

# The hidden victims

## Report on Hestia's super-complaint on the police response to victims of modern slavery



A joint investigation by Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services, the College of Policing and the Independent Office for Police Conduct



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## Senior panel foreword

Modern slavery takes several forms, including sexual or criminal exploitation, forced labour and domestic servitude. It is an abhorrent crime perpetrated against some of the most vulnerable people in society. It is also a complex, harmful and largely hidden crime. The police don't tackle it alone. They work with law enforcement partners, the voluntary sector, specialist advisory organisations, the Crown Prosecution Service (CPS) and the Home Office.

Hestia<sup>1</sup> put forward this super-complaint through a report entitled [Underground lives](#). It raises various concerns about the police response to modern slavery, including how police identify, deal with and support victims of modern slavery, and how modern slavery crimes are investigated.

Hestia believes the current police response leads to victims not engaging with the police or supporting modern slavery investigations and prosecutions and that, as a consequence, offenders are not brought to justice. It is concerned that offenders are instead left free to continue their exploitation of vulnerable people, causing harm to both victims and the wider public interest. The public interest may be harmed, for example, if an individual victim or witness who is being exploited by an organised crime group (such as a group organising human trafficking) doesn't feel able or confident to report the matter to the police or to support an investigation of the crimes committed. In this way, an opportunity is missed to prosecute the perpetrators and thereby protect the public from continuing criminal activities.

HMICFRS, the College of Policing and the Independent Office for Police Conduct (IOPC) are responsible for assessing, investigating and reporting on police super-complaints. We have collaborated on this investigation and on drawing conclusions.

Some of the issues raised in the super-complaint reflect or replicate those considered in our first joint super-complaint [Safe to share?](#). This focused on the sharing of information between police and immigration enforcement, and how the police balance answering questions about the immigration status of victims of crime with the priority of safeguarding them and investigating the crimes against them. Elements of our findings and recommendations are also relevant to this investigation, and we refer to those in the report.

Similarly, many of the themes of the super-complaint echo findings from HMICFRS's 2017 thematic inspection report [Stolen freedom: the policing response to modern slavery and](#)

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<sup>1</sup> See Annex A for more information.

[human trafficking](#). This allowed us to use our assessment of progress made against the recommendations in that report as a major source of evidence for this investigation.

## What we found

Our investigation identified that the police response to modern slavery has broadly improved since the 2017 HMICFRS modern slavery inspection. We recognise that there has been some good progress, particularly in some forces and by specialist units. However, we have found that there is still too much inconsistency throughout forces, and that more needs to be done to recognise and support victims of slavery, and to ensure that these crimes are investigated effectively. It is clear that further steps need to be taken because some aspects of the police response remain unsatisfactory and may be causing significant harm to the interests of the public.

While we recognise we have not been able to observe police interactions with victims in real time, evidence shows that modern slavery victims do not always receive the response and treatment they deserve. For example, they are not always made to feel safe or referred for support through the appropriate mechanisms, and there are still some victims who are afraid they will be treated as immigration offenders, or prosecuted for offences they have been forced to commit. We are also concerned that there is still not enough support for victims during modern slavery investigations and that, as a consequence, victims may be unwilling to engage with the police service and support such investigations. This is a significant factor which helps explain why few cases of modern slavery are prosecuted, and offenders remain free to continue to exploit vulnerable people.

## Empowering victims of modern slavery

Because modern slavery is largely a hidden crime it is difficult to know the true scale of the problem. Understanding the police response from the victim's perspective is also extremely difficult. We therefore think it is essential that further, co-ordinated work is undertaken across government departments, the police service, non-government organisations and the voluntary sector to gather and assess information on the experiences of victims and on outcomes for both victims and prosecutions. We have made an overarching recommendation to this effect.

We have also made recommendations to further improve learning for police officers and staff and to strengthen support mechanisms for modern slavery victims, so that these are easy to access in all police force areas and ensure victims feel safe and empowered to stay involved in investigations.

We believe these recommendations will complement the work already being undertaken by the Government and Devolved Administrations, as reported in the [2020 UK annual report on modern slavery](#). The Home Office invested just over £2m to continue to support law enforcement activity in 2020/21 under the new Modern Slavery and Organised Immigration Crime Programme. The main focus of the funding for 2020/21 was to support

the police to continue its work on tackling modern slavery and help increase prosecutions, with the new focus on building capability to tackle organised immigration crime. Announcements on funding for the police for 2021/22 are awaited, following the publication of the [\*New Plan for Immigration Policy Statement\*](#).

We are grateful to Hestia for raising these concerns. The findings and recommendations from this investigation, combined with the other important work that is already being undertaken, aim to ensure every victim of modern slavery gets the response they deserve. As a society, we have a duty to make this happen. We must do all we can to bring perpetrators of this terrible crime to justice.

# Summary

## What is a super-complaint?

A super-complaint is a complaint that “a feature, or combination of features, of policing in England and Wales by one or more than one police force is, or appears to be, significantly harming the interests of the public” (Section 29A, Police Reform Act 2002).

The system is designed to examine problems of local, regional or national significance that may not be addressed by existing complaints systems. The process for making and considering super-complaints is set out in the Police Super-complaints (Designation and Procedure) Regulations 2018 (the regulations).

For more information on super-complaints, see Annex B.

## What does this super-complaint say?

This super-complaint raises several concerns about the police response to victims of modern slavery. These are:

- non-specialist police officers fail to recognise the signs of exploitation and fail in their duty to report modern slavery to the Home Office;
- police officers aren't taking immediate steps to make a victim feel safe;
- victims of modern slavery are treated as immigration offenders;
- victims of modern slavery are treated as criminals when they have been forced to commit criminal activities by their exploiters, despite the existence of the section 45 defence in the Modern Slavery Act 2015;
- police forces don't adequately investigate cases that come to their attention; and
- the adequacy of training provided to frontline officers.

The super-complaint relies on evidence from:

- Hestia's analysis of witness statements;
- findings from the Home Affairs Select Committee on Modern Slavery;
- Freedom of Information requests sent to all police forces in England;
- interviews with Hestia keyworkers and service users; and
- supporting evidence from two legal expert organisations.

A recurring theme in Hestia's super-complaint is the lack of effective support for victims. It says this lack of support, along with experiences of poor treatment, deters victims from engaging with investigations. In investigating this super-complaint, we have focused on the support the police are responsible for.

Hestia's super-complaint recognises that progress has been made since the 2017 HMICFRS inspection of the police response to modern slavery, but concludes that until all police forces take a consistent approach to helping victims become witnesses, the number of prosecutions for modern slavery will remain very low, and exploiters will continue to victimise vulnerable people. Hestia is concerned that the lack of support also leaves victims at risk of returning to their captors and being exploited further.

## **Our approach and methodology**

Our investigation into this super-complaint examined whether there is evidence that the concerns set out by Hestia are features of policing. We then considered whether there is evidence that they are, or appear to be, causing significant harm to the public interest.

The 2017 HMICFRS thematic inspection examined how the police in England and Wales were tackling modern slavery and human trafficking crimes. The methodology of that inspection is included as Annex C for reference. In summary, that inspection concluded that the police service had much to do to develop an effective, coherent and consistent response to modern slavery and human trafficking.

Our overall approach to investigating this super-complaint was to use the 2017 report as a benchmark, and to assess at a high level what progress has been made and whether, in light of any progress made, the concerns set out in the super-complaint are justified.

To achieve this we carried out a range of activities, including fieldwork in six forces, discussions with experts and organisations with extensive knowledge of modern slavery, and a review of information provided by police forces and other public bodies. Full details of our methods are set out below.

## **Our findings**

Our findings are grouped under five areas.

### **The approach taken by forces to planning and prioritising their responses to modern slavery**

Based on our review of progress by policing against the recommendations of the 2017 HMICFRS inspection, forces have, overall, strengthened their approach to tackling modern slavery since the 2017 HMICFRS inspection. Senior leaders in the forces we visited indicated modern slavery was a priority. Many forces have improved their leadership and investigation capacity and provided training across a range of officer roles. And the number of investigations is increasing. The Modern Slavery Police Transformation Unit (MSPTU) – now the Modern Slavery and Organised Immigration Crime Unit (MSOICU) – overseen by the National Police Chiefs' Council (NPCC) and funded through the Home Office, has supported police forces through providing expertise, training and guidance and has helped drive improvement in how forces respond to modern slavery.

### **The initial response to victims of modern slavery**

Modern slavery can be difficult for non-specialist officers to recognise and remains a largely hidden crime. Its true extent in England and Wales is unknown and it is, therefore, extremely challenging to accurately assess how well crimes are identified and recorded, or the true extent to which police forces may be failing to identify victims.

Our investigation found that the police approach to recognising and identifying victims of modern slavery has improved since the HMICFRS inspection in 2017, and that a lot more information has been provided to help officers recognise modern slavery. However, we also found that not all the officers we spoke with were aware of this information.

These findings, combined with the evidence provided by Hestia and others on the experiences of some victims' first encounters with police, lead us to conclude that further improvements in the initial police response are needed. These improvements should build on the progress made since HMICFRS's 2017 inspection.

Victims are also sometimes prevented from having access to support services by physical methods, such as being locked in premises. This means some cases will be missed and further improvements are needed to ensure all opportunities to identify victims are recognised.

Once victims had been identified, officers we spoke with showed good awareness of the importance of treating victims with sensitivity and respect to encourage them to engage, and they recognised the importance of keeping victims safe. However, we found the approach taken across forces to achieve this outcome is inconsistent, with few arrangements at a national level that could help. While some forces have arrangements to help victims, not all do, and not all officers we spoke with were sure what options were available to them.

We found some evidence to support the super-complaint concern that victims may not always be kept safe or made to feel safe, following their first contact with the police, and that this contributes to victims not engaging with the police service.

We found that non-specialist police officers' understanding of the National Referral Mechanism and what it offers to victims is inconsistent, which means that some victims may not be referred when they should be.

### **How victims are treated for offences they have committed, including any immigration offences**

Many victims of modern slavery are UK nationals or have a legal right to remain in the UK. But where victims of modern slavery are foreign nationals Hestia is concerned that some are treated as immigration offenders, rather than having the offences committed against them investigated. Our investigation did not find any intent on the part of the police service to deal with foreign national victims as immigration offenders rather than as victims of a crime. But, as we identified in our [Safe to share?](#) super-complaint report, police officers don't always have clear priorities on how to safeguard victims balanced against their immigration enforcement responsibilities, and information is at times shared with the Home Office when the police suspect a victim may be an immigration offender. This deters victims from engaging with the police because they fear that immigration enforcement action will be taken against them.

The super-complaint also provides evidence to suggest that some victims are treated as criminals when they may have been forced to commit offences by their exploiters. Our findings show that some victims can have action taken against them for the offence they have committed, rather than be recognised as a victim of modern slavery. The protection from prosecution in these circumstances by applying the defence created by section 45 of the Modern Slavery Act 2015 is not always considered. Similarly, there are cases where the section 45 statutory defence has been abused. So there is a significant challenge to ensure that section 45 operates in such a way as to strike the correct balance between protecting genuine victims of trafficking/slavery from prosecution while preventing the wrongful acquittal of the guilty.

### **Investigations into modern slavery crimes**

Our fieldwork and force responses to the recommendations in the 2017 HMICFRS report indicate that forces have (since 2017) improved their approach to investigating cases by using officers with the necessary skills and who have received training about modern slavery.

Although our investigation did not observe how victims were treated in practice, the investigating officers we spoke with clearly understood the importance of treating victims with sensitivity, keeping them safe and supporting them so that they continue to engage with the investigation. Nevertheless, we found evidence to support Hestia's concern that there is a lack of initial and continuing support for victims during investigations.

Police forces recognise the importance of supporting victims, and some forces have arrangements in place to achieve this.

Access to good quality support for victims is inconsistent across forces. Victims are not consistently receiving the support they are entitled to under the [Code of Practice for Victims of Crime in England and Wales](#) (the Victims' Code<sup>2</sup>) or being kept informed about the progress of their case as required. This deters victims from continuing engagement with the police and supporting any investigation.

The number of prosecutions for modern slavery crimes is low. These crimes are complex and there are many barriers to achieving successful investigations that lead to cases being prosecuted. These include where victims do not support the investigation or having no named suspects to investigate. However, we found a clear commitment throughout the police service to increase the level of prosecutions to bring offenders to justice and joint work is underway aimed at achieving this outcome.

## Training

The provision of training and guidance that is available nationally, and forces' access to it, has increased significantly since 2017, especially for specialist officers. However, training across forces remains inconsistent, varying in scope and depth. While not all officers can be expected to have detailed knowledge, frontline officers need enough for their role so that they can recognise victims of modern slavery, keep them safe and consistently offer appropriate support.

## Solutions

To improve outcomes for victims and the overall approach to tackling crimes of modern slavery, we have set out our recommendations.

### Actions and recommendations

#### Actions

1. The College of Policing will review and update its Authorised Professional Practice Major investigations and public protection on modern slavery as soon as possible and amend relevant content in other guidance as part of its regular updating processes.
2. HMICFRS will consider how inspection activity can be used to further promote improvements in the investigation of modern slavery cases.

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<sup>2</sup> The Victims' Code was updated in April 2021. Our investigation refers to the previous version published in October 2015.

## Recommendations

### 1. To the Home Office

- a. In consultation with chief constables, the Independent Anti-Slavery Commissioner, Victims Commissioners, the Crown Prosecution Service, voluntary agencies that provide support to victims, and others as appropriate, commission work to:
  - i. better understand the victim experience of the police response to modern slavery and the wider response from immigration and other law enforcement agencies; and
  - ii. assess the extent and nature of poor victim experiences (from first contact with the police, through to investigation and prosecution stages where these occur) to understand and identify how they can be improved.
- b. The work commissioned should seek to result in recommendations for specific actions that will further improve victims' experiences. The Home Office should publish the findings of this work.

### 2. To chief constables

Assure themselves that police officers and staff (including non-specialist staff, as appropriate) are supported through access to learning, specialist policing resources and victim support arrangements, so that officers and staff are able to:

- a. easily access information and advice on modern slavery and human trafficking through their force systems;
- b. identify possible victims of modern slavery;
- c. recognise that victims of modern slavery should not be treated as criminals in situations where they have been forced to commit an offence by their exploiters;
- d. know how to take immediate steps to make victims feel safe (including facilitating access to a place of safety, if necessary);
- e. understand how to advise victims what support is available them;
- f. understand the National Referral Mechanism and duty to notify requirement, and know how to make good-quality referrals; and
- g. ensure that the statutory defence (provided by section 45 of the Modern Slavery Act 2015) for victims of slavery and exploitation who are compelled or coerced into committing offences by their exploiters is considered in all cases to protect victims from prosecution.

## Recommendations

### 3. To chief constables

Assure themselves that their resources are being deployed to enable effective investigation of modern slavery offences (which may, for example, involve taking account of high levels of vulnerability and organised crime group involvement). They should assure themselves that their crime allocation processes direct investigations to the most appropriately skilled individuals and teams.

### 4. To chief constables, and police and crime commissioners

Work together to understand the support needs of victims of modern slavery crimes. They should provide appropriate support within their respective remits to augment the national provision so that victims feel safe and empowered to remain involved in any investigations. This should focus on what support should be available before and after National Referral Mechanism (NRM) referral as well as alternative provision available for those declining NRM referral.

### 5. To the Home Office

Assure themselves that the support mechanisms provided by bodies under government funding are consistently making available high-quality provision for victims of modern slavery.

### 6. Monitoring of recommendations

- a. Home Office to provide a report to Her Majesty's Chief Inspector of Constabulary on progress in implementing its recommendations within six months of the date of publication of this report.
- b. National Police Chiefs' Council to collate Chief Constables' progress in reviewing and where applicable implementing their recommendations and report these to Her Majesty's Chief Inspector of Constabulary within six months of the date of publication of this report.
- c. Association of Police and Crime Commissioners to collate Police and Crime Commissioners' progress in reviewing and where applicable implementing their recommendations and report these to Her Majesty's Chief Inspector of Constabulary within six months of the date of publication of this report.

## Background and legal framework

Modern slavery encompasses a range of crimes of exploitation. It includes, but is not limited to, human trafficking, sexual exploitation, forced labour, domestic servitude, criminal exploitation, forced marriage, organ removal and fraud.

The number of NRM referrals can be used as a potential measure to estimate the scale of modern slavery. However, much larger estimates exist. For example, the Centre for Social Justice and Justice and Care, in their report [\*It still happens here: fighting UK slavery in the 2020s\*](#), estimated that there could be at least 100,000 victims of modern slavery in the UK in 2017.

### Government's approach

The Modern Slavery Strategy 2014 sets out the Government's approach to tackling this crime. Its aim is "to reduce significantly the prevalence of modern slavery in the UK, as well as to enhance our international response". It uses the framework of the 4 Ps – pursue, prevent, protect and prepare – to set out the actions required. The Government produces annual reports to assess the progress made against the strategy. The most recent report was published in October 2020.<sup>3</sup>

In March 2021 the Government published its [\*New Plan for Immigration Policy Statement\*](#). This announced a review of the Modern Slavery Strategy 2014 and set out proposals to improve support for victims of modern slavery. The New Plan includes changes to ensure that victims of modern slavery receive the support they need to engage in the criminal justice system. The Government will also be looking at how to improve support for victims of modern slavery to participate effectively with police investigations. The Government has also committed to providing specialist mental health support to victims. It will be consulting on a revised strategy.

### Modern slavery legislation

The Modern Slavery Act 2015 consolidated existing slavery and human trafficking offences in England and Wales. The Act provides an enhanced legal framework for law enforcement agencies to pursue and bring perpetrators to justice. It introduced two provisions to better protect victims:

- a statutory defence for victims of modern slavery who have been compelled to commit an offence as a result of their exploitation, or in the case of under 18s that the offence is a direct consequence of their being or having been a victim of modern slavery (the section 45 defence); and

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<sup>3</sup> [\*2020 UK annual report on modern slavery\*](#), HM Government, October 2020.

- two types of preventative orders to safeguard victims.

Slavery and Trafficking Prevention Orders and Trafficking Risk Orders act as a protective tool. The purpose of the Slavery and Trafficking Prevention Orders is to prevent slavery and human trafficking offences being committed by someone who has already committed these offences. Slavery and Trafficking Risk Orders can be made by a court after a conviction, or in respect of an individual who has not been convicted of a slavery or trafficking offence. The Court must be satisfied that there is a risk that the defendant may commit a slavery or human trafficking offence and that the order is necessary to protect against the risk of harm from the defendant committing the offence. Both orders place restrictions on people considered likely to exploit victims and commit modern slavery offences and they help to keep victims safe. Victims don't have to give evidence in person. Instead, evidence can be presented as hearsay.

The Act also introduced a requirement for first responder organisations (of which the police are one) to notify the Home Office when they encounter someone they believe to be a victim of modern slavery. In all cases involving children, and in cases of consenting adults, this is done by referring suspected victims of modern slavery into a framework for support called the National Referral Mechanism (NRM). This requirement is known as the duty to notify. In the case of adults this is by consent. So that victims can give their informed consent, the referring organisation must explain what the NRM is, what support is available through it and what the possible outcomes are for the individual.

When an adult does not consent to be referred into the NRM and there are grounds to believe that person is a victim of modern slavery or trafficking, first responders, including the police, have a duty to notify the Home Office anonymously (section 52 Modern Slavery Act 2015). This is completed through the same digital portal as an NRM referral.

Children identified as possible victims of modern slavery must be referred for support under the NRM.

All referrals made into the NRM are considered by the Single Competent Authority through a two-stage process. This comprises a unit of trained specialists within the Home Office.

Following a referral from a first responder organisation, the Single Competent Authority first makes an initial reasonable grounds decision to determine whether it suspects but cannot prove that an individual is a potential victim of modern slavery. The Single Competent Authority then goes on to make a conclusive grounds decision to determine whether on the balance of probabilities there are sufficient grounds to decide that the individual is a victim of modern slavery.

Following a positive reasonable grounds decision, adult victims enter the recovery period. The recovery period is provided for a minimum of 45 days, or until the conclusive grounds decision is made, whichever is the longer. During the recovery period support is available, including accommodation, financial support and medical care.

Following a positive or negative decision at the conclusive grounds stage, a period of move-on support is provided, with the length of time determined by the outcome of the decision.<sup>4</sup>

The Modern Slavery Act 2015 was independently reviewed in 2016 – this is known as the [Haughey review](#). This review found that law enforcement agencies were using the powers in the Act to increase prosecutions and support victims. But it also found that there could be more consistency in dealing with victims and perpetrators. This included better training and a more structured approach to identifying, investigating, prosecuting and preventing modern slavery.

In July 2018, the Government commissioned Frank Field MP, Maria Miller MP and Baroness Butler-Sloss to undertake an independent review of the Modern Slavery Act 2015. Their report, [Independent Review of the Modern Slavery Act 2015: Final Report](#), published in 2019, considered the operation and effectiveness of the Act and suggested potential improvements. In particular, it focused on four topics: transparency in supply chains, the role of the Independent Anti-Slavery Commissioner, the Act's legal application and the safeguarding of child victims of modern slavery. The review identified severe deficiencies in how data on modern slavery is collected. It also found there needs to be greater awareness of modern slavery and consistent, high-quality training among those most likely to encounter its victims. The review made various recommendations for improvements.

In January 2020, Lord McColl's Modern Slavery (Victim Support) Bill was introduced in the House of Lords. The Bill aims to significantly improve support for modern slavery victims throughout England and Wales. It proposes to give victims at least 12 months of support after a conclusive grounds decision. At the time of writing this report, the Bill is still proceeding through Parliament.

## **The Independent Anti-Slavery Commissioner**

The role of the Independent Anti-Slavery Commissioner is to encourage good practice in tackling modern slavery throughout the UK. The priorities in her strategic plan for 2019–21 are to:

- improve victim care and support;
- support law enforcement and prosecution;
- focus on prevention; and
- get value from research and innovation.

Hestia's super-complaint focuses on the first two of these priorities.

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<sup>4</sup> [Modern slavery: statutory guidance for England and Wales \(under s49 of the Modern Slavery Act 2015\) and non-statutory guidance for Scotland and Northern Ireland](#), Home Office, 1 April 2021.

In September 2020, the Independent Anti-Slavery Commissioner published an annual report which outlined progress against her 2019–21 strategic plan.<sup>5</sup>

## Anti-Slavery Co-ordinator for Wales

The role of the Anti-Slavery Co-ordinator for Wales is to stop slavery in Wales and to co-ordinate help and support for survivors.

The Wales Anti-Slavery Leadership Group aims to tackle slavery in line with the Home Office's Modern Slavery Strategy. The objectives in their delivery plan 2021–22 are to:

### **Pursue – 'Prosecute and disrupt individuals and groups responsible for slavery'**

- **Strategic objective 1:** In Wales to increase investigations and prosecutions of modern slavery offences

### **Prevent – 'Prevent people from engaging in slavery'**

- **Strategic objective 2:** Tackling child exploitation
- **Strategic objective 3:** Preventative measures to tackle labour exploitation in Wales

### **Protect – 'Strengthen safeguards against slavery by protecting vulnerable people from exploitation and increasing awareness of and resilience against this crime'**

- **Strategic objective 4:** Improve awareness and availability of information on slavery

### **Prepare – 'Reduce the harm caused by slavery through improved victim identification and enhanced support'**

- **Strategic objective 5:** To develop and deliver consistent anti-slavery training
- **Strategic objective 6:** Wales Modern Slavery Safeguarding Pathway
- **Strategic objective 7:** Working with 'source countries'

## Modern Slavery Police Transformation Unit

In 2017, the Modern Slavery Police Transformation Unit (MSPTU) was set up following a bid for £8.5m from the Police Transformation Fund. The aim of the MSPTU was to transform the policing response to slavery and trafficking, and address both shortcomings identified by the [Haughey review](#) and the concerns raised through the work of the NPCC modern slavery and organised immigration crime portfolio.

The MSPTU developed and provided considerable training, guidance and support to help the police service respond more effectively to modern slavery. The funding for the MSPTU ended in March 2020 and a new unit is now funded directly by the Home Office for 2020/21. The new unit is called the Modern Slavery and Organised Immigration Crime Unit (MSOICU). The NPCC lead for modern slavery, the Chief Constable of Devon and Cornwall Police, is responsible for overseeing the work of the unit. Stakeholders told us

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<sup>5</sup> [Independent Anti-Slavery Commissioner annual report 2019–2020](#), Independent Anti-Slavery Commissioner, 17 September 2020.

the MSPTU and MSOICU have had a critical role in supporting improvements. Given the unit's funding is temporary, we would encourage thought to be given to how to retain this capability in the longer term.

## College of Policing guidance

The College of Policing Authorised Professional Practice (APP) on [Major investigations and public protection](#) includes detailed guidance on modern slavery. The College of Policing is aware the document needs to be updated. The guidance reflects the importance of recognising the traumatic effect of modern slavery on victims and the fears victims may have about disclosing possible crimes committed against them. The guidance recognises the importance of safeguarding victims.

## HMICFRS inspections

In July 2016, the Home Secretary commissioned HMICFRS to inspect the police response to the implementation of the Modern Slavery Act 2015 in England and Wales. The inspection took place between November 2016 and March 2017 and included fieldwork in ten forces. As part of the inspection HMICFRS examined data and self-assessments from all 43 forces in England and Wales and reviewed 92 concluded and current cases. Further fieldwork was carried out in four regional organised crime units and the National Crime Agency.

The inspection findings were published in [Stolen freedom: the policing response to modern slavery](#) in October 2017. The inspection found widespread inconsistency in how law enforcement had responded to the Act, and to modern slavery and human trafficking more generally. This resulted in poor outcomes for many victims. It also showed that non-specialist officers and staff often had a limited understanding of modern slavery, and the powers and provisions set out in the Act. Investigators, too, had little understanding of the section 45 defence. There was limited use of the new preventative powers and there were few notifications to the Home Office where officers and staff suspected someone might be the victim of modern slavery.

Recommendations were made to police forces and law enforcement agencies to improve the approach to tackling modern slavery. HMICFRS routinely monitors the progress forces make against recommendations, and the results are referred to where relevant in this report. We have referred to progress against the relevant recommendations to inform our findings for this investigation.

# Our super-complaint investigation

## Scope

Our investigation considered whether there is evidence that the concerns set out by Hestia are features of policing. We then considered whether there is evidence that they are, or appear to be, causing significant harm to the public interest. This includes:

- whether there is evidence that the issues of concern are widespread;
- whether they are adversely affecting the identification and investigation of modern slavery crimes, and
- the extent to which there is evidence that they may be affecting the police's ability to keep victims safe and provide them with adequate support.

To assess how the police response to modern slavery has changed since the 2017 HMICFRS inspection, we have considered progress by all forces against the recommendations of that report. We have also used the evidence from victims' experiences described in the super-complaint, along with case examples provided by victim support organisations we contacted, to inform our investigation. While it is extremely challenging to determine the extent to which these victims' experiences are representative, these accounts have proved invaluable in understanding concerns from victims' perspectives.

Although Hestia's super-complaint relates to English police forces, we extended our investigation to include Wales because there was no evidence to suggest the situation in Wales would be any different from that in England.

## Methodology – how we investigated the super-complaint

We analysed and grouped the concerns set out in the super-complaint and developed the following lines of enquiry:

- the approach taken by forces to planning and prioritising their responses to modern slavery;
- the initial response to victims of modern slavery;
- how victims are treated for offences they have committed, including any immigration offences;
- investigations into modern slavery offences; and
- training on identifying, dealing with and understanding the traumatic effect of exploitation on victims of modern slavery.

To gather evidence, the investigation team:

- held discussions with experts and organisations who have extensive knowledge and understanding of modern slavery and human trafficking (see Annex D);
- carried out intensive fieldwork in six forces (Cambridgeshire, Cheshire, Kent, Merseyside, South Wales Police, Sussex), including focus groups with officers, discussions with individual officers and staff such as those in call centres and on front desks at police stations, and interviews with senior leaders and specialists;
- critically reviewed information on modern slavery supplied by forces, such as local policies and guidance, and interviewed officers in several forces;
- considered inspection reports and other inspection evidence, including HMICFRS crime data integrity reports, which examine how accurate forces are in recording crimes and incidents reported to them;
- considered the findings of HMICFRS's continuing monitoring of forces' progress against the recommendations in the 2017 modern slavery thematic inspection;
- examined submissions and documents provided in response to our enquiries to public bodies and other agencies; and
- examined information gathered from victim support organisations about their experiences of police contact with victims.

Additionally, the IOPC reviewed its cases to identify relevant investigations and whether any learning was relevant to inform this super-complaint investigation. See Annex E for the full details.

Annex F provides information on the data sources referenced in this report.

The three decision-making authorities – HMICFRS, the College of Policing and the IOPC – collaborated throughout the investigation.

## Our findings

### Approach taken by police forces to planning and prioritising their responses to modern slavery

To give context to the super-complaint concerns, we include a high-level overview of the police response to HMICFRS's 2017 inspection report: [\*Stolen freedom: the policing response to modern slavery\*](#). This report recommended that:

“forces should review their leadership and governance arrangements for modern slavery and human trafficking, to ensure that:

- senior leaders prioritise the response to modern slavery and human trafficking;
- every incident of modern slavery identified to police is allocated appropriate resources with the skills, experience and capacity to investigate it effectively;
- forces develop effective partnership arrangements to co-ordinate activity in order to share information and safeguard victims; and
- performance and quality assurance measures are in place to allow senior leaders to assess the nature and quality of the service provided to victims.”

The findings from this super-complaint investigation indicate some progress against this recommendation. In January 2020, the MSOICU contacted forces to determine the resources given to modern slavery. All forces have dedicated specific points of contact for modern slavery. Forces have also taken steps to have appropriately trained and skilled investigators for cases involving modern slavery. And they have partnership arrangements to exchange information and co-ordinate preventative and enforcement activities. According to the MSOICU's research conducted in January 2020, just over half of all forces have governance and performance management mechanisms to oversee their response to modern slavery and to help ensure sufficient resources to deal with it.

### Prioritising the response to modern slavery

From our discussions with senior leaders during the super-complaint investigation, and review of force material, it was clear that forces see modern slavery as a policing priority and most include it in their strategic assessment for their policing area.

Forces are also taking a more targeted approach to modern slavery through proactive operations, including where offences are perpetrated by organised crime groups. There was an increase in completed prosecutions for flagged modern slavery prosecutions from 294 (for year ending December 2018) to 349 (for year ending December 2019). This includes defendants prosecuted for a Modern Slavery Act 2015 offence as well as

other serious criminal offences (including conspiracy to commit Modern Slavery Act 2015 offences).<sup>6</sup>

## Use of preventative powers

The 2017 HMICFRS inspection report also recommended that:

“forces should review their use of preventative powers under the Modern Slavery Act 2015 to ensure that opportunities to restrict the activities of those deemed to pose a clear threat to others in respect of modern slavery and human trafficking offences are exploited.”<sup>7</sup>

According to the [2020 UK annual report on modern slavery](#), 147 Slavery and Trafficking Prevention Orders and 60 Slavery and Trafficking Risk Orders were issued between July 2015 and March 2020 in England and Wales.

Thirty-two forces have used the preventative powers made available in the Modern Slavery Act 2015 and obtained orders against offenders. But use of these powers varies across forces. Some forces work with partner agencies to secure prevention orders using other legislation when the 2015 modern slavery legislation isn't appropriate. Since the super-complaint was made, these orders are now being used more in county lines cases.

In August 2020, the MSOICU did a force review and found that there is still no national consistency for the recording, monitoring or management of modern slavery orders, however a number of forces were making attempts to make improvements. Only 16 forces had an established structure for the recording and management of modern slavery orders.

As a result of its review the MSOICU developed guidance to advise and support forces to understand how to apply for, record and manage modern slavery orders.

## The initial response to victims of modern slavery

Hestia said:

“Some witnesses testified that police officers continue to display a lack of understanding of modern slavery and often fail to recognise signs of exploitation and adequately respond to victims of modern slavery. This extended to a lack of understanding of the National Referral Mechanism (NRM) and of the duty to notify the Home Office when a potential victim is identified.”

[Underground lives: Police response to victims of modern slavery](#), Hestia, March 2019

<sup>6</sup> [2020 UK annual report on modern slavery](#), HM Government, 2020

<sup>7</sup> [Stolen freedom: the policing response to modern slavery and human trafficking](#), HMICFRS, 24 October 2017.

Most of the police officers and staff we spoke with during our fieldwork recognised that modern slavery was a strategic priority for their force, and knew about the importance of identifying and dealing with these crimes. They also showed a good understanding of the signs to look for and talked about different types of modern slavery that might be present in the areas where they worked. Some forces, for example, described local cases of domestic slavery; others told us about enforced labour in places like nail bars or cleaning businesses.

Some officers had been briefed about modern slavery to help them understand it better. But most frontline officers we spoke with recognise this is a complex area, and said they would seek advice and guidance from their force's specialist team or single point of contact (SPOC) for modern slavery to help them respond to any cases they encountered.

For this to work, officers must of course have at least a basic grasp of the signs of modern slavery, so they can identify that they should talk to their SPOC about a particular case. We therefore looked at the information provided to officers to assist with this.

### Sources of information

Information to support officers and help them deal with cases of modern slavery varies in quality and ease of access by force. The six forces we visited made information available on their intranets about how to identify and deal with victims of modern slavery, and officers could access it on their hand-held devices. But whereas officers could easily find and navigate some sites, some officers told us they struggled to find the information, despite extensive searching.

Good quality and easy to access information is very important in helping officers identify and respond to victims of modern slavery. It is essential that officers and staff know where they can refresh their knowledge and find information, particularly out of hours. The MSPTU helped forces improve their intranet sites by providing an intranet pack. This makes guidance and other material readily available to police officers and staff. It is an example to forces of what they could include on their own sites.

There is comprehensive College of Policing APP guidance and a range of other national guidance to help frontline officers identify modern slavery and deal with cases. The College is aware this needs to be updated. The MSPTU developed a pocket-sized guide called *Modern slavery initial actions. A guide for the frontline*. This is aimed at helping frontline staff to spot victims and respond effectively. It contains a brief overview of the law, signs that someone may be enslaved, first investigative actions, the NRM and safeguarding. It explains that the person may not view themselves as a victim of modern slavery and why therefore there is a need to gain their trust. But few officers we spoke with were aware of this guide; fewer still had the guide to hand. The MSPTU also produced a first contact booklet that highlights best practice from forces. It is designed to guide frontline officers and staff to consider relevant factors and to help them in

questioning someone they believe may be a victim of trafficking. It also provides guidance on gathering relevant information during modern slavery investigations.

These guides, along with other guidance material covering various aspects of slavery and trafficking, are shared through the Policing Slavery and Human Trafficking Group on the College of Policing Knowledge Hub. This has been advertised to all forces as the primary location to download updates and new material to their individual sites. This is an IT platform funded through the network of police and crime commissioners.

Non-specialist frontline officers and staff are the first point of contact with the public, victims and suspects. Our discussions with staff showed some good awareness of the signs of modern slavery, but these are often complex cases and modern slavery may not be immediately evident. There is therefore a risk of cases not being identified or referred to specialist officers.

The College of Policing has developed vulnerability training that includes modern slavery case studies and is available to all forces. The training seeks to support police officers and staff to recognise the personal factors of vulnerability that may affect an individual and how they interact with the environment to cause harm or the risk of harm. The more traditional approach to policing vulnerability has focused on particular issues, such as mental ill-health, age, race and religion. In reality, most people encountered by policing have several vulnerabilities and the task for police responders, along with others, is to seek to manage the situation so that the identified vulnerabilities do not lead a person to suffer harm. In the case of modern slavery, victims may be vulnerable for a range of reasons, such as isolation from support, because they have no support network, no family nearby and English may not be their first language. In addition, however, they may have uncertain or insecure immigration status. Police responses must recognise all relevant vulnerabilities and work with others to create a package of measures to support the individual to prevent or reduce the risk of harm.

Further improvements are needed in the police response to modern slavery, but there are signs that the police's ability to recognise victims of modern slavery has improved since the HMICFRS inspection in 2017. This is reflected in the increasing number and accuracy of the crimes recorded.

### **Crime recording**

The available data from police records of modern slavery crimes provides a source of information on whether police identification of modern slavery is improving. The HMICFRS 2017 modern slavery inspection raised concerns about the accuracy of the recording of modern slavery crimes and recommended that:

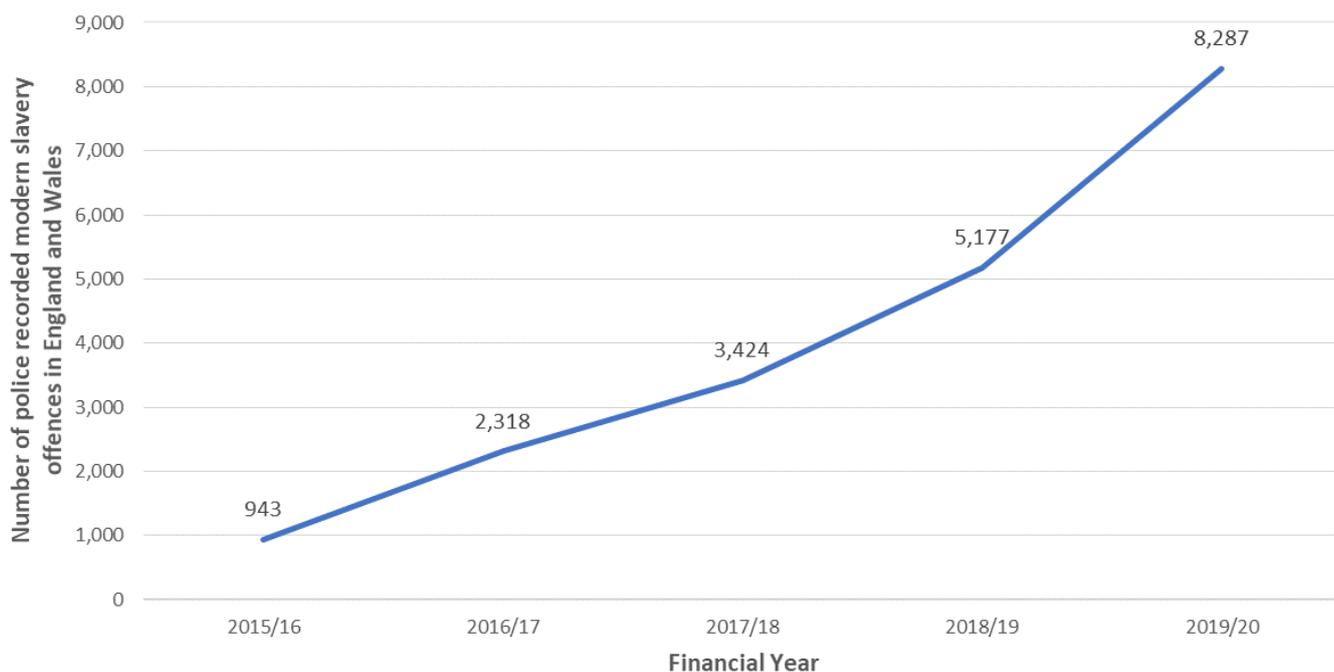
“forces should take steps to ensure they fully comply with national crime recording standard (NCRS) requirements for offences identified as modern slavery and human trafficking and that sufficient audit capacity is available to the force crime registrar to

provide reassurance that each force is identifying and managing any gaps in its crime-recording accuracy for these types of offences.”<sup>8</sup>

Between April 2016 and February 2020, as part of the rolling programme of crime data integrity inspections, HMICFRS reviewed (non-representative) samples of modern slavery cases and NRM referrals. The aim was to understand the quality and consistency of crime recording decisions in this area. Findings from these inspections showed an improvement over the period in patterns of crime recording for modern slavery, with most identified crimes accurately recorded by most forces.

This improvement is reflected in the marked increase in the police recording of crimes of modern slavery since 2015/16, as shown in the chart below. There have also been just over 4,000 modern slavery police recorded crimes in the first two financial quarters in 2020/21. However, it is worth noting that some of the increase may have been driven by an increase in the prevalence of modern slavery over this period.

**Figure 1: Police recorded modern slavery offences in England and Wales, 2015/16 to 2019/20**



**Source: Home Office Police Recorded Crime**

<sup>8</sup> [Stolen freedom: the policing response to modern slavery and human trafficking](#), HMICFRS, 24 October 2017.

## Summary finding

Modern slavery can be difficult for non-specialist officers to recognise and remains a largely hidden crime. Its true extent in England and Wales is unknown and it is, therefore, extremely challenging to accurately assess how well crimes are identified and recorded, or the true extent to which police forces may be failing to identify victims.

Our investigation found that the police approach to recognising and identifying victims of modern slavery has improved since the HMICFRS inspection in 2017, and that a lot more information has been provided to help officers recognise modern slavery. However, we also found that not all the officers we spoke with were aware of this information.

These findings, combined with the evidence provided by Hestia and others on the experiences of some victims' first encounters with police, lead us to conclude that further improvements in the initial police response are needed. This should build on the progress made since HMICFRS's 2017 inspection.

### Initial treatment of victims

The police officers and police staff we spoke with understand the importance of dealing with victims sensitively and making them feel comfortable in discussing their circumstances. They described making sure they spoke with people where they couldn't be overheard. Some officers understand the term 'alpha victim', where one enslaved person may be dominant among the victims, and how essential the privacy of their first conversation needs to be.

The officers we spoke with also recognised the importance of arranging for an independent person to act as an interpreter if needed, rather than someone who might be present with the potential victim and known to them. They described using telephone-accessed interpreter services and applications on their mobile phones or hand-held devices to maintain this independence, even if these methods could feel clunky and impersonal.

We found some officers are aware of the need to ask a wide range of questions to establish the victim's circumstances and possibly indicate whether they are being exploited. They might ask how they had arrived in the country, or about their living conditions, rent or any other payments they have to make, their financial independence, any wages paid to them, their passports and their general wellbeing.

Some of the experiences described by Hestia in their super-complaint show that the victims were poorly treated and shown a lack of respect by police officers, and that these victims didn't feel believed. The agencies we spoke with also gave examples of this happening. The following two examples are taken from the super-complaint:

## Afghan victim of forced labour

“My client had escaped a forced marriage situation in which her husband was also forcing her to work without pay in his factory. She did not have the right to work in the UK when this was taking place. The husband was already in prison for a different offence when she decided to give a statement about the forced labour exploitation. When we went to the police station, the receptionist straight up told us ‘this isn’t modern slavery’. She hadn’t even heard my client’s case. Later, whilst my client was giving her statement, the officer interviewing her was very patronising. When my client said she had been forced to work against her will, the officer asked her if her husband had given her food to eat. My client said yes. The officer responded ‘did you expect to come to the UK to be a kept woman?’ In the end they told her it was an employment issue and had nothing to do with them.”

*Hestia keyworker*

## Personal account: escaping from sexual exploitation in East London

“I was pregnant with one baby when I managed to escape. It was very cold and I realized I had nowhere I was running to. I felt I needed to go to a police station because I couldn’t trust anyone. On the streets, I met a Nigerian lady who helped me. She gave me an oyster card so I could travel on the bus. She led me to a police station. When I arrived, I rang the buzzer and they asked me who I was. It was freezing cold and I was in shock. I couldn’t talk much. A man and a woman came out. They took my details. Inside the station, the woman left us alone, she said she needed to check something. The man started interrogating me. He questioned everything I told him. How can you say you’re running away if you have a coat on? Is it this cold in Nigeria? I told him I grabbed a coat that was by the door when I escaped but he didn’t like my answer. How come it fits so well? How come you have warm clothes for your son? He even questioned why I spoke English. He said they don’t speak English in Africa. I said we speak English in Nigeria. He didn’t believe me.

He then started searching me. He emptied my bag and took out every item. He made me empty out my pockets and take off my shoes. It was so traumatizing I cannot remember it all. He said he’d throw me out if I didn’t tell the truth. He shouted at me to speak up. When I asked him to slow down because I didn’t understand him, he accused me of insulting him. The officer at the counter was rude to me too. He told me to get up and told the other man to search me. The woman came back. She said she had spoken to the Home Office and they had told her they’d find me a place to stay. Two hours later, they came to take me somewhere safe. Those people were nice. I didn’t want to complain after that, I didn’t want anything to do with the police. That’s why I didn’t report my case.”

These accounts detail victims who have been treated poorly by the police and deserved better. Whilst we have not investigated these specific incidents, the evidence presented in the super-complaint indicates that some victims have been poorly treated by the police.

## Summary finding

Our investigation has found that, while the police officers we spoke with demonstrated supportive attitudes and awareness, the evidence presented in the super-complaint shows that some victims have been poorly treated by police officers. When we spoke with frontline officers and investigators, they showed compassion towards victims and an understanding of the effect that modern slavery has on them. However, we recognise that we did not observe how these officers dealt with cases in practice.

The victims' voices in the case examples provided by the super-complaint are clear and troubling. Because of the hidden nature of modern slavery and the limitations of this investigation, we have not been able to determine the extent to which these poor experiences are representative of all modern slavery victims, or indicative of a widespread problem.

### Keeping victims safe

The super-complaint includes examples of cases where forces didn't take immediate steps to make victims feel safe. This affected victims' willingness to disclose information and offences to the police.

Keeping victims safe is a main responsibility for the police, as stated in the College of Policing APP guidance on modern slavery. In June 2020, the College of Policing revised its published advice for first responders on the duty to notify and the NRM process. In addition, a revised bespoke e-learning package focusing specifically on safety, protection and the NRM process was published in June 2020.

HMICFRS's inspections across the range of police force activities find that safeguarding vulnerable people is generally well understood by police officers and staff throughout England and Wales and has significantly improved in recent years. Dealing with vulnerability and making people safe is now more prominent as a main police function, and stems from greater focus on crimes such as domestic abuse, serious sexual assault, and child and adult abuse. County lines offending<sup>9</sup> has also increased the knowledge of officers about trafficking vulnerable people, and why they require very particular safeguarding.

In our discussions with frontline staff, we found a good understanding of the need to keep victims of modern slavery safe. Some officers described the actions they had taken when they came across suspected victims in the course of their duties. Most of the officers

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<sup>9</sup> Offences involving criminal networks or gangs which use a dedicated mobile phone line (or 'deal line') to distribute drugs, typically from an urban area to a smaller town or rural setting.

understand that many victims won't initially trust those involved in law enforcement. They are aware of the need to build rapport and make sure victims feel safe so that they can find out what had happened to them.

Some frontline officers know about the short-term local arrangements available to house victims away from where they have been enslaved. This is usually in hotels or bed and breakfast accommodation. They also understood the need to make sure victims have food and clothing available. But although specialist officers know about the options available, not all frontline officers did. In addition, some forces didn't have any such arrangements in place. In these circumstances, officers reported they had to take suspected victims to a police station initially.

In some forces, officers and staff have had training from local agencies and have contact details for agencies that can help to safeguard victims in the very early stages of identification and investigation. Some forces also have the benefit of safe houses in their area, where victims can be accommodated and get the right support before support is provided under the NRM. Safe houses aren't common, however, and bed and breakfast or hotel accommodation isn't always a suitable option for vulnerable victims, even as an interim measure.

It has been recognised nationally that better arrangements are needed at both local and national levels to give victims safe and suitable places to go. In June 2020, a new Modern Slavery Victim Care Contract (MSVCC) was awarded by the Government to The Salvation Army, the prime contractor. The new service went live in January 2021 and builds on the wide-ranging support of the previous Victim Care Contract to provide a service that is needs-based and better aligned with the requirements of individual victims in England and Wales. Partnership working is an important theme throughout the new MSVCC to ensure a co-ordinated approach to supporting victims of modern slavery. This includes the Government working with law enforcement partners to ensure victims receive the right level of support as quickly as possible, including emergency accommodation when required.

## Summary finding

Our investigation found that victims may not always be kept, or made to feel, safe following their first contact with the police. Forces recognise the importance of keeping victims safe, and there has been more guidance and information made available on this since 2017. However, the inconsistent approach across forces, the lack of accommodation provision in some areas and the testimony from victims lead us to conclude that victims may be deterred from engaging with the police service and/or supporting any investigation and prosecution.

### Referrals under the National Referral Mechanism and the duty to notify

HMICFRS’s 2017 report, [Stolen freedom: the policing response to modern slavery](#), recommended that:

“forces should take steps to ensure they are fully compliant with the NRM process as it evolves and are implementing the requirement placed upon them under the Modern Slavery Act 2015 to notify the Home Office of any individual suspected to be an adult victim of modern slavery or human trafficking.”

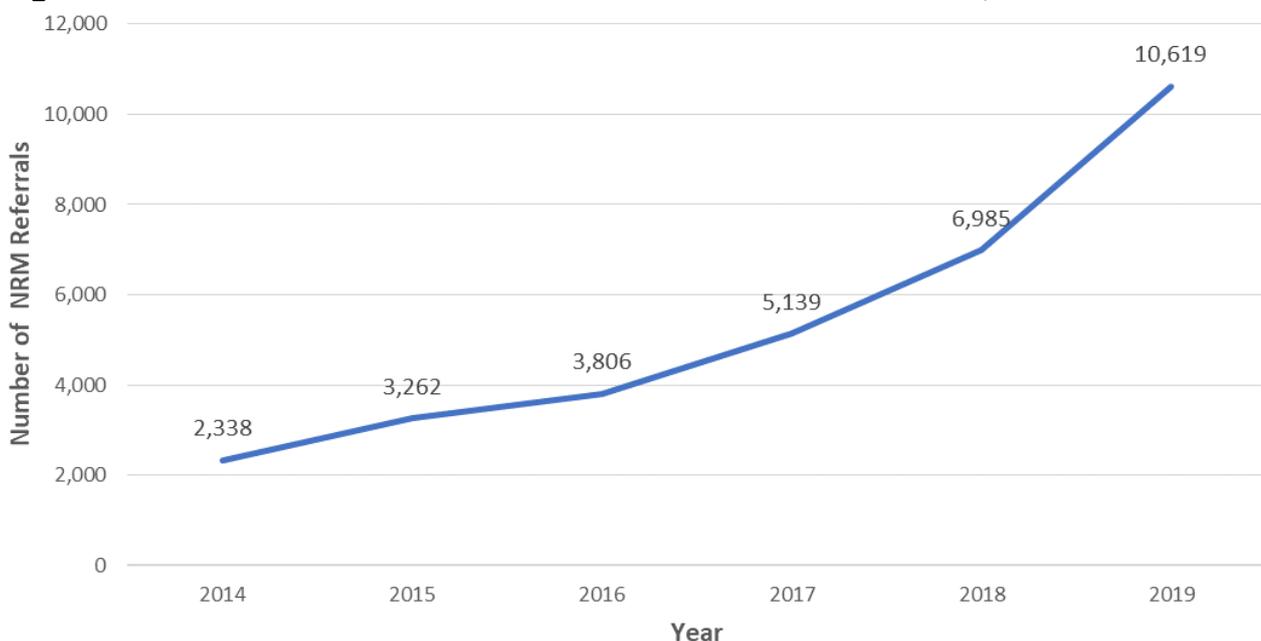
The findings from our super-complaint investigation indicate that progress has been made against this recommendation, but there remains room for improvement.

There has been a yearly increase in referrals since the NRM was introduced. Between 2018 and 2019, the number of NRM referrals throughout the UK increased by 52 percent, from 6,985 to 10,619. There have also been 7,576 NRM referrals in the first three quarters of 2020. According to the [National Referral Mechanism statistics UK end of year summary 2019](#), around a quarter of NRM referrals came from the police (and the rest from other statutory and non-statutory agencies designated as first responders) in 2019; around 30 percent came from the police in 2018.

Children make up almost half of all referrals, according to the National Referral Mechanism statistics UK end of year summary 2019. Around 43 percent of referrals were for children in 2019; this is similar to the proportion seen in 2018.

The [2020 UK annual report on modern slavery](#) suggests the increase in referrals could be because of greater awareness, although it notes that it cannot rule out increases in the incidence of offences.

**Figure 2: Referrals to the National Referral Mechanism in the UK, 2014 to 2019**



Source: Home Office National Referral Mechanism Statistics

Forces we assessed in our fieldwork told us that they provide officer awareness training or written guidance about the NRM process. They have systems and processes to make sure victims of modern slavery are identified and referred appropriately. Some forces use specialist teams or individuals to screen NRM referrals so that information is shared and an appropriate police response is put in place. Some forces actively monitor NRM referrals to assess their performance to show how well they comply with the requirements. An increase in NRM completions can indicate that awareness of modern slavery and NRM is increasing in the workforce.

The MSPTU supported police forces to build workforce understanding of the duty to notify and referrals to the NRM, so that suspected victims get accurate information about where and how they can access support.

The College of Policing has approved training on making and dealing with referrals. This includes a video describing the role of police as first responders, the expectations of them, including in safeguarding victims, and the support offered through the NRM. This training is available through the College of Policing's managed learning environment. The training video has been viewed 130,000 times; this is likely to be an underestimate of the number of people who have viewed it because some forces will use the video to support provision of learning to groups of officers and staff.

However, the non-specialist officers and staff we spoke with didn't all know about the duty to notify and referral arrangements under the NRM. Few frontline officers were aware of the processes to be followed, what it meant for the victim or the support the victim might get if referred. Some officers knew about online referral, but most didn't know where a referral went or what happened to it. Most said that they wouldn't complete the form themselves but that someone else in their force with more specialist knowledge would do it.

We spoke with The Salvation Army about the quality of NRM referrals it gets from the police. It told us the level of detail provided was inconsistent, both between and within forces. Some referrals include comprehensive information, whereas others provide very limited detail. The Salvation Army NRM referrals team told us that they often make repeated calls to the police to get enough detail for victims to be properly referred. This was also the case for referrals from other first responders and wasn't unique to the police. The team felt there was a lack of understanding by police officers about the role and the support offered by The Salvation Army, and the information needed to make sure referrals were appropriate.

Our investigation suggests that officers are getting better at recognising victims of modern slavery. But these cases can be difficult to identify, and inconsistent understanding of the NRM may lead to cases not being referred. Our discussions with officers didn't give us confidence that victims would always be referred to the NRM.

At the time of writing this report, the Government announced its New Plan for Immigration. Proposals within the Plan include improving the training given to first responders, who are responsible for referring victims into the NRM. In the light of our finding, we welcome this new initiative.

## Summary finding

The steady increase in referral numbers since HMICFRS's 2017 inspection suggests that police forces are better at identifying modern slavery and understanding the need to refer via the NRM. But since we don't know the true number of modern slavery victims, we can't assess the extent to which forces are referring victims to the NRM.

Our fieldwork found evidence of a lack of knowledge among officers, and this suggests that some victims may not be referred when they should be.

## How victims are treated for offences they have committed, including immigration offences

Hestia said:

"Victims of modern slavery are treated as immigration offenders. ... Victims of modern slavery are treated as criminals when they have been forced to commit criminal activities by their exploiters, despite the existence of the section 45 Defence in the Modern Slavery Act."

*[Underground lives: Police response to victims of modern slavery](#)*, Hestia, March 2019

Hestia provided evidence from expert witnesses and case examples where victims have been treated as immigration offenders. Some have been held in immigration removal centres awaiting deportation and others treated as criminals, despite being forced to commit offences by their exploiters. Hestia suggests little regard is shown to applying the statutory defence available to victims of exploitation who have been compelled or coerced into committing offences.

### Police treating victims as immigration offenders

HMICFRS's 2017 inspection report *[Stolen freedom: the policing response to modern slavery](#)* said: "A focus on the immigration status of both victims and offenders has been a recurring theme throughout this inspection".

The 2017 inspection found a clear tendency by forces to deal with victims and offenders through immigration channels rather than examine in greater detail why they had come to the attention of law enforcement agencies.

It is clear from Hestia's evidence, and from our own discussions with agencies supporting victims, that fear of immigration enforcement action is a barrier to foreign national victims reporting crimes and engaging with the police. Much of this fear is based on the police service informing the Home Office of victims' immigration status.

A victim's immigration status is required to be specified when they are referred for support under the NRM. Victims referred to the NRM are protected from any immigration enforcement until their case is decided at the 'conclusive grounds' point.

Many victims choose not to be referred and are notified to the Home Office anonymously under the duty to notify. There are several possible reasons for victims refusing to consent to an NRM referral, and immigration status is likely to be a factor for some.

Sharing information between the police and the Home Office can be important and in the public interest. It can help the police carry out an effective investigation, identify vulnerable people and, in some instances, protect them from harm. The Home Office may have relevant information, and be able to help with an investigation and/or help to protect and support victims.

The police are permitted, including by section 20 of the Immigration and Asylum Act 1999, to supply information about victims to the Home Office for immigration purposes. There are also common law powers for the police to exchange information with other public bodies when it is in the public interest and helps the work of the police and other bodies.

In April 2020, the NPCC revised its guidance on exchanging information about immigration offenders with the Home Office.<sup>10</sup> This sets out that "when a victim/witness is suspected by an officer of being an immigration offender, the police will share information about them with the Home Office". The guidance describes the purposes of sharing information, and says that the type of information and when it should be shared should be decided in each case. It also says the police should tell victims that they intend to pass their information to the Home Office.

The guidance states that: "Officers will not routinely search police databases for the purpose of establishing the immigration status of a victim/witness". The guidance expects that, regardless of any information sharing, the allegation reported by the victim should continue to be investigated and measures put in place to protect the victim or witness from harm.

Although forces are expected to follow NPCC guidance as a matter of good practice, they don't have to do so.

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<sup>10</sup> The NPCC defines an immigration offender as 'an individual in the UK who requires leave to enter or remain in the UK but does not have it, or who has breached the conditions attached to that leave, or who has committed a criminal offence relating to entering or remaining in the UK'; [Information sharing with the Home Office where a victim or witness of crime is a suspected immigration offender](#), NPCC, 2020.

When it gets information, the Home Office decides what action to take, including in relation to immigration law. This could be enforcement action or help in establishing the victim's immigration status.

When someone comes to police attention because they are arrested on suspicion of committing an offence, there are routine checks to establish their identity, including through the Police National Computer (PNC). The PNC may show the person's immigration status and, in this scenario, the Home Office would be notified if they are wanted for immigration offences. If, after arrest, it transpires that the person is a victim of modern slavery, an NRM referral can still be made and the consent of the person should be sought. If consent is not forthcoming, the referral should be anonymous.

A separate police super-complaint from Liberty and Southall Black Sisters (LSBS) examined how and why the police and Home Office share the personal data of victims and witnesses. A report of our joint investigation into this super-complaint was published in December 2020 and the resulting recommendations are included at Annex G. It concluded that significant harm is being caused to the public interest by the sharing of data on migrant victims and witnesses between the police and the Home Office. This is because victims of crime with insecure immigration status are fearful that, if they report to the police, their information will be shared with the Home Office and/or the reported crimes will not be investigated.

These findings are relevant to the Hestia super-complaint. Although the super-complaint from LSBS focused mainly on victims of domestic abuse with insecure immigration status, there is parallel with victims of modern slavery too. We have therefore used related findings from that investigation to inform this one.

The LSBS super-complaint investigation findings were that police officers don't always prioritise safeguarding victims over immigration enforcement. In general, officers are positive about their joint work with the Home Office immigration enforcement team and consider safeguarding victims to be a priority. The LSBS investigation found no evidence that police forces intend to prioritise immigration enforcement over the investigation of crime and safeguarding. The LSBS investigation also found that police officers did not receive training on the appropriate response to victims and witnesses with insecure immigration status. Also, officers do not know whether referrals result in immigration enforcement action.

There is College of Policing training in relation to general vulnerability and domestic abuse, both of which emphasise the potential for victims of vulnerability related crime to be coerced and controlled because of their immigration status. This training, however, has not been taken up in all forces and any training needs to be supported by other implementation measures. Evaluation of one College training product showed high rates of effectiveness in impact on policing but that the impact reduced over months.

The LSBS investigation showed that forces are inconsistent in their approaches to exchanging information with the Home Office. None of the forces visited by the LSBS investigation team had any formal arrangements for sharing information about victims with the Home Office. Most officers spoken with didn't know about the 2018 NPCC guidance (the 2020 guidance hadn't been issued at the time of the force visits). Few forces have local policies to guide decision making, and instead rely on officers deciding in each case. The Home Office told the investigation team that the immigration enforcement team doesn't arrest or detain everyone referred to them, and that worries about information sharing shouldn't stop victims reporting a crime.

Despite this assurance, no information is collected to show how many contacts there are between police and the Home Office, the reasons for them, and what happens to victims as a result. This does little to counter victims' fears that immigration action will be taken against them.

## Summary finding

Our findings suggest that victims may be deterred from reporting crimes and engaging in an investigation into modern slavery offences because they fear they will be treated as immigration offenders. The LSBS super-complaint investigation found no evidence that the police intend to treat victims as immigration offenders, and decisions about enforcement action rest with the Home Office. But evidence (including the LSBS investigation) suggests that this fear does contribute to victims' unwillingness to engage with the police to support investigations into modern slavery crimes.

### **Police approach to victims who commit offences because they have been forced to do so by their exploiters**

In our force fieldwork, we found that police officers and staff generally have a good understanding of how victims of trafficking and slavery can be forced to commit crimes. Dealing with county lines criminality – where gangs or organised crime groups force young or vulnerable people to deal drugs across the country – has led to much greater awareness of this among officers. The police response to county lines gangs is explored in detail in HMICFRS's 2020 report, [\*Both sides of the coin\*](#).

Officers we spoke with gave examples of cases involving someone they realised had been compelled to commit a crime (such as supplying drugs) through fear and coercion. They also talked about people who had shoplifted small amounts of food as they had no other way to survive. But understanding varied among different types of officers: specialist investigators had a good awareness, but frontline officers had a more mixed understanding. A lack of awareness may result in cases not being passed to specialist officers, and victims being dealt with solely as an offender rather than as a victim. This may mean that the section 45 defence is not considered in these cases.

Frontline officers told us that they usually arrest someone who has been compelled to commit a crime. This is because they have little option but to deal with the facts before them when a crime has been committed. They can't be sure that a suspect is a victim of modern slavery. Once a suspect is in custody, officers told us they would seek advice on whether the person being investigated might be a controlled or coerced victim.

The section 45 defence does create significant problems for investigators, particularly at scenes of incidents when it is more difficult to carry out detailed investigations. Before allowing a suspect of a (possibly serious) crime to leave a scene, an investigator must have compelling evidence of coercion. This is often difficult to obtain at the scene.

This means that even when officers suspect someone is the victim of modern slavery, they may arrest him or her, without considering any alternatives such as taking the person to a safe place, putting support in place or arranging to interview them voluntarily.

Police custody is an intimidating environment for many individuals and more so for those who are vulnerable because of exploitation. Some forces are trying to take a more proactive approach to avoiding arrest and taking potential victims into custody. For example, one force has decided to treat suspects working at cannabis farms as victims rather than arresting them.

Officers' decisions to arrest are further complicated by the fact that victims of modern slavery don't always see themselves as victims or may not be able to explain their circumstances. In this situation, it is important that officers recognise signs of modern slavery and deal with the suspect as a victim. But the requirement for officers to caution a suspect when an offence seems to have taken place gives them little choice other than to deal with the offences committed by the victim as they would any other offence, at least initially.

Further issues raised by police officers are limited resources and time pressures, or a victim who is unwilling or unable to co-operate. This also makes it difficult to secure evidence of modern slavery. Officers told us that sometimes, had there been more time, they could have delved more deeply into what confronted them. This would have allowed them to investigate any underlying problems suggestive of modern slavery rather than to just deal with the facts presented.

## Summary finding

The case examples provided by Hestia, and our own findings from fieldwork, suggest that victims can be criminalised for offences they have committed rather than being recognised as victims of the offence of modern slavery. It is difficult to know the scale of the problem, but there are clear examples of it happening. Those victims affected are neither supported nor protected from harm, and their exploiters remain free to continue their offending.

### The section 45 defence

Section 45(1) of the Modern Slavery Act 2015 provides for a statutory defence for victims of slavery and exploitation who are compelled (in the case of an adult) into committing offences by their exploiters. In the case of under 18s the defence is available where the offence is a direct consequence of their being or having been a victim of slavery. To be able to rely on this defence, victims must give evidence that they were coerced or forced to offend. When used correctly, this defence can protect vulnerable victims who are exploited by criminals from being convicted of crimes they have had to commit because of their enslaved circumstances.<sup>11</sup>

The Crown Prosecution Service (CPS) applies specific guidance as to whether or not to bring a prosecution. There are different tests in the defence for persons aged 18 or over and for those under the age of 18.

To be able to rely on this defence, adults must meet the following criteria:

- the person does that act because the person is compelled to do it; and
- the compulsion is attributable to slavery or to relevant exploitation, as a direct consequence of being a victim of slavery; and
- a reasonable person in the same situation as the person and having the person's relevant characteristics would have no realistic alternative to doing that act.

In respect of a person under 18 (section 45(4)), the test is that:

- the person is under the age of 18 when the person does the act which constitutes the offence; and
- the person does that act as a direct consequence of the person being, or having been, a victim of slavery or a victim of relevant exploitation; and
- a reasonable person in the same situation as the person and having the person's relevant characteristics (including their age) would do that act.

This differs from the threshold for adults. The lack of the test of compulsion and the lower threshold for meeting the reasonable person test is in recognition of the unique vulnerabilities of children.

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<sup>11</sup> The defence in section 45 of the Modern Slavery Act 2015 holds that a defendant, when faced with criminal liability, can raise a defence that they were a victim of trafficking (the Defence). This doesn't apply to every criminal offence; there is a list of offences in Schedule 4 of the Modern Slavery Act 2015 in which the defence cannot be raised. This includes murder, manslaughter, firearms offences and offences causing grievous bodily harm.

In the 2017 report [Stolen freedom: the policing response to modern slavery and human trafficking](#), HMICFRS recommended that:

“forces should ensure that all victims carrying out criminal acts under compulsion attributable to slavery or exploitation are afforded the protection of early and continuing consideration of the applicability of the section 45 defence”.

Our super-complaint investigation indicates that forces have made some progress in relation to this recommendation. Forces have increased training and guidance to raise awareness of the section 45 defence. Some forces use specialists to make sure section 45 opportunities are identified to investigating officers. Most of the forces we visited as part of our fieldwork told us that there had been an increase in the use of the section 45 defence.

Some police officers and staff we spoke with understand the section 45 defence. Others don't but are aware of the principle, when they should consider it, and how it applies to victims of modern slavery. Several officers gave examples of when they had considered using section 45. Investigators know that if offences aren't pursued because the section 45 defence applies, they should record a crime against the suspect or victim under the Modern Slavery Act 2015, so that it can be investigated.

Some investigators told us they actively consider the section 45 defence when planning interviews with victims and in wider operations. Offering victims the protection of this defence allows investigators to gather more evidence while tackling modern slavery. We also heard that some investigators undertake investigations into the section 45 defence, separate from the criminal investigation. This allows the suitability of the defence to be determined objectively, and assures victims that the decision is independent.

However, police experts on modern slavery say that trying to identify people as either victims or offenders isn't straightforward, and some can be both. It needs thorough investigation, as does being able to act against those responsible for exploitation. In their view a section 45 defence can only be considered in this context.

Our investigation also found varying levels of knowledge about the section 45 defence, through discussions with frontline officers, front office counter staff and call handlers who engage directly with the public. While it cannot be expected that they have detailed knowledge, people in these roles need to know enough to be able to give the right advice at the first point of contact. The expert advisers to the 2019 independent review into the Modern Slavery Act 2015 also gave evidence that the section 45 defence isn't widely known or understood in law enforcement agencies.<sup>12</sup>

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<sup>12</sup> In 2018 the Home Secretary commissioned an independent review of the Modern Slavery Act 2015 headed by Frank Field MP, Maria Miller MP and Baroness Butler-Sloss. The review examined specific elements of the Act, of which the section 45 defence was one. See: [Independent review of the Modern Slavery Act 2015: final report](#), 22 May 2019.

There is no systematic data collection to help understand how the section 45 defence is used. Like many other statutory defences, such as duress, section 45 can be used in many different scenarios. This means the police and the CPS can't record or search for it in every scenario, and it makes it difficult to judge how well it is being used or whether its use is increasing.

Overall, our investigation, including the evidence provided by Hestia, suggests a mixed level of understanding of the section 45 defence.

The MSOICU continues to produce guidance on section 45 and criminal exploitation to help officers understand when and how the defence should be considered and applied. This includes recording a crime of trafficking or modern slavery and notifying the Home Office or referring under the NRM when the defence is raised.

During our investigation, forces and the CPS expressed growing concerns about the misuse of section 45 by criminal gangs that coach others to use it if they are caught by the police. Once the defence is raised, the burden of proof lies with the prosecution, which has to prove, beyond reasonable doubt, that the defence isn't applicable. It is often very difficult to disprove the defence in a case thought not to be genuine.

Misusing a defence can have negative repercussions for those who genuinely rely on it. In 2019, an independent review of the Modern Slavery Act 2015 assessed the balance between protecting victims from criminal prosecution and preventing criminals from abusing the protection of a section 45 defence to avoid justice. The review concluded that current arrangements do provide the right balance.

Since this review, in October 2020 the Independent Anti-Slavery Commissioner published a review after issuing a call for evidence to practitioners with experience of using the section 45 defence.<sup>13</sup> This review sets out the Independent Anti-Slavery Commissioner's concerns about the section 45 defence and makes ten recommendations that aim to make the current system work better.

Furthermore, HMICFRS's 2020 report, [\*Both sides of the coin\*](#), recommended that the Home Office commission a review of cases involving the section 45 defence.

We understand that, in response to the 2018/19 independent review of the Modern Slavery Act 2015, the Home Office is keeping the use of the section 45 defence under review with the CPS, police and others to assess how the defence is working in practice at all stages of the criminal justice system.

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<sup>13</sup> [\*The Modern Slavery Act 2015 statutory defence: a call for evidence\*](#), Independent Anti-Slavery Commissioner, 8 October 2020.

## Summary finding

Police forces face considerable challenges and difficulties when considering using the section 45 defence. There are also significant practical difficulties in investigating whether the defence might apply at the scenes of crimes and incidents. Coupled with police officers' inconsistent knowledge of the defence, this means that it may not be considered in cases where it could apply. If underused, victims go unprotected and are at risk of criminalisation, while perpetrators of modern slavery remain unprosecuted. The lack of data makes it difficult to assess how often and how well the defence is used, but evidence suggests it isn't used to best effect in tackling crimes of modern slavery.

## Investigations into modern slavery offences

Hestia said:

“According to the CPS, modern slavery is a complex crime that presents resourcing challenges for police investigations. Evidence by a number of witnesses suggested that police forces failed to adequately investigate cases, often due to a lack of suitable resources.”

*[Underground lives: Police response to victims of modern slavery](#)*, Hestia, March 2019

Hestia's concern is that police forces don't adequately investigate modern slavery cases that come to their attention. This includes:

- limited resource given to investigations;
- poor practice in interviews with victims;
- officers not keeping victims informed of the progress of their cases or when they are closed, which breaches the Victim's Code; and
- limited support available to victims.

Hestia suggests that these are failings in the police approach to investigations which, along with a lack of resources, result in a low rate of prosecutions.

HMICFRS's 2017 inspection showed that officers often lacked the skills needed to properly investigate modern slavery and human trafficking offences. Standards of knowledge and capability too were inconsistent between and within forces. HMICFRS recommended that:

“forces should ensure that allegations or indications of modern slavery and human trafficking are thoroughly investigated and effectively supervised by teams and individuals with the skills and experience to undertake them (this should include the

use where appropriate of joint intelligence teams and other means to obtain intelligence and evidence from agencies overseas)."<sup>14</sup>

Since this report was published, more training has been developed to give officers the skills and knowledge they need to investigate cases of modern slavery properly. The MSPTU developed a four-day course (the Modern Slavery Specialist Investigators Course) for investigators – mainly aimed at detective constables and detective sergeants. More than 2,000 police officers and staff from every force in the country have completed the course.

The MSPTU also organised continuing professional development events for specialist officers at different locations throughout England and Wales. These included topics like 'Upskilling senior investigating officers', 'Lead investigator masterclasses' and 'Intelligence and analysis'. The MSPTU gave officers investigative guides that explain sexual, labour and criminal exploitation and domestic servitude in detail. These guides are also available on the College of Policing Knowledge Hub and aim to help investigators understand the effects of slavery and trafficking on victims, and design investigative strategies to allow them to better safeguard victims and prosecute offenders. The MSPTU has also issued regular bulletins and newsletters to share lessons learned by forces and communicate any legal or other changes.

### **Police approach to investigation of modern slavery offences**

In our fieldwork we found evidence of forces taking steps to improve approaches to investigating modern slavery offences. An increasing number of forces have specialist modern slavery teams. Over a third of all forces have a specialist team. Those forces who do not have one use either a public protection unit or criminal investigation department (CID) for modern slavery investigations.

CID teams are advised and supported by specialist trained officers who are generally experienced modern slavery investigators. Some forces told us they work with other law enforcement agencies on investigations to improve the chances of enforcement. Frontline officers we spoke with said they generally pass any crime investigation to a different team or person with more specialist knowledge and experience of modern slavery.

Despite these strengthened arrangements, many challenges remain to making sure crimes are investigated effectively. Many specialist officers recognise the importance of investigating crimes disclosed by victims of modern slavery, but find it hard to pursue some of the crimes reported because they don't have enough detail. Victims' accounts often offer no investigative lines of enquiry and very little information with which to begin to investigate.

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<sup>14</sup> [Stolen freedom: the policing response to modern slavery and human trafficking](#), HMICFRS, 24 October 2017.

In many cases, there are operational and practical challenges. These include involving interpreters for victims and suspects, which can be difficult to arrange quickly. Cases can also involve international enquiries, telephone and digital download analysis, and victims living outside the force area or abroad. These challenges can't always be overcome quickly, and the investigation needs to have adequate resources to be effective.

Organised crime groups are often involved in trafficking and modern slavery. Such cases often need specialist resources and regional, national and international capability. And they are generally long-running operations that target several suspects.

Officers who investigate these complex cases stated they do everything they can to build a case, but frequently find it very challenging. Despite these challenges, the [Modern Slavery Police Transformation Programme annual report 2020](#) shows how these large-scale investigations can lead to the successful prosecution of offenders because of forces' commitment to tackling modern slavery.

## Resources

Hestia provides evidence for lack of resources being an important limit on thorough investigations that could lead to prosecution. Force strategic leads for modern slavery told us that they would commit the resources needed to investigate cases of modern slavery, but acknowledged this was often a significant cost in officer and staff time as well as technical investigation resources. [The economic and social costs of modern slavery](#) report, published in 2018, estimates that the average unit cost of modern slavery is £328,720 (based on 2016/17 figures). This is higher than any other crime type except homicide.

The CPS also suggested that cost is a significant factor in investigations. It told us of one force that had to request an extra £1m funding to complete a modern slavery investigation. It said that resources are made available in cases of organised crime groups perpetrating modern slavery offences. The money pays for financial investigators and other technical or tactical options such as surveillance, for example. Both CPS lawyers and police officers said that the role of and evidence from financial investigators is crucial in supporting cases of modern slavery. Cases investigated as part of a planned police operation have resources agreed beforehand, but reactive policing may not have access to these types of resources when they are needed.

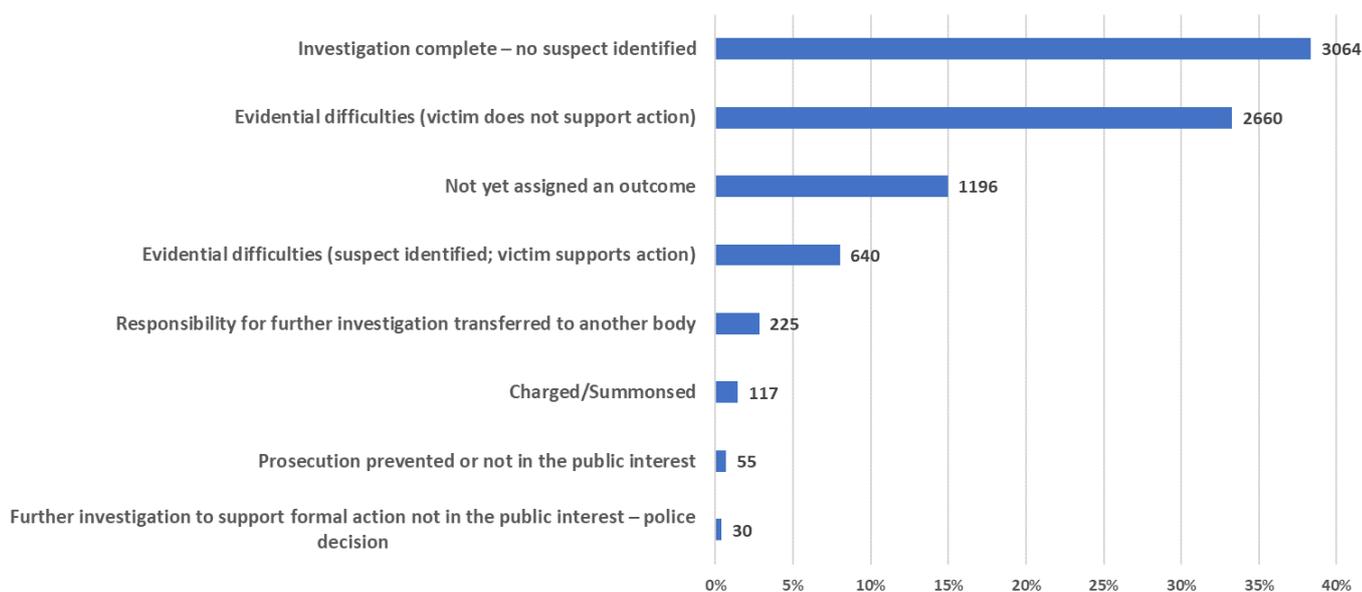
## Outcome of investigations

Our investigation showed that although the identification and recording of modern slavery crimes has steadily increased since 2015/16 (see Figure 1 above), these crimes aren't always thoroughly investigated and can be closed with little or no investigation.

From a policing perspective, officers told us it is often difficult to establish what has happened to a victim and where they were trafficked from. They also told us many modern slavery crimes have no named suspects or investigative lines of enquiry for officers to pursue. Some are recorded only after the event, or took place abroad, with

little opportunity for officers to pursue an investigation. Most investigations are completed and closed because no suspect is identified or because getting evidence is difficult when the victim doesn’t support police action (see Figure 3). This is further complicated because some victims don’t see themselves as victims and don’t want to co-operate. Few investigations result in offenders being prosecuted.

**Figure 3: Outcomes for modern slavery offences recorded in England and Wales (April 2019 to March 2020)**



Source: Home Office crime outcomes

## Summary finding

Many investigations are closed before reaching the prosecution stage. More cases are investigated by, or with advice from, officers skilled and trained in modern slavery. But these crimes are complex, and although keeping victims engaged is an important factor for successful investigations, there are many others. The lack of named suspects or adequate resources at the right time are barriers to a successful investigation. These difficulties are common to all forces and can adversely affect the investigations and the chances of them reaching the prosecution stage.

## Treatment of victims during investigations

The super-complaint provides evidence of victims experiencing poor police practice, which affects their willingness to engage with the investigation. Hestia’s case studies, and the examples given by expert witnesses, show that victims aren’t always treated in the way they are entitled to under the Victims’ Code or in line with APP guidance.

The officers we spoke with in our investigation showed a good understanding of the importance of treating victims with sensitivity throughout their involvement with an

investigation. They understood the need to develop a relationship with suspected victims to give them enough confidence to disclose what has happened to them.

Officers told us they try to make sure victims are interviewed in a non-police environment and that the interviewer is appropriately trained. Some officers understood that it is often better to leave the victim interview until the victim feels able to disclose the situation fully, recognising that this might take some considerable time. This isn't always possible because information from them is sometimes needed urgently, to prevent the loss of evidence and keep the victim safe.

Officers also recognise the need to be able to offer a victim the choice of a male or female interpreter and to use the same interpreter for further interviews. Difficulties in finding suitable interpreters means this isn't always possible, particularly when officers want to specify the sex of the interpreter for less common languages.

Some forces allocate multilingual staff to the specialist modern slavery teams. Officers told us that linguists help to build confidence with victims, particularly over an extended investigation. The linguists also help officers understand cultural differences and how they might affect how victims respond to questioning.

Most officers we spoke with understand the need to make sure victims are, and feel, safe before they can be properly interviewed. In practice, though, officers need some form of account or disclosure from victims to progress the investigation. This happens particularly in a reactive investigation after a victim reports a crime or the case is referred from the NRM. Then, it is important to get as much information and evidence as possible to be able to arrest and charge a suspect. Officers told us that keeping victims safe is a priority and that they understand the need to arrest suspects as quickly as possible to safeguard victims. But this can cause problems for the wider investigation, especially when there is a group of suspects. For example, if one suspect is arrested, other suspects may find out and dispose of data and other evidence that could have aided the investigation.

## Summary finding

The victim experiences described in Hestia's report are very disturbing and suggest clear failures by police officers. But we don't know how representative these are. The findings from our investigation are based on discussions with police officers, the knowledge they displayed and the actions they said they would take. Compared with 2017, these discussions provide some assurance that investigating officers understand the importance of keeping victims safe, treating them with respect and the steps they need to take to engage with them sensitively. However, there needs to be a clear focus on ensuring that this improved understanding translates to consistently better experiences for these very vulnerable victims, and we make a recommendation to the Home Office to help ensure this is in place.

## Support for victims during an investigation

An expert witness quoted in the [Hestia super-complaint](#) said that “Victims of modern slavery require extensive support to cooperate with police investigations”. Evidence provided by Hestia suggests that this support, such as suitable interpreters, isn't always available, making it difficult for victims to support and stay engaged with the police investigation.

Our super-complaint investigation suggests a mixed picture of the level of support offered to victims during investigations, and of how well victims are kept informed of the progress of their case.

The police and the CPS must comply with the Victims' Code, which outlines how victims should be treated. The Code says the police should assess early on if victims are entitled to an enhanced service and assess their support needs. It is likely that, due to their vulnerability, most victims of modern slavery would be so entitled. The Code also sets out how victims should be updated about the progress of their case, for example when arrests are made, or suspects charged.

We didn't assess compliance with the Victims' Code specifically for victims of modern slavery as part of this investigation. But in other HMICFRS inspections HMICFRS has assessed compliance in relation to other groups of victims, including the inspection into the police and CPS response to crimes against older people in 2019.<sup>15</sup> Case assessments from this inspection showed it often wasn't possible to tell when or even whether victims had been updated. Overall compliance with the Code was poor. We can see no reason why these findings would not apply equally to victims of modern slavery, and reflect some of the experiences described by victims, which have included cases being closed without them being told.

We found a few examples of forces collaborating with other agencies to create specialist modern slavery units, aimed at improving investigations and strengthening victim support. There are also other projects to increase support for victims.

For example, some forces are working with the charity Justice and Care, which has introduced a victim navigator programme to guide a victim on their journey through the criminal justice system. There are eight victim navigators in England and Wales funded by Justice and Care. The role seeks to protect, rehabilitate and ultimately reintegrate victims of modern slavery. The victim navigator acts as a bridge between the police investigation and the victim, maintaining communication links even after victims return to their country of origin, and providing necessary support and advice. Justice and Care plan to recruit more victim navigators in areas where they are likely to have the greatest effect.

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<sup>15</sup> [The poor relation: The police and CPS response to crimes against older people](#), HMICFRS, 17 July 2019.

The MSPTU, through the National Anti-Trafficking and Modern Slavery Network, made grants available to police and crime commissioners for strengthening local partnerships in their area, to develop initiatives to raise wider awareness of modern slavery and to improve support arrangements. More than 130 initiatives were developed, including in one area where a language toolkit was developed to help respond to victims of sexual exploitation.

The MSPTU also developed a two-day modern slavery and human trafficking victim liaison officer (VLO) course based on the work of Greater Manchester Police. By the end of March 2021, having received extra funding from the Home Office in July 2020, the MSOICU will have provided a pilot course and 19 online VLO courses to 18 separate forces. VLOs have been used by Greater Manchester Police as a single point of contact for the victim during investigations, and so that victims get the right support and guidance. The role is intended to build trust and confidence in law enforcement and improve victim safeguarding. The VLO secures the first account from a victim to understand their background and culture. Their immediate safety needs are met, and they get help with the referral to the NRM if the victim agrees. In these ways the VLO also has the potential to identify other victims. The VLO continues this role until the victim is being supported by another agency or support network, but carries on facilitating contact between the investigation and victim.

Keeping victims engaged and supported is an important aspect of an investigation. Without this it is difficult to prosecute cases. But arrangements for support like those described here aren't available to all forces, and forces don't themselves have the time and resources to provide such support.

Support can be arranged through the NRM, but is time limited. Suspected victims referred to the NRM can get support while the Single Competent Authority decides whether they are a victim of modern slavery (the conclusive grounds decision). If a positive decision is made, the victim's support worker submits a recovery needs assessment to the Single Competent Authority to decide whether support should continue until other arrangements are put in place.

Support for potential or confirmed adult victims of modern slavery is provided through a mixture of mainstream and/or specialist support, which includes support through the Modern Slavery Victim Care Contract provided by The Salvation Army.

Annex F of the [modern slavery statutory guidance](#) provides further information about support for adults.

Support for children is provided through the local authority, which is the primary service provider for safeguarding child victims of modern slavery (regardless of their nationality or immigration status). Relevant child protection procedures, as set out in [Working together to safeguard children](#), must be followed if modern slavery is suspected.

Annex G of the [modern slavery statutory guidance](#) sets out in more detail the support available to children.

In addition to this statutory support, Independent Child Trafficking Guardians (ICTGs) provide an additional source of advice and support for all potentially trafficked children, irrespective of nationality, and somebody who can advocate on their behalf. The ICTG service model provides one-to-one support for children who do not have anyone with parental responsibility for them in the UK through an ICTG direct worker, and an expert ICTG regional practice co-ordinator for children who have someone with parental responsibility for them in the UK.

The ICTG service is currently available in one third of local authorities in England and Wales. To ensure the correct ICTG model is rolled out, a staggered approach has been adopted with built-in evaluations along the way.

The ICTG service is provided by Barnardo's.

Victims don't have to co-operate with the police to get support through the NRM and many victims don't agree to be referred to the NRM for support. In the 12 months to September 2020, 2,189 victims were notified anonymously to the Home Office under the duty to notify in England and Wales.<sup>16</sup> This is a significant number who don't agree to get support through an NRM referral – although victims can be referred later on, so there could be some double counting. This means that these victims aren't getting the support they could.

## Summary finding

The support available to victims during investigations isn't consistent. Forces don't always provide support or tell victims about the progress of their case, in line with the Victims' Code. There are support projects, but they aren't available across all police forces. This lack of support is likely to deter some victims from remaining engaged in the investigation and make them less likely to support the investigation as a witness. This could be an additional reason why few cases reach prosecution stage.

### The effect of investigation challenges on prosecutions

Hestia concludes from the evidence it gathered that: "Levels of prosecution for modern slavery will remain very low and exploiters will continue to victimise more vulnerable people, until all forces ensure a consistent approach to supporting victims in becoming witnesses."

While the number of crimes flagged as modern slavery recorded by the police has increased, the proportion of prosecutions remains low. According to the [2020 UK annual](#)

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<sup>16</sup> [Modern slavery: National Referral Mechanism and Duty to Notify statistics](#), 18 March 2021, Home Office.

[report on modern slavery](#), in June 2020, there were 1,845 active law enforcement investigations into modern slavery in the UK.

CPS data shows that referrals for pre-charge advice on modern slavery cases remain low. In 2017, 2018 and 2019, there were 321, 190 and 275 referrals, respectively. Recording more offences isn't translating into more referrals to the CPS for pre-charge advice and charging decisions. The proportion of referrals to recorded crimes is very low and suggests opportunities for prosecutions may be being lost.

The CPS is often involved early on in long-term proactive modern slavery investigations, usually before the arrest of suspects. This helps CPS lawyers to offer advice to officers in investigative decisions and international enquiries in what are often complex cases.

These cases have an increased likelihood of a successful prosecution, often because good financial and digital evidence has been secured. This type of evidence also makes the case less dependent on victims acting as witnesses.

But CPS lawyers told us that when there is a reactive police response to modern slavery there are less likely to be investigative opportunities that might lead to successful prosecutions. Reactive cases might arise when officers attending an incident discover modern slavery victims. They rely more on victims providing and giving evidence in court and this requires continuing support for victims, which isn't always available. We were told investigators don't always have access to financial and digital evidence quickly enough, and it can sometimes take many months to obtain this, during which time there are opportunities for suspects to destroy other evidence or go into hiding.

Victims can also disengage from the process because of the time it takes for a case to progress. This can adversely affect the victim's confidence and their engagement in the investigation. These factors can all make it less likely that a case reaches prosecution.

Charged cases taking a long time to reach court is also a factor in the low prosecution rate. Many cases take up to three years to reach trial. Securing suitable intermediaries and interpreters, downloading and translating material, and making international enquiries can all add time. And because these trials are often around five months long, they must be booked into judges' diaries, for which up to two years' notice is needed. Each of these factors makes a victim more likely to disengage and not support the investigation and prosecution.

In the year to March 2019, only 322 people were prosecuted for modern slavery offences (some of these people will have been co-defendants in the same case). This is a 13 percent increase from the year ending March 2018. Of the 322 prosecuted in the year to March 2019, 219 (68 percent) were convicted. To put this into context, the conviction

rates for other similar crimes of a hidden nature were 79 percent for child sexual abuse, 77 percent for domestic abuse and 63 percent for rape.<sup>17</sup>

Figure 4 shows the number of prosecutions for modern slavery offences in the year ending March 2019, with conviction outcomes and reasons for non-conviction. Around three in ten prosecutions didn’t result in a conviction (103, 32 percent of the 322 prosecutions). Of these, 22 had a problem related to victim engagement, such as retraction, non-attendance at trial or evidence that the complainant didn’t support the case. A further 46 prosecutions failed for other reasons, such as a conflict of evidence or lack of an essential legal element.

**Figure 4: Prosecutions and convictions for modern slavery flagged cases recorded by the CPS in England and Wales for year ending March 2019**

<b>Prosecutions and convictions</b>	<b>Total</b>	<b>Percentage</b>
<b>Completed prosecutions by outcome</b>	<b>322</b>	
Convictions	219	68%
Non-convictions	103	32%
<b>Prosecution outcomes</b>	<b>322</b>	
<b>Conviction outcomes</b>	<b>219</b>	<b>68%</b>
Guilty plea	126	39%
Conviction after trial	93	29%
Proved in absence	0	0%
<b>Non-conviction outcomes</b>	<b>103</b>	<b>32%</b>
Prosecutions dropped inc. discontinued, no evidence offered & withdrawn	63	20%
Dismissed after full trial	27	8%
Administratively finalised	13	4%
Discharged	0	0%
<b>Reasons for non-conviction outcomes</b>	<b>103</b>	
Total victim issues	22	21%
Acquittals	22	21%
All other reasons	46	45%
Administrative finalisations	13	13%

**Source:** [Modern Slavery in the UK - Appendix tables](#), Office for National Statistics

<sup>17</sup> [Modern slavery in the UK: March 2020](#), 26 March 2020, Office for National Statistics.

Police and other law enforcement agencies share concern at the low proportion of investigations resulting in prosecutions for modern slavery offences. There is also a shared commitment to improve the position.

The [Independent Anti-Slavery Commissioner’s annual report for 2019–20](#) states that:

“The assessments by the Cabinet Office clearly showed that where modern slavery is investigated by dedicated resources with training and knowledge prosecution rates rise. Of the ten forces with the highest numbers of prosecutions, nine had some sort of modern slavery or exploitation investigation unit in place.”

The MSOICU intends to increase prosecutions in its programme objectives for 2020/21. It has used available research to examine the reasons for the low number of prosecutions and convictions for modern slavery. This has helped in understanding three important factors that contribute to successful prosecutions. The unit has developed operating models and processes that reflect these factors to help forces improve their performance. The three factors are:

Factor	Description
Invest in a modern slavery triage function	This function will assess all modern slavery crimes that are investigated by the force and oversee a modern slavery investigation throughout its lifetime to assist with effective management.
Ensure modern slavery is investigated within a specialist unit	Some forces have specialist modern slavery units that usually result in above average performance, but the research shows that as long as staff receive specialist modern slavery and human trafficking training, the unit does not need to solely focus on modern slavery and can investigate other types of exploitation or serious crime.
Ensure modern slavery is a strategic priority	Modern slavery investigations should be a priority consideration at force tasking and co-ordination meetings to ensure appropriate resources are allocated to investigations. This is especially important where a dedicated modern slavery resource is not in place, to allow for other more specialist resources to investigate complex investigations.

The Prosecutions Oversight Board, made up of members from the MSOICU and partner agencies, acts as an expert reference group. It allows law enforcement and partner agencies to share information to give oversight and respond well to modern slavery concerns. One of its aims is to make sure that the Modern Slavery Act 2015 is used effectively to secure prosecutions.

## Summary finding

The reasons why so few investigations lead to prosecution aren't straightforward. Supporting victims to act as witnesses is critical, but there are many other barriers that also need to be overcome. This can't be addressed by the police alone and requires all law enforcement agencies to work together.

We recognise the joint commitment and action being taken by law enforcement agencies to improve their approach so that more cases are prosecuted. We believe the rate of prosecutions will improve through implementing the recommendations from this investigation and building on the work already underway. If the number of prosecutions remains low, many perpetrators remain at large to continue their offending and victims remain exploited. This is a cause of significant harm to the interests of the public and victims.

## Training

Hestia said:

“the experiences reported during our interviews showed that lack of understanding of modern slavery by frontline police officers was common. This included a lack of understanding of the definition of modern slavery, a lack of understanding of the signs of exploitation as well as a lack of understanding of the impact of the experience of exploitation upon a person.”

*[Underground lives: Police response to victims of modern slavery](#)*, Hestia, March 2019

Hestia requested information under the Freedom of Information Act from all forces on their training requirements for modern slavery. From this they concluded that there had been clear progress since the 2017 HMICFRS inspection, with most forces having some mandatory training for officers. But they noted inconsistent training and, in most forces, continuing professional development didn't include modern slavery.

HMICFRS's 2017 inspection report recommended that: “the College of Policing (CoP) should ensure that forces are provided with high-quality, legally validated learning products on modern slavery and human trafficking, in order to raise awareness and capability among all frontline staff”.<sup>18</sup>

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<sup>18</sup> *[Stolen freedom: the policing response to modern slavery and human trafficking](#)*, HMICFRS, 24 October 2017.

## College of Policing

The College of Policing has significantly reviewed and developed training and guidance in relation to modern slavery since the introduction of the Modern Slavery Act 2015. This is to improve what different groups of police officers and staff know and understand about modern slavery. We have referred to various elements throughout our report, but summarise them here.

The College of Policing introduced a modern slavery e-learning package, which was accessed around 130,000 times by police officers and staff in England and Wales from 2015 to March 2021. It has been updated with input from the MSPTU. It addresses topics such as:

- recognising the signs of modern slavery;
- identifying victims;
- understanding the effect on victims;
- providing an effective initial response; and
- referrals to the National Referral Mechanism.

The College has also introduced a standalone guidance section for modern slavery on the Police Online Knowledge Area (POLKA, now the Knowledge Hub), which focuses on signposting and guidance.

## MSPTU

The MSPTU developed a range of training. This included a half-day face-to-face modern slavery awareness module for 150 trainers in all 43 forces at eight train-the-trainer events so that police trainers could then provide this training in each force.

In addition, it developed an in-depth four-day course for modern slavery investigators. Since 2017, the MSPTU has provided 64 courses attended by 1,060 officers and staff. The material included presentations, lesson plans and trainer guides for training events within forces. The MSPTU also held 11 one-day events for lead investigators of inspector ranks responsible for leading or supervising modern slavery investigations.

These training courses were licensed or endorsed by the College of Policing and, along with supporting material, are available through the College's managed learning platform. The College has committed to providing modern slavery training and updating modern slavery modules in its curriculum and training material. This is part of its more comprehensive approach to helping officers understand and respond to the wide range of vulnerabilities they may encounter.

The MSPTU also hosted over 50 conferences and workshop events throughout the country, covering a range of topics on modern slavery and trafficking. Its regional co-ordinators have regularly trained local forces, with 130 standalone training events in

2019/20. It also ran annual national continuing professional development events at the College of Policing centre in Ryton. These were for those with strategic and operational responsibility for leading the police response to modern slavery and human trafficking. There have also been MSPTU guidance documents and news bulletins about specific issues, such as slavery and trafficking risk orders and the section 45 defence. But despite this information and guidance being available, some of the officers we spoke with couldn't access it easily at a local level.

The MSPTU made significant strides in improving training on modern slavery for police forces. The unit told us it has engaged with many agencies and charities to understand the traumatic effect of modern slavery on victims and includes it in its training and guidance. It aims to give officers the information they need for their role and to signpost officers to other information if they need it.

In 2019, the MSPTU published the first *Slavery and trafficking national policing standards*. These standards are intended to help forces respond effectively when tackling modern slavery and related crime. They were revised in 2020. The transformation programme also lets forces benchmark against these established best practice methods and approaches.

### **Effect of training**

Despite the extensive training packages that are available, we saw a significant variation in the amount of training police officers and staff receive in practice. Frontline staff in most of the forces we visited had received some form of training since HMICFRS's 2017 report, but the content of the training differed widely.

Generally, staff who had done only online training showed less understanding about the issues faced by victims of modern slavery. Officers and staff who had had short, sharp inputs, such as briefings, told us that they tended to retain the information and felt they had a better understanding of the crime.

Some forces have invested time and resources so that their staff have a good understanding of the importance of recognising and dealing appropriately with potential victims of modern slavery. This has often been through face-to-face training in a classroom, or with partner agencies or external providers. Some training emphasises the trauma that victims suffer and how it could affect the responses victims give to the police when first spoken with.

Training and awareness-raising with partner agencies has helped some forces develop good working practices and knowledge and ultimately a more victim-focused response. But not all frontline officers have had recent training. In some forces, competing demands on officers reduce their availability for training.

Although access to help and guidance has improved greatly, officers inevitably have varying levels of experience and expertise when encountering suspected modern slavery.

Some officers said they encounter cases of modern slavery so rarely that they lose confidence in their knowledge quite quickly.

The police service is recruiting a significant number of new officers under the uplift programme.<sup>19</sup> The introduction of so many new recruits has the potential to be catalyst for change in policing, to make it better able to meet 21st-century challenges. To make the most of this opportunity, supportive supervision and leadership will be crucial. They will also need extensive training programmes to equip them for their roles. This is an opportunity to give officers the skills to recognise and support victims and deal effectively with modern slavery crimes. The College of Policing sets the curriculum for new recruits into policing. This now includes substantial content on vulnerability, including modern slavery.

## Summary finding

Training is available nationally and forces' access to it has increased significantly since 2017, especially for specialist officers. However, training across forces remains inconsistent and varies in scope and depth. Not all officers can be expected to have detailed knowledge, but frontline officers need enough information so that they can recognise victims of modern slavery, keep them safe and consistently offer the right support, and refer them to specialist assistance or investigators where necessary.

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<sup>19</sup> On 5 September 2019, the Prime Minister [announced the Government's commitment to recruiting an additional 20,000 police officers in England and Wales](#) by 31 March 2023.

## Conclusions

“It is our experience that once a victim of modern slavery has a negative experience with the police they find it impossible to engage with the investigation.”

*[Underground lives: Police response to victims of modern slavery](#)*, Hestia, March 2019

Our investigation considered the concerns set out in Hestia's super-complaint and examined whether they are features of policing, and if so, whether these features, or a combination of them, are leading to significant harm to the public interest.

Our conclusions need to be seen in the context that modern slavery is a hidden crime, making it difficult to know the scale of the problem. There is no definitive source of data or suitable method to say with any accuracy how many victims of modern slavery there are in England and Wales. There are many victims who may never come into contact with authorities.

Using the 2017 HMICFRS inspection as a benchmark, our findings indicate that the police approach to modern slavery has improved. Police officers now seem to be better at identifying cases of modern slavery. The numbers of crimes recorded, and referrals made under the NRM, have increased year on year. Generally, the officers we spoke with are committed to treating victims with sensitivity and care and understand the importance of trying to make victims feel safe at first contact and during investigations.

These indications of an improving picture must be set against the challenge articulated in the 2017 HMICFRS report “to develop an effective, coherent and consistent response to modern slavery”. Evidence from Hestia and others shows that some victims are still treated poorly and don't get a good service. More improvements are needed. Low rates of prosecution that allow offenders to continue to exploit vulnerable people significantly harm the public interest.

Our investigation showed that there are features of policing that may contribute to the significant harm described by Hestia. These are:

- not referring all victims consistently for support under the NRM, with the result that they may not all get the help they may be entitled to – although this is improving;
- treating some victims of modern slavery as immigration offenders;
- treating some victims as criminals for offences they have been forced to commit and not using the section 45 defence to protect victims from prosecution; and
- providing inconsistent support for victims during the investigation.

We found that few investigations result in the prosecution of offenders. We identified several contributory factors, including:

- investigative difficulties, such as securing evidence;
- identifying named suspects;
- securing and maintaining the co-operation of victims throughout the lengthy investigation process;
- the cost of often complex and lengthy investigations; and
- the time cases can take to reach court.

These concerns need to be addressed alongside the importance of improving support for victims if more cases are to be prosecuted.

The ability to prosecute cases often depends heavily on the victim becoming a key witness for the prosecution. Until the police, working with other law enforcement and partner agencies, address the concerns about how to support victims and keep them engaged, prosecution rates for modern slavery will remain low. This means offenders won't be brought to justice and victims will continue to be exploited.

Hestia provided evidence from the experiences of victims and professional witnesses of the police failing to adequately address crimes of modern slavery. It isn't possible to establish with any certainty how representative these experiences are. Instead, we focused on investigating the concerns they raised and the wider effect these may have on tackling crimes of modern slavery.

We couldn't establish how many or how often victims have poor experiences of contact with the police, nor the outcomes achieved for them, because this information is extremely limited. But we do know that victims of modern slavery are highly vulnerable as a result of their circumstances. Poor treatment or service from the police can cause further trauma and harm, for which they may need therapeutic support.

Understanding the victim's experience of the police response is central to the concerns raised in the super-complaint and has been a theme running through our investigation. We believe further work is needed across government departments, the police service, non-government organisations and the voluntary sector to gather and assess victim experience and outcome information. We have made an overarching recommendation to this effect.

The police and law enforcement agencies have done much to improve the approach to tackling modern slavery. The MSPTU has had a critical role in supporting improvements, which continue to be made. But the challenges highlighted by the super-complaint and our investigation remain significant.

To help reduce the harm caused when modern slavery crimes are not tackled effectively, we make the following recommendations:

## Actions and recommendations

### Actions

1. The College of Policing will review and update its Authorised Professional Practice Major investigations and public protection on modern slavery as soon as possible and amend relevant content in other guidance as part of its regular updating processes.
2. HMICFRS will consider how inspection activity can be used to further promote improvements in the investigation of modern slavery cases.

### Recommendations

#### 1. To the Home Office

- a. In consultation with chief constables, the Independent Anti-Slavery Commissioner, Victims Commissioners, the Crown Prosecution Service, voluntary agencies that provide support to victims, and others as appropriate, commission work to:
  - i. better understand the victim experience of the police response to modern slavery and the wider response from immigration and other law enforcement agencies; and
  - ii. assess the extent and nature of poor victim experiences (from first contact with the police, through to investigation and prosecution stages where these occur) to understand and identify how they can be improved.
- b. The work commissioned should seek to result in recommendations for specific actions that will further improve victims' experiences. The Home Office should publish the findings of this work.

## Recommendations

### 2. To chief constables

Assure themselves that police officers and staff (including non-specialist staff, as appropriate) are supported through access to learning, specialist policing resources and victim support arrangements, so that officers and staff are able to:

- a. easily access information and advice on modern slavery and human trafficking through their force systems;
- b. identify possible victims of modern slavery;
- c. recognise that victims of modern slavery should not be treated as criminals in situations where they have been forced to commit an offence by their exploiters;
- d. know how to take immediate steps to make victims feel safe (including facilitating access to a place of safety, if necessary);
- e. understand how to advise victims what support is available them;
- f. understand the National Referral Mechanism and duty to notify requirement, and know how to make good-quality referrals; and
- g. ensure that the statutory defence (provided by section 45 of the Modern Slavery Act 2015) for victims of slavery and exploitation who are compelled or coerced into committing offences by their exploiters is considered in all cases to protect victims from prosecution.

### 3. To chief constables

Assure themselves that their resources are being deployed to enable effective investigation of modern slavery offences (which may, for example, involve taking account of high levels of vulnerability and organised crime group involvement). They should assure themselves that their crime allocation processes direct investigations to the most appropriately skilled individuals and teams.

### 4. To chief constables, and police and crime commissioners

Work together to understand the support needs of victims of modern slavery crimes. They should provide appropriate support within their respective remits to augment the national provision so that victims feel safe and empowered to remain involved in any investigations. This should focus on what support should be available before and after National Referral Mechanism (NRM) referral as well as alternative provision available for those declining NRM referral.

## Recommendations

### 5. To the Home Office

Assure themselves that the support mechanisms provided by bodies under government funding are consistently making available high-quality provision for victims of modern slavery.

### 6. Monitoring of recommendations

- a. Home Office to provide a report to Her Majesty's Chief Inspector of Constabulary on progress in implementing its recommendations within six months of the date of publication of this report.
- b. National Police Chiefs' Council to collate Chief Constables' progress in reviewing and where applicable implementing their recommendations and report these to Her Majesty's Chief Inspector of Constabulary within six months of the date of publication of this report.
- c. Association of Police and Crime Commissioners to collate Police and Crime Commissioners' progress in reviewing and where applicable implementing their recommendations and report these to Her Majesty's Chief Inspector of Constabulary within six months of the date of publication of this report.

## Annex A: Hestia

Hestia describes itself as an organisation that supports adults and children in times of crisis. It provides services across London and the surrounding regions and campaigns and advocates nationally on the issues that affect the people it works with. This includes victims of modern slavery, women and children who have experienced domestic abuse, young care leavers and older people.

More information is available [on Hestia's website](#).

## Annex B: The police super-complaint system

### Background

The police super-complaints system began on 1 November 2018. It enables certain organisations designated by the Home Office (known as 'designated bodies') to raise concerns on behalf of the public about a feature of policing in England and Wales that is, or appears to be, significantly harming the interests of the public. The full list of designated bodies is available.

The system is designed to examine systemic problems of local, regional or national significance that may not be addressed by existing complaints systems. Super-complaints will not typically be about individual forces.

A super-complaint is a complaint that "a feature, or combination of features, of policing in England and Wales by one or more than one police force is, or appears to be, significantly harming the interests of the public".<sup>20</sup>

Super-complaints can be made about:

- any one or more of the 43 police forces in England and Wales;
- British Transport Police;
- Civil Nuclear Constabulary;
- Ministry of Defence Police; and
- National Crime Agency.

The process for making and considering super-complaints is set out in the Police Super-complaints (Designation and Procedure) Regulations 2018 ('the Regulations').

The three bodies responsible for assessing, investigating and reporting on police super-complaints are HMICFRS, the Independent Office for Police Conduct (IOPC) and the College of Policing. More information about their individual roles is available online. Guidance on making a super-complaint about policing is available online.

### Investigating and assessing a police super-complaint

A new super-complaint from a designated body first is assessed by HMICFRS, the College of Policing and the IOPC to see if it is eligible for consideration. If the three bodies agree that it meets the eligibility test in the legislation, they plan what activity needs to happen.

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<sup>20</sup> [Guidance on submitting a super-complaint about policing: What is a super-complaint?](#), IOPC, College of Policing and HMICFRS, updated 18 April 2019.

The aim of a super-complaint investigation is to identify if there is (or may be) a problem with policing that could harm the public, and to propose a remedy if this is the case. A super-complaint investigation isn't a comprehensive inquiry into police practices in all forces.

The scope and elements vary by case, but lines of enquiry may include:

- assessing relevant information already held by the investigating authorities;
- doing or commissioning further research (including data);
- approaching other public bodies or government departments for information;
- seeking information from other important parties (for example those with experience relevant to the topic of the super-complaint);
- asking for information from police forces;
- talking to people directly affected by the issues set out in a super-complaint (for example in focus groups); and
- interviewing staff and officers in a small number of police forces.

The information gathered in all individual lines of enquiry (such as those indicated above) is considered as a whole. The information is used by HMICFRS, the College of Policing and the IOPC to decide whether a feature (or features) of policing is or appears to be leading to significant harm to the public interest.

'Significant harm' isn't defined in the legislation governing the super-complaints process and we consider it should be given its ordinary meaning.

## Investigation outcomes

If the decision-making bodies decide there is or could be significant harm to the public interest, they may consider action is needed to further investigate or put the situation right.

An investigation may also result in a conclusion that the super-complaint is unfounded or that no action is required.

The outcomes of an investigation include:

- an inspection by HMICFRS;
- an investigation by the IOPC;
- changes to existing policing standards or support materials from the College of Policing;
- a recommendation that another public body is better placed to deal with the problem;
- a recommendation to one or more police forces to change practices or local policies;
- or

- a recommendation to another public body or government department to consider responding to the super-complaint or a related matter.

Where recommendations are made, we expect the organisations named in the recommendations to act on them and consider whether they need to involve others to bring about change.

HMICFRS, the College of Policing and the IOPC may individually, or as a group, monitor the implementation of recommendations made after each super-complaint investigation. They may take further action if they consider a feature of policing continues to cause harm.

## Annex C: HMICFRS October 2017 'Stolen Freedom' report – Fieldwork methodology

### All forces

All 43 forces in England and Wales submitted:

- documents, such as strategic and operational plans;
- a short self-assessment, outlining their view of the force's response to the Modern Slavery Act; and
- a data collection template, covering: modern slavery offences; crime outcomes; intelligence submissions; information concerning the use of new powers in the Act.

### Fieldwork forces

Fieldwork investigations were undertaken in ten police forces. On-site inspection lasted three days, enabling a range of interviews and focus groups to take place with relevant staff. This included:

- interview with chief officer modern slavery and human trafficking lead;
- interviews with strategic and tactical SPOCs;
- interviews with head of intelligence, head of public protection and head of crime, or with those covering similar fields;
- interview with crime registrar;
- interviews with leads of dedicated/specialist modern slavery and human trafficking units, where relevant;
- focus groups with investigators;
- focus group with intelligence staff; and
- focus group with staff in dedicated/specialist teams, where relevant.

Reality testing was undertaken to test understanding of modern slavery and human trafficking, including awareness of signs and indicators, across a range of officers and staff with frontline responsibilities. They included neighbourhood, response, CID, call handlers and desk enquiry officers.

## **ROCUs and NCA fieldwork**

Onsite investigations were undertaken in four regional organised crime units (ROCUs) and at locations in the National Crime Agency (NCA), including the Modern Slavery and Human Trafficking Unit. Fieldwork investigations were undertaken in the East Midlands, North West, South West and Yorkshire and the Humber. This involved a day on site, interviewing relevant leads and holding focus groups with staff. Visits were also made to two NCA branch offices, in North West and Wales.

Officials in the Modern Slavery and Human Trafficking Unit were interviewed in addition to national NCA leads with overarching responsibilities for the response to modern slavery and human trafficking. They included the Deputy Director and Director of the Vulnerabilities Command and the Director General of the NCA.

## Annex D: People and organisations consulted

- All forces in England and Wales: Information request
- Anti-Slavery Co-ordinator for Wales
- Crown Prosecution Service
- Duncan Lewis Solicitors
- Fieldwork forces: Cambridgeshire, Cheshire, Kent, Merseyside, South Wales Police, Sussex.
- Greater Manchester Police
- Home Office
- Kalyaan
- Ministry of Justice
- Modern Slavery Police Transformation Unit
- National Crime Agency (NCA)
- National Police Chiefs' Council (NPCC)
- Office of the Independent Anti-Slavery Commissioner
- Prime Minister's Implementation Unit
- The Salvation Army

## Annex E: IOPC investigations

The IOPC conducted a search of IOPC/IPCC investigations undertaken between 1 April 2014 and December 2019 for cases potentially relevant to the Hestia super-complaint.<sup>21</sup>

Ten cases were identified as being potentially relevant:<sup>22</sup>

- 2 independent investigations<sup>23</sup>
- 1 managed investigation<sup>24</sup>
- 4 supervised investigations<sup>25</sup>
- 3 local investigations<sup>26</sup>

The 10 cases were reviewed in the context of the Hestia super-complaint. Two cases fell outside the scope of the super-complaint and two cases related to incidents that occurred in the 1970s. Of the remaining cases:

- One of the independent investigations, concluded in 2018, related to alleged failures to investigate allegations of human trafficking and sexual exploitation of a child. The investigation was focused mainly on the sexual exploitation element of the allegations. At its conclusion, one officer received 'management action'.
- One of the supervised cases, concluded in 2015, related to alleged failures to investigate an allegation of 'domestic servitude'. This case included a recommendation that officers subject to the investigation receive awareness training relating to human trafficking.

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<sup>21</sup> Investigations where the case description contained the terms 'modern', 'slavery', or 'trafficking'.

<sup>22</sup> Police forces are required to refer certain matters to the IOPC (for example, allegations of serious corruption, serious assault or where someone has received a serious injury or died following contact with the police). Some types of cases relevant to this super-complaint may not have met the threshold required for referral to the IOPC.

<sup>23</sup> An independent investigation is carried out entirely by the IOPC (previously the IPCC).

<sup>24</sup> A managed investigation was carried out by the police under the direction and control of the IOPC (previously the IPCC). The IOPC set the terms of reference and strategy for the investigation, and overall responsibility sat with the IOPC. NB. Managed investigations are no longer a mode investigation following reforms to the police complaints system.

<sup>25</sup> In a supervised investigation, the IOPC (previously the IPCC) approved the choice of investigator and agreed the terms of reference for the investigation. The investigation was carried out by the appropriate authority (e.g. police force) with regular updates to an IOPC supervisor. NB. Supervised investigations are no longer a mode investigation following reforms to the police complaints system.

<sup>26</sup> A local investigation is carried out entirely by the appropriate authority (e.g. police force) without any involvement by the IOPC (previously the IPCC). Therefore no information was held about the outcome of the three cases relating to human trafficking and forced labour that were referred for local investigation.

- One of the supervised cases, concluded in 2016, related to police involvement in the case of a man who had been held against his will to carry out forced labour over a significant period of time. This case included recommendations about the way the forces involved dealt with missing persons cases, including:
  - the accuracy and assessment of the way the force classified someone as a missing person;
  - the way decisions were recorded on police systems, and
  - updating a missing persons policy.

## Annex F: Data sources

The data in this report is based on the sources below at time of writing. Updates may have occurred subsequently.

### **Home Office police recorded crime data**

The Home Office collects and collates recorded crime data from all 43 territorial police forces of England and Wales, plus the British Transport Police.

Data concerning the British Transport Police is not included in police recorded crime figures in this report.

Figures were taken from the 3 February 2021 update. Data is updated on a quarterly basis. Figures may change due to reclassification of crimes, or due to crimes being transferred or cancelled.

Increases in offences may not reflect genuine increases and are likely to reflect improvements in recording practices of police forces since the introduction of the Modern Slavery Act 2015.

[The data tables and data notes can be found online.](#)

[For further details on police crime and outcomes data, please see the Home Office guidance.](#)

### **Home Office crime outcomes data**

The Home Office collects and collates crime outcomes data from all 43 territorial police forces of England and Wales, plus the British Transport Police.

Data concerning the British Transport Police is not included in police crime outcomes figures in this report.

Outcomes data in this report is for the outcomes assigned to modern slavery offences recorded in the stated period.

Figures were taken from the 3 February 2021 update. Data is updated on a quarterly basis. Figures will be revised as more crimes are assigned an outcome.

The number of crimes 'not yet assigned an outcome' is calculated by subtracting the total number of crimes assigned an outcome per quarter from the number of crimes recorded per quarter.

[The data tables and data notes can be found online.](#)

[For further details on police crime and outcomes data, please see the Home Office guidance.](#)

## **National Referral Mechanism and Duty to Notify data**

This data is published by the Home Office. Figures are taken from a live management information system and based on the situation when the extract was taken from the system. This was as at 10 February 2020 (National Referral Mechanism statistics UK: End of year summary 2019 second edition) and 2 October 2020 (Modern slavery: National Referral Mechanism and Duty to Notify statistics UK, Quarter 3 2020 – July to September). The figures presented here may therefore differ from previous or future reports as new information comes to light and cases are updated accordingly.

It is important to note that these figures relate to the number of potential victims of modern slavery who have been referred to the NRM.

For data used in this report, please see:

[National Referral Mechanism statistics UK: End of year summary 2019: data tables second edition](#)

- Table 2: Number of NRM referrals by location of claimed exploitation and country of responsible police force (2019)
- Table 9: Number of NRM referrals by first responder and age group

[Modern slavery: National Referral Mechanism and Duty to Notify statistics UK, Quarter 3 2020 – July to September](#)

- Table 1: Number of NRM referrals per quarter, by age group at exploitation and location of exploitation
- Table 31: Number of referrals via the Duty to Notify process, per quarter

For further details please see:

- [National Referral Mechanism statistics UK: End of year summary 2019](#)
- [Modern Slavery: National Referral Mechanism and Duty to Notify statistics UK, Quarter 3 2020 – July to September](#)

## **CPS pre-charge referrals**

Data on pre-charge referrals is published in the [2020 UK annual report on modern slavery](#): Table A1: Pre-charge referrals and finalisations for defendants flagged as being involved in modern slavery.

The 2017 and 2018 figures seen in Table A1 for pre-charge referrals used in the report had also been shared with us by the CPS. The 2019 figure has been taken from Table A1.

## ONS modern slavery in the UK data

This data was published alongside the article [Modern Slavery in the UK: March 2020](#).

The full data tables can be found [on the ONS website](#).

As data will have been downloaded from systems at different times, data in this publication may not match figures in other publications (such as HO police recorded crime data and NRM data).

For data used in this report, please see: Table 27: Pre-charge decisions, prosecutions and convictions for modern slavery flagged cases recorded by the Crown Prosecution Service (CPS), year ending March 2011 to year ending March 2019.

CPS records identify the number of defendants prosecuted for offences related to modern slavery by way of a modern slavery monitoring flag applied to prosecution cases. The data is accurate only to the extent that the flag has been correctly applied.

## Annex G: Recommendations and actions from Liberty and Southall Black Sisters super-complaint investigation

There are many circumstances in which information needs to be shared. Where officers are assisting a victim of domestic abuse<sup>27</sup> and there is no evidence of an immigration offence, the potential impact on the victim is so harmful that no information should be shared with Immigration Enforcement. A clear and immediate change in practice for victims of domestic abuse is required. We are solely proposing these changes to police practice regarding victims of domestic abuse because most of the evidence available to this investigation focused on them.<sup>28</sup> We also recommend an urgent review of the current legal and policy framework relevant to the issues raised in this super-complaint for all migrant victims, including further consideration of the legislative options for implementing a firewall.

Current inconsistencies in practice should be addressed through the development of a safeguarding protocol between the Home Office and the police service to guide responses to all migrant victims of crime by the police service, the immigration authorities and other law enforcement agencies as relevant.

Some elements of this protocol (as set out in recommendation 3) will be reliant on the conclusion of the legal and policy framework review (recommendation 2). However, others are not, such as engaging with specialist organisations to better understand the lived experiences of victims and ensuring data sharing is compliant with data protection legislation. Recommendations 2 and 3 are therefore linked, but not strictly sequential. We encourage urgent parallel action to ensure improvements are brought about swiftly.

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<sup>27</sup> For the purposes of these recommendations, the definition of domestic abuse should be understood to include honour-based abuse and female genital mutilation.

<sup>28</sup> As set out in our conclusions to this report, there is no legal requirement on police to share information with Immigration Enforcement on the immigration status of victims and witnesses of domestic abuse and some other crimes. Information sharing between designated organisations (including police forces) and the Home Office is required in law for victims of modern slavery through the National Referral Mechanism, although note that there are different mechanisms for referral depending on whether the victim consents to such referral.

### **Recommendation 1. To chief constables**

As an interim measure, pending the outcome of recommendation 2, where officers only have concerns or doubts about a victim's immigration status, we recommend that they immediately stop sharing information on domestic abuse victims with Immigration Enforcement. Instead, police officers should link the victim to a third party that can provide advice and assistance, as set out in recommendation 4 (on the creation of safe reporting pathways).

This applies where police officers have doubts about a victim's immigration status, not where they have evidence that an offence has been committed. The College of Policing will immediately develop guidance for the police service to clarify this aspect of practice.

#### **Notes to recommendation 1**

- This recommendation to stop information sharing only applies to victims of domestic abuse.
- The College of Policing guidance will also clarify the difference between insecure and uncertain status and immigration offending.
- Any sharing of information should be done in compliance with Information Commissioner's Office (ICO) guidance.
- 'Third party' could include a local or national specialist victim support organisation or another individual/organisation that can act as an intermediary and advocate on the victim's behalf in communications with Immigration Enforcement – as required.

### **Recommendation 2. To the Home Office**

Review the legal framework and policy underpinning the matters raised in this super-complaint with the aim of providing clarification to the police service, other public services and immigration authorities on priorities regarding all migrant victims and witnesses of crime with insecure immigration status.

The review should address the wider matters of public policy raised in this super-complaint as well as those relating to policing and domestic abuse. It should include consideration of the interim measure outlined in recommendation 1, associated guidance and further consideration of a mechanism for establishing a firewall between police and immigration enforcement services for all migrant victims of crime with insecure immigration status. It should determine a working definition of a firewall in this context with reference to the conclusions of this report, international examples of such practice and any relevant academic research. The review should identify the correct basis on which any proposed firewall should be implemented.

The effect of the review should be to establish safe reporting mechanisms for all migrant victims and witnesses, including those with insecure immigration status, in accessing the police service. The review should be conducted in consultation with victim and survivor representative groups, practitioners and other interested parties. The Home Office should publish a report that sets out its considerations and conclusions, and includes an equality impact assessment, within six months of the date of publication of this super-complaint report.

### **Recommendation 3. To the Home Office and the National Police Chiefs' Council**

With the objective of preventing harm to the public interest, develop a safeguarding protocol between the Home Office and the police service to guide responses to all migrant victims and witnesses of crime by the police service, the Home Office and other law enforcement agencies as relevant. The protocol should reflect the realities of victims' and witnesses' experiences, drawing on the expertise of the relevant specialist organisations for supporting victims with insecure immigration status. The protocol would need to have some inbuilt flexibility and also:

- address the respective roles and responsibilities of the police and the Home Office in safeguarding migrant victims of crime, with explicit attention to differences in approach that may arise for victims in different circumstances;
- for victims of domestic abuse or other gender-based violence, clarify that it is the responsibility of the police service, working with suitable specialist partner agencies, to provide safeguarding functions, and that sharing information on victims of domestic abuse with Immigration Enforcement does not constitute safeguarding;
- address the purposes of sharing information, as well as who does what with the information, how it will be acted on by the Home Office, and in what circumstances, with agreement about the terms of assurances that can be provided to victims and witnesses;
- specify the circumstances in which information may be shared by police with the Home Office and ensure that victims and witnesses are told what information is to be shared and why, with reference to their clear basis in law to share;
- be supported by appropriate governance processes to ensure that:
  - personal data is processed in accordance with data protection law;
  - due consideration is given to security (both in sharing and storage), retention and deletion of personal data; and
  - all organisations can demonstrate accountability.

- reflect consultation with data protection officers and reference to relevant Information Commissioner's Office guidance to ensure that data sharing is compliant with data protection law and clearly documented;
- address the implications for data sharing within multi-agency risk assessment conferences (MARACs) and other multi-agency safeguarding groups;
- set out a nationally equitable position on access to specialist victim support services that can assist victims in resolving uncertainties associated with immigration status;
- enable the victim or witness to contribute to any potential prosecution so that perpetrators are held to account and that the victim or witness is supported to contribute to any potential prosecution, in the public interest; and
- be publicised through the appropriate channels to promote migrant victims' and witnesses' confidence in the existence of safe reporting pathways to receive support from the police and other statutory agencies without fear that their immigration status will be prioritised over their complaint to the police.

This protocol should be adopted by the police service across England and Wales. When the protocol has been agreed, the National Police Chiefs' Council should consider how to operationalise it in consultation with the College of Policing so that the contents inform police responses.

#### **Recommendation 4. To chief constables**

With reference to recommendation 1, and in consultation/collaboration with local or national specialist organisations, chief constables should take steps to ensure that all migrant victims and witnesses of crime are effectively supported through safe reporting pathways to the police and other statutory agencies. They should:

- ensure there is a proper policy and practice framework in place for officers to work within;
- develop victim and witness support policies that reflect the characteristics of the safeguarding protocol set out in recommendation 3, and:
  - draw on all relevant national guidance with particular reference to the Code of Practice for Victims of Crime and data protection legislation;
  - are developed in partnership with and include pathways to the relevant specialist organisations for supporting victims and witnesses with insecure immigration status;

- are clear about the circumstances in which information will be shared by police with immigration enforcement;
  - provide clarity about the purpose of sharing information at different points of the pathway; and
  - explicitly recognise the importance of telling victims, witnesses and supporting agencies whether information will be shared with Immigration Enforcement, and if so, when and in what circumstances.
- promote understanding among police officers and staff to differentiate between responses to victims of modern slavery/human trafficking and victims of domestic abuse;
  - promote awareness within their forces of any existing pathways to specialist organisations for supporting victims with insecure immigration status;
  - ensure the policy and practice framework is adopted by all officers and staff who come into contact with victims of crime who have insecure immigration status; and
  - promote police engagement in regular outreach community work, as highlighted as good practice in this report.

**Recommendation 5. To chief constables and police and crime commissioners (or equivalents)**

With reference to recommendation 1, pending the developments outlined in other recommendations, and in consultation/collaboration with local or national specialist organisations, chief constables and police and crime commissioners should take steps, through the appropriate channels, to promote migrant victims' and witnesses' confidence in reporting crimes to the police through safe reporting pathways, without fear of prioritised immigration control.

**Recommendation 6. To police and crime commissioners (or equivalents)**

Conduct an assessment of local access to specialist victim support organisations or networks and take any necessary steps to build up such networks.

**Recommendation 7. To the Home Office**

Improve the recording and assurance processes related to sharing information with the police. In particular, record the status, ethnicity and nationality of people referred, or enquired about, to the National Command and Control Unit within Immigration Enforcement in order to understand and record whether the caller believes the individual to be a victim, offender or both. Collect and monitor data on the use of the Police National Computer for immigration purposes, including the number of live markers in operation. This is broader than addressing the lack of data. The investigation considers it is essential to understanding and differentiating the appropriate range of actions in individual cases, including compliance with the Code of Practice for Victims of Crime. Such data will aid transparency with the particular objective of assuring the public that all victims and witnesses are treated fairly and equitably regardless of their protected characteristics.

**Recommendation 8. To all recipients of recommendations from this investigation**

Provide an update to Her Majesty's Chief Inspector of Constabulary on progress in implementing these recommendations within six months of the date of publication of this report.

## Annex H: Definitions and interpretations

In this report, the following words, phrases and expressions in the left-hand column have the meanings assigned to them in the right-hand column. Sometimes, the definition will be followed by a fuller explanation of the matter in question, with references to sources and other material which may be of assistance to the reader.

Term	Definition
alpha victim	a modern slavery victim who is complicit in the exploitation of others, as a result of dependence, grooming or force; their co-operation with offenders may have improved their circumstances, but they remain victims
Authorised Professional Practice (APP)	professional practice on policing, developed and approved by the College of Policing; police officers and staff are expected to have regard to APP in discharging their responsibilities
conclusive grounds decision	decision determining whether, 'on the balance of probabilities', there is sufficient information to decide that the person is a victim of modern slavery
county lines offending	offending that involves criminal networks or gangs that use a dedicated mobile phone line (or 'deal line') to distribute drugs, typically from an urban area to a smaller town or rural setting
crime data integrity inspections	inspections to assess whether crimes are being recorded by the police when they should be and are being categorised correctly
criminal exploitation	exploitation of a child, young person under the age of 18 or someone vulnerable by an individual or group that takes advantage of an imbalance of power to coerce, control, manipulate or deceive; common in county lines cases
criminal investigation department (CID)	branch of the police force in Britain concerned with investigating criminal activity of a serious nature
criminalisation	the process of becoming a criminal, through being drawn into committing crime

Term	Definition
domestic abuse	incident or pattern of incidents of abusive behaviour of one person towards another, where those persons are 16 or over and are personally connected to each other; behaviour is abusive if it consists of (a) physical or sexual abuse; (b) violent or threatening behaviour; (c) controlling or coercive behaviour; (d) economic abuse or (e) psychological, emotional or other abuse; persons are personally connected if they are or have been married to each other or civil partners, engaged, in an intimate personal relationship, relatives, or where they have or once had a parental relationship in relation to the same child; the abuse may also be towards another person, such as a child
domestic servitude	labour exploitation where individuals are forced to work in private households, performing tasks such as childcare and housekeeping for little or no pay
duty to notify	requirement under section 52 of the Modern Slavery Act 2015 that specifies that authorities, including chief constables, must notify the Home Office of all adult potential victims of modern slavery and human trafficking encountered who are not referred for national support through the National Referral Mechanism (children will always be referred through the National Referral Mechanism as their consent to referral is not required); intended to help build a better picture of the nature and scale of modern slavery and human trafficking; came into force on 1 November 2015 (Modern Slavery Act 2015)
expert witnesses	witnesses who can provide the court with a statement of opinion on any admissible matter calling for expertise by the witness if they are qualified to give such an opinion; expert evidence is admissible to furnish the court with information which is likely to be outside the experience and the knowledge of a judge or jury (Criminal Practice Direction V Evidence 19A Expert Evidence)
female genital mutilation	procedure where the female genitals are deliberately cut, injured or changed, without medical reason; the practice is illegal in the UK and is an internationally recognised human rights violation; also known as ‘female circumcision’ or ‘cutting’

Term	Definition
firewall	measures to separate immigration enforcement activities from public service provision, labour law enforcement and criminal justice processes to protect victims of crime; may be implemented by states and non-state actors to ensure that persons of irregular status are not denied their human rights; firewalls are designed to ensure, particularly, that immigration enforcement authorities are not able to access information concerning the immigration status of individuals who seek assistance or services at, for example, medical facilities, schools and other social service institutions; firewalls ensure that such institutions do not have an obligation to inquire or provide information about their clients' immigration status (UN Office of the High Commissioner for Human Rights Committee on Economic, Social and Cultural Rights)
first responders	agencies and organisations with a responsibility to identify and interview a potential adult or child victim of modern slavery
forced labour	any work or service that people are forced to do against their will, under threat of punishment
forced marriage	marriage conducted without the valid consent of one or both parties
Freedom of information requests	requests for information from members of the public, who are entitled to request information from public authorities under the Freedom of Information Act 2000
Haughey review	The Modern Slavery Act Review; an independent review by Caroline Haughey analysing how well the criminal justice provisions in the Modern Slavery Act 2015 had been implemented, identifying gaps in the legislation and recommending ways to address the problems identified; published 2016
hearsay	a statement in criminal proceedings that is not made in oral evidence
Home Affairs Select Committee on Modern Slavery	a cross-party committee of MPs that in 2018 requested written submissions to assess the government's response to modern slavery
Home Office National Command and Control Unit	the Home Office's 24 hours a day, seven days a week point of contact for police on immigration matters

Term	Definition
human trafficking	arranging or facilitating the travel of another person by recruiting, transporting or transferring, harbouring or receiving, or transferring or exchanging control over them with a view to exploiting them; the travel may be within a single country or across one or more international borders; it is irrelevant whether the person consents to the travel; an unlawful act, contrary to section 2 of the Modern Slavery Act 2015
immigration offender	individual who commits an immigration offence
immigration status	status held by an immigrant to the UK; there are three types of status: granted leave to remain (legal status); without leave to remain (illegal status); and insecure or uncertain immigration status
immigration status: insecure or uncertain	<p>classification given to someone whose immigration status has yet to be determined; a person may have insecure or uncertain immigration status if:</p> <ul style="list-style-type: none"> <li>• they have entered the country legitimately on a spouse or other family visa, as the spouse of a British citizen, and there is a change to the relationship upon which their immigration status is dependent;</li> <li>• they have entered the country illegally with facilitation by a human trafficker in the expectation of legitimate status but are then subject to labour exploitation and other abuse;</li> <li>• they have entered the country legally, as the dependant of a British or European Economic Area (EEA) citizen, but later separated for a variety of possible reasons; or</li> <li>• they are liable to be removed and remain in the country without leave, but it is not presently administratively possible to effect their removal</li> </ul>
Independent Anti-Slavery Commissioner	role established in Part 4 of the Modern Slavery Act 2015 with a UK-wide remit to encourage good practice in the prevention, detection, investigation and prosecution of modern slavery offences and the identification of victims
Information Commissioner’s Office	independent authority set up to uphold information rights in the public interest, promoting openness by public bodies and data privacy for individuals
Justice and Care	a charity that works with police and government to help rescue victims of slavery and human trafficking

Term	Definition
modern slavery	slavery, servitude and forced or compulsory labour; a person commits an offence if – (a) the person holds another person in slavery or servitude and the circumstances are such that the person knows or ought to know that the other person is held in slavery or servitude, or (b) the person requires another person to perform forced or compulsory labour and the circumstances are such that the person knows or ought to know that the other person is being required to perform forced or compulsory labour (Modern Slavery Act 2015, section 1)
Modern Slavery Act 2015	Act of Parliament consolidating previous slavery and trafficking offences; the Act increased the maximum sentence for some offences to life imprisonment and introduced a range of new powers and provisions to strengthen law enforcement and afford better protection to victims
Modern Slavery Police Transformation Unit (MSPTU)	unit that helped forces support vulnerable victims and bring more perpetrators to justice; funding for the MSPTU ended in March 2020; the unit was replaced by the Modern Slavery and Organised Immigration Crime Unit
Modern Slavery and Organised Immigration Crime Unit (MSOICU)	unit that supports police officers, police staff and law enforcement partners to lead the fight against modern slavery, human trafficking and organised immigration crime; funded directly by the Home Office for 2020/21
Modern Slavery Strategy 2014	<p>strategy published by the government in 2014 setting out the ambition to reduce significantly the prevalence of modern slavery in the UK and strengthen the international response; contains a wide-ranging programme of actions across four strands:</p> <ul style="list-style-type: none"> <li>• pursue: prosecuting and disrupting individuals and groups responsible for modern slavery</li> <li>• prevent: preventing people from engaging in modern slavery</li> <li>• protect: strengthening safeguards against modern slavery by protecting vulnerable people from exploitation and increasing awareness of and resilience against this crime</li> <li>• prepare: reducing the harm caused by modern slavery through improved victim identification and national support</li> </ul>

Term	Definition
multi-agency risk assessment conference (MARAC)	a locally held meeting where statutory and voluntary agency representatives share information about people at high risk of domestic abuse; the aim of the meeting is to produce a co-ordinated action plan to increase an adult or child’s safety, health and wellbeing; any agency can refer an adult or child they believe to be at high risk of harm; agencies that attend vary, but are likely to include the police, probation, health and housing services
National Anti-Trafficking and Modern Slavery Network (NATMSN)	network that brings together police and crime commissioners from across England and Wales, the Independent Anti-Slavery Commissioner, the National Police Chiefs’ Council lead on modern slavery, and the Home Office Modern Slavery Unit to discuss and improve how they can work together to combat human trafficking and modern slavery in all its forms
National Police Chiefs’ Council (NPCC)	body which replaced the Association of Chief Police Officers on 1 April 2015; it brings together operationally independent and locally accountable chief constables and their chief officer teams to help the police service coordinate operations (including operational responses to threats such as terrorism, organised crime and national emergencies), reform, improve and provide value for money; its primary decision-making forum is the Chief Constables’ Council; it is underpinned by a collaboration agreement between chief constables, police and crime commissioners and non-Home Office force equivalents under section 22A, Police Act 1996; works with the College of Policing to develop national approaches on issues such as finance, technology and human resources
National Referral Mechanism (NRM)	framework for identifying and referring potential victims of modern slavery so that they get the right support; used by the police to notify the Home Office about any suspected victims of modern slavery they encounter in England and Wales
non-specialist officers	officers not specialising in modern slavery
organ removal	removal of an organ from someone who is being exploited and who is unable to consent to the procedure and/or the procedure carried out against their will
organised crime group	group of people who take part in planned and co-ordinated criminal behaviour and conduct, working together on a continuing basis
perpetrator	someone who commits a crime

Term	Definition
Police National Computer (PNC)	computer system used extensively by the police and other UK law enforcement organisations to access realtime information of national and local significance; police forces use the PNC to carry out checks – for example, on a person’s criminal record or vehicle registration
Police Transformation Fund	fund intended to improve policing by investing in digitalisation, a diverse and flexible workforce and new capabilities to respond to changing crimes and threats
prevention orders	orders to protect victims from those suspected of committing crimes of modern slavery and human trafficking; provided in the Modern Slavery Act 2015
public protection unit	section of a police force dedicated to ensuring the safety of those in danger of becoming victims of crimes such as child sexual exploitation, modern slavery and human trafficking and domestic abuse
reasonable grounds decision	a decision that there are reasonable grounds to believe that a person may be a victim of modern slavery’
referral for pre-charge advice (to the Crown Prosecution Service)	referral to the Crown Prosecution Service for a decision whether to charge a suspect; governed by the Director’s Guidance on Charging, which sets out arrangements for the joint working of police officers and prosecutors during the investigation and prosecution of criminal cases
safe house	a place where someone can stay, be protected and take refuge from a situation where they were at risk
safeguarding	activities undertaken with the aim of protecting an individual’s health, wellbeing and human rights, and enabling them to live free from harm, abuse and neglect
section 45 (1) of the Modern Slavery Act 2015	section that provides a statutory defence for victims of slavery and exploitation who are compelled or coerced into committing offences by their exploiters
sexual exploitation	exploitation that includes rape, prostitution, sexual photography, subjection to pornography or witnessing sexual acts, and sexual assault or sexual acts to which the adult has not consented or was pressured into consenting; adults and children can be sexually exploited
Single Competent Authority	Home Office expert case working unit that decides whether a person referred under the National Referral Mechanism is a victim of modern slavery; replaced Competent Authorities in 2019

Term	Definition
slavery and trafficking risk order	civil order established under Part 2 of the Modern Slavery Act 2015, which can be imposed as necessary to prohibit the activities of those who pose a risk of committing a modern slavery and human trafficking offence; prohibitions can apply domestically or internationally
support available through the NRM	specialist tailored support that individuals recognised as potential victims of modern slavery have access to through the NRM for at least 45 days while their case is considered; may include: <ul style="list-style-type: none"> <li>• access to relevant legal advice;</li> <li>• accommodation;</li> <li>• protection; and</li> <li>• independent emotional and practical help</li> </ul>
survivors	people who have survived or experienced an ordeal, for example, honour-based violence, forced marriage or female genital mutilation
suspect	a person thought to be guilty of a crime or offence
The Salvation Army	Christian religious and international charitable organisation
victim	in relation to an alleged or suspected criminal offence, the person who (a) says they are the person against whom that offence was or may be committed; or (b) is said or considered by another person to be the person against whom that offence was or may be committed
Victims’ Code (The Code of Practice for Victims of Crime)	code of practice issued by the Home Secretary under section 32, Domestic Violence, Crime and Victims Act 2004; implements relevant provisions of EU Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime, Directive 2011/92/EU combating the sexual abuse and sexual exploitation of children, and Directive 2011/36/EU preventing trafficking of human beings

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