases prematurely and inconsistently and ineffectively identifying victims. Positive examples were found to be small or only recently established, and overall, HMICFRS said the police service and law enforcement agencies need to do much more to respond successfully to modern slavery and human trafficking.

1.3 Further information

[Modern Slavery Act 2015: Recent Developments](#), Commons Library
Briefing Paper 7656, 22 July 2016

2. Press articles

["Police forces failing to tackle modern slavery in UK, report shows"](#), *Guardian*, 24 October 2017

["How police miss chances to investigate modern slavery"](#), *Guardian*, 24 October 2017

["For the price of a few warships, we could end slavery once and for all"](#), *Guardian*, 18 October 2017

["How the idea of 'modern slavery' is used as political click bait"](#), *Conversation*, 16 October 2017

["Modern slavery referrals up 300% in UK due to improved identification"](#), *Guardian*, 16 October 2017

["FTSE 100 slow to report on fight against modern slavery"](#), *Financial Times*, 15 October 2017

["Modern slavery victims are being failed by British police, report finds"](#), *Independent*, 12 October 2017

["Queen backs action against modern slavery in all Commonwealth nations"](#), *Guardian*, 11 October 2017

["Amber Rudd: Only by working together can we eradicate modern slavery"](#), *Evening Standard*, 10 October 2017

["'Path to illegal behaviour': UK accused of failing to press home anti-slavery law"](#), *Guardian*, 4 October 2017

["Priti Patel: Modern day slavery must be tackled at source 'like terrorism'"](#), *Independent*, 2 October 2017

["Slaves on our Streets: Tracking the route of human trafficking from Nigeria to Europe – and back again"](#), *Independent*, 29 September 2017

["Women and girls make up 'nearly three quarters' of modern slavery victims"](#), *Independent*, 19 September 2017

["Slaves on our Streets: Why London is a global hub for modern slavery"](#), *Independent*, 13 September 2017

["More than a third of UK businesses are failing to combat modern slavery, study shows"](#), *Independent*, 5 September 2017

["Human trafficking and slavery affecting 'every large town and city in UK'"](#), *Independent*, 10 August 2017

["Slavery is a weak link in corporate supply chains"](#), *Financial Times*, 22 June 2017

[Road to Brexit: Leaving EU could make it 'impossible' to tackle human trafficking, warn campaigners](#), *Independent*, 9 May 2017

["'Inexcusable' failures in UK's response to modern slavery leaving victims destitute while abusers go free, report warns"](#), *Independent*, 29 April 2017

["Human trafficking victim referrals surge almost 80% across UK amid calls for heightened public awareness"](#), *Independent*, 24 March 2017

["UK Border Force 'failing to identify thousands of modern slavery victims'"](#), *Guardian*, 2 February 2017

["Modern Slavery Act gives UK companies a free pass to profit from slavery overseas"](#), *Guardian*, 18 October 2017

["My Government will lead the way in defeating modern slavery"](#), *Telegraph*, 30 July 2016 (Article by Rt Hon Theresa May MP)

3. Press releases

Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services, 24 October 2017

[Call for concerted and concentrated response to modern slavery](#)

Despite the number of modern slavery and human trafficking cases increasing, police forces are failing to recognise these crimes and protect victims adequately, as set out in a report published today by Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS).

Get the report

[Stolen freedom: the policing response to modern slavery and human trafficking](#)

The report concluded that there were signs of progress in the policing response to modern slavery. However in too many cases, police work was reactive and showed little understanding of the nature and scale of modern slavery and human trafficking.

This thematic inspection is the first since the introduction of the Modern Slavery Act in 2015. As such, it will act as a benchmark for future inspections of this issue.

HM Inspector of Constabulary, Wendy Williams, who led the inspection, said:

“In the UK, today and every day, thousands of men, women and children who are victims of modern slavery and human trafficking are being degraded and dehumanised. The police have a crucial role to play in protecting these people and preventing offenders from exploiting others.

“Whilst modern slavery cases can be complex and require significant manpower, many of the shortcomings in investigating these cases reflect deficiencies in basic policing practice. We found inconsistent, even ineffective, identification of victims and investigations closed prematurely. As a result, victims were being left unprotected, leaving perpetrators free to continue to exploit people as commodities.

“We did see some good work in the course of our inspection, notably in forces such as Greater Manchester Police, West Yorkshire and Cumbria, which demonstrates the results that commitment and dedication in dealing with this kind of crime can achieve. We also found committed individuals and teams working hard to raise the profile of this type of offence, and to protect victims who are often extremely vulnerable in multiple ways. These officers and staff should be commended.

“Since our inspection at the start of this year, forces have already begun to act to improve their service to victims of modern slavery and human trafficking. When we return to re-inspect, we will

report on policing's progress against this benchmark inspection. I hope to see real and consistent improvement."

Shortcomings by police forces in addressing modern slavery also included:

- variable commitment amongst police leaders to tackling this area of offending;
- attitudes remained that modern slavery and human trafficking offences were rare and not an issue in their areas;
- victims were not always recognised as such and therefore remained in the hands of those exploiting them or were arrested as offenders or illegal immigrants;
- poor and inconsistent co-ordination and sharing of information and intelligence between the NCA and police forces;
- information and intelligence flows between national, regional and local levels were sometimes poor; and
- low awareness and use of provisions and powers set out in the Modern Slavery Act 2015.

The report highlighted that modern slavery and human trafficking take many forms, but all of them involve coercion and result in the erosion of individual choice and freedom. Victims may be forced into work, sex, domestic servitude or other forms of exploitation, suffering inhumane and degrading treatment for long periods of time. They are often subjected to threats or violence, which may also extend to those close to them.

The review of cases raised serious concerns about the quality of investigations. HMICFRS found substantial problems with the way investigations were managed at lower levels in many of the forces inspected, including:

- significant delays (sometimes of seven or eight months) in initiating investigations;
- a lack of effective supervision;
- a lack of focus on safeguarding all potential victims; and
- a lack of coordination across police forces, leading to delays in investigations and to difficulties in maintaining contact with victims relocated through the National Referral Mechanism.

HMICFRS found some welcome signs of progress in the way the police respond to modern slavery and human trafficking. There is renewed national focus on modern slavery and human trafficking, with rapid developments either occurring or planned to improve the experience of victims and strengthen the law enforcement response. In particular, the Police Transformation Programme aims to address many of the concerns identified in this report; while major changes to national processes have taken place, with more planned. Policing must seize these opportunities to make improvements.

However, the positive examples found were generally relatively small pockets of good practice or recent first steps. Overall, the report concludes that the police service and law enforcement generally needs to do much more before the public can be satisfied that forces are

responding coherently and successfully to modern slavery and human trafficking.

Get the report

[Stolen freedom: the policing response to modern slavery and human trafficking](#)

Notes to editors

- 1 This is the first inspection since the Modern Slavery Act came into effect in 2015.
- 2 The Home Secretary commissioned the then HMIC to inspect the police response to modern slavery and trafficking in July 2016; inspections were undertaken at the beginning of 2017.
- 3 On 19 July 2017, HMIC took on responsibility for fire & rescue service inspections and was renamed HM Inspectorate of Constabulary and Fire & Rescue Services.
- 4 HMICFRS is an independent inspectorate, inspecting policing in the public interest. It assesses and reports on the efficiency and effectiveness of police forces to tackle crime, anti-social behaviour and terrorism, improve criminal justice and raise confidence. HMICFRS inspects all 43 police forces in England and Wales together with other major policing and law enforcement bodies.
- 5 For further information, HMICFRS' press office can be contacted from 8:30am – 5:00pm Monday – Friday on 020 3513 0600.
- 6 HMICFRS' out-of-hours press office line for urgent media enquiries is 07836 217729.

Anti-Slavery International, 19 October 2017

[Positive changes to the way UK identifies slavery victims announced,](#)

Home Office, 17 October 2017

[Modern Slavery Taskforce agrees new measures to support victims,](#)

TISCreport, 20 September 2017

[TISCreport releases Modern Slavery Act Compliance data. Over 50% not in compliance,](#)

Scottish Government, 13 June 2017

[Human trafficking](#)

4. Parliamentary material

4.1 Committee inquiries

Work and Pensions Committee, [Letter from the Minister of Employment to the Chair relating to the committee's modern slavery report](#), 11 October 2017

Work and Pensions Committee, [Victims of modern slavery](#), HC 803 2016-17, 30 April 2017

4.2 Debates

[Modern Slavery \(Victim Support\) Bill \[HL\] \(Second Reading\)](#) [HL Deb 8 September 2017 cc2212-48]

4.3 Oral parliamentary questions

[Slavery and Human Trafficking Statements](#) [HL Deb 16 October 2017 cc398-400]

[Modern Slavery](#) [HC Deb 14 September 2017 cc973-4]

[Modern Slavery](#) [HC Deb 8 December 2016 cc349-51]

4.4 Written Parliamentary Questions

[Slavery](#)

Asked by: Johnson, Diana | Party: Labour Party

To ask the Secretary of State for the Home Department, whether her Department plans to implement the recommendations of the Review of the National Referral Mechanism (NRM) for victims of human trafficking, published in November 2014, on (a) requiring providers of housing of people going through the NRM to an audit process, (b) ensuring closer working between her Department, housing providers and local councils and (c) gathering data on the outcomes of people going through the NRM for two years after a conclusive grounds decision.

Answering member: Sarah Newton | **Department:** Home Office

We are committed to doing all we can to identify and support UK-based victims of modern slavery. Following a review of the NRM, and in consultation with law enforcement and NGOs, we are piloting ways of improving the efficacy and efficiency of existing arrangements in two regions. The pilot will be evaluated and the findings will inform any

reforms that we decide to roll out. Putting the NRM on a statutory footing would require secondary legislation and we will consider whether there is a need do so at the end of the pilot.

17 Oct 2017 | Written questions | Answered | House of Commons | 48908

[Modern Slavery Act 2015](#)

Asked by: Coaker, Vernon | Party: Labour Party

To ask the Secretary of State for the Home Department, what progress has been made on implementing sections (a) 54, (b) 49 and (c) 50 of the Modern Slavery Act 2015; and if she will make a statement.

Answering member: Sarah Newton | **Department:** Home Office

The majority of the provisions in the Modern Slavery Act 2015 have now commenced. Section 54 came into force on 29 October 2015 and thousands of slavery and human trafficking statements have been published since. Interim guidance for frontline staff has already been published and we will consult with stakeholders on statutory guidance required under Section 49 prior to publication. Both this guidance and the question of exercising section 50 of the Act are under active consideration as part of the reform of the National Referral Mechanism.

16 Oct 2017 | Written questions | Answered | House of Commons | 106912

[Slavery](#)

Asked by: Harris, Carolyn | Party: Labour Party

To ask the Secretary of State for the Home Department, from which public authorities her Department has received notifications under section 52 of the Modern Slavery Act 2015.

Answering member: Sarah Newton | **Department:** Home Office

Since November 2015 we have received notifications under section 52 of the Modern Slavery Act 2015 from the following public authorities:

Police forces in England and Wales

Border Force

UK Visas and Immigration

Immigration Enforcement

National Crime Agency

Gangmasters and Labour Abuse Authority

Local Authorities

We have also received notifications from a range of organisations within the NHS, including NHS Trusts and General Practitioners.

9 Oct 2017 | Written questions | Answered | House of Commons | 10481

[Slavery: Victims](#)

Asked by: Lord Hylton | Party: Crossbench

To ask Her Majesty's Government what is their assessment of how the 45 day reflection and recovery period for victims of trafficking and modern slavery, under the National Referral Mechanism, is working in practice; and whether that time limit is 45 working days, or 45 calendar days.

Answering member: Baroness Williams of Trafford | **Department:** Home Office

Potential victims of modern slavery in England and Wales are entitled to a reflection and recovery period for a minimum of 45 calendar days, or until a conclusive decision has been made on their victim status. This meets and exceeds obligations under the European Convention on Action against Trafficking in Human Beings, which requires a minimum of 30 days of support. In practice, many potential victims are in support for more than 90 days.

As part of the Government's reform of the National Referral Mechanism, we are working with partners to assess how the current system works in practice and consider the support we provide to victims, to ensure that it enables them to begin to recover, rebuild their lives, and avoid future exploitation.

20 Sep 2017 | Written questions | Answered | House of Lords | HL1536

[Slavery](#)

Asked by: Harris, Carolyn | Party: Labour Party

To ask the Secretary of State for the Home Department, how many notifications her Department has received under section 52 of the Modern Slavery Act 2015 relating to slavery or human trafficking of (a) children and (b) adults.

Answering member: Sarah Newton | **Department:** Home Office

As of 31 August 2017 under section 52 of the Modern Slavery Act 2015 there have been 146 referrals to the Home Office where the victim was under 18 at the time of the suspected offence (but an adult when identified), and 1,699 when the victim was over 18 at the time of the suspected offence. There are a further 90 referrals where the victim's age is unknown. Victims who are under 18 at the time of identification are automatically referred to the National Referral Mechanism.

12 Sep 2017 | Written questions | Answered | House of Commons | 8218

[Slavery](#)

Asked by: Harris, Carolyn | Party: Labour Party

To ask the Secretary of State for the Home Department, when she plans to publish (a) the report of the evaluation of National Referral Mechanism pilots and (b) statutory guidance on victim identification and assistance under section 49 of the Modern Slavery Act 2015.

Answering member: Sarah Newton | **Department:** Home Office

The National Referral Mechanism pilot has been testing a new model for identifying and referring victims, processing cases and making effective decisions.

Interim guidance for frontline staff has been published and we will consult with stakeholders on the statutory guidance required under section 49 of the Modern Slavery Act 2015 prior to publication.

20 Jul 2017 | Written questions | Answered | House of Commons | 4469

[Modern Slavery Act 2015](#)

Asked by: Sarah Champion | Party: Labour Party

To ask the Secretary of State for the Home Department, what Statutory Instruments required by the Modern Slavery Act 2015 have yet to be laid by her Department.

Answering member: Sarah Newton | **Department:** Home Office

The majority of the Modern Slavery Act 2015 has already been enacted and is having a positive impact on the protection of victims and the prosecution of perpetrators. The only duty to make regulations in the Modern Slavery Act 2015 is in Section 48. The Government reaffirmed on 28 June its commitment to commencing Section 48 of the Modern Slavery Act 2015. As announced, the Government is trialling a revised model in the Independent Child Trafficking Advocacy service in three early adopter sites. The commencement of Section 48 requires resolutions of both Houses. Once these have been secured the Government will seek to commence Section 48 and begin the procedure to compile the affirmative regulations required by that section.

25 Jul 2017 | Written questions | Answered | House of Commons | 42836

5. Official publications

Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services, [*Stolen freedom: the policing response to modern slavery and human trafficking*](#), October 2017

Home Office, [*A typology of modern slavery offences in the UK*](#), 17 October 2017

Independent Anti-Slavery Commissioner, [*Independent Anti-Slavery Commissioner Annual Report 2016-17*](#), 16 October 2017

Home Office, [*Transparency in Supply Chains etc. A practical guide*](#), 4 October 2017

National Crime Agency, [*Modern Slavery and Human Trafficking: National Referral Mechanism Statistics April to June 2017*](#), 4 September 2017

National Crime Agency, [*Modern Slavery and Human Trafficking: National Referral Mechanism Statistics January to March 2017*](#), 4 September 2017

Department for Education, [*Care of unaccompanied and trafficked children*](#), 17 March 2017

Independent Chief Inspector of Borders and Immigration, [*An Inspection of Border Force's Identification and Treatment of Potential Victims of Modern Slavery: July to October 2016*](#), 2 February 2017

Home Office, [*Interim guidance for the 3 Independent Child Trafficking Advocates early adopter sites: Greater Manchester, Wales and Hampshire*](#), 27 January 2017

Independent Anti-Slavery Commissioner, [*Independent Anti-Slavery Commissioner Annual Report 2015-16*](#), 21 October 2016

Home Office, [*Report of the inter-departmental ministerial group on modern slavery 2016*](#), 12 October 2016

Home Office, [*Modern Slavery Act 2015 review: one year on*](#), 31 July 2016

6. Further reading

Anti-Trafficking Monitoring Group, [*Class Acts? Examining modern slavery legislation across the UK*](#), October 2016

Focus on Labour Exploitation (FLEX) and the Labour Exploitation Advisory Group (LEAG), [*Lost In Transition: Brexit & Labour Exploitation*](#), August 2017

CORE Coalition, [*Beyond Compliance: Effective reporting under the Modern Slavery Act*](#), July 2016

Business and Human Rights Resource Centre, [*FTSE 100 at the starting line: An analysis of company statements under the UK Modern Slavery Act*](#), October 2016

Walk Free Foundation and the International Labour Organisation, [*Global Estimates of Modern Slavery*](#), September 2017

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