



Beyond Survival:

**Living free, not
in survival mode,
and being able
to dream again**

**Access to justice in the UK's
response to modern slavery
September 2024**

Introduction

Too often, the response to modern slavery creates additional barriers to justice for its survivors. Failure to identify situations of exploitation, delays in decision-making, lack of specialist support or legal advice, inadequate accommodation, lack of long-term stability or solutions, all serve to increase the challenges survivors face in their recovery.

Hope for Justice is committed to ensuring we gather robust evidence about how to improve access to justice for survivors, based on survivor experiences and evidence from NGO partners across the UK. In 2024, we consulted widely with people who have lived experience of modern slavery, with NGO partners and with statutory agencies across the UK to deepen our understanding of their situation.

We asked survivors of modern slavery what ‘justice’ means to them. Their response made clear the importance of taking a holistic view in defining ‘justice’ which expands beyond notions of criminal justice or compensation. This paper will explore how the system of identification and support across the UK can more effectively help survivors achieve sustainable freedom, independence and justice.

About Hope for Justice

Hope for Justice works to bring freedom from human trafficking and modern slavery by identifying victims, supporting survivors and preventing exploitation. Founded in the UK in 2008, Hope for Justice is now an international charity working across the world.

In the UK, we work with victims and survivors directly through our team of Independent Modern Slavery Advocates® and bring about long-term change through our work with governments, law enforcement, the business community and the general public.

Note regarding images: Photographs in this document are posed by actors to protect the identity of survivors

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1 – Foreword

As the Independent Anti-Slavery Commissioner, survivors of modern slavery have shared their experiences with me. Sadly, I have heard from many survivors that there can be a lack of understanding, awareness, and support for their trauma and the exploitation they have faced. This must change. Each and every survivor of modern slavery deserves 'justice' and to be fully supported in their recovery journey.

As this report shows, 'justice' means different things to survivors. Whether it be living free from fear and exploitation, access to compensation, seeing their exploiters being prosecuted and facing sentences reflective of the horrific crimes they committed – each of these things that survivors want from 'justice' is important to acknowledge and to understand.

We must listen and respond to survivors' needs, and I welcome this report putting survivors' voices and testimonies at the heart of its research and recommendations. I have been intensely moved by the testimonials from the Survivor Consultants that have contributed to this paper and will be amplifying their voices in my work to ensure lessons are learnt and more victims can be supported.

Yet there remains the sad fact that in the UK we are not delivering 'justice' for victims and survivors of modern slavery. The prosecution rate for these crimes remains far too low. In England and Wales, less than 2% of all modern slavery crimes resulted in a charge in 2023. Representatives of law enforcement and the criminal justice system have said themselves that this is not good enough. The criminal justice system can be complex and traumatising for victims to navigate too. This shows we are failing victims and survivors.

This report includes a number of recommendations about how the system can be changed to improve 'justice' outcomes for survivors. This can be achieved by working to improve, firstly, the identification of victims through better multi-agency working, a Single Enforcement Body, accredited First Responders, and safe reporting. Secondly, ensuring that all adult survivors have access to Independent Modern Slavery Advocacy, so that they can access the services and systems they need to support their recovery, in line with international best practice as detailed in the OSCE NRM Handbook. Thirdly, focusing on criminal accountability to ensure the criminal justice system supports victims and punishes perpetrators.

As we approach 10 years since the Modern Slavery Act was passed, it is right that we reflect on progress made and look to the future about what needs to change now to support victims and survivors. This report is right that our ambition for survivors should not be that they are just able to live in 'survival mode' but that every survivor should be able to 'dream again'. By implementing the recommendations in this report, we can improve survivors' access to 'justice' and ensure that victims receive the care they deserve whilst increasing the prosecutions of the horrendous crime of modern slavery.

Eleanor Lyons

*Independent Anti-Slavery
Commissioner*



2 – Methodology

Throughout the first six months of 2024, Hope for Justice conducted a consultation with survivors and stakeholders throughout the UK. This was in addition to workshops previously conducted as part of the development of the Independent Modern Slavery Advocacy model in 2023 to identify good practices and barriers faced by survivors in different systems.

Hope for Justice applied a mixed-method and participatory methodology to capture learning across all four UK nations of the challenges while also highlighting good practice. This included:

1. Workshops with members of the Human Trafficking Foundation's Lived Experience Advisory Panel (LEAP). Unless stated otherwise, all quotes attributed to a 'survivor consultant' came from these conversations.
2. Distributing a survey for survivors to contribute their insights in their own language.
3. Semi-structured interviews with NGOs and government representatives in Northern Ireland and Wales.
4. Obtaining a wealth of data as a result of partners kindly offering to host consultation workshops in Scotland and England. TARA provided space to bring together: GLAA, SOHTIS, British Red Cross, Aberlour, Scottish Refugee Council, Justice and Care, Migrant Help, and Scottish Government. The University of Leeds hosted us as we heard from: West Yorkshire Police, the Modern Slavery and Organised Immigration Crime Unit, GLAA, DWP, Kirklees Council, West Yorkshire Combined Authority, NHS, Snowdrop, The Salvation Army, Migrant Help, Medaille, BASNET, and Simon on the Streets.
5. Additional engagement with stakeholders via an online survey.
6. Conducting desktop research including a legal analysis and a literature review of civil justice research.
7. Analysing data collected from the development of the National Framework for Independent Modern Slavery Advocacy which included a variety of state and non-state stakeholders and survivors.
8. Further insights gathered from engaging with Hope for Justice's UK Programmes' team.

2.1 – Terminology

The terms 'victim' and 'survivor' are used within the sphere of modern slavery and human trafficking. Throughout this report, people with lived experience of modern slavery and human trafficking are predominately referred to as 'survivors', in the hope of conveying the dignity and agency of each individual. Hope for Justice recognises the complexity of this term: not everyone who has experienced modern slavery would self-identify as a 'survivor'. However, the term 'victim' is used, where appropriate in reference to legal matters.

The language of 'modern slavery' and 'human trafficking' is inconsistent across the UK. As Hope for Justice's casework is based in England, where the term 'modern slavery' is predominantly used, we tended to favour this term within this report. However, we recognise that in Scotland and Northern Ireland, the term 'human trafficking' is preferred, and so this terminology is used within this report for content specific to those contexts.

2.2 – Acronyms

ATLEU	Anti-Trafficking and Labour Exploitation Unit
BASNET	UK BME Anti-Slavery Network
CICA	Criminal Injuries Compensation Authority
CICS	Criminal Injuries Compensation Scheme
CPS	Crown Prosecution Service
CQC	Care Quality Commission
DWP	Department of Work and Pensions
ECAT	Council of Europe Convention on Action against Trafficking in Human Beings
ECF	Exceptional Case Funding
EU	European Union
GLAA	Gangmasters and Labour Abuse Authority
HSCP	Housing and Social Care Partnership
IMSA	Independent Modern Slavery Advocate®
IRD	Inter-agency Referral Discussion
LAA	Legal Aid Agency
LEAP	Lived Experience Advisory Panel
MARAC	Multi-Agency Risk Assessment Conference
MASH	Multi-Agency Safeguarding Hub
MSA	Modern Slavery Act 2015
MSVCC	Modern Slavery Victim Care Contract
NGO	Non-Governmental Organisation
NHS	National Health Service
NRM	National Referral Mechanism
OSCE	Organization for Security and Cooperation in Europe
RNA	Recovery Needs Assessment
SCA	Single Competent Authority
SERAC	Slavery Exploitation Risk Assessment Conference
SOHTIS	Survivors of Human Trafficking in Scotland
STPO	Slavery and Trafficking Prevention Order
TARA	Trafficking Awareness Raising Alliance
UK	United Kingdom
UK VI	United Kingdom Visas and Immigration
WASPI	Welsh Accord on the Sharing of Personal Information

3 – Summary of Findings

Survivors of modern slavery in the UK face countless barriers in their journey of recovery and pursuit of justice. Whilst improvements can be made to the system as it currently exists, to address these problems effectively and sustainably it is vital to look at the structural framework underpinning the UK's anti-slavery response.

The process for identifying and supporting survivors of modern slavery is not structured to reflect their needs or experiences. Support for survivors is delivered to comply with a remote decision-making process, rather than being tailored to the individual involved. Naturally this impacts the provision of support.

Many of the challenges resulting from this process stem from the governance framework in which modern slavery sits. The Home Office is primarily responsible for immigration and law enforcement which is not the right governance structure for identification of victims and the delivery of specialist, trauma informed support. An enforcement response can conflict with the need to ensure effective identification, safeguarding and support of survivors. It actively undermines survivors' confidence and trust that the system will prioritise their best interests.

Addressing these structural issues is fundamental to achieving a more effective response and facilitating access to justice.

4 – Summary of Recommendations

4.1 – Identification

1. **Accredited First Responders:** The position of First Responder should be resourced and accredited to help ensure that First Responders are aware of their duties and survivors' rights, and are trained to complete a National Referral Mechanism (NRM) referral in a trauma-informed manner.¹
2. **Localised Identification:** By shifting decision-making to localised multi-agency mechanisms, it is possible to make decisions more quickly and to ensure relevant service providers are involved from the outset.
3. **Sharing intelligence:** Technological solutions should be explored and adopted to facilitate data sharing, informing the intelligence picture and improving prevention, identification and survivor support.
4. **Fair Work Agency:** An appropriately resourced Fair Work Agency would provide a focal point for worker protection and facilitate the identification of potential victims of modern slavery.
5. **Safe Reporting:** Survivors must feel safe to report exploitation and abuse, regardless of their immigration status.
6. **Establish safe migration routes with visas not tied to employers and with recourse to public funds:** Creating safe routes for those seeking refuge in the UK will help reduce vulnerability to exploitation. For those coming to the UK to work, visas which tie an individual's immigration status to their employer, often without recourse to public funds, increase risks of exploitation and make it difficult for workers to report abuse.
7. **Adopt the 'social path' to identification and assistance:** The OSCE notes that a social path presents advantages over identification and support mechanisms which are linked to, or which require survivors to cooperate with, criminal justice systems.

1 For more on trauma-informed practice see [HBF Trauma Informed Code of Conduct 2nd Edition.pdf \(helenbamber.org\)](#)

4.2 Accessing Support

1. **Directly incorporate the Council of Europe Convention on Action against Trafficking (ECAT):** Directly incorporating ECAT into domestic legislation would provide some much-needed certainty for survivors and for state authorities as to their responsibilities.
2. **Replace the Nationality and Borders Act, Illegal Migration Act and Safety of Rwanda Act with legislation that complies with the international rights of survivors and those seeking refuge.**
3. **Implement a governance structure which facilitates safeguarding and support:** Hope for Justice advocates for a cross-governmental approach to addressing modern slavery at national and local levels.
4. **NRM Reform:**
 - Localised pathways to support:** NRM decision-making should be delegated from the Home Office to localised multi-agency safeguarding mechanisms accompanied by the appropriate funding and resources.
 - Trauma-informed processes:** The NRM decision-making process and provision of support must be trauma-informed, as must other systems with which survivors interact.
 - Facilitate access to public funds, accommodation and safeguarding assistance:** NRM decision-making must be connected to other state-provided services and systems, so that positive identification as a survivor of modern slavery facilitates access to much-needed support and assistance.
 - Survivor-led support focused on long-term recovery:** The support which is provided should always focus on empowering the individual and avoiding dependency.
5. **Statutory Guidance:** Statutory Guidance produced under the Modern Slavery Act should be amended to reduce barriers to support for survivors in England and Wales. In Scotland and Northern Ireland, binding statutory guidance should be created to help clarify survivors' rights and support providers' responsibilities.
6. **Resource multi-agency partnerships to respond to survivors' needs:** Partnerships must place a greater emphasis on preventing modern slavery and safeguarding and supporting survivors in their recovery.
7. **Formalise role of Independent Modern Slavery Advocates®:** This role should be formally recognised, for example within statutory guidance produced under Section 16 of the Victims and Prisoners Act 2024.
8. **Right to Work:** Allowing survivors of modern slavery and people seeking refuge to work whilst their claim is being processed would reduce their risk of exploitation.
9. **Facilitate access to compensation:**
 - Criminal Injuries Compensation Authority:** Amongst other measures detailed below, steps should be taken to ensure the CICA scheme recognises all forms of modern slavery as violent crimes.
 - Civil Compensation:** Creating a civil remedy (tort or, in Scotland, delict) would not only ensure improved access to justice, contributing to recovery for survivors, but is also a crucial aspect of holding perpetrators to account.
10. **Access to legal advice:** Civil legal aid must be extended to cover all aspects of a victim's case that are not currently in scope for civil legal aid including but not limited to CICA, welfare benefits and pre-NRM legal advice.
11. **Pilot a Survivor Visa:** Foreign national survivors should be provided with regularised status and a pathway to permanent residence in the UK based on their holistic individual circumstances and best interests.

4.3 – Criminal Accountability

1. **Training and Awareness:** Providing comprehensive training on the signs of modern slavery, trauma-informed responses and the needs of survivors can help ensure victims are recognised and treated appropriately within the criminal justice system.
2. **Survivor-Centred Approach:** Implementing a survivor-centred approach throughout the criminal justice process can create a more supportive environment for survivors. This includes:
 - Translation and culturally appropriate communication**
 - Prioritising sustainable recovery:** Placing safeguarding and protection at the heart of the response to modern slavery.
 - Trauma-informed processes as standard:** The instances of good practice across the UK must be replicated so that survivors can be confident that they will be treated in a trauma-informed manner wherever they reside.
3. **Sentencing commensurate with the offence:** Systemic barriers that serve to enforce a trend of lenient sentencing for traffickers must be addressed.
4. **Offender management:** Greater efforts must be made to ensure effective management of offenders to avoid re-offending, either in the UK or if returned to another country.
5. **Prioritise and resource financial investigations:** Placing a strong emphasis on investigating the financial aspect of the crime might alleviate the pressure on survivors.
6. **Collaboration with NGOs:** Strengthening partnerships with NGOs from across sectors that specialise in supporting trafficking survivors.
7. **Third Party Material Disclosure Protocol and Training: A protocol and training needs to be developed with all agencies including service providers on disclosure in criminal cases.**
8. **Implementing protection from prosecution:** There is a need for enhanced training on implementing the protections afforded to survivors in Policy and via the Statutory Defence.
9. **Facilitate appeals against prior convictions:** A positive Conclusive Grounds decision under the NRM should initiate a process whereby individuals with a criminal conviction connected with their exploitation can have that conviction expunged.
10. **Data collection:** Data collection needs to be improved in respect of capturing of investigations, prosecutions and the application of the statutory defence.



5 – Whose Justice?

Those who have suffered exploitation ought to have access to justice. However, ‘justice’ is not easy to define, particularly so for survivors of modern slavery.

“Everyone’s justice looks different – for some people it might be compensation, for others it might be for their exploiter to be arrested and dealt with in proper manner and, for others, it’s understanding.”

Sosa Henkoma, LEAP Consultant

Those who have suffered modern slavery have been denied their autonomy and agency. It is vital that in developing a response policy makers and service providers do not perpetuate this further or make the mistake of believing that they know what survivors want and can define justice for them. A survivor-centred response to modern slavery is led by their needs and recommendations, rather than projecting onto survivors what a particular organisation or branch of government deems to be ‘justice’ for them.

Home Office ownership of this policy area has meant that the UK’s approach to tackling modern slavery has largely focused on a narrow criminal justice approach of improving investigations and prosecutions. Whilst criminal accountability may be a priority for the State, it is not necessarily the first priority for the survivor.

Amongst those people with lived experience with whom Hope for Justice consulted, their clear priorities were being able to live without fear, without being defined or hindered by their experience of exploitation.

“Justice is being free and not looking behind you every time and feeling afraid – that feeling of not feeling afraid and like something is going to go wrong at any time. Not watching your back or thinking something is going to go wrong – that is freedom and justice for me – ‘living free’.”

Juliet Odaro, LEAP Consultant

This is not to negate the importance of ensuring that traffickers are held to account: modern slavery is a serious, violent crime. Criminal accountability is a vital component of a strategy to protect individuals and communities from harm and can act as a deterrent. It is important for society to send the unequivocal message that exploitation will not be tolerated. For some survivors, having their experience validated and seeing their trafficker punished under the law will be an important part of their journey of recovery that recognises the harm done to them.

Survivors can often be key sources of intelligence and witnesses in prosecuting their traffickers. However, the criminal justice process requires considerable trust on the part of survivors which cannot be taken for granted. Legislation introduced in recent years has seen even greater emphasis placed on encouraging survivors, perhaps even coercing them, to engage with investigations and prosecutions. Access to support and the right to remain in the UK are increasingly contingent upon such cooperation.²

What sort of engagement will police and prosecutors receive from survivors under such conditions? What is the motivation for a survivor to engage with a system focused on law enforcement if that is not their priority?

² For example, Illegal Migration Act 2023, section 22 [Illegal Migration Act 2023 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2023/11/section/22)

According to the OSCE:

“One argument for a criminal justice-based identification system is that making assistance contingent on co-operation can be an incentive for co-operation, which will lead to more prosecutions. In reality, however, such a coercive approach to assisting victims can actually have the opposite effect. It can discourage victims by not giving them immediate support, making them hesitant to cooperate and leading them to avoid the criminal justice system altogether.”³

There is also a word of caution for those who would seek to limit survivors’ understanding of ‘justice’ to law enforcement efforts:

“As for the police, if traffickers receive lower sentences, 2-3 years, then that can make justice seem unjust. On paper it seems great but can actually create a sense of injustice.”

Survivor Consultant

Academics working with survivors of sexual violence speak of ‘kaleidoscope justice’:

“This is justice as a constantly shifting pattern, justice constantly refracted through new experiences or understandings; an ever evolving, lived experience. Within this framework, a number of key themes emerged, namely justice as consequences, recognition, dignity, voice, prevention, and connectedness.”⁴

By focusing our response on addressing individual needs and helping survivors to achieve their own sense of ‘justice’, they may wish to be able to engage with law enforcement when the time is right in their own personal recovery journey. Researchers have found that:

“Only when we appreciate, and then act on, how victim-survivors themselves conceptualize justice will we begin to address the failings of current approaches and – most importantly – be able to envision new ways of securing justice.”⁵

A consistent theme amongst those who have experienced exploitation is the importance of achieving ‘accountability’ to prevent harm being done to others. However, justice can mean something quite different to accountability for survivors. Research shows that:

“Survivors’ perceptions of justice for themselves differed from their desired outcomes for traffickers and most commonly centred on their ability to ‘move on’ from their trafficking experiences and achieve autonomy and empowerment through accomplishing self-defined goals.”⁶

Justice and accountability are both important, but they must not be confused or conflated and can mean very different things for survivors.

5.1 – What does ‘justice’ mean for you?

“The feeling of finally being in control of my life.”⁷

Lived experience survey response

Each individual who has suffered modern slavery will be impacted by that experience in their own unique way and will have their own aspirations for what they want for

³ osce.org/files/f/documents/9/c/538452.pdf

⁴ [Kaleidoscopic Justice: Sexual Violence and Victim-Survivors’ Perceptions of Justice \(sagepub.com\)](#)

⁵ [Kaleidoscopic Justice: Sexual Violence and Victim-Survivors’ Perceptions of Justice – Clare McGlynn, Nicole Westmarland, 2019 \(sagepub.com\)](#)

⁶ [comparing_narratives_of_justice_0.pdf \(urban.org\)](#); See also: [251631.pdf \(ojp.gov\)](#)

⁷ Survivor respondent to survey question: What does ‘justice’ mean for you as a survivor of modern slavery or human trafficking?

their lives moving forward. Those who experience criminal exploitation as a child will have quite different needs and hopes from an adult male exploited in a car wash.

When asking a sample of survivors what 'justice' means to them, and from Hope for Justice's experience of working with survivors long-term, criminal justice was rarely a main priority. Instead, many survivors' concepts of justice mean something which might seem rather ordinary to those who have not experienced exploitation:

"Especially coming from child criminal exploitation, justice means to be free. Freedom is not just the fact of being able to live life, it is about being able to not be in 'survival mode'. To me justice means that I'm able to move on from my situation and able to use it as a strength. Not feeling trapped, able to access knowledge, able to access support and feel I have a roof over my head which means safety. I had a conviction while I was being exploited which I'm appealing, but I am still classed as a criminal because this is still not understood."

Sosa Henkoma, LEAP Consultant

Justice to survivors can mean feeling like you are on an equal footing with other people who have not had part of their lives taken from them by traffickers:

"Justice means being able to speak your truth and to have back what you've missed out on, like education or the opportunity to get into a good job, having the best support and consistent support. Justice is a hard thing to describe and will be different for everyone but maybe having what you've missed out on and not letting your past define you – you can still be something you want to be."

Emily Vaughn, LEAP Consultant

This is particularly relevant for young people leaving exploitation, having missed out on a crucial period of education and personal development. Therefore, justice must include making up for that lost time and education:

"Imagine your life being stripped away from you and not understanding anything. You're delayed and trying to catch-up with everyone. So, you're going into rooms where everyone expects you to be a certain way and understand certain things. Even when going to the Job Centre to be put on Universal Credit, it was frightening because I had immigration issues. I didn't understand certain forms and applications. I felt terrified. They expect me to know or understand these things, but I don't. It made me feel ashamed and vulnerable again. It is all about having consistent support."

Sosa Henkoma, LEAP Consultant

Justice is an ongoing process. An individual's recovery from such a traumatic experience will not be linear and is unlikely to be captured in a single moment, such as their trafficker's conviction. Justice involves being liberated in the fullest sense of the word:

"People often think justice is when you're free from your traffickers and taken to a safehouse and you're safe, it ends there, and maybe your traffickers get caught by police. But a sense of justice is to be able to dream again, to be able to have aspirations, to work and be independent, to feel emotions again, to be connected with nature, and to have sense of purpose. Whilst having a safe space and stable accommodation is great, a real sense of justice is when you can hope again."

Survivor Consultant

Justice cannot be imposed upon or even granted to a survivor of modern slavery. The sense of empowerment and true freedom must come from the individual:

“It’s important to ask the survivor what they see as a sense of justice and not assuming what other people think is justice. Their sense of freedom or justice might be to be able to see their family again, feel confident, feel free, to be able to go to the shops without looking over their shoulder. Everyone focuses on shelter, food, support but a sense of justice often comes internally from the individual.”

Survivor Consultant

A survivor-centric approach to ‘justice’, one which is human rights-based, trauma-informed and long-term, has the potential indirect consequence of enabling engagement with criminal justice and wider accountability systems.⁸ This involves working collaboratively with the individual, and the system operating with them rather than being imposed upon them. By ensuring that survivors understand their rights and have access to the support and time they require, survivors can determine what justice and accountability mean to them. This approach can help empower survivors to meaningfully engage with criminal justice at a point that they are ready to, should they wish to, in their own personal journey of recovery. This reflects Maslow’s Hierarchy of Needs in which self-esteem and self-actualisation can be achieved only when physiological needs, needs for safety and security, love and belonging are met.⁹ This may explain why some survivors engage with criminal justice not necessarily for their own sense of justice but to stop it happening to someone else.

Hope for Justice has provided long-term independent advocacy support to many survivors who have chosen to engage in the criminal justice process as part of their journey of recovery. Of those clients who engaged and have been called as witnesses in criminal proceedings, 100% of them have been able to attend and give evidence with the support of an IMSA. For some survivors with whom Hope for Justice have worked this was part of their overall sense of justice and recovery. Many survivors expressed that they wanted to stop it happening to someone else, they had a sense of community justice, of wanting to protect others from harm.

Does the UK’s response to modern slavery facilitate access to justice for survivors?

Conversations with stakeholders across all four nations of the UK, including survivors and those providing direct support, reveal multiple barriers to different aspects of justice for survivors. Inevitably, there are variations in the problems encountered in each country. Nevertheless, there are recurring themes, including failure to identify survivors, barriers to accessing accommodation and support, and a lack of accountability.

6 – Identification

Empowerment and sustained recovery from exploitation must firstly come from the individual who has experienced that abuse. International obligations to survivors require the state to ensure that victims are identified and provided with the support and the environment that they need to assist in their physical, psychological and social recovery.¹⁰ A crucial first step is the identification of those who are in, or have experienced, modern slavery and therefore require assistance. Very often, this identification point represents the first barrier to justice and an individual’s initial treatment can often determine whether they establish trust in the system or disengage.

⁸ For more on trauma-informed practice see [HBF Trauma Informed Code of Conduct 2nd Edition.pdf \(helenbamber.org\)](#)

⁹ [Maslow’s Hierarchy of Needs \(simplypsychology.org\)](#)

¹⁰ [CETS 197 – Council of Europe Convention on Action against Trafficking in Human Beings \(coe.int\)](#)



The National Referral Mechanism for identifying and supporting survivors of modern slavery and human trafficking relies upon designated First Responder organisations to refer potential victims so that they can be formally recognised by the Home Office’s Competent Authorities as potential victims and then victims.

Numerous issues arise within this process.

1. Failure to identify people experiencing exploitation

According to the Global Slavery Index, an estimated 122,000 people in the UK were living in conditions of modern slavery in 2023.¹¹ Whilst improved training across the UK has significantly increased identification over time only 17,000 people were identified as potential victims of modern slavery and referred to the Home Office that year.¹²

Amongst those who experience exploitation there is often a considerable lack of trust of state authorities. Many factors will contribute to this, including past experience with law enforcement and other state agencies or narratives which they have absorbed from their traffickers. Changes to law, policy and practice in the UK by previous governments have perpetuated a climate of hostility increasing individual and community distrust of state authorities. This creates multiple barriers for victims and survivors in disclosing their exploitation. Hope for Justice explored the problems created by hostile environment policies in our 2024 briefing paper, *Hostility for Survivors, Impunity for Traffickers*.¹³

“The current increasingly hostile environment is likely to be leading to less people being prepared to come forward about their circumstances for fear of detention and/or removal.”¹⁴

NGO survey response

Multiple misconceptions hinder identification of survivors, from the notion that to be a victim means you are physically controlled to the idea that trafficking must involve crossing borders.

“The myth ‘it doesn’t happen here’ still exists.”¹⁵

NGO survey response

Although movement is not required by law, the language of trafficking connotes movement, and this hinders identification. Added to this, the conflation with immigration and asylum means British national survivors face specific barriers to being recognised as victims of trafficking. Survivors reported a lack of understanding that British nationals are exploited, which in turn limited their access to specialist support. Further training for frontline agencies is required to address such misconceptions and to overcome other barriers to disclosure, including lack of trust, trauma, language and learning disabilities.

By its very nature, modern slavery presents few opportunities for those suffering exploitation to disclose their abuse and seek protection. It is therefore all the more important to be proactive in identifying those at risk and providing safe pathways for those wanting to escape such exploitation.

¹¹ [Global-Slavery-Index-2023.pdf \(walkfree.org\)](#)

¹² [Modern Slavery: National Referral Mechanism and Duty to Notify statistics UK, end of year summary 2023 – GOV.UK \(www.gov.uk\)](#)

¹³ [Hostility for Survivors, Impunity for Traffickers: How the hostile environment enables modern slavery \(hopeforjustice.org\)](#)

¹⁴ NGO respondent to survey question: What do you consider to be the primary barriers to identification?

¹⁵ NGO respondent to survey question: What do you consider to be the primary barriers to identification?

Insight from across the UK: Northern Ireland

While no young males from Northern Ireland have been referred to the NRM as victims of child criminal exploitation, the legacy of Northern Ireland's turbulent past plays a major role in how the country views and responds to such exploitation. The low identification rate may point to a failure to recognise it as a modern slavery offence, a cultural acceptance of this form of exploitation, and an unwillingness by potential victims to engage with authorities. It also raises broader questions about the efficacy of the NRM as an appropriate response to this form of exploitation in the context of Northern Ireland. Reaching young people in such circumstances will require considerable attention and a highly specialised safeguarding and support response.

2. First Responder Organisations: Lack of capacity, Awareness and Conflicts of Interest

Statutory and non-statutory First Responder organisations face distinct challenges that present important barriers to survivors being able to access justice. Some issues remain consistent across the various organisations, most notably that the role is not funded. For organisations with limited resources, it is therefore a challenge to ensure staff are adequately trained and resourced to carry out this work to a high standard.

*"Often when people have multiple complex needs it is difficult for people to identify as there is so many additional things going on and professionals often respond to crisis and overlook unpicking what is going on for a person beyond the crisis they present with."*¹⁶

NGO survey response

A small number of NGOs are designated First Responder organisations independent of the state.¹⁷ Several such organisations have highlighted the challenges they have faced in recent years, particularly a lack of capacity. Some NGO First Responders have been forced to turn survivors away.¹⁸ In addition to the lack of capacity, there are concerns regarding the uneven geographic spread of First Responders across the UK. In the Government's 2019 Annual Report on Modern Slavery, it was reported that:

*"The Home Office has been working with stakeholders to review the role of First Responders, looking at who should be First Responders, how non-statutory organisations can apply to be a First Responder organisations and how First Responders should be trained. Findings will be published in the coming months."*¹⁹

Despite this, the situation has not yet been resolved and there remains no clarity as to how NGOs can apply to become First Responders or to have existing applications considered. Some NGOs have outstanding applications dating back several years to which they have yet to receive a response.

The availability of a suitable First Responder is critical, perhaps most clearly evident in detention settings. There are no independent NGO First Responders within immigration detention meaning that survivors are reliant upon organisations such as UKVI, Border Force, Immigration Enforcement to complete their NRM Referral. These organisations all have conflicting objectives and are often not in a position to prioritise safeguarding survivors or building trust with the individual.

¹⁶ NGO respondent to survey question: What do you consider to be the primary barriers to identification?

¹⁷ [designated-organisations – GOV.UK \(modernslavery.gov.uk\)](https://www.gov.uk/modernslavery.gov.uk/designated-organisations)

¹⁸ [12130-identification-full-report.pdf \(biccl.org\)](https://www.biccl.org/12130-identification-full-report.pdf); [The National Referral Mechanism: Near Breaking Point – Progress Report 2024 – One Year On \(kalayaan.org.uk\)](https://www.kalayaan.org.uk/progress-report-2024)

¹⁹ [Modern Slavery Report 2019.pdf \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/418121/modern-slavery-report-2019.pdf)

During interviews and workshops stakeholders reported a lack of awareness and understanding both as regards modern slavery and the NRM amongst First Responders. Not only does this lead to a failure to identify survivors, but it also impacts the manner in which NRM referrals are conducted and the accuracy and adequacy of the information provided. The information provided by First Responders is critical to the determination of whether an individual is identified as a victim and therefore entitled to support. Hope for Justice's teams have assisted First Responders to complete referrals, ensuring all relevant information is provided. This is a piecemeal approach and a systemic solution is required. First Responders must, therefore, have an understanding of modern slavery and the impact of such a traumatic experience upon survivors. They must also be able to work with the survivor and interview them in a trauma-informed way.

The lack of ongoing training was raised by several stakeholders: whilst a First Responder might receive e-training as part of their on-boarding, if they do not use that information regularly, they are likely to forget it or those who have been trained move on into different roles.

Adult survivors who are identified by First Responders may refuse a referral to the NRM. Feedback from NGO stakeholders suggest that this is often due to, amongst other reasons, fear of immigration or law enforcement or because they don't see the point of the NRM. Some do not consider themselves to be victims. Hope for Justice have also worked with some survivors who initially did not enter the NRM as it was not well explained to them by the First Responder.

3. Delays in Reasonable Grounds Decisions, Increased Threshold and Negative Decisions

One of the major challenges reported by stakeholders was the delay in decision-making. According to statutory guidance from the Home Office, the Reasonable Grounds decision should be made within five working days of the referral.²⁰ However, in 2023 decisions took an average of 23 days.²¹ Such delays have been attributed, by both the Government and NGOs, to changes in the evidentiary threshold which require decision makers to have regard to objective factors in support of the individual's account. Competent Authorities therefore often have to request further information to demonstrate objective factors in order to reach a decision. This not only delays the decision which provides the gateway to support and protection, it places further strain on under-resourced First Responders who have to gather extra in support of the referral.

A full analysis of the impact of changes to the evidentiary threshold is beyond the scope of this paper.²² Nevertheless, it is striking that there was a significant increase in the proportion of negative decisions in 2023.²³ This presents a critical barrier to survivors being able to access support and justice as, without a positive Reasonable Grounds decision, individuals are not eligible for specialist assistance.

The nature of the decision-making process also leads to a threshold mindset in which it is 'all or nothing'. If that threshold is met and the individual is deemed a survivor, they can access support, but if not there is no path to alternative support for vulnerable people. In light of ever-improving understanding on the impact of trauma, including the ability of survivors to disclose their experiences and the complexity of exploitation, such a threshold mindset is inappropriate and problematic. It is not reflective of other areas of safeguarding where thresholds of intervention are low and the onus is on the state to investigate the situation rather than a survivor to provide evidence that they should be safeguarded. Ultimately it is the state's responsibility under international law to identify the victim not responsibility of the victim to identify themselves to the state.

20 [Modern+Slavery+Statutory+Guidance+ EW +and+Non-Statutory+Guidance+ SNI +v3.10.pdf \(publishing.service.gov.uk\)](#)

21 [Modern Slavery: National Referral Mechanism and Duty to Notify statistics UK, end of year summary 2023 - GOV.UK \(www.gov.uk\)](#)

22 For more information see this analysis conducted by the Anti-Trafficking Monitoring Group, Human Trafficking Foundation and British Institute of International and Comparative Law [NABA_research_summary_ATMG_FINAL.pdf \(antislavery.org\)](#)

23 [Updated analysis of the National Referral Mechanism data | IOM United Kingdom](#)

4. Cultural Barriers

Those leaving exploitation must confront a lack of understanding in multiple forms. Foreign nationals may experience cultural and language barriers when seeking assistance, but the issue extends further still:

"Young people who have been exploited feel like organisations don't understand them."

Sosa Henkoma, LEAP Consultant

Sector-specific terminology can often alienate survivors. The use of jargon creates further barriers to survivors being able to communicate with authorities and support providers. What does the National Referral Mechanism mean to a young person who is being criminally exploited? How are foreign nationals to understand terminology which may not be easily translated? Even language such as modern slavery, human trafficking and exploitation can be difficult concepts for survivors to relate to and different parts of the UK favour different terminology:

"You calling me a slave? What's modern about slavery?"

Survivor Consultant

Understanding that language and culture are intrinsically linked is crucial to communicating in a manner which is appropriate, thereby facilitating understanding and engagement.²⁴ For those for whom English is not their first language, translation is often not straightforward. One survivor reported that there was no word for 'exploitation' or 'coercion' in their native language. Therefore, a direct translation may not be possible and so it can become the responsibility of the interpreter to translate in a culturally competent and accurate manner.

Racism and a lack of cultural competence play a central role in hindering identification of survivors. Survivors raised concerns that organisations risk adopting a 'saviour syndrome' relying too heavily upon training to deem themselves culturally competent. Very often this fails to take account of regional nuances which may exist or the different experiences of religious or other social groups. Consultants stressed the importance of 'cultural humility': recognising there are things we don't know, areas in which we need to learn, and where we would benefit from asking survivors about their culture and experiences.

One survivor spoke of having an 'Asian sounding' name and being advised by their peers to give a 'white sounding' name as it would be better received by authorities. This created confusion, however, when police and state authorities failed to reconcile the different name given from that on official documents. There was a lack of appreciation as to why an individual might have given an alternative name:

"These people don't look like me, they don't want me in the country and see me as a burden and now they need to make a decision on me."

Survivor Consultant

The barriers created by language and culture are not limited to foreign national survivors. During consultation, a survivor consultant spoke of the barrier created by language when working with young people who have grown up in exploitative, abusive and violent cultures:

²⁴ See more here [Cultural influences and cultural competency in the prevention and protection of survivors of modern slavery and human trafficking insights from the UK and Albania.pdf \(stmarys.ac.uk\)](https://www.stmarys.ac.uk/research/cultural-influences-and-cultural-competency-in-the-prevention-and-protection-of-survivors-of-modern-slavery-and-human-trafficking-insights-from-the-UK-and-Albania.pdf)

"Being relatable is about relating to someone's feelings and emotions, understanding that right now this young person is overwhelmed because they have just been told that they have been exploited when their whole life they thought this was normal...They don't understand the terms that are being used: 'modern day slavery', 'exploitation'. They think it's normal and this is how life is. When it is later explained and described what is actually happening, they will understand it more than asking 'are you being criminally exploited?'"

Sosa Henkoma, LEAP Consultant

Survivors reported that there is a perception of who is a 'victim' or who should be deemed 'vulnerable' and therefore in need of assistance. This can lead some survivors to feel like they do not fit the profile of who is a victim:

"If you don't fit the ideal narrative or profile that can be a barrier."

Survivor Consultant

If survivors have grown up in marginalised communities, often distrust of authorities and police has been instilled by their family or community (explored in more detail below). In this situation, this cultural barrier may have been established long before the person has been trafficked. If they have then been subjected to abuse, who do they turn to and trust? Cultural perceptions of state agencies in countries of origin, including corruption and abuse, can shape perceptions of state authorities in the UK.

6.1 – How is a victim defined?

The UK's modern slavery and human trafficking legislation contains various definitions of criminal offences. Not only are these definitions not all compliant with international law, but these criminal law definitions are not analogous with the definition of what it means to be a victim of modern slavery or human trafficking. Even the terminology of modern slavery and human trafficking are not consistently used across the UK. Different criminal law, of course, applies throughout the UK to add a further layer of complexity.

The Human Trafficking Exploitation Acts in Scotland and Northern Ireland and the Modern Slavery Act contain definitions of the criminal offences of modern slavery and human trafficking, but these definitions are not applicable when it comes to determining whether an individual has been a victim or not. Victim status is determined by the decision of the Single Competent Authority or Immigration Enforcement Competent Authority implementing the Modern Slavery Statutory Guidance and the definition set out in 2022 Regulations.²⁵

A full analysis of the problems arising from the current version of the Statutory Guidance is beyond the scope of this paper. It is helpful, nonetheless, to consider how the definitions contained therein present challenges in identifying survivors.

For example, the Guidance defines the components of adult trafficking as involving Action, Means, Exploitation; and for children as only Action and Exploitation. Therefore, in keeping with international law, child trafficking does not have to include 'threat or use of force, coercion, abduction, fraud, deception, abuse of power or vulnerability'.²⁶

Nevertheless, within the definition of various forms of child exploitation, including sexual and criminal exploitation, there is reference to '[taking] advantage of an imbalance of power to coerce, manipulate or deceive a child or young person under the age of 18'.²⁷

In this regard, the Guidance contradicts itself: within the definition of child trafficking there is no requirement for 'Means' such as coercion, force or deception.

²⁵ [The Slavery and Human Trafficking \(Definition of Victim\) Regulations 2022 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

²⁶ [Modern+Slavery+Statutory+Guidance+_EW_+and+Non-Statutory+Guidance+_SNL+_v3.10.pdf \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk) See tables, 2.5 and 2.7

²⁷ See Modern Slavery Statutory Guidance at para 9.46

However, these 'Means' are included within the definition of exploitation types.

For both adults and children, the Guidance and Regulations places a strong emphasis on travel, whether national or cross-border that is not reflective of the international definitions contained within the Palermo Protocol or ECAT. This can be difficult to evidence, particularly for British nationals suffering exploitation. In its Trafficking in Persons report, the US State Department recommended the UK take steps to:

*"Ensure the statutory definition of trafficking under the Modern Slavery Act (MSA) and similar provisions in Northern Ireland do not require movement of the victim as an element of the crime."*²⁸

There is a lack of consistency not only between the criminal law definition and the definition of who is to be deemed a victim, but the Guidance and Regulations are drafted in such a manner as to create confusion. This places police, social work and other First Responder organisations in a difficult position.

Following changes to the Statutory Guidance, survivors who receive a negative Reasonable Grounds decision have 30 days to request a reconsideration. During this consultation, stakeholders pointed out that this is an extremely short timeframe and places considerable strain on already stretched support providers and legal advisors. Often, the information required for the reconsideration will have to be gathered from other agencies which may simply not be possible within the 30-day timeframe. For example, agencies usually have one month to respond to a subject access request for personal information. Even with this provision, information is often not received within that timeframe. In reality, therefore, it is extremely difficult to obtain the required information in time for the reconsideration.

Statutory Guidance can be amended swiftly. Whilst there can be a benefit to such flexibility, in practice, it has meant that amendments can be introduced by the Government without consultation with survivors or those providing support services, often with significant implications for survivors. Not only does this create confusion and uncertainty for professionals, but it has created barriers to the identification of survivors.

6.2 – Identification challenges hinder protection and law enforcement

The various modern slavery and human trafficking laws across the UK contain measures intended to protect survivors from prosecution for crimes committed as part of their exploitation. The Modern Slavery Act and Human Trafficking Act in Northern Ireland contain a defence whilst in Scotland the Lord Advocate's instructions indicate a strong presumption against prosecuting survivors for crimes they have been forced to commit.²⁹

Identifying who is a victim is therefore critical. However, it is not in the gift of police or prosecutors to make that determination despite being responsible for investigating the situation and therefore being in possession of relevant evidence. Nor can local authority safeguarding teams make the decision, despite having valuable insights from working with the individual and an understanding of the impact of trauma. Instead, that decision is made by the Home Office's Single Competent Authority or the Immigration Enforcement Competent Authority.

²⁸ [United Kingdom - United States Department of State](#)

²⁹ Modern Slavery Act 2015, section 45, [Modern Slavery Act 2015 \(legislation.gov.uk\)](#); Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland), section 22 [Human Trafficking and Exploitation \(Criminal Justice and Support for Victims\) Act \(Northern Ireland\) 2015 \(legislation.gov.uk\)](#); Lord Advocate's instructions for non-prosecution of victims of human trafficking, [Lord Advocate's instructions for non-prosecution of victims of human trafficking | COPFS](#)

For many years, civil society organisations have questioned whether it is appropriate for the Home Office to make this determination.³⁰ The Home Office is primarily responsible for immigration and law enforcement. Therefore, it does not necessarily have expertise in working in a trauma-informed manner to deliver specialist safeguarding and support. Fear of deportation can make some foreign national survivors reluctant to cooperate with, or divulge information to, a system operated by the Home Office. Added to this, there is the distance between the decision-makers in the Home Office's Competent Authorities and the survivors, and a reliance upon First Responders who may be inexperienced in working with survivors. As a consequence of this structure, decision-making is often delayed, and it can take years for survivors to hear whether or not they are deemed a victim.³¹

The manner in which survivors of modern slavery are treated is unusual. In what other scenario is a determination required from the Home Office that an individual has or has not been a victim of a serious crime? Rather than upskill existing mechanisms for identifying and supporting vulnerable children and adults, a new mechanism was devised which syphons survivors of modern slavery away from mainstream services, leading to a lack of awareness amongst those who might be well-placed to provide specialist safeguarding and assistance.

Throughout Hope for Justice's consultation with stakeholders across the UK, a lack of awareness of modern slavery and understanding of the challenges survivors face was a recurring theme. Whilst there are examples of good practice, there is a lack of consistency across the UK. Perhaps structuring the system for identifying survivors to sit outside existing safeguarding frameworks perpetuates this lack of understanding and hinders an effective response from law enforcement, local authorities and other frontline agencies most likely to encounter survivors of modern slavery.

One consequence of this is that survivors of modern slavery within the criminal justice system are often not identified and are subsequently prosecuted, whilst their traffickers evade prosecution. According to research from the University of Essex:

"Shockingly, given how few convictions there are on modern slavery charges, it's not out of the question that there might be more survivors than perpetrators in UK prisons."³²

One of the survivors with whom Hope for Justice consulted spoke of the challenges they face due to the conviction they received during their exploitation and then continuing to be treated as a criminal. This represents a significant barrier to justice for this individual and they continue to live in 'survival mode'.

6.3 – Recommendations: Reforming the system of identification

1. Accredited First Responders:

The position of First Responder should be resourced and accredited to help ensure that First Responders are aware of their duties and survivors' rights, and trained to complete a National Referral Mechanism referral in a trauma-informed manner. Progression towards a model of accreditation should begin with the introduction of mandatory accredited training for single points of contact within First Responder organisations and an associated code of practice.

This process of accreditation must go hand in hand with enabling additional organisations, including civil society organisations from related sectors such as homelessness, to apply for First Responder status and adequately resourcing the position.

30 See proposals for alternative NRM structures from the Anti-Trafficking Monitoring Group [ATMG National Referral Mechanism for adults and children - Anti-Slavery International \(antislavery.org\)](#)

31 [Updated analysis of the National Referral Mechanism data | IOM United Kingdom](#)

32 [Modern slavery victims going undetected in UK prisons | University of Essex](#)

2. Localised identification:

Those working most closely with at-risk communities are best placed to identify survivors of modern slavery. Across the country, multi-agency frameworks have been established to assess the needs of vulnerable children and adults and provide a pathway to support in other areas of safeguarding. Whilst survivors of modern slavery will require a specialised response, those working within these services ought to have a skillset and understanding of trauma which provides the basis of working with survivors of modern slavery.

By shifting decision-making to localised multi-agency mechanisms, it is possible to make decisions more quickly, to ensure relevant service providers are involved from the outset, and to guide survivors to necessary support.³³ The decision-making process must include a formalised appeal and review process. In the event that the multi-agency panel determines the individual is not a survivor of modern slavery but nonetheless has other safeguarding needs, there should be a pathway for referral to appropriate safeguarding and support services.

Central government should retain responsibilities for developing guidance, coordination and data-gathering including effective monitoring and evaluation. This would improve the national understanding of modern slavery, including regional variations as well as the support needs of survivors, so that approaches and services can be targeted to where they are most needed. This central coordination would also be important to ensure survivors do not fall through gaps in support should they move across the country.

3. Sharing intelligence:

Statutory and non-statutory agencies have data that could help to identify potential victims of human trafficking, but which is kept in-house because of data protection considerations. New technological approaches, such as using confidential computing or blockchain, mean it is now possible to generate intelligence from data from different organisations that is pooled, but in such a way that data protection issues are fully addressed. Hope for Justice, working with Edgeless and Intel, has created a proof of concept called Private Data Exchange that does exactly this. These technologies should be explored further as this would enable safe data exchange and enable a better understanding of the intelligence picture to inform prevention, identification and survivor support.³⁴

4. Fair Work Agency:

The current approach to worker protection is fragmented and under-resourced. This means that many workers suffering exploitation across the spectrum of labour abuses risk not being identified. An appropriately resourced Fair Work Agency would provide a focal point for worker protection: facilitating the identification of potential victims of modern slavery and preventing further harm. Not only would a single body simplify the process for workers, more effective and consistent enforcement would level the playing field for employers.³⁵

5. Safe Reporting:

Foreign national survivors of modern slavery must have confidence they can report their experience of exploitation and abuse without fear of being deported. This requires a mechanism for secure reporting, provided for by legislation, through which safeguarding is prioritised over immigration enforcement.

Critical to achieving safe reporting is addressing the governance of the UK's response to modern slavery: Home Office ownership of this policy area and its responsibility for delivering support creates a conflict of interest between safeguarding and immigration enforcement. A cross-government approach is required, enabling safeguarding to be led by those with expertise, and structures introduced to protect survivors from immigration enforcement.

³³ [An evaluation of the pilot to devolve decision-making for child victims of modern slavery - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/news/an-evaluation-of-the-pilot-to-devolve-decision-making-for-child-victims-of-modern-slavery)

³⁴ [Intel and Hope for Justice: Private Data Exchange, Leveraging Confidential Computing to Combat Human Trafficking | Hope for Justice](#)

³⁵ [FLEX-Single-Enforcement-Body-Briefing-2023.pdf \(labourexploitation.org\)](#)

6. Establish safe migration routes with visas not tied to employers:

Whether it be overseas domestic workers, care sector workers or seasonal workers, experience has shown that when a visa ties an individual's immigration status to their employer there is high risk of exploitation. It can be extremely difficult for workers to disclose their experiences in such circumstances.³⁶ Therefore, facilitating identification and enabling safe reporting requires putting an end to restrictive employer-tied visas for migrant workers and providing recourse to public funds.

7. Adopt the 'social path' to identification and assistance:

The OSCE argues that a social path presents advantages over identification mechanisms which are linked to criminal justice, including:

- Ensuring identification as a pathway to mid- and long-term assistance irrespective of victims' participation in criminal proceedings;
- Providing protection without exposing trafficking victims to risks of retaliation;
- Lowering of the evidentiary threshold from that required to prove a crime versus the information needed to initiate protection and assistance;
- Continued support of victims upon return to their country of origin or habitual residence;
- Vesting conclusive identification with the State social protection system, thereby building the trust of victims and thus leading to more identifications;
- Creating conditions for more prosecutions.³⁷

7 – Accessing Support

Every individual will experience exploitation in their own unique way. However, at its core, modern slavery involves control and coercion, the denial of individual autonomy and sense of self. This has a profound impact on a survivor as regards their independence, relationships and ability to make even small decisions about their life:

"Going through trauma can make you lose sense of who you are and then you accept labels that other people have given you."

Sosa Henkoma, LEAP Consultant

Survivors of modern slavery require specialist trauma-informed support. However, across the UK, stakeholders consistently reported the patchwork availability of services and lack of awareness about the help to which they are entitled. Survivors are impacted by wider systemic problems when it comes to accessing support: commonly a lack of safe and appropriate housing, legal aid advice, and mental health support.

British and foreign national survivors have distinct experiences of accessing support.³⁸ Nevertheless, both groups experience challenges in accessing the support to which they are entitled:

"I remember being referred in and they said, 'you're British, you don't need counselling, you can go to the NHS, you don't need legal aid because you don't have immigration issues or asylum claims, you don't need a safe house'."

Emily Vaughn, LEAP Consultant

³⁶ [UK agriculture and care visas: worker exploitation and obstacles to redress – FLEX \(labourexploitation.org\); 12 years of modern slavery: Kalayaan's new report exposes the smokescreen used to deny rights to migrant domestic workers that would keep them safe at work](#)

³⁷ [Putting victims first: The 'social path' to identification and assistance | OSCE](#)

³⁸ [bakhita-centre-modern-slavery-report-august-2022 \(stmarys.ac.uk\)](#)

"I'm not British and I never really knew about any support either. I didn't know how to access counselling. Most of the support I received was outside of the NRM, with organisations which didn't know about exploitation but recognised there was trauma which needed to be addressed. Having that support to understand the trauma, I was able to identify myself as someone who has been exploited."

Sosa Henkoma, LEAP Consultant

Survivors as Adult at Risk

There are specific definitions in England, Scotland, Northern Ireland and Wales of who is to be classified as an 'adult at risk', triggering a safeguarding inquiry. For example, in Wales an adult at risk is defined as someone who: is experiencing or at risk of abuse or neglect; has needs for care and support; and as a result of those needs is unable to protect himself or herself against the abuse or neglect or risk of it. If a local authority has reasonable cause to suspect a person is an adult at risk it must make enquiries and decide what action should be taken.³⁹

Survivors of modern slavery and human trafficking may not neatly fit into such a definition of an 'adult at risk'. Owing to the challenges survivors face in disclosing their experiences and trusting state authorities, as well as the lack of awareness of modern slavery and human trafficking, their care and support needs may not be immediately obvious or fully understood. Survivors' needs and the risks they face may also fluctuate over time. Therefore serious safeguarding concerns, including risks of re-trafficking, could be overlooked.

In addition, lack of local authority funding can result in gatekeeping even when survivors do more clearly meet criteria which often requires specialist independent advocacy and legal representation to resolve.

7.1 – Insights from across the UK

In consulting with stakeholders across the UK, it is clear there are many themes which are consistent across all four nations. Survivors face similar challenges as regards accessing specialist services, legal advice, housing and securing their long-term future. However, each context presents a unique challenge, and devolution means the response to modern slavery varies across the UK.

Stakeholders across the four nations spoke of the impact of a rise in negative reasonable grounds decisions, with inadequate support for those individuals; long delays in decision-making and appeals; a lack of First Responder capacity to complete referrals; and a lack of support for survivors post-NRM. Support providers reported a growing problem of people with no recourse to public funds and therefore with no clear access to housing or means of supporting themselves.

Stakeholders across the UK expressed concerns regarding the Notice to Quit asylum accommodation which triggers a period of 28 days to leave accommodation. Stakeholders felt this is insufficient time to ensure continuity of support: local authorities often struggle to find appropriate housing and access to Universal Credit will take some time, leaving people extremely vulnerable to further harm. There were reports that the accommodation which is offered is often inadequate, involving shared rooms and drug and alcohol concerns, which cause significant distress to survivors.

This raises the question as to the availability of suitable accommodation. A recurring theme throughout the consultation was the problems caused by the uneven geographic spread of services and accommodation for survivors.

Support is delivered through the NGOs contracted by the central and devolved governments. However, specialist NGOs have geographical limitations and areas of expertise which result in some areas being well-resourced whilst others lack adequate specialist support agencies, most notably post-NRM services. Survivors have reported concerns about the availability of services for survivors in rural areas where they may be more likely to feel isolated due to limited transportation and suffer greater fear of stigma and a lack of privacy.

In Wales, support providers shared that there is no safehouse accommodation in South Wales, therefore survivors are often accommodated in England where it is very difficult to stay in communication. In Northern Ireland, stakeholders warned about a lack of awareness of the issues and how to respond appropriately outside of the contracted support providers. They also stressed the need for a specialist accommodation for survivors. In Scotland, most of the support providers operate in the Central Belt between Glasgow and Edinburgh, meaning that the expertise required to identify survivors and the resources to provide specialist support is limited in other parts of the country. In England, the response across the country is inconsistent based upon the availability of specialist NGOs and the presence of multi-agency partnerships which is often dependent upon funding from Police and Crime Commissioners (discussed below).

This is not only an issue when survivors are first identified and transitioning into support, but when they relocate across the country which may be necessary for their own safety. The inconsistency in the availability of support, coupled with the lack of coherent and consistent responses between regions, risks undermining survivors' recovery.

"When survivors move, they might not know anyone or know where to get support, and they can't access support in their previous location. If someone is going to move, they need a plan in advance to say, 'these are services who are going to help', a discharge plan from hospital or old GP and send them to new GP to avoid repeating patterns and starting from scratch again."

Survivor Consultant

It is, of course, essential to ensure that survivors not only have access to services but that those services operate to the highest standards. The Care Quality Commission (CQC) is contracted by the Home Office to conduct inspections of safehouses and outreach support delivered under the Modern Slavery Victim Care Contract in England and Wales 'to make sure they receive safe care and support in line with contractual obligations'.⁴⁰ There is no such oversight to monitor the delivery of support services for survivors in Scotland or Northern Ireland.

In addition to the availability of modern slavery and human trafficking-specific services, the lack of related services also serves as a barrier to breaking cycles of exploitation. This includes, for example, access to translators as well as services which address the drivers of vulnerability. In several cases reported to Hope for Justice during this consultation, traffickers would induce or prey upon an individual's drug addiction. Many survivors were also known to have been in situations of domestic violence prior to their exploitation. The absence of sufficient specialist support for those suffering such addictions or abuse hinders efforts to prevent harm occurring or identifying those being exploited.

40 [Services for survivors of human trafficking and modern slavery - Care Quality Commission \(cqc.org.uk\)](https://www.cqc.org.uk)

Support providers also raised concerns about survivors going in and out of jail. This raises questions about the ability of the justice system to identify those in exploitative situations or to provide adequate safeguarding to ensure they are not re-trafficked upon release.

Many of these issues stem from the manner in which support for survivors has been structured. Rather than adapting existing mechanisms to accommodate their particular needs, survivors of modern slavery have been placed on a path that takes them away from mainstream services. As a result, many adult and children safeguarding teams are unfamiliar with the complexity of challenges facing those who have been in exploitation and are not equipped to respond to their needs. Of course, local authorities across the country are also operating with limited resources which impacts not only survivors of modern slavery and human trafficking but other people with complex needs.

Devolution

Stakeholders highlighted an additional challenge in navigating the lack of coherence between support for survivors delivered under contract from devolved governments which is not reserved, and the asylum policy which is reserved. There were reports of survivors being relocated from Glasgow to Sheffield at short notice. Clearly, this is extremely disruptive to the individuals involved and undermines their recovery. It also hinders survivors' access to legal advice as cases then fall under different jurisdictions with different legal aid regimes. In turn, of course, this is detrimental to efforts to hold traffickers to account.

Cross-border trafficking

Whilst there is some consistency in the issues arising across the UK, inevitably there will be variations in how the problem manifests. For example, unlike the rest of the UK, Northern Ireland shares a land border with a third country. Concerns were raised that, whilst considerable focus has been placed on addressing migration across the English Channel, in time traffickers and smugglers may shift their approach and exploit the border between the Republic of Ireland and Northern Ireland.

7.2 – Why can survivors not access the support they require?

Undoubtedly, the availability and resourcing of specialist services and appropriate safe accommodation must be addressed throughout the UK. There needs to be greater clarity of international rights in domestic law, including within and outside the NRM system. Such rights must be recognised within housing, welfare and social care frameworks.

However, perhaps at the root of many of these challenges is the governance structure overseeing the system of identification and support which specialises in immigration and law enforcement, rather than delivering safeguarding and support of survivors. The NRM is therefore separate from existing safeguarding and support mechanisms. These governance issues need to be resolved so that the delivery of safeguarding and support services is integrated into a framework with the relevant focus and expertise.

As with the process of identification, the approach to supporting survivors is unusual. Rather than being led by an individual's needs or priorities for their recovery, the provision of support appears to fit around a decision-making process at the end of which the outcome is unclear for both the individual and the state.

"I think post-NRM you're going to be more vulnerable with no support pathway, with PTSD that's untreated as well which is hard to treat with no counselling... it needs specialist trauma-informed approach".

Emily Vaughn, LEAP Consultant

Support in the form of accommodation, legal advice, mental health, financial assistance, as well as the ability to regularise immigration status, is primarily provided to survivors whilst the Competent Authority makes a determination as to whether the individual is a victim. Those who receive a positive Conclusive Grounds decision that they are indeed a survivor of modern slavery will then undergo a Recovery Needs Assessment (RNA):

*"The RNA enables support workers to consider whether a victim has any ongoing recovery needs arising from their modern slavery experiences following the Recovery Period and positive CG decision and if so, whether continued Modern Slavery Victim Care Contract (MSVCC) support is required to meet these recovery needs. If the support worker proposes the continuation of elements of MSVCC support, they should also detail their recommendation(s) for its duration on the RNA form. The SCA will then decide the outcome of these recommendations. MSVCC support is only available for recovery needs arising from a victim's modern slavery experiences."*⁴¹

It is peculiar that a system has evolved whereby confirmation by the State that an individual is indeed a victim does not automatically entitle that individual to access support to continue their recovery and allow regularised immigration status for those who need it. The lack of any long-term guarantees for survivors is a hindrance to their recovery. It is unclear how long they will have to wait for the government to reach a decision and unclear what assistance will be available to them if they are then deemed to be a survivor. Add to this the barriers to accessing support, advice and accommodation and it is clear that significant improvements are required to the system of support in order to help survivors in their pursuit of justice.

"At the moment I'm still on RNA support. It has taken a year to get a counsellor, we had a meeting over Facetime and now she is saying I might have to go back to the NHS. Consistency of support is so important."

Emily Vaughn, LEAP Consultant

The lack of access to mental health support further reveals the inadequacy of the support available to survivors, both in terms of expertise and resources:

"Access to mental health support needs to be improved. NHS provision is not tailored to the needs of trafficking or trauma survivors, plus there are long waiting lists. Snowdrop receives referrals regularly for specialist therapeutic support. Talk therapy isn't always appropriate: grounding techniques are important in avoiding re-traumatisation and distress."

NGO Consulted

"It makes you feel like less of a victim and makes you feel uncomfortable asking for the support you know you need."

Emily Vaughn, LEAP Consultant

Many stakeholders highlighted the risks facing survivors as they transition out of NRM support. Some described it as a 'cliff edge', and said that:

"People are exited from the NRM too soon and without support because RNAs aren't done well. It is a postcode lottery for what is available outside the MSVCC."

NGO Consulted

⁴¹ [FINAL+Recovery+Needs+Assessment+v8.pdf \(publishing.service.gov.uk\)](#). [The challenges presented by the RNA are well-documented by the ATMG, RNA_One_Day_At_A_Time.pdf \(antislavery.org\)](#)

By syphoning survivor support away from mainstream safeguarding mechanisms, it has left local authorities without requisite expertise of trafficking issues, clarity or awareness of their responsibilities. Legislation, policy and practice has not therefore developed to address these issues. Stakeholders reported the need for improved alignment and collaboration between support providers operating under the MSVCC and statutory services to avoid gaps in survivor support. Central government funding is needed to effect this change.

Devolved Decision-Making Pilot

Glasgow's Health and Social Care Partnership (HSCP) has been operating a pilot for four years testing a model of localised decision making. The pilot utilises existing child protection structures to identify and support children who have suffered exploitation. When a referral is made, an Inter-Agency Referral Discussion (IRD) is convened involving representatives from social work, police and health. This model has proven effective in making decisions in a timely manner and for a protection plan to be implemented if appropriate. Both the Reasonable and Conclusive Grounds decisions are made within 90 days.

In contrast to pilot models in England, where separate panels have been established for this purpose, HSCP have integrated this work into the existing work of IRDs. Each approach has its benefits: the panel model allows for decisions to be made by those with trafficking expertise whilst HSCP's approach means that those who know the child make the decisions.

During consultation, one stakeholder commented:

"The NRM system almost works against what support services are trying to put in place for victims."

NGO Consulted

These issues reflect a governance structure which is often at odds with a safeguarding response to modern slavery. This is naturally the case owing to the leadership in this area by the Home Office, a department which has the competing priority of law and immigration enforcement and operates under a command-and-control structure.



7.3 – Saving victims or empowering survivors?

"When you think a survivor needs to be saved you create dependency."

Sosa Henkoma, LEAP Consultant

In devising a system of support and assistance for survivors of modern slavery, it is critical to consider their needs and their objectives. If, for survivors, 'justice' means being able to live without being in survival mode, to live free from being defined by their exploitation, how can the system of support enable them to do so?

"They want to save a child so badly that they don't ask that child what they need."

Emily Vaughn, LEAP Consultant

It is critical to ensure that survivors' immediate needs are met, meaning that they have a safe space to live, and that their basic needs are cared for. Establishing trust in those first interactions is vital. Organisations such as the British Red Cross have demonstrated the value of emergency safe spaces. This creates an environment in which a survivor can receive appropriate advice and decide what steps they want to take next.⁴²

In considering the support which is provided on a longer-term basis, this must be tailored to the individual's needs for their recovery. In that context, there are nonetheless certain principles which can help inform and shape the support provided.

1. Re-establishing agency: An inevitable consequence of exploitation is the denial of individual agency. Those who have suffered modern slavery have been denied the opportunity to take decisions about their future. A crucial aspect of an individual's ability to recover and establish a safe and independent life is to equip them to make decisions for themselves and ensure that they are treated with dignity and respect by all agencies they encounter on their journey of recovery.
2. Addressing the impact of exploitation and underlying vulnerabilities: If support is limited to 'recovery needs arising from a victim's modern slavery experiences', it will likely not address the conditions which led to their exploitation. Exploitation does not occur in a vacuum, it is a result of individual and systemic socio-economic, gender, racial inequality, legal and policy conditions which leave individuals and communities at risk of abuse. Addressing both systemic and individual vulnerabilities is essential to breaking cycles of exploitation.

"Survivors don't need to be saved, they need to be coached, they need to be given autonomy because autonomy has been taken away from them, they need to understand they have autonomy and can put boundaries in place, they can say 'no' to certain things, don't have to people please, and find themselves."

Sosa Henkoma, LEAP Consultant

The purpose of support must be to help the survivor lead an independent life, rather than create a dependency.

"You can get addicted to support, you can depend too much on that support."

Emily Vaughn, LEAP Consultant

Support providers need to empower survivors to make their own decisions and not make them for the survivor:

"The job of the support worker is to align and point survivors in the right direction of the support options and ask which they think is best. You don't want the support worker to be in charge of the survivor as they won't then be able to make decisions."

Juliet Odaro, LEAP Consultant

7.4 – How can survivors be supported into work?

Accessing decent, safe employment is an important part of a survivor's recovery. Many of the survivors with whom we consulted spoke of the importance of work to their idea of justice. For those who are able to work, this is crucial not only in providing a source of income, but in restoring a sense of dignity and establishing healthy relationships. Despite this, once again, there are multiple barriers.

⁴² [Early support for survivors of trafficking report | British Red Cross](#); [Places of safety: principles that underpin early support provision for survivors of trafficking – Anti-Slavery International \(antislavery.org\)](#)

⁴³ [FINAL+Recovery+Needs+Assessment+v8.pdf \(publishing.service.gov.uk\)](#)

Many foreign national survivors will not have the right to work in the UK. In light of the length of time survivors may wait for a Conclusive Grounds decision and the limited financial support available within the NRM, this can significantly impact their ability to establish their independence and safety from further exploitation. This may particularly impact the mental health of foreign national survivors who initially came to the UK for work only to be deceived or coerced by traffickers.

Even those who have the right to work face multiple challenges, for instance they are unlikely to have a suitable reference from a previous employer; they may have language barriers; they may struggle to explain gaps in their employment history; they may have a criminal record; and they may have ongoing health issues. A workplace environment can also contain trauma triggers especially for those who have been subjected to forced labour where they have been deceived by the trafficker about their rights. When in work, there can be a reluctance to raise issues relating to their trafficking experience, for example to take time off for health reasons, due to concern for how that will be perceived.

“If you have a criminal record, it doesn’t matter if you have a Conclusive Grounds decision for the same timeframe, the criminal record takes precedence. Or you might have a reference from voluntary work at the safe house but still face difficult questions like ‘why have you not worked for five years?’ There are also barriers caused by not having documents, like your birth certificate or ID, especially not having the originals. This can make it hard to get a bank account. Although some banks have got better.”

Survivor Consultant

Once again, the question as to the purpose of providing support and assistance to survivors is pertinent. If the objective is to help people to live safe, independent lives then access to work for those who are able is an important aspect of their recovery. It would appear that this has not been a priority outcome for the UK Government in recent years, meaning that NGOs have had to develop specialisms in employability.⁴⁴ Placing survivor support within a more appropriate governance framework which recognises the value of accessing employment and education, and therefore invests resources in assisting survivors, employers and educators, would help to address some of these shortcomings.

7.5 – What are the barriers to compensation?

“No amount of money can compensate for what you’ve been through but it’s a chance to re-build your life, access opportunities that you previously missed out on.”

Emily Vaughn, LEAP Consultant

For those leaving situations of exploitation, financial stability can provide a critical basis for their recovery. Securing compensation, whether it be from their traffickers or from the state, can therefore be an important component part of achieving justice.

Unfortunately, survivors face multiple barriers to securing compensation. Even those who do receive compensation may face further challenges. They may require financial advice and protection from further abuse.

“Everyone should be entitled to compensation. But if someone is going to receive compensation they should definitely get support to understand the importance of money management.”

Sosa Henkoma, LEAP Consultant

⁴⁴ For example, [JERICHO | Social Enterprise Charity in Birmingham](#); [Human Trafficking | Sophie Hayes Foundation](#); [England and Cooperative Bright Futures Programme Bright_Future_Report.pdf \(liverpool.ac.uk\)](#)

It is critical that survivors have access to legal advice, including advice on establishing a Personal Injury Trust should they recover compensation. Personal Injury Trusts allow an individual, who has received payment as a result of injury, to hold and manage their funds to ensure that it is not taken into account for assessment of means-tested benefits or care contributions. This means that if they are in receipt of compensation without this measure survivors can lose their means-tested benefits.

Compensation from traffickers

In addition to providing survivors with the financial foundation to move on from their exploitation, securing compensation from their traffickers provides a means of accountability. Trafficking is a lucrative crime, therefore targeting the proceeds of that crime including unscrupulous businesses can play a part in creating a hostile environment for traffickers in which to operate.

1. Reparation Orders: The Modern Slavery Act 2015 section 8 empowers the courts in England and Wales to make a 'slavery and trafficking reparation order' upon conviction for offences under the 2015 Act providing there has been a confiscation order made against a person in relation to that offence.⁴⁵ The court has a duty to give reasons if a reparation order is not made (section 54 of the Sentencing Act 2020). A similar provision exists in the Human Trafficking and Exploitation (Northern Ireland) Act Schedule 2, but not in the Scottish legislation.⁴⁶
2. Compensation Orders in England and Wales are governed by sections 133-135 of the Sentencing Act 2020 which applies to all convictions on or after 1st December 2020. The court has a discretion to make a compensation order in any case where it is empowered to, on application. This includes for personal injury, loss or damage as a result of the offence or any other offences taken into consideration in determining the sentencing of the offence. The court is obliged to make a compensation order in any case where it is empowered to, whether on application or not.⁴⁷ Courts must give reasons where they do not make an order and⁴⁸ should take into account the offender's means.⁴⁹

Data on compensation is hard to come by, however anecdotally it appears that it is rare for survivors of modern slavery to receive compensation via either of these routes. Both rely upon the conviction of the trafficker and the low number of convictions means that many survivors simply are unable to receive a criminal compensation or reparation order. In addition, reparation orders are reliant upon or impacted by confiscation orders under the Proceeds of Crime Act 2002 and whilst Compensation Orders are not reliant on this, means must be taken into account in making the order. Therefore, ultimately an award of compensation for survivors is often intrinsically linked to a financial investigation with identification of assets and orders for freezing and confiscation of assets. Often this requires significant management and resources both of financial investigators and prosecutors in all jurisdictions.⁵⁰

45 [Modern Slavery Act 2015 \(legislation.gov.uk\)](#) Modern Slavery Act, section 8; [Sentencing – Ancillary Orders | The Crown Prosecution Service \(cps.gov.uk\)](#) CPS Sentencing Ancillary Orders

46 The Human Trafficking and Exploitation (Scotland) Act 2015 amends the Proceeds of Crime Act 2002 to include offences under section 4 of the 2015 Act (slavery, servitude and forced or compulsory labour)

47 Powers of Criminal Courts (Sentencing) Act 2000 section 130(2A)

48 Sentencing Act 2020 section 55

49 Sentencing Act 2020 section 135(3)

50 The Independent Anti-Slavery Commissioner has conducted a review of Financial Investigations of Modern Slavery: [financial-investigation-of-modern-slavery-march-2021.pdf \(antislaverycommissioner.co.uk\)](#); as well as reviewing access to compensation and reparation: [iasc-policy-paper_access-to-compensation-and-reparation-for-survivors-of-trafficking-april-2022.pdf \(antislaverycommissioner.co.uk\)](#)

Case Study

In September 2017, police raided a food factory in response to a situation of forced labour. Hope for Justice went on to assist two of the workers who were being exploited. The nine defendants were sentenced and Hope for Justice's clients were advised that they would receive compensation under the Proceeds of Crime Act.

In January 2024, one client was awarded £0.73 but only received £0.24, whilst the other was awarded £45.49 and has so far received £14.75. This is due to the defendants not settling confiscation orders or attending enforcement hearings. The defendants have all now served their sentences and been returned to their home country of Latvia before the confiscation order had been processed by the court and the compensation order awarded.

3. Civil Compensation: Survivors have sought compensation from their traffickers through various avenues, including through the employment tribunal or bringing a civil case. However, each such option presents its own barriers. This includes survivors not being aware of their rights to access civil compensation in the first place; limitation dates (which can be short); legal aid being refused on cases and a limit of two years of backdating of payments for non-payment of wages in the employment tribunal. There is no specific civil remedy, tort or delict for modern slavery or human trafficking which would provide a more straightforward path to claiming compensation.

Compensation from the State: Criminal Injuries Compensation Authority (CICA)

The challenges facing survivors of modern slavery seeking compensation through CICA were summarised by one of the survivors we consulted for this paper:

"Firstly, you need to be aware that you are entitled to it. If you haven't been made aware there is nothing you can do. Secondly, there needs to be someone there who can guide you through the steps otherwise it's difficult. Thirdly, the evidence required is too much and sometimes you can't provide it. The only thing that helped me was the therapy I had: [the therapist] had to provide evidence on my behalf because that was the only evidence I had. I also had a good solicitor who was pushing the case with CICA and this was very important."

Juliet Odaro, LEAP Consultant

Whilst survivors have been successful in claiming compensation from CICA, the process is challenging and many survivors' claims are rejected.⁵¹

Criminal Injuries Compensation Scheme claims are currently out of scope for legal aid and require an exceptional case funding application (ECF). These applications are routinely refused.⁵² In Hope for Justice's experience, survivors of modern slavery face multiple barriers in accessing the scheme, which may include (but are not limited to) learning difficulties, trauma and other mental health, language barriers and cultural disorientation. This is then compounded by issues survivors encounter with the scheme itself:

- The scheme does not recognise modern slavery as a crime of violence, despite being so classified by the Modern Slavery Act 2015 section 6;
- Claims must be submitted within two years of the incident suffered, so survivors can face significant issues with limitation dates including defining what the limitation date is when there may be multiple incidents of modern slavery;

⁵¹ For more see this report from After Exploitation: [After Exploitation - Information sheet - Modern slavery + compensation \(CICA\) - July 2024 - Second edition](#) and from ATLEU: [Survivors of trafficking and CICS.PDF - Google Drive](#)

⁵² [Applications to the Criminal Injuries Compensation Authority \(CICA\) - ATHUB](#)

- They may be excluded due to previous criminal convictions, including those which were a result of the individual's exploitation;
- Their claim may be rejected due to non-cooperation with the police;
- They may not be able to prove a mental injury which may be their only option under the scheme.

Survivors of sexual exploitation are more likely to succeed on the basis of other violent crimes they have experienced as part of their exploitation, such as rape. However, those who have been subjected to forced labour, where there may be more subtle instances of psychological control which are deeply damaging to the individual, routinely have their claims rejected. Survivors also struggle to evidence particular mental injuries as they may not have sought psychological support, perhaps due to a cultural taboo regarding mental health, difficulty accessing services due to long waiting times, or they may simply not be ready for such support in their journey of recovery.

To overcome such barriers, survivors are required to provide a great deal of evidence in support of their claim which can be a traumatising and frustrating experience:

"You need to provide all the evidence you had to provide for the NRM: social record, police, counselling, HMRC. In essence it is like going through the NRM again."

Emily Vaughn, LEAP Consultant

This raises the question as to whether the information provided to the NRM for that decision-making process could help inform CICA's determination:

"It should go hand in hand with the NRM. If you're giving evidence to them, they should be able to get that evidence from them rather than survivors having to give evidence to someone else. The systems should work together and share information and make it easier for survivors."

Juliet Odaro, LEAP Consultant

Survivors also reported that the manner in which compensation is awarded can be problematic:

"They give figures per injury which is triggering. The tariff system seems sick."

Emily Vaughn, LEAP Consultant

Survivors can wait many years for a decision. If successful, payments are not paid until any civil cases have been completed, further delaying their recovery. If their application is unsuccessful, many are not then aware that they have the right to challenge a negative decision.⁵³ Hope for Justice have experienced that survivors have died waiting for compensation.

"There's no legal aid for CICA reviews and often people don't have representation. It's because they don't neatly fit into the scheme. Survivors need to know that these decisions can be taken to review and appeal. And they could speak more generally about police cooperation, in that many survivors don't feel able to cooperate with the police due to fear of repercussions, trauma, not wanting to have to go over the details again etc., however, compensation should not be withheld because of this and it's common for CICA to initially reject trafficking cases."

Emily Vaughn, LEAP Consultant

53 ['It has destroyed me'. New report by ATLEU reveals how a legal advice system on the brink is failing survivors of modern slavery – ATLEU](#)

Case Study: Success through Collaboration

Sonya* was a victim of child sexual exploitation and criminal exploitation. Due to the serious nature of the injuries she sustained as a victim of modern slavery, Sonya was entitled to compensation under the UK Government's Criminal Injuries Compensation Scheme (CICS), which is administered by CICA.

Sonya made an application to the CICA and then waited for many months before being told in 2022 that it had been denied. The response stated that she did not cooperate as far as reasonably practicable with the police in bringing the perpetrator to justice. Sonya felt threatened by the traffickers who had told her they would harm her if she went to the police and that she would not be believed. Despite this, she did make an initial report, but she did not feel the police understood the gravity of her situation or that they were able to keep her safe, so withdrew her cooperation in the investigation.

"When my initial application was rejected, I found this difficult because I had worked with the police as far as I could, but eventually I lost faith and trust in them. I felt let down and disappointed."

"The CICA process is very lengthy, which seems to be the way with lots of processes for survivors of human trafficking. This can be re-traumatising. It can feel dismissive. If I didn't have Hope for Justice involved, I would have just left CICA after I received the negative decision as I would not have known how to challenge the decision."

One of Hope for Justice's IMSAs began working with Sonya in 2022. We referred Sonya to a project co-developed between Hope for Justice, the Anti-Trafficking and Labour Exploitation Unit (ATLEU) and a pro bono solicitor. The project enables survivors access to pro bono legal advice.

Exceptional Case Funding is in place to provide legal aid to those who would otherwise suffer a breach of a Convention or EU right. However, ATLEU have found that:

"the Legal Aid Agency (LAA) does not accept that an application to CICA involves the determination of Convention or EU rights and so routinely refuses applications."⁵⁴

This means that survivors regularly are unable to access legal aid advice. To bridge this gap in provision, through this collaborative project, Hope for Justice refers survivors to the pro bono solicitor, who gives their time to help draft representations on behalf of survivors.

Hope for Justice assisted Sonya to gather police records and extensive medical records, along with evidence from other organisations that she had worked with.

The pro bono solicitor drafted a letter to request a review of the CICA decision. Hope for Justice then worked through the letter with the survivor, explaining its contents, and with the survivor's consent, submitted the request for a review in 2023.

CICA then reviewed their original decision and made an award of £22,000 to the survivor.

"This case shows the importance of advocating on behalf of survivors of modern slavery and human trafficking. Without the right support and access to legal representation, this survivor would not have received any financial award. We are thrilled that she has now been awarded compensation and that this money will help her with her future."

Hope for Justice Independent Modern Slavery Advocate®

*Name changed to protect identity of the survivor.

⁵⁴ [survivors-of-trafficking-and-the-criminal-injuries-compensation-scheme.pdf \(antislaverycommissioner.co.uk\)](https://www.antislaverycommissioner.co.uk/survivors-of-trafficking-and-the-criminal-injuries-compensation-scheme.pdf)

7.5.1 – Lack of Access to Legal Advice

There are numerous barriers that survivors experience in accessing legal aid advice in practice. Firstly, to access legal advice survivors need to be informed about legal aid, understand their legal rights, and be informed of what they can potentially access in legal support depending on their needs.

Secondly, survivors may need a supported referral and ongoing advocacy support through the legal process to continue to engage with a legal representative. Survivors may face multiple barriers including trauma, language barriers, cultural disorientation, learning disabilities, mental health issues and a lack of trust. In addition, they may require multiple pieces of accessible information to enable them to understand and process the legal advice provided.

Thirdly, there are then barriers in practically accessing legally aided advice with so few representatives across the UK and even fewer who have expertise in modern slavery and human trafficking. That places a huge strain on those who do specialise in advising survivors of modern slavery and leaves large parts of the country under-served. Cases are complex so this is very much a specialism within a specialism. Survivors therefore often face considerable difficulty in accessing crucial specialist legal advice and representation. This impacts not only their ability to claim compensation, but a range of issues they might encounter, from housing to welfare, community care and immigration as well as criminal legal advice. Legal aid is also not available for welfare benefits cases before second tier tribunal stage despite these cases often being extremely complex for survivors of modern slavery.

The notion of 'legal aid deserts' has been well documented in numerous reports as well as those which relate specifically to survivors.⁵⁵ The fixed fee structure presents a particular challenge for those who wish to advise survivors of modern slavery. These cases can be long and complex meaning where legal aid is still available it is often not financially viable for legal firms to take on the case. As a result, they do not establish the necessary expertise to represent survivors of modern slavery who are likely to have multiple intersecting legal needs. Access to legal representation for a survivor can mean the difference between destitution; deportation and significant risks of re-trafficking or access to safety and support that will enable recovery.⁵⁶

Unlike in other parts of the UK, legal aid is available for survivors in Scotland prior to entering the NRM. Whilst similar issues exist in Scotland regarding the uneven availability of legal advice geographically, enabling survivors to access early legal advice is a crucial first step in ensuring that survivors are aware of their rights and entitlements. This can be crucial in preventing difficulties arising further down the line such as risks of destitution and homelessness and ultimately risks of re-exploitation.

7.6 The Role of an Independent Modern Slavery Advocate®

An Independent Modern Slavery Advocate® (IMSA) provides independent socio-legal advocacy that ensures survivors of modern slavery and human trafficking can make informed choices about their entitlements and recovery. IMSAs provide advocacy that is person-led and trauma-informed to improve the safety, resilience and empowerment of each survivor.

56 [Legal aid deserts | The Law Society](#); As well as research on the impact on survivors of modern slavery: [158_legal_advice_full_report.pdf \(biicl.org\)](#)

57 Many of the challenges are presented in this briefing paper: [ATLEU-FLEX-HfJ-SM-SC-Joint-submission-Legal-Aid-Means-Test-Review-FINAL.pdf \(labourexploitation.org\)](#)

The second National Referral Mechanism handbook published by the OSCE, recommends that:

“Adult victims of trafficking should have an allocated advocate to provide individual support, needs and risk assessment, and act as a co-ordinating focal point for all involved professionals and services. The role of the independent advocate should be a recognized professional role, accredited or officially recognised by competent authorities, national authorities, law enforcement authorities and statutory social services.”⁵⁷

The IMSA Model (developed collaboratively by Hope for Justice, British Red Cross, Snowdrop Project, Bakhita Centre for Research on Slavery at St Mary’s University and SOHTIS) offers a national framework for accredited independent advocacy, which has been endorsed by both the former and current Independent Anti-Slavery Commissioners:

“This programme is a great example of a collaborative approach that places survivors’ needs at the heart of it. The IMSAs’ advocacy work for victims and survivors of the most appalling crimes of modern slavery and human trafficking is so important...The IMSAs demonstrate a model that works, and it is essential that more victims and survivors have access to the programme.”⁵⁸

The IMSA works with the survivor and their existing support mechanisms and does not replace that support mechanism or any legal representatives. Rather the IMSA serves to complement the work done by frontline service providers.

“I don’t need you to sort it out, I need you to show me how to sort it out so next time I don’t need you to help.”

Sosa Henkoma, LEAP Consultant

7.7 – Multi-agency structures tackle inconsistency

The availability of specialist trauma-informed support varies significantly across the country. Stakeholders repeatedly spoke of a ‘postcode lottery’ during consultations. Survivors often move (or are moved) around the country making it hard to receive consistent long-term support, and often receive support services which are time-bound.

“There needs to be more structure - services are getting better and can be good but can be disjointed.”

Survivor Consultant

A recurring theme in survivors’ definitions of justice is being able to move on from their experience of exploitation. However, survivors often have to start from scratch with each service they encounter in each area they move to. It is therefore difficult to progress their recovery.

Multi-agency structures provide a means of overcoming some of these challenges. The Multi-Agency Risk Assessment Conference (MARAC) model has proven effective in ensuring that relevant frontline services collaborate in support of an individual at risk. This model is well-recognised in other fields where survivors may require multi-agency safeguarding and support, such as domestic violence.

In Nottingham, a similar approach has successfully brought together relevant stakeholders in the council and police to form a Slavery Exploitation Risk Assessment Conference (SERAC). This mechanism can not only improve identification but can also then make sure the individual receives the support they require.

⁵⁷ [510551_1.pdf \(osce.org\)](#)

⁵⁸ [IMSA Model Development Project | Hope for Justice](#)

"In Nottingham we are committed to tackling this form of criminality and the multi-agency SERAC partnership works to identify hidden cases, support survivors and prevent further harm. Nottingham City Council has a dedicated team to co-ordinate the partnership, educate professionals and manage cases where there are identified indicators.

"This approach, increasing resilience against slavery and exploitation, includes multiple partners from statutory, private and voluntary sectors who share the objective of making Nottingham slavery-free." ⁵⁹

The Passage, an NGO working to address homelessness and modern slavery, has developed a toolkit to facilitate collaborative working between civil society organisations and local authorities. Within the Welsh MARAC system, the Wales Accord on the Sharing of Personal Information (WASPI) protects those sharing information. This encourages participants to share data knowing that it is safeguarded, fostering enhanced collaboration and an improved overall response.

Specialist NGOs have a critical role to play in delivering support to survivors of modern slavery, particularly in light of the distrust of state authorities. However, to ensure sustainability and consistency across the UK, statutory agencies must be resourced to participate in multi-agency structures, such as the SERAC. This will both improve assistance provided to survivors in that locality and enhance the coherence in response across different regions.

Of course, local authorities will require greater funding and resources in order to respond effectively:

"The Snowdrop Project took part in a local authority's review of their response to modern slavery, the top outcome was a need for training. However, the local authority could not find the funding to enable this."

NGO Consulted

7.7.1 – Modern Slavery Partnerships

Throughout UK legislation and policy, working in partnership is endorsed as central to tackling modern slavery:

"Ensure that maximum use is being made of local partnerships, drawing in contributions from other partners, including NGOs, to share expertise and information to strengthen the local response and support victims." ⁶²

Home Office, Modern Slavery Strategy

Despite the focus upon working in partnerships and upon the identification and support of survivors of modern slavery from central government, there has been no guidance or dedicated funding for the development of this at a local level.⁶³

An implementation gap has arisen between government policy and local response. Whilst there is a wide variety of partnership models throughout the UK, many of the partnerships are led and/or funded by law enforcement organisations, reinforcing the response to modern slavery and human trafficking through a criminal law lens and limiting efforts to prevent exploitation and support survivors in their recovery.

⁵⁹ [Multi-agency team combat rising tide of modern slavery \(pcc.police.uk\)](#)

⁶⁰ [The Passage Modern Slavery Toolkit](#)

⁶¹ [PowerPoint Presentation \(gov.wales\)](#)

⁶² [Modern Slavery Strategy_FINAL_DEC2015.pdf \(publishing.service.gov.uk\)](#)

⁶³ The Local Government Association has produced guidance for Local Authorities: [Modern slavery | Local Government Association](#)

Research from the University of Nottingham’s Rights Lab has found inconsistency in the response to modern slavery and human trafficking across the UK. This has resulted in a myriad of partnerships and has created and perpetuated a postcode lottery scenario in response to people who have been exploited through modern slavery and human trafficking. The Rights Lab reports:

“inconsistent patchwork of responses to the problem and in some cases inaction.”⁶⁴

The research showed that many of the partnerships prioritised their activities around awareness raising and training. Whilst they continued to use the UK government’s four P structure (Pursue, Prevent, Protect, Prepare),⁶⁵ many of the partnerships have struggled to develop an effective response under the Prepare strand, which centres upon response to survivors of modern slavery and human trafficking.

Many of the partnerships’ priorities are influenced by the law enforcement lens of the lead partner or chair. This appears to have inhibited a survivor-centred response, reinforcing priority of engagement in prosecutions rather than the safeguarding needs of the survivor. NGOs have been relied upon to fill in the gaps at a community level. Reliance upon charities to build a sustained, comprehensive response to survivors’ recovery needs can be precarious and lack continuity. In turn this can hinder local authorities and Police and Crime Commissioners from being fully responsive to the needs of those at risk or victims of modern slavery and human trafficking, despite victim support being an important aspect of their remit.

7.8 – Recommendations: reforming the system of support

1. Directly incorporate the Council of Europe Convention on Action against Trafficking (ECAT) into domestic legislation:

ECAT provides a legislative framework for the response to modern slavery and human trafficking. It covers prevention, identification and survivor support/protection and enforcement, including prosecutions.

Directly incorporating ECAT into domestic legislation would provide some much-needed certainty and clarity both for survivors and for state authorities in terms of their responsibilities. Importantly, this would not be limited to support provision but include preventative and prosecution measures and would end the current piecemeal approach to applying ECAT, driving forward efforts to prevent human trafficking, identify and support victims and hold perpetrators to account.

2. Replace the Nationality and Borders Act, Illegal Migration Act and Safety of Rwanda Act with legislation that complies with the international rights of survivors and those seeking refuge:

Hope for Justice welcomes the Government’s announcement that it will not be continuing with the UK and Rwanda Migration and Economic Development Partnership. The removal of individuals to Rwanda was, however, only part of the policy of hostility and efforts to ‘remove the gold plating in our modern slavery system’.⁶⁶ The Nationality and Borders Act, Illegal Migration Act and Safety of Rwanda Act undermined and removed certain survivors’ rights to support and heightened vulnerability amongst other at-risk groups. The legislation effectively punishes survivors for entering the country through irregular routes. This demonstrates a disregard for the deception and coercion at the very core of exploitation.

⁶⁴ [gardner-an-idea-whose-time-has-come.pdf \(nottingham.ac.uk\)](#)

⁶⁵ [Modern slavery strategy – GOV.UK \(www.gov.uk\)](#)

⁶⁶ <https://www.gov.uk/government/speeches/pm-statement-on-illegal-migration-13-december-2022>

Steps should be taken to undo the regressive steps taken by this recent legislation, and to strengthen the protections and safeguards for survivors of modern slavery and those at risk of exploitation.

3. Implement a governance structure which facilitates safeguarding and support:

Hope for Justice advocates for a cross-governmental approach to addressing modern slavery at national and local level, which empowers those with responsibility and expertise in providing safeguarding and support. Not only does this mean involving relevant central government departments, such as the Department for Health and Social Care and the Department of Housing, Communities and Local Government, but it involves equipping and enabling existing safeguarding mechanisms in local authorities. Such a cross-governmental approach will also drive action to prevent exploitation and further harm at both national and local level. This requires coordination at national level to avoid a fragmented or inconsistent approach between national and local government.

4. NRM Reform:

Localised pathways to support: NRM decision-making should be delegated from the Home Office to localised multi-agency safeguarding mechanisms accompanied by the appropriate funding and resources. Central government should retain responsibilities for coordination, data gathering, monitoring and evaluation.

As the devolved decision-making pilots for children and young people have shown, by equipping and empowering existing safeguarding mechanisms, it is possible to make both Reasonable and Conclusive Grounds decisions within 90 days. Prompt, predictable decision-making enables survivors and those working with them to plan accordingly. Connecting this decision making with safeguarding structures would facilitate better pathways for access to safeguarding and support including safe housing.

For those who are found not to be victims of modern slavery or human trafficking but may nevertheless have ongoing support needs, there must be a pathway to relevant safeguarding and assistance where needed.

To do so effectively, local authorities must be resourced and trained accordingly. This should begin with mandating and resourcing a Single Point of Contact across relevant agencies with responsibilities to not only respond to instances of exploitation, but to upskill and train colleagues.

Trauma-informed processes: The NRM decision-making process and provision of support must be trauma-informed: reflecting the survivor's experience and the challenges they face, from gathering documentation, to accessing services and articulating or evidencing their experience. Other systems with which survivors interact must also be trauma-informed including welfare, health, social care and civil and criminal justice.

Facilitate access to safeguarding, public funds, and holistic assistance including appropriate and safe accommodation: Too often survivors of modern slavery are not recognised as a priority need for accommodation or do not meet the wider eligibility criteria for assistance. The NRM decision-making process must be connected to other state-provided services and systems, so that positive identification as a survivor of modern slavery facilitates access to much-needed support and assistance, whether that be in relation to housing, welfare, community care, the justice system or immigration status.

Therefore, steps must be taken to amend community care, housing and welfare legislation and policy to ensure that the needs of survivors are reflected in criteria and eligibility requirements for welfare assistance, housing and community care.

Survivor-led support focused on long-term recovery: Every individual will have distinct needs in their journey of recovery. The progress made in establishing a safe, independent life will not be linear nor will it adhere to arbitrary deadlines. This should be reflected in the support which is provided, always with a focus on empowering the individual and avoiding dependency. In addition, support must reflect that recovery, safeguarding, risk and support is not linear but fluctuates on an individual survivor's unique journey of recovery. Systems must work to enhance a survivor's journey of recovery rather than create increased safeguarding risks for survivors.

For foreign nationals, leave to remain should be granted automatically following a positive conclusive grounds decision to allow continued access to support and a pathway to settlement. This should reflect the time needed for recovery and access to multiple different forms of justice.

5. Statutory Guidance:

Statutory guidance produced under the Modern Slavery Act section 49 should be amended to reduce barriers to support for survivors in England and Wales. In Scotland and Northern Ireland, binding statutory guidance should be created to help clarify survivors' rights and support providers' responsibilities. Such guidance must be supported by appropriate accountability mechanisms to ensure that survivors have access to the highest standards of care. Such guidance should also be consistent across all four parts of the UK so that re-location does not create further issues and to prevent a postcode lottery of support.

6. Resource multi-agency partnerships to respond to survivors' needs:

Responding to modern slavery requires close collaboration between a range of stakeholders, including both statutory and non-statutory organisations. To be effective and sustainable, anti-slavery partnerships require resource and coordination at a national and local level. Partnerships must place a greater emphasis on preventing modern slavery and safeguarding and supporting survivors in their recovery in addition to existing efforts to raise awareness and bolster law enforcement efforts to hold perpetrators to account.

7. Formalise role of Independent Modern Slavery Advocates®:

IMSAs work with survivors to navigate complex systems and realise their rights. Together with survivor leaders, Hope for Justice, British Red Cross, Snowdrop Project, Bakhita Centre for Research on Slavery at St Mary's University and SOHTIS have developed a national framework for accredited independent advocacy aimed at ensuring survivors across the UK have access to this assistance. This role should be formally recognised, for example within statutory guidance produced under Section 16 of the Victims and Prisoners Act 2024.

8. Right to Work:

Allowing individuals seeking asylum, including survivors of modern slavery in the NRM, to work whilst their identification process and/or asylum claim is being processed would not only reduce their risk of exploitation but would also cut costs to the taxpayer. Notably the schemes assisting those fleeing Ukraine which allow recourse to public funds and the ability to work have significantly reduced risks and incidents of both human trafficking and people smuggling in the UK and across Europe.

Granting the right to work must be supplemented by:

Tailored employment programmes: Developing programmes specifically designed for survivors that address their unique needs, including skill-building workshops, CV writing, and interview preparation.

Mentorship and networking: Connecting survivors with mentors and professional networks can provide guidance, support, and job opportunities in their favoured fields.

Flexible work arrangements: Offering flexible work options can help survivors manage their transition into the workforce, accommodating any ongoing recovery needs or personal circumstances.

Access to practical assistance: Providing access to resources such as childcare, transportation assistance, and mental health services can help alleviate barriers to employment.

Employer Education: Raising awareness among employers about modern slavery and the challenges survivors face as well as trauma-informed practice can result in more inclusive hiring practices and supportive workplace environments.

9. Facilitate access to compensation:

Criminal Injuries Compensation Authority: Many victims are unlikely to receive an award from CICA despite this often being their only option of achieving compensation. Therefore, steps should be taken to ensure that:

- a. The scope of legal aid is extended to cover legal advice and representation for CICA applications, reviews and appeals by amending section 47 of the Modern Slavery Act 2015.
- b. The CICA scheme recognises all forms of modern slavery as violent crimes.
- c. There is greater flexibility on limitation dates and reasons for non-cooperation with the police.
- d. The injuries tariff should have clear criteria for victims of all forms of modern slavery recognising the multiple aspects of harm caused to survivors within a situation of exploitation.

Civil Compensation: Creating a civil remedy (tort or, in Scotland, delict) would not only ensure improved access to justice, contributing to recovery for survivors, but is also a crucial aspect of holding perpetrators to account.

10. Access to legal advice:

Civil legal aid must be extended within section 47 of the Modern Slavery Act 2015 to cover all aspects of a victim's case that are not currently in civil legal aid scope including but not limited to CICA, welfare benefits and pre-NRM legal advice.

In addition, civil legal aid including the application of legal aid contracts needs to be urgently reviewed to ensure that they are financially viable and legal aid deserts are addressed.⁶⁷

11. Pilot a Survivor Visa:

Survivors require secure immigration status to provide the stability necessary to recover and reduce the risk of re-exploitation. A lack of regularised status currently inhibits access to welfare, housing and wider support services. Currently temporary permission to stay linked to supporting an investigation or prosecution can result in leave being withdrawn following the criminal case and survivors at risk of destitution, homelessness and ultimately re-trafficking. This is at a point when they can be extremely vulnerable including the risk of reprisals from wider elements of an organised crime group who may not have been prosecuted.

A Survivor Visa for those trafficked to the UK would provide survivors with regularised status and a pathway to permanent residence in the UK based on their holistic individual circumstances and best interests, in addition to cooperation with investigation or prosecution and/or pursuing a compensation claim.

⁶⁷ For more information on the cost-benefit analysis of access to legal advice see Ministry of Justice report on value for money of the early legal advice pilot [The Value for Money of the Early Legal Advice Pilot \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/614441/The-Value-for-Money-of-the-Early-Legal-Advice-Pilot.pdf); and Public Law Project: [New research on legal aid cuts shows wasted money and "embarrassing" data gaps – Public Law Project](https://www.publiclawproject.org.uk/news/new-research-on-legal-aid-cuts-shows-wasted-money-and-embarrassing-data-gaps/)

8 – Criminal Accountability

The Home Office ownership of the modern slavery strategy naturally places a strong emphasis on the law enforcement response, particularly improving investigations and prosecutions. Following the passage of the Modern Slavery Act, the Government invested significantly in the modern slavery Police Transformation Unit, now the Modern Slavery and Organised Immigration Crime Unit. Training for law enforcement has increased and law enforcement agencies have primarily led the establishment and operation of modern slavery partnerships across the UK. In some areas we have also seen a significant improvement in the responses of law enforcement agencies.

Despite this increased activity, successful prosecutions remain relatively rare. In 2022:

*“The Crown Prosecution Service (CPS) prosecuted 405 defendants on trafficking charges, a decrease from 466 defendants prosecuted in 2021. Courts convicted 282 traffickers in 2022, a decrease from 332 convictions in 2021 but an increase on previous years with the exception of 2021 (compared with 191 in 2018; 251 in 2019; and 197 in 2020).”*⁶⁸

US State Department, Trafficking in Persons Report

Several NGOs have expressed concerns about traffickers receiving lenient sentences upon conviction. It would appear that despite changes to the law and investment in law enforcement aimed at holding traffickers to account this remains a low-risk high-profit crime.

Amongst the survivors whom we consulted for this paper, seeing their traffickers convicted was not their priority. To the extent that they did want to see law enforcement take action, it was to prevent harm being done to others rather than as a form of punishment for what has happened to them. This is consistent with wider research conducted in other countries regarding survivors’ perceptions of justice and accountability.⁶⁹

For Government, however, a robust law enforcement response to see traffickers apprehended and prosecuted is a top priority. Legislation passed in recent years has increasingly made cooperation with law enforcement a pre-condition to accessing support.⁷⁰ This fails to recognise a survivor’s experience of exploitation, the impact of trauma on their ability or willingness to disclose what has happened and their concerns about working with the police. Coercion lies at the heart of modern slavery; coercing survivors to cooperate with law enforcement is only likely to hinder their recovery.

The approach to date reveals the shortcomings of a strategy which fails to prioritise safeguarding and protecting the wellbeing of survivors:

*“Often survivors are put in hotels, sat in police stations or totally unsuitable accommodation alone at the cost of the police or local organisations. These days whilst waiting for a reasonable grounds decisions are vital for the mental health/well-being of the client, and being moved around, not sure what is going to happen, is really taking them from the frying pan into the fire and is very scary. If the process was much more trauma informed there is a much higher chance of the police/person doing NRM referral getting good information and intelligence to help them and future victims.”*⁷¹

NGO survey response

Even when survivors are provided with knowledge of their rights and support they need to report the crime it can often take rigorous independent advocacy to get cases officially reported and investigated. This is not a criticism of enforcement agencies but a reflection of the lack of specialism and resources available in police forces to investigate these often complex, cross jurisdictional crimes.

68 [United Kingdom - United States Department of State](#)

69 [Bending Towards Justice: Perceptions of Justice among Human Trafficking Survivors | National Institute of Justice \(ojp.gov\)](#)

70 [Illegal Migration Act 2023 section 22 | Illegal Migration Act 2023 \(legislation.gov.uk\)](#)

71 NGO respondent to survey question: After a person has left a situation of exploitation, what are the main challenges they face in accessing support?

8.1 – What is it like to report your experience to police?

Engaging with law enforcement can be a daunting experience for survivors of modern slavery: they may fear reprisals from their traffickers; they may distrust the police based on past experience, including experiences of corruption or racism in their own country; they may be concerned that they will be detained and deported; or their traffickers may have told them that they work with the police or not to trust the police. They may come from a marginalised community where, from a young age, they have been instilled with the notion that the police are not to be trusted. In such circumstances, the fear begins in community or family perceptions, long before their experience of exploitation.

“Sometimes you don’t trust the police – it depends on your background, where you have come from and where you have been made to fear the authorities. In my own situation, I didn’t feel like I could go to them because of the fear that ‘if they catch you they will deport you; the police are corrupt’. It is hard to overcome that fear and feel like you can trust them. It takes courage to trust the police. I am still scared when I hear the police siren...I have also experienced being told by traffickers not to trust the police – the police are in their pockets. You believe what they say when they say ‘if you go to the police, they will bring you back to us.’ You don’t know what to believe – what is fact and what is fiction. I remember begging not to have my case reported to the police. They had to explain that the police will help me. I needed my social worker with me when I went to the police interview for moral support. Imagine if you didn’t have that support.”

Juliet Odaro, LEAP Consultant

Survivors reported having a poor experience of reporting exploitation to police:

“I was told by police that anything before 2015 wasn’t modern slavery, it was just bad luck...The police officer said she had to call the Home Office to find out what to do because she didn’t know.”

Emily Vaughn, LEAP Consultant

One survivor spoke of fearing reporting to the police because they were involved in their exploitation:

“My first responder wanted me to go into the police station to report what happened whilst the police were still working there. I couldn’t do that.”

Emily Vaughn, LEAP Consultant

Issues of translation and cultural competence (discussed above) also present barriers to survivors establishing a relationship of trust with law enforcement. Hope for Justice have worked with a survivor who lost confidence in law enforcement because Google Translate was used to communicate with him. This later impacted his willingness to cooperate with police even though he wanted to see his traffickers held to account. This demonstrates the importance of that first interaction to determining whether a relationship of trust can be built or whether it is damaged, sometimes beyond repair.

Several NGOs also reported challenges when supporting survivors to engage with law enforcement:

“I have had some truly terrible experiences trying to support clients to report to the police where they have been called liars, told ‘this is a family issue’ and been forced to complete in depth interviews of their abuse just to be told that there is no evidence to pursue the case so it will be closed right away.”⁷²

⁷² NGO Response to survey question: What are the main challenges survivors/support agencies have in reporting the survivor’s case to the police, should they wish to cooperate?

“Police officers that I have worked with are not able to identify even the most simple cases of modern slavery and conflate with other crimes.”⁷³

“There is still significant misunderstanding around it and s.45 is not adequately utilised and when it is the response from the judiciary is often still troubling.”⁷⁴

NGO survey responses

8.2 – Can you guarantee my safety?

For those survivors who do choose to work with police and prosecutors, who overcome fear and trauma to do so, there then follows a question as to their safety.

“It is extremely unsafe, especially if you’ve been exploited by a gang. I’ve just seen these gang members viciously stab someone to death, and now I’ve been arrested and you want me to talk about these people – would you do that? Police may say ‘we’re going to help you’, but how are you going to help me? I know how scary these guys are. There is nothing that can be guaranteed to survivors as to how the police will protect you. On top of that risk, non-British survivors are also wondering if they are going to get deported. If these things are going to happen, why would I speak? They need to be giving survivors some form of guarantee or something to feel safe enough to open their mouths.”

Sosa Henkoma, LEAP Consultant

Survivors may also be concerned about the implications for their loved ones, not only in the form of retaliation from their traffickers but also what the response of statutory services might be:

“I was worried about social services becoming involved because think ‘she’s a bad mum’ or my daughter would be at risk. It was scary and confusing.”

Emily Vaughn, LEAP Consultant

Even upon conviction there can be fear of the repercussions. Survivors and stakeholders complained that the sentences imposed upon conviction are often lenient. The early release scheme presents a serious cause for concern among survivors and can demotivate those considering cooperating with law enforcement.

“I remember speaking to a prosecutor who said that a high sentence was 15 years, and they will be out in seven and then can commit crimes again. This can make people think, ‘what’s the point?’ – what’s the point to go through it all, re-living all the trauma, going to court for someone being out in seven years. One perpetrator connected to Rotherham only served half their time and was released. He wasn’t allowed back in the area, but he had been seen there. A survivor who gave evidence is now feeling very scared and wishing they hadn’t been involved.”

Emily Vaughn, LEAP Consultant

There is often only a short-term approach to the protection of survivors and witnesses. This fails to take into account the risks that survivors may face, particularly if their trafficker is from the same community. For example, survivors may be at risk of re-trafficking upon return to another country, or risk reprisal from their trafficker either after serving their sentence or if found not guilty. A short-, medium- and long-term approach needs to be taken to survivors’ safety and protection taking into account how risk may fluctuate over time.

⁷³ NGO Respondent to survey question: Is there sufficient understanding of modern slavery in the criminal justice system to ensure effective criminal accountability? If not, where are improvements needed?

⁷⁴ NGO Respondent to survey question: Is there sufficient understanding of modern slavery in the criminal justice system to ensure effective criminal accountability? If not, where are improvements needed?; s45 refers to the statutory defence from prosecution for crimes connected to a survivor’s exploitation contained in the Modern Slavery Act 2015

Case Study: Northern Ireland

In July 2022, Martin Heaney was convicted of prostitution and human trafficking offences. As part of the investigation, 16 women were referred to the NRM for support, many of whom were known to support providers as victims of domestic violence. Support providers reported that it took seven months to build trust, and the criminal justice process took three and a half years.

Heaney was sentenced to a five-year prison sentence and had a Slavery and Trafficking Prevention Order (STPO) imposed banning him from, amongst other things, working in the sex trade. However, as he had already served half the sentence on remand he was released on licence shortly after his conviction.

In June 2023, he was sentenced to six months in prison for breaching the STPO.

This case raises questions as to whether criminal accountability offers sufficient long-term protection for survivors. The imposition of short sentences further raises questions about whether this represents justice for survivors, or does such leniency actually create a sense of injustice?

8.3 – How can the justice system improve response to survivors’ needs?

As with the system of support for survivors of modern slavery, the law enforcement response is inconsistent. There are examples of good practice: stakeholders in all four UK nations spoke highly of the dedicated modern slavery and human trafficking teams with whom they partner. The context of devolution is particularly important in this area with three different criminal justice systems operating across the four nations. More research needs to be conducted in this area to engage a wide variety of survivors to improve understanding of justice and accountability from their perspective and their experiences within different systems including the criminal justice system. Nevertheless, there are consistent themes which emerge from consultation with survivors and stakeholders.

8.3.1 – A trauma-informed approach from law enforcement

Investigating and prosecuting cases of modern slavery is undoubtedly extremely challenging. This is a complex crime which requires the gathering of multiple types of evidence from multiple agencies including in some cases across different jurisdictions. Survivors often hold evidence which is critical for police and prosecutors to progress the case. However, fear, trauma, and uncertainty as to what the future holds can inhibit a survivor’s ability and willingness to provide that vital testimony.

It is crucial, therefore, that law enforcement agencies adapt their response to ensure that, at the very least, they do no further harm. As with all frontline services, it is important to guard against a saviour mentality.

“You have to be very careful not to re-traumatise survivors. You need to make sure there are structures and policies in place to work with survivors. If not, they shouldn’t be working with survivors just because they think ‘I want to save someone’. At the end of the day you could be making the whole situation worse.”

Sosa Henkoma, LEAP Consultant

There are several other steps which can be taken to help build the relationship of trust with survivors including listening, understanding immediate concerns and needs.

As with access to support and accommodation, it is essential that survivors are advised as to their rights and entitlements. Safeguards are available to facilitate survivors to give evidence in a manner which makes them feel safe and comfortable. It is essential that survivors are properly informed of all options and empowered to advocate for their needs including the full range of special measures available to them. Greater use of grounds rules hearings would also assist those who are particularly vulnerable.

As detailed in the Slavery and Trafficking Survivor Care Standards, such safeguards should be in place not only when giving evidence, but during earlier stages of gathering intelligence. Survivors should be advised of their rights, allowing them to make an informed decision to engage with law enforcement and exploring different opportunities for engagement including providing anonymous intelligence if they do not wish to report the case to the police. There is a crucial role for independent professions to play in providing objective support and advice and avoid any pressure (even if unintended) from law enforcement.

“All survivors wishing to speak to the police service should be provided with options for doing this and the possible implications should be explained to them. Caseworkers should also be prepared to ask about and address any concerns that the victim may have.”⁷⁵

Slavery and Trafficking Survivor Care Standards

Consistency and predictability are important.

“There need to be more guarantees and do what you say you are going to do. If you can’t do something, don’t say you are going to do it.”

Sosa Henkoma, LEAP Consultant

Survivors complained of having to re-tell their story to multiple people and of the impact that has on their confidence.

“It makes that person doubt themselves: am I being believed? Am I telling my story the right way? Sometimes I think keeping quiet will make things easier, not knowing that they think by not talking, you are lying. They want you to talk but who you are talking to matters a lot. Do they have empathy, do they have trauma-informed awareness, do they know what they are putting the person through? The person who is interviewing needs to have patience rather than asking questions as a tick-box exercise. If you are wavering, they think your story is not straight or consistent. Having a consistent person throughout, also makes it easier for people to disclose.”

Juliet Odaro, LEAP Consultant

Ongoing communication is an important aspect of building trust. Research focused on the experience of Albanian survivors found that, of those who had reported their exploiters to the police, only 22% said they had received any update on the investigation afterwards.⁷⁶ It takes time to build a relationship with survivors to the point where they feel able to disclose details of their experience. It can be challenging for law enforcement to remain in contact with survivors over time as investigations can take some time to progress. This is particularly difficult where foreign nationals return to their country of origin. It is therefore important to ensure compliance with the relevant Victim Code and Witness Charters which mandate effective communication at stages in the process.

“You should be kept in the loop otherwise things can happen without your consent and knowledge as then lose control again. If you decide to report and then get the updates, you are part of the investigation.”

Emily Vaughn, LEAP Consultant

⁷⁶ [New Underground Lives report published on Albanian survivors of modern slavery | Hestia](#)

Communication with victims and witnesses, verbally and in writing, needs to be accessible. This requires taking into account different cultural perceptions of criminal justice systems as well as issues such as disabilities and literacy skills, being sensitive to the needs of the survivor and not just taking the form of a direct translation into another language. With survivors' consent, law enforcement should seek to involve support providers, this can help survivors understand the process better especially when this might need to be explained several times as this can be very stressful and difficult to understand. This is also particularly important when communicating news which might be frustrating or disappointing to survivors, for example, if a case cannot be progressed. Communication needs to be regular and consistent going beyond trial so survivors understand the sentence imposed, any orders which may restrict the movement or engagement of the offender with them. Communication should continue even after any trial has taken place, so that survivors understand the sentence imposed, as well as when offenders are being released under the Victim Contact Scheme.

Considerable work must be done to build trust and overcome the fears survivors have. Whilst there is an onus on law enforcement agencies to improve practice and allay concerns, to do so sustainably requires a change in the governance of the UK's anti-slavery response and the implementation of a strategy which places safeguarding at its centre. Only by ensuring that survivors are adequately supported to a place of safety and stability is it possible to overcome such fears and enable them to trust wider services such as the police and prosecutors.

8.4 – Recommendations: reforming accountability

1. Training and Awareness:

Providing comprehensive training for all criminal justice actors, including police, prosecutors, criminal defence representatives, probation services and judges, on the signs of modern slavery, trauma-informed responses and the needs of survivors can help ensure victims are recognised and treated appropriately within the criminal justice system.

Law enforcement personnel must also have more in-depth training on the relevant rights of victims and witnesses including their international rights.

2. Survivor-Centred Approach:

Implementing a survivor-centred approach throughout the criminal justice process can create a more supportive environment for survivors, allowing them to feel safe and understood. This includes:

Translation and culturally appropriate communication: Training and resourcing support providers and criminal justice agencies to communicate effectively with survivors in a manner to which they can relate is crucial for establishing trust. This includes trauma-informed and culturally competent information on providing intelligence, reporting cases, their rights in the system and steps in the criminal justice process to help survivors make informed decisions about engaging with the process. Survivors must have access to information on all aspects of the criminal justice system in a manner which is culturally appropriate, taking into account their language, literacy skills, trauma and any disabilities.

Prioritise sustainable recovery: Placing safeguarding at the heart of the response to modern slavery will help overcome the reticence which survivors might feel towards cooperating with law enforcement.

The safety and protection of those who take the brave decision to assist law enforcement in their investigation and/or prosecution of their traffickers must be prioritised. Survivors who have greater stability in other aspects of their life, such as safe accommodation, secure immigration

status and mental health support, will be better placed to cooperate with police and prosecutors. These needs can fluctuate over time.

Trauma-informed processes as standard: The instances of good practice across the UK must be replicated throughout victim support agencies, criminal justice agencies including law and other enforcement agencies, prosecutors and the judiciary so that survivors can be confident that they will be treated in a trauma-informed manner wherever they reside. Special measures exist to protect survivors and witnesses from being re-traumatised. Rather than relying upon survivors or those accompanying them to advocate for these protective measures, the onus must be on police and prosecutors to be proactive in implementing them.

3. Sentencing commensurate with the offence:

Systemic barriers that serve to enforce a trend of lenient sentencing for traffickers must be addressed, including by taking the following steps:

- Ensuring that investigating agencies are collecting evidence on the criminal offence as well as specific evidence of culpability and harm, as detailed in the Sentencing Guidelines so as to maximise the potential sentencing imposed by the judge if a conviction is achieved.
- Judicial training should be given on awareness and understanding of modern slavery and Sentencing Guidelines to give them an understanding of the broad harm done to individuals and society as a whole.
- Ensuring that Victim Impact Statements and Community Impact statements of all those impacted are taken. Such statements enable survivors the opportunity to voice the harm done to them and their community as well as enable judges to understand the significance of the harm done to individuals and communities.

4. Offender management:

For many survivors, a significant motivation for supporting law enforcement is to prevent others suffering harm. Greater efforts must be made to ensure effective management of offenders within the prison system and when they leave. This should include offenders receiving appropriate services to help reduce risks of re-offending, either in the UK or if returned to another country. In addition, this should take into account the potential ongoing risks of threats and intimidation by offenders towards survivors throughout the justice process including after release and the continued need to ensure survivors and witnesses are protected and safeguarded short, medium and long term.

5.5. Prioritise and resource financial investigations:

There is tremendous pressure on survivors to provide witness testimony in their traffickers' prosecution. By placing a strong emphasis on investigating the financial aspect of the crime, it might be possible to build a broader evidence base and alleviate some of that pressure on survivors who are currently often the key witnesses in cases.

6. Collaboration with NGOs:

Strengthening partnerships with NGOs that specialise in supporting trafficking survivors, enhance resources and services available to victims, ensuring they receive the necessary assistance and advocacy.

7. Third Party Material Disclosure Protocol and Training:

To ensure compliance with existing guidance on requests for third party disclosure, a protocol and training needs to be developed with all agencies including service providers on disclosure in criminal cases.⁷⁷

⁷⁷ [Disclosure Manual: Chapter 5 – Reasonable Lines of Enquiry and Third Parties | The Crown Prosecution Service \(cps.gov.uk\); Joint-Protocol-on-Third-Party-Material-2018.pdf \(cps.gov.uk\)](#)

8. Implementing protection from prosecution:

Legislation and guidance throughout the UK offers survivors protection from prosecution for crimes connected to their exploitation. Nevertheless, survivors continue to be prosecuted. There is a need for enhanced training on implementing the protections afforded to survivors, either through the statutory defence or the presumption of non-prosecution.

Facilitate appeals against prior convictions: Survivors who have been convicted of offences related to their exploitation face considerable barriers to overturn those convictions. This creates barriers to their recovery, including their ability to secure employment. A positive Conclusive Grounds decision under the NRM should initiate a process whereby individuals with a criminal conviction connected with their exploitation can have that conviction expunged.

9. Data collection, Monitoring and Evaluation:

Data collection has improved but needs to be improved further in respect of capturing of investigations, prosecutions (including where offences relate to conspiracy to commit modern slavery and human trafficking) and the application of the statutory defence. In addition, there needs to be a clear structure for data collection, monitoring and evaluation to ensure that approaches are achieving their aims on all aspects of the Modern Slavery Strategy including enabling an environment for survivor recovery, justice and accountability.

Image posed by actor





9 – Conclusion

The responses to this consultation are, in many ways, unsurprising for anyone familiar with the National Referral Mechanism.

Of course survivors of modern slavery encounter difficulties in accessing assistance and achieving a sense of justice: the framework for their identification and support has not been developed in such a way as to prioritise their needs or what justice means to them. The provision of support does not sit within a safeguarding or trauma-informed governance structure. The process of identifying and supporting survivors is led by a decision-making process, rather than by what survivors require to establish safe, independent lives. This is compounded by competing political priorities which have limited the support and protection to which survivors are entitled.

These structural problems undermine and limit the excellent work done by both statutory and non-statutory organisations across the UK.

Improvements could undoubtedly be made to the system, but similar difficulties will recur without an ambitious reconsideration of the overarching strategy, priorities and governance structure for tackling modern slavery.

Those who have lived experience must inform that strategy moving forward. Their insights and experience of the existing system are invaluable to formulating a new approach which better reflects their needs and their sense of what 'justice' means.

This is not a case of using either the survivor's definition of justice or that of the state. A safeguarding approach, which focuses on empowering survivors in their journey of recovery, will in turn improve criminal accountability. A trauma-informed process helps to build confidence and trust between survivors and state authorities.

Such are the difficulties encountered by survivors of modern slavery that it warrants clarifying the strategy and ethos underpinning the provision of support to survivors. Considerable investment is made in law enforcement investigations and in the MSVCC. One might question, however, why this investment is made without a clear sense of long-term purpose or outcomes for those survivors and without a robust process for monitoring and evaluation of impact.

As the UK approaches the tenth anniversary of the passage of the Modern Slavery Act and the Human Trafficking and Exploitation Acts, this is an opportune moment to reset and redefine the Government's anti-slavery strategy: to see survivors 'living free', 'not in survival mode', and being 'able to dream again'.

Beyond Survival: Living free, not in survival mode, and being able to dream again

Access to justice in the UK's
response to modern slavery
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