



House of Commons  
Home Affairs Committee

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# Human Trafficking: Government Response to the Committee's First Report

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Fourth Special Report of Session  
2023–24

*Ordered by the House of Commons  
to be printed 21 February 2024*

## Home Affairs Committee

The Home Affairs Committee is appointed by the House of Commons to examine the expenditure, administration, and policy of the Home Office and its associated public bodies.

### Current membership

[Rt Hon Dame Diana Johnson MP](#) (*Labour, Kingston upon Hull North*) Chair

[Rt Hon Diane Abbott MP](#) (*Independent, Hackney North and Stoke Newington*)

[Lee Anderson MP](#) (*Conservative, Ashfield*)

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[Alison Thewliss MP](#) (*Scottish National Party, Glasgow Central*)

The following Members were also Members of the Committee during this Parliament:

[Paula Barker MP](#) (*Labour, Liverpool, Wavertree*), [Rt Hon Yvette Cooper MP](#) (*Labour, Normanton, Pontefract and Castleford*); [Janet Daby MP](#) (*Labour, Lewisham East*); [Dehenna Davison MP](#) (*Conservative, Bishop Auckland*); [Stephen Doughty MP](#) (*Labour (Co-op) Cardiff South and Penarth*); [Ruth Edwards MP](#) (*Conservative, Rushcliffe*); [Laura Farris MP](#) (*Conservative, Newbury*); [Andrew Gwynne MP](#) (*Labour, Denton and Reddish*); [Holly Lynch MP](#) (*Labour, Halifax*); [Stuart C McDonald MP](#) (*Scottish National Party Cumbernauld, Kilsyth and Kirkintilloch East*); [Gary Sambrook MP](#) (*Conservative, Birmingham, Northfield*); [Matt Vickers MP](#) (*Conservative, Stockton South*)

### Powers

The Committee is one of the departmental select committees, the powers of which are set out in House of Commons Standing Orders, principally in SO No 152. These are available on the internet via [www.parliament.uk](http://www.parliament.uk).

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### Committee staff

The current staff of the Committee are Gigs Banga (Committee Specialist on secondment from the National Audit Office), Nerys Davies (Committee Specialist), Joanna Dodd (Clerk), Sonia Draper (Committee Operations Manager), Maz Keating (Second Clerk), Penny McLean (Committee Specialist), Benedict Morter (Committee Operations Officer), Rebecca Owen-Evans (Committee Specialist), George Perry (Senior Media and Communications Officer), Noorjehan Piperdy (Committee Specialist) and Laudy Samra (Assistant Inquiry Manager Apprentice).

## Fourth Special Report

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The Home Affairs Committee published its First Report of Session 2023–24, [Human trafficking](#) (HC 124) on 8 December 2023. The Government response was received on 8 February 2024 and is appended to this report.

## Appendix: Government Response

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### Introduction

- 1. The UK's approach to eradicating the scourge of modern slavery has led the world and continues to be a priority for the Government.** Underpinned by the landmark **Modern Slavery Act 2015**, which has been emulated in several countries, much progress has been made. There remains, however, much to do, as the threat, and our response, adapts to changing understanding. The Committee may wish to note that the Home Office uses 'modern slavery' as an umbrella term, covering multiple types of exploitation including human trafficking, labour exploitation, sexual exploitation, criminal exploitation and domestic servitude.
- 2. The Government's strategic approach is informed by the 2014 Modern Slavery Strategy and enhanced by the commitments in the 2021 New Plan for Immigration.** Subsequent legislative changes (Nationality and Borders Act 2022, Online Safety Act 2023) have further solidified our commitment to identifying and supporting victims, placing these crucial rights into legislation.
- 3. This year the Government will resume publication of an Annual Report on Modern Slavery** to ensure the work being done to tackle this crime is shared and monitored. The Government were also delighted to welcome a **new Independent Anti-Slavery Commissioner** at the end of 2023, who we trust will provide tremendous insight and expertise as she takes up this role. The **Government's Modern Slavery Envoy** continues to build international consensus and encourage joint action on all aspects of modern slavery globally.
- 4. Modern slavery remains a priority for the National Crime Agency and police forces across England and Wales.** It has always been our aim to relentlessly pursue the criminals who inflict such misery on victims and communities. Through the **Strategic Policing Requirement** the Government has been clear that law enforcement need to build the capability to tackle the high harm threats linked to modern slavery, including county-lines drug supply, trafficking for sexual exploitation and organised immigration crime.
- 5. The Government has invested £17.8 million since 2016 to develop the Modern Slavery and Organised Immigration Crime Unit** within the National Police Chiefs' Council (NPCC), which has driven improvements across policing and increased awareness of the crime. There are now over 4,500 modern slavery investigations, compared to under 200 when the Modern Slavery Act was first introduced.
- 6. The Government regularly reviews its policy to combat sexual exploitation, working closely with law enforcement partners to tackle the drivers that facilitate sexual**

**exploitation through a range of activity.** This includes a commitment in the **Violence Against Woman and Girls Strategy** to work with adult service websites to counter exploitation on their sites. As part of this, we have developed the **voluntary principles to counter sexual exploitation on adult service websites**. The principles will encourage adult service websites to take reasonable and practical steps to prevent modern slavery and exploitation on their platforms, strengthen their moderation procedures, proactively identify suspicious activity and work collaboratively with law enforcement.

**7. The Government engages with a wide variety of organisations when developing robust policy to achieve the best results for the vulnerable individuals the policies are seeking to protect.** Law enforcement partners have shared in their evidence that adult service websites have provided credible and actionable intelligence to the police, which has enabled them to find and prosecute criminals.

**8. The Government has taken a lead with international partners to help end this evil trade that crosses borders.** We are working closely with international partners, including the G7, the UN and Alliance 8.7 to tackle modern slavery overseas, ensure it remains high on the global agenda, and promote raised human rights standards to reduce human trafficking to the UK. The [White Paper on International Development](#) published in November 2023 includes commitments to promote raised standards overseas, share promising practice and reduce human trafficking to the UK.

**9. Between 2016 and December 2023, the Home Office has spent over £40.4 million through the Modern Slavery Fund** to combat modern slavery overseas and reduce the threat of human trafficking to the UK. In December 2022, the **UK and Albanian Prime Ministers signed the Joint Communiqué** to enhance bilateral cooperation between our two countries and ensure there would be appropriate support for victims of trafficking in Albania. In addition, in May 2023, the former Safeguarding Minister visited Bucharest to sign a **Joint Action Plan with the Romanian Government**; to investigate and prosecute traffickers, provide reintegration support to returned victims, and prevent trafficking from happening in the first place.

**10. The number of potential victims entering the National Referral Mechanism (NRM) continues to grow, with almost 17,000 individuals referred in 2022.** Of these, more than half were adults (52%; 8,854) and 41% (7,019) were children<sup>1</sup>. 78% (13,290) of referrals were for males and 21% (3,634) were for females. Labour exploitation was the most commonly claimed exploitation type overall (30%; 5,135). Additionally, the most commonly referred nationalities were Albanian (27%; 4,613), UK (25%; 4,185) and Eritrean (7%; 1,171). To reduce the average decision making time, we have significantly increased our workforce, including through a major recruitment exercise to further boost decision-maker numbers by around 200 staff. We have increased productivity and improved performance through new initiatives including mainstreaming best practice. Teams where this approach was piloted last year saw significant productivity increases of 40%, more cases being allocated to decision-makers, and time taken to work on a case dropping by 30 days on average. This is now being rolled out across the commands.

**11. In recent years the Government has tightened legislation to ensure that we have a robust system which supports genuine victims and reduces the opportunity for misuse.**

<sup>1</sup> The remaining 7% is unknown data (e.g. the first responder is either not sure of the potential victim's age at exploitation or because they themselves have not disclosed their age (or were not asked/able to)).

In the **New Plan for Immigration** the Government committed to further strengthening the criminal justice response to modern slavery, including by ensuring victims have the support they need to engage with the criminal justice system so that offenders face justice. Measures under the **Nationality and Borders Act 2022** came into force in early 2023, which have helped clarify our obligations to victims of modern slavery and reduced opportunities for misuse of our systems. We also updated our guidance on how reasonable grounds decisions are made to better ensure that victims of modern slavery are appropriately identified and receive the support they need.

**12. Illegal migration is an international challenge we are tackling on all fronts** – including working upstream with international partners and tackling the criminal gangs with stepped-up enforcement. Given the close links between modern slavery and migration, with 75% of potential victims being foreign nationals in 2022, it is right that the Home Office tackles both together. The Modern Slavery provisions in the **Illegal Migration Act 2023** will assist in breaking the business model of the people smugglers and deter those seeking illegally to enter the UK.

**13. Providing tailored support to victims of these crimes is paramount.** The Home Office funds the **Modern Slavery Victim Care Contract (MSVCC)**, contracted to spend £379 million over 5 years, to provide specialist support to adult victims of modern slavery in England and Wales. A total of 10,704 adults in England and Wales received support through the MSVCC during the year ending June 2023, the largest number of victims supported for any year since the contract began. We are now exploring options to procure a new adult victim support contract for the longer term, providing an opportunity to re-imagine how we support victims and to drive innovation and efficiencies. For children, the **Independent Child Trafficking Guardian (ICTG) Service** now covers two-thirds of all local authorities across England and Wales. We are actively progressing national rollout of the ICTG service and intend to publish evaluation reports of this programme and the devolved decision-making pilot, as well as providing additional detail to our existing guidance on turning 18.

**14. We welcome the report from the Committee and, as we have set out, remain committed to tackling the crime of modern slavery.** Whilst recent focus has been on delivering the Government's work to tackle illegal migration, including through the Nationality and Borders Act 2022 and the Illegal Migration Act 2023, there remains a significant and expansive system of work to tackle modern slavery, as highlighted throughout our response. Our work to combat modern slavery and support victims remains under review and continues to be informed by evidence, best practice and engagement with partners and stakeholders. The Government's response to each of the Committee's recommendations is set out below. Paragraph numbers refer to paragraphs in the Committee's report and text in bold is taken directly from that report.

## Response to Recommendations

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### Work of the Home Office

*The Home Office and respective public authorities should treat human trafficking as primarily a protection issue and not an irregular migration concern. Future legislation must take account of the legitimate protection and support needs of all victims including UK nationals* (Paragraph 30)

*In accordance with the recommendation made by the Organisation for Security and Cooperation in Europe (OSCE) in its 2023 UK country visit report, we urge the Government to withdraw the issue of modern slavery and human trafficking from the Minister for Immigration and reinstate the full remit of human trafficking and modern slavery policy to the Minister for Safeguarding alone* (Paragraph 32)

15. As set out in the introduction, given the close links between modern slavery and migration, with around three-quarters of potential victims being subject to immigration controls from January to September 2022<sup>2</sup>, it is right that the Home Office tackles both together. Our Ministers work together closely to balance the need to ensure the UK maintains secure borders and public order, whilst providing victims of crime with appropriate support.

16. The Government remains committed to identifying victims of modern slavery, both UK and foreign nationals, and providing appropriate support where necessary. A total of 10,704 people received support through the Modern Slavery Victim Care Contract (MSVCC) during the year ending June 2023, the largest number supported for any year since the contract began.

*The Home Office, working together with key human trafficking sector partners, criminal justice practitioners and survivors, must accelerate and scale up efforts to develop a new and overhauled Modern Slavery Strategy. This should include actions to address all forms of exploitation, including the increasing prevalence of criminal exploitation of children and adults, and exploitation facilitated by technology. To identify better the proceeds from trafficking crimes, the new Strategy should include actions to enhance partnerships with financial intelligence, the financial services industry and financial regulators.* (Paragraph 31)

*The Home Office should urgently resume publication of its annual reports on human trafficking. It should publish a Human Trafficking and Modern Slavery annual report by March 2024 to include key outputs and Home Office policies that are in development to address shortcomings, including prevention work, victim support for those in the National Referral Mechanism (NRM) and post- NRM, and support for UK nationals.* (Paragraph 42)

17. We share the Committee's focus on the importance of a strategy to guide work tackling this crime. As set out in the introduction, the UK's response to modern slavery is underpinned by the Modern Slavery Strategy 2014 as well as the Modern Slavery Act 2015 and subsequent legislation.

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2 [Annex: analysis of modern slavery NRM referrals from asylum, small boats and detention cohorts - GOV.UK \(www.gov.uk\)](#)

18. This year the Government will resume publication of an Annual Report on Modern Slavery to set out our strategic approach to tackling modern slavery, and ensure the work being done to tackle this crime is shared and monitored. We will continue to work closely with stakeholders to inform our approach to tackling all forms of exploitation, including through Modern Slavery Engagement Forums (MSEFs). The Government will also consider delivering a new modern slavery strategy.

***A child-specific strategy should also be developed to take account of children's specific needs and vulnerabilities.*** (Paragraph 31)

19. A separate strategy for children is not required as all policy development considers the relevant needs of adults and children, including through associated law (Children Acts and Borders, Citizenship and Immigration Act 2009) and equality impact assessments. Child-specific support, which takes account of child-specific needs and vulnerabilities, is provided through local authority safeguarding structures. Child victims may also receive support from an Independent Child Trafficking Guardian (ICTG).

20. In addition, a devolved decision-making pilot programme launched in 2021 and is now operating across twenty sites, covering 30 local authorities across England, Wales and Scotland. In these sites, we have devolved the responsibility to make National Referral Mechanism decisions for potential child victims of modern slavery, so that local authorities – within their existing safeguarding structures – can take a multi-agency approach to decision-making and ensure there is joined-up care for a child. The Government will commit to publishing its evaluation reports for the ICTG programme and devolved decision-making pilot. We will use these findings to continue to ensure children, and their specific needs, remain part of our overall approach to combatting modern slavery.

***There must be a pre-appointment hearing with the Home Affairs Committee, for the next IASC to be appointed which would allow that Committee to participate in an advisory capacity that better informs the Minister's final decision.*** (Paragraph 50)

21. As set out in the Modern Slavery Act 2015 the Home Secretary must appoint a person to the role of the Independent Anti-Slavery Commissioner (IASC). The process to add roles to the pre-appointment scrutiny list is owned by the Cabinet Office. The Home Office continues to keep all appointments under review.

22. We note that the Committee heard from the new IASC on 6 February, and we look forward to working with her to continually improve the UK's response to modern slavery.

## Prevention

***The new Independent Anti-Slavery Commissioner should actively consider including a strategy for reducing demand for sexual exploitation in the Independent Anti-Slavery Commissioner Strategic Plan.*** (Paragraph 68)

23. The role of the Independent Anti-Slavery Commissioner (IASC) is independent of Government, and therefore it would not be appropriate for Government to accept this recommendation.

24. As set out in the Modern Slavery Act 2015, the Home Secretary must be sighted on the Commissioner's Strategic Plan before it is published. The Home Secretary may request modifications to the Strategic Plan, to be agreed with the Commissioner.

25. In 2021, the Government published the Tackling Violence Against Women and Girls Strategy to help ensure that women and girls are safe everywhere – at home, online and in public. In this Strategy we committed to the implementation of 'What Works to Prevent Violence: Impact at Scale', a fund to expand proven approaches to preventing violence and pioneer new scalable and evaluated interventions where evidence is lacking, such as for women with disabilities and adolescent girls. As part of the 'What Works Fund', the Home Office is providing £1.36m over three years to Changing Lives for their Net-Reach project, which will tackle violence against women and girls online, providing early intervention and targeted support for women and girls at high-risk of commercial online exploitation and the risk on online sexual harm.

***Section 53A of the Sexual Offences Act 2003 should be strengthened and penalties upon conviction increased to ensure comparability with other sexual and trafficking offences and to increase the deterrent value.*** (Paragraph 64)

***There should be much greater use of section 53A of the Sexual Offences Act 2003 by police forces and the CPS. This should be supported by additional training on the use of section 53A, provided by the College of Policing, and prioritisation by the CPS and police forces. The Government should publish annual data on prosecutions and convictions under section 53A.*** (Paragraph 65)

26. Section 53A of the Sexual Offences Act 2003 is a strict liability offence. That means, for the police to charge a case they need evidence that the suspect had paid for sexual services from an individual, and that that individual was subjected to force or control by another. They do not, however, need to prove criminal intent. The penalty for a Section 53A offence is a fine not exceeding level 3 on the standard scale (up to £1,000). Yet in gathering the evidence to charge a Section 53A offence, for example, evidence that an individual providing sexual services is subjected to force, the police will prioritise their efforts to investigate the more serious crime of modern slavery or causing or inciting prostitution for gain. The penalty for modern slavery is up to life imprisonment and up to 7 years for causing or inciting prostitution for gain. Whilst that does not mean the police should not bring charges under Section 53A, it is right that the police are able to prioritise their activity to target high harm crimes and ensure victims are protected.

***The Government should conduct a comprehensive review of all legislative, policy and educational initiatives that are underway to reduce demand for sexual exploitation and report on this by June 2024. This review should compare the UK's approach with European countries and consider whether the Government should follow others in criminalising all acts of paying for or attempting to pay for sex and decriminalising victims of exploitation by removing penalties for soliciting.*** (Paragraph 66)

***The Government's Modern Slavery Strategy, which we have recommended be updated, must set out how the Government will combat the demand for sexual exploitation created by individuals who pay for sex.*** (Paragraph 67)



27. The Government is aware of different legislative approaches to prostitution across Europe, including in Northern Ireland, where all buying of sex has been criminalised and selling decriminalised. We have yet to see unequivocal evidence that any one approach is better at tackling the harm and exploitation associated with prostitution.

28. While the UK is a pioneer in combatting modern slavery, all policies are kept under review and the Government will continue to work closely with Devolved Authorities and NGOs to share best practice and understand the impact of different approaches.

***To ensure that the severity of sexual exploitation is recognised, the Home Office and law enforcement should refrain from using the term 'sex work'.*** (Paragraph 69)

29. The Government recognises the importance of the language used when referring to prostitution and sex work. The trafficking of women and girls for sexual exploitation is a truly horrific crime, and one which the Government takes seriously. We remain determined to safeguard victims from this exploitation, to prosecute the perpetrators and to deny them of their criminal profits. We also recognise the severity of sexual exploitation associated with prostitution and sex work. The research report by Bristol University (commissioned by the Home Office and published in 2019) on the nature and prevalence of sex work and prostitution found diversity in the ways in which individuals refer to themselves and our approach reflects this. It is important we avoid stigmatising and excluding those who we are seeking to protect from harm by eliminating certain terms.

***Section 54 (publishing a transparency statement) of the Modern Slavery Act 2015 must be strengthened by utilising sanctions for non-compliance. This should also be extended to the public sector, to reduce the risk of the UK purchasing goods produced using forced labour.*** (Paragraph 75)

30. The Government shares the Committee's concern on this issue, and we continue to address forced labour in global supply chains through Section 54 of the Modern Slavery Act 2015. These provisions have resulted in a change in business culture, bringing discussion of modern slavery to the boardroom for the first time and providing transparency for consumers, investors and civil society.

31. To further enhance transparency, in March 2021, the Government launched the modern slavery statement registry to bring modern slavery statements together on a single platform. Since launch over 12,000 statements covering 43,000 organisations have been submitted to the registry on a voluntary basis.

32. Plans to strengthen Section 54 – including extending the reporting requirement to public bodies with a budget of £36m or more and introducing financial penalties for organisations who fail to publish statements – remain under review. The Government encourages businesses to monitor their supply chains with rigour, uncover and remedy any instances of modern slavery, upload statements to the registry and meet their legal reporting requirements.

33. With regards to the public sector, we have made great strides in recent years. The Committee will be aware of the modern slavery provisions in the Health and Care Act 2022, which requires the National Health Service to take steps to eradicate modern slavery in its supply chains. Last year, we passed the Procurement Act 2023, which provides contracting authorities with stronger powers to exclude and debar suppliers where there

is compelling evidence of modern slavery within their supply chains. Additionally, the Cabinet Office published Procurement Policy Note 02/23, which provides guidance to contracting authorities on how to identify, mitigate and work with suppliers to address any issues of modern slavery found.

***The Government must review safe visa routes for sectors with high demand for labour. This review must consider whether more safe routes can be created to address demand.*** (Paragraph 76)

34. As the Prime Minister has made clear, current levels of migration to the UK are too high. There were 335,447 work visas granted to main applicants in the year ending September 2023, 35% higher than in the year ending September 2022, and two and half times more (+150%) than prior to the pandemic in the year ending September 2019.

35. On 4 December 2023, the Home Secretary announced measures which will allow us to better prioritise the skills and talent needed to grow the economy and support the NHS, while also encouraging investment and protecting the British workforce. These measures go alongside our extensive efforts to get more British people working. We have a record number of employees on payrolls - up nearly 400,000 in the last year alone, with 1.2 million more people in work than before the pandemic. Our £2.5 billion Back to Work plan will go further by helping thousands of people with disabilities, long-term health conditions and those in long-term unemployment, to move into jobs.

***The Government should allocate funding for an increase in the number of Gangmasters and Labour Abuse Authority inspectors, so that more proactive monitoring and enforcement of labour laws can be implemented by the Gangmasters and Labour Abuse Authority.*** (Paragraph 77)

36. The Government already allocates a yearly budget to the Gangmasters and Labour Abuse Authority (GLAA) to enable it to undertake its regulatory and enforcement activities. In 2023/24 the GLAA's gross budget is £8.32m of which £1.2m is funded through income generation and the rest from an allocation from the Home Office. In 2023/24, the Government provided the GLAA with a one-off budget uplift of £1.1m to help deliver its significant organisational transformation and improve its operational efficiency and effectiveness. In line with Managing Public Money there is an annual requirement for the GLAA to review their fees in order to ensure it is able to deliver effective regulatory services. The GLAA uses intelligence from various sources to target its enforcement activity towards the highest harm threats, ensuring its resources are used to best effect.

***Ofcom should set out in its codes of practice the responsibility of technology companies for proactively identifying and tackling human trafficking on their online platforms, with significant penalties imposed for non-compliance with their statutory duties.*** (Paragraph 88)

***In order to enforce the provisions in the Online Safety Act requiring websites to take action against trafficking occurring on their sites, Ofcom should take immediate and full enforcement action against any website advertising prostitution that enables the same phone number to be used in multiple adverts, fails to independently verify the age and identify of every individual advertised on their website, allows single individuals and/***

***or single accounts to advertise multiple individuals for prostitution, allows anonymised payments, and allows any individual to place or pay for another person's prostitution advert.*** (Paragraph 101)

37. Ofcom is operationally independent of Government. As set out in the Online Safety Act 2023, Ofcom has a tough suite of enforcement powers to use against companies who fail to fulfil their duties. This includes fines of up to £18 million or 10 per cent of qualifying annual global turnover (whichever is greater).

38. The Home Office is feeding into the consultation on Ofcom's codes of practice, by 23 February 2024, to ensure modern slavery and human trafficking are included. The final codes of practice are expected to be implemented in the next 12 months.

***Legislation which bans third party profit-taking from the prostitution of another person should be extended to prohibit any individual or company from enabling and/or profiting from the prostitution of another person, including facilitation that takes place via online, digital services, websites and the internet.*** (Paragraph 98)

***The Home Office and law enforcement should be taking all measures possible to tackle trafficking for sexual exploitation online, so that it is no longer so easy or profitable for perpetrators to make money from sexual exploitation, including by 'following the money' and exploring links to money laundering and other organised crime gang related activities and criminality.*** (Paragraph 99)

***Until new legislation is introduced prohibiting profiting from or enabling the prostitution of another person, law enforcement should utilise all available legislation to investigate and hold accountable websites that facilitate trafficking for sexual exploitation. This includes legislation prohibiting companies from benefiting from the proceeds of crime and preventative measures such as Slavery and Trafficking Risk Orders.*** (Paragraph 100)

39. We keep the legislation in this area under regular review, working closely with law enforcement and others. Prostitution and sex work is an extremely complex issue and there are a wide range of potential approaches. We have yet to see unequivocal evidence that any particular approach would improve tackling the harm and exploitation that can be associated with this activity, and that remains our absolute priority. We will continue to work with voluntary and community sector organisations to help ensure those carrying out prostitution and sex work, and who wish to exit, are given every opportunity to find routes out.

40. The advertising of sexual services has increasingly moved online, and adult service websites are now the most significant enabler of trafficking for sexual exploitation. Online platforms need to be responsible and accountable for content on their sites and take proactive steps to prevent their sites being used by criminals. That is precisely what the Online Safety Act 2023 seeks to do. It will make the UK the safest place to be online and will require online platforms to proactively identify and remove content linked to priority offences, including controlling and inciting prostitution for gain and human trafficking.

41. Together with law enforcement partners, including the National Crime Agency (NCA) and the police, we are tackling sexual exploitation online through a range of activity, including running Project AIDANT, which is a series of NCA-led operational intensifications to target sexual exploitation offenders. Law enforcement is also running

an adult service website referral pilot, where adverts on these platforms are referred to the Tackling Organised Exploitation (TOEX) capability, which gather intelligence across Regional Organised Crime Units (ROCU), to improve coordination across forces on tackling organised exploitation.

42. It is important to recognise that evidence from international partners has indicated that closing down and/or criminalising adult service websites has had a negative impact on law enforcement's capability to detect and disrupt serious and organised crime internationally. This includes displacement to end to end encrypted messaging services, obscured adverts on other online marketplaces and to the dark web, which makes it more difficult for law enforcement to intercept. Our approach is designed to minimise the risk of displacing this activity and putting prostitutes and sex workers at greater risk of harm, whilst also making it harder for law enforcement to identify victims and offenders. As we have seen with Meta's decision to implement end to end encryption by default on Facebook Messenger and Instagram Direct, this decision means that Meta have 'blinded' themselves and Law Enforcement Agencies to the abhorrent abuse occurring on their platform.

## **Policing and Prosecution**

***Criminal justice practitioners, including the police in England and Wales, the National Crime Agency and Crown Prosecution Service, must urgently review and then accelerate and scale up their efforts to investigate, prosecute and effectively adjudicate human trafficking and modern slavery cases. Cross- organisation working must support the priority goal of evidence gathering.*** (Paragraph 108)

***All Police and Crime Commissioners should actively consider setting modern slavery and human trafficking as a priority in their police and crime plans.*** (Paragraph 114)

***In collaboration with the National Police Chiefs' Council, the Home Office should direct the College of Policing to collate learning from forces that are effective in pursuing and investigating modern slavery and human trafficking and work with the Crown Prosecution Service to secure convictions. This record should be then shared with all other forces.*** (Paragraph 115)

***Chief Constables must ensure that their police officers and public-facing staff (including non-specialist staff, as appropriate) are supported through initial and ongoing training and learning, specialist policing resources and victim support arrangements, so that they are able to identify effectively and support potential victims of modern slavery.*** (Paragraph 122)

***Training should be centralised, for example via the National Police Chiefs' Council Modern Slavery and Organised Immigration training resources. Tackling human trafficking should be recognised as a national law enforcement priority and be resourced at a level commensurate with the harm it causes to these vulnerable victims of crime.*** (Paragraph 123)

***The Government should direct that every police force is provided with a dedicated modern slavery and human trafficking specialist team.*** (Paragraph 124)

***To increase the number of prosecutions, the Government must create and supply additional training for criminal justice practitioners on identifying victims and prosecuting human traffickers.*** (Paragraph 157)

***The Government must take steps to encourage greater cross-partnership working between the Crown Prosecution Service, policing and the National Crime Agency. This should involve earlier involvement of the CPS in policing investigations.*** (Paragraph 158)

43. Since the Modern Slavery Act was passed in 2015, there has been significant law enforcement activity focused on modern slavery which has led to an increase in investigations and convictions secured. The Government remains committed to building on this success and to continue strengthening law enforcement's response to this ever-evolving threat. The Strategic Policing Requirement and the National Crime Agency's Strategic Priorities outline the Government's national priorities for law enforcement. These include a focus on high harm areas of modern slavery, such as the exploitation in county-lines drug trafficking, the sexual exploitation of women and girls, and organised immigration crime.

44. To support forces build their capability and expertise to tackle modern slavery the Government has invested £17.8m to develop the Modern Slavery and Organised Immigration Crime Unit (MSOIC), run by Devon and Cornwall Police on behalf of forces across England and Wales. The Unit has spearheaded an improvement across forces in their ability to identify and address modern slavery. Through developing and sharing best practice, training officers and providing bespoke support to individual forces, the MSOIC Unit has increased police capability. We recognise there is however more to do to turn this increased capability and activity into prosecutions.

45. Working with our partners from across the criminal justice system will support our aim to increase the number of modern slavery prosecutions. We engage in prosecution oversight groups to provide strategic direction and are supporting initiatives between the police and Crown Prosecution Service (CPS) to build robust evidence in cases.

46. Modern slavery crimes are complex to investigate and prosecute and require officers to have the right knowledge to identify this often-hidden exploitation. The MSOIC Unit has provided a Modern Slavery and Human Trafficking 'approved professional practice' to the College of Policing to provide specialist training to police officers. The training guides officers on the approaches to consider how to achieve best evidence, for example, through the use of independent Victim Navigators from the outset of an investigation through the criminal justice system. The National Police Chiefs Council and National Crime Agency (NCA) work to ensure that a victim-centred approach is taken to tackling exploitation, investing in specialist teams and support for victims and supporting individual forces to improve their response.

47. The NCA leads the response to serious and organised crime, including the national response to organised immigration crime and modern slavery. Modern slavery is often intertwined with other forms of criminality, including drug trafficking and organised immigration crime. The NCA's priority on tackling people smuggling gangs does not detract from its focus on modern slavery – but rather supports it to draw intelligence together and tackle the high harm criminal gangs behind so many of these threats.

48. The CPS works across Government and with international partners, contributing to strategic assessments. The CPS has built effective networks on an international, national and regional level to enhance its ability to deliver justice for modern slavery victims. The CPS has specially trained prosecutors across the country who are well equipped to support investigations, advise on charges and bring cases to a just outcome.

***The Government needs to ensure that appropriate priority is placed on resourcing financial investigations within law enforcement bodies.*** (Paragraph 128)

***Every modern slavery and human trafficking specialist unit must have a dedicated financial investigator.*** (Paragraph 129)

49. The Government recognises the importance of financial investigations in identifying and prosecuting modern slavery offenders. It is important that officers dealing with modern slavery have a level of proficiency and understanding of financial investigations, but they do not necessarily need to be accredited Financial Investigators to gather financial evidence in a case. In instances where an investigation requires an added level of expertise, police forces can draw on specialist Financial Investigator capability from Regional Organised Crime Units and expert resources from other agencies.

50. In recognition of the importance of financial investigations in modern slavery investigations, the Modern Slavery and Organised Immigration Crime Unit (MSOIC) recruited a Financial Crime Specialist to support forces in financial investigative techniques. National workshops have been attended by over 40 officers engaged in the financial investigation field. Financial investigative guidance has been produced and published to assist Senior Investigation Officers to compile operational financial strategies; to broaden the knowledge of financial investigators on modern slavery offences; and increase criminal investigators' general understanding of financial investigative techniques. The MSOIC Unit's Financial Crime Specialist also attends regional modern slavery meetings to advise and update on all financial investigation matters relating to modern slavery and has provided support to financial investigators dealing with modern slavery cases.

51. In addition, through the Joint Money Laundering Intelligence Taskforce, the NCA is working in partnership with the banking sector, to harness the capability within banks to identify red flags in financial transactions and alert these to the authorities.

***It is the case that investigations into all forms of human trafficking should proactively consider an evidence-led prosecutions approach, with the CPS guidance on domestic abuse and evidential opportunities being transferable to human trafficking.*** (Paragraph 139)

***The Home Office should include a section on evidence-led prosecutions in its modern slavery statutory guidance drawing on Article 27 (1) of the Council of Europe Convention on Action against Trafficking in Human Beings (ECAT). Similarly, the Crown Prosecution Service should amend its Guidance to Prosecutors on modern slavery and the College of Policing should include in its Authorised Professional Practice (APP) on modern slavery training content.*** (Paragraph 140)

52. There is a concerted effort to enhance proficiency in 'evidence-led' investigations and it is always advised that investigators build a prosecution case gathering evidence from a range of sources, without solely relying on victim testimony. The requirement for

'evidence led' investigations is covered fully in the modern slavery investigator training course on the College of Policing curriculum and is tested on students in the case study exercise.

53. CPS guidance on modern slavery already contains guidance to prosecutors on prosecuting cases without the testimony of the victim. CPS prosecutors are highly experienced at ensuring appropriate support has been explained and offered, for example by way of an intermediary, to ensure that everyone is able to give their best evidence.

***International cooperation should not be focused on people smuggling to the detriment of efforts to combat modern slavery and human trafficking and prevent exploitation of the victims.*** (Paragraph 145)

54. The Government recognises that people smuggling differs from human trafficking. Human trafficking involves the arranging or facilitating the travel of another person with a view to exploiting them by force, fraud or intimidation. Human trafficking includes travel within a country, not just across international borders.

55. There are substantial crossovers between people smuggling and human trafficking offending upstream, due to shared migration drivers. It is important that when tackling these threats, we are aware of possible crossovers to prevent exploitation, ensure victims are protected, and perpetrators brought to justice.

56. The unacceptable number of people risking their lives, both through people smuggling and human trafficking, by making these dangerous crossings is placing an unprecedented strain on our immigration system.

57. Organised Crime Groups involved in immigration crime are highly exploitative of vulnerable adults and children, charging large sums of money for their illegal services. This revenue is often used to fund other forms of criminality. Some use violence in order to maintain territorial control and to control migrants. Criminals involved in immigration crime operate in various ways; some may act alone or be part of a small group, whilst others form extensive global networks with members based in several countries to facilitate illegal migration, which can include both people smuggling and human trafficking.

***The Home Office should include a clear plan of international programme work in the new Modern Slavery strategy. This should include investment in joint investigation teams that intersect with human trafficking vulnerabilities.*** (Paragraph 146)

58. The UK is committed to tackling modern slavery and human trafficking internationally, working with multilateral and bilateral partners and using the full range of diplomatic and development tools to address the drivers, promote raised standards and share evidence on what works.

59. The National Crime Agency (NCA) International Liaison Officer (ILO) Network comprises of 140 officers located in 45 countries worldwide, with coverage across 130 countries. The NCA's modern slavery objectives and operational support for investigations are delivered and facilitated across the ILO network, including in jurisdictions where modern slavery and human trafficking is a significant risk to the UK. These objectives include a focus on prevention and enhancing intelligence opportunities.

60. Modern slavery and human trafficking that originates from overseas can often be linked to Organised Immigration Crime (OIC). As a consequence, the NCA's capability uplift as part of OIC prioritisation contributes to mitigating the risk of modern slavery from overseas by making the UK a more difficult jurisdiction for traffickers to work in.

***The Government should review the training and guidance available to criminal justice practitioners to ensure it includes clear and consistent information on the s45 statutory defence. This training should be provided across all bodies in the criminal justice system.*** (Paragraph 167)

***Law enforcement should make early assessments of s45 cases in areas that are known to be connected to human trafficking (for example, cannabis cultivation) to identify any indicators of trafficking and then fully investigate where an offence is apparent or alleged.*** (Paragraph 168)

***In line with the recommendations on s45 of the Council of Europe's Group of Experts on Action against Trafficking in Human Being's third UK report, the Government should:***

- a) ***ensure that the non-punishment provision can be applied to all offences that victims of trafficking were compelled to commit, by ensuring that victims are promptly identified and receive adequate support from their first contact with law enforcement agencies; and***
- b) ***ensure that the allocation of the burden of proof does not substantially hinder the application of the non-punishment provision.*** (Paragraph 169)

***The definition of human trafficking in the Modern Slavery Act 2015 should be amended to remove the requirement for the exploitation to have involved travel.***

- a) ***The Modern Slavery Act 2015 should be amended to clarify that the consent of the victim is irrelevant not just in relation to the travel, but in relation to the exploitation itself.*** (Paragraph 174)

61. The Independent Review of the Modern Slavery Act 2015 (MSA) found in 2019 that the Section 45 defence struck the right balance between protecting victims and preventing abuse, however, the Government recognises that concerns remain.

62. In February 2021, the European Court of Human Rights (ECtHR) handed down a judgment in the conjoined cases of VCL and AN vs the United Kingdom. The Court found violations of Articles 4 (prohibiting slavery and forced labour) and 6 (right to a fair trial) of the European Convention on Human Rights in each case. The case concerned two Vietnamese young people who were discovered working on cannabis farms and convicted of drug cultivation offences. The Government and criminal justice agencies are fully committed to policy and operational changes to ensure appropriate measures are in place to prevent prosecution in similar cases, including an action plan submitted in January 2022 setting out how it will implement the Court's ruling. Following our updated action plan submitted in March 2023, we have received feedback from the ECtHR's Committee of Ministers and will be providing an updated progress plan by April 2024.

63. In addition, the relevant organisations, including police and prosecution services across the UK, have taken steps to disseminate the judgment and its implications through training and revised guidance to raise awareness amongst police and prosecutors of the



changed approach. This should prevent inappropriate prosecution of those compelled to commit criminal offences through early identification of victims and investigation of potential modern slavery at the earliest stage.

64. The Modern Slavery Human Trafficking investigator course run by the MSOIC unit covers s.45 of the Modern Slavery Act 2015. Alongside this course there are official handouts to fully explain how to investigate when the offence is raised, and relevant training is up to date and on the College of Policing curriculum. We are working to ensure the course is delivered more widely.

65. The CPS published its updated prosecution guidance on modern slavery and human trafficking: offences and defences, including the s.45 defence on 20 December 2023. The guidance was updated to reflect changes in the law and making sure the guidance is clear and accessible to prosecutors. The guidance establishes a four-stage test on the steps prosecutors must take in cases where s.45 is raised, every prosecutor has received mandatory training on this, and it forms part of induction training.

66. The law requires the CPS to, as far as possible, wait for a conclusive grounds decision before a decision to prosecute is made. Prosecutors must take that assessment into account when considering the decision to prosecute someone who has raised their trafficking situation or where circumstances give rise to indicators of trafficking.

67. The Government recognises the importance of aligning domestic definitions with international conventions. The 2019 Independent Review of the Modern Slavery Act (MSA) considered that the requirement for travel in the section 2 MSA offence of human trafficking was not, at that stage, causing issues in the prosecution of offenders or identification of victims, but that this should be kept under review. Law enforcement and CPS partners have not raised concerns around the definition of human trafficking and the requirement for travel, as section 2(3) of the MSA qualifies travel in the broad terms set out in the UN's definition of human trafficking. In addition, section 1 of the MSA, the offence of slavery, servitude and forced or compulsory labour does not require travel and is explicit that a victim's consent is not a barrier to determining a section 1 MSA offence has taken place. We continue to keep our definitions under review to ensure they adequately capture new and emerging forms of slavery and human trafficking.

***Victim support must be at the centre of the investigation and prosecution process. The Victim Navigator programme should be expanded and utilised in all cases. A victim centred approach will take account of culturally appropriate support and good communication with NRM support services.*** (Paragraph 182)

68. The Government recognises the importance of supporting victims to engage with the criminal justice system and the positive impact an independent support worker can have on securing this engagement. Victims of modern slavery are understandably traumatised from their experiences and may not want to engage with the police. They may not recognise themselves as a victim or may fear the authorities or their exploiter. Yet obtaining victim testimony is often so critical in securing modern slavery prosecutions. All adult victims supported by the MSVCC have a support worker who will provide them advice and support to access legal aid, legal advice and legal representation, and assistance during criminal

proceedings, including Special Measures available under the Victim's Code should they wish to support the police in criminal investigations. Child victims supported by local authorities and Independent Child Trafficking Guardians receive similar support.

69. In addition, in 2022/23 the Government tested different initiatives to further support victims of modern slavery to engage with the criminal justice system, including Justice and Care's Victim Navigator Programme, which provides specialists working alongside police forces and other law enforcement agencies. The Navigators work with law enforcement at the outset of a case to provide independent, culturally sensitive support to victims. We also examined Hope for Justice's Independent Modern Slavery Advocates and the Medaille Trust's Victim Voices scheme.

70. All three schemes had a positive impact on victim's engagement with the criminal justice system and some forces and the Gangmasters and Labour Abuse Authority continue to independently fund these services. Through the MSOIC Unit, we have shared with all forces the impact such support workers can have in securing a victim's engagement and will continue to promote the use of independent support workers with Police and Crime Commissioners, as commissioners of these services in their area.

## Identification and Protection

*We recommend that the Home Office significantly reduces the number of days taken to make National Referral Mechanism decisions and clears the backlog of National Referral Mechanism decisions. It should aim for the target timeframe outlined in the Modern Slavery statutory guidance and should set a target date for clearing the backlog of June 2024. (Paragraph 192). The Home Office should report in its annual and quarterly statistics on the waiting times for all cases within the system, the amount of time for which referrals are suspended, withdrawn, or closed, so that a better picture can be drawn of actual waiting times. (Paragraph 193)*

*The Home Office must recruit the promised 200 National Referral Mechanism decision-makers by the end of 2023 and focus on reducing the attrition rate to 15%. This should be done through increased resourcing, training and support for ongoing staff, as well as through enhanced recruitment campaigns. We recommend that the Home Office collects data on why decision-makers are leaving, to inform how to reduce attrition rates further. (Paragraph 197)*

*The Home Office should include in its quarterly National Referral Mechanism statistics data on the number of Competent Authority staff, setting out how many are Reasonable Grounds/Conclusive Grounds decision makers, how many are new staff, and giving the attrition rate of staff. (Paragraph 198)*

*We recommend that the Home Office either reinstate the multi-agency assurance process or establish a similar quality assurance process. (Paragraph 201)*

71. The Government is focussed on improving National Referral Mechanism (NRM) decision-making timescales. The Home Office makes around 3,000 decisions each month for victims of modern slavery, encompassing Reasonable Grounds, Conclusive Grounds, Recovery Need Assessment, Discretionary Leave, Public Order Disqualifications and Reconsideration decisions. We have seen an unprecedented increase in the volume of

referrals in the NRM; a 625% rise between 2014 and 2022. This has presented significant challenges in resourcing and workflow. The time taken also reflects the requirement to obtain appropriate levels of evidence, which can be challenging. Despite this, since the first quarter of 2023 the number of decisions outstanding has been coming down for the first time ever, showing that what we are doing is working.

72. There is no target timeframe in which to make a Conclusive Grounds Decisions; statutory guidance outlines that a *minimum* period of 30 days must pass between service of a Reasonable Grounds and Conclusive Grounds decision, and that such a decision can only be made once all relevant information has been gathered or received. However, the Home Office is clear that current timescales, for many potential victims within the NRM system, are too long. That is why the Home Office is keen to ensure that the oldest cases are addressed so we have been actively targeting the older cases in the Work in Progress (WIP) to deliver services to those victims waiting longest for their decisions.

73. We have significantly increased our modern slavery workforce for NRM decision making and further staffing uplifts are currently being delivered under the umbrella of the Government's plans to tackle illegal migration, with an additional £10 million funding to onboard a further 200 decision-making staff, alongside wider posts essential for operation, across the competent authorities. Recruitment is well underway. We are already seeing significantly increased systemic output as a result of these new staff becoming operational.

74. The Home Office removed Multi Agency Assurance Panels (MAAPs) from the NRM decision-making process in December 2022 as they were contributing to the elongation of timescales for issuing of decisions. We continue to consider alternative arrangements that can provide appropriate assurance for decision making without adding additional time onto the period it takes to make and issue decisions in the NRM.

75. The Home Office publishes data on the average length of time it takes to make an RG and CG decision and will continue to regularly review what further information is beneficial to publish.

***We recommend that the Home Office develops and maintains a nationwide training programme for both statutory and non-statutory First Responder Organisations. This training should include identifying victims and recognising indicators of human trafficking gathering information on what has happened to them in a trauma informed way; the National Referral Mechanism referral process; and supporting the individual after a referral has been made.*** (Paragraph 207)

***We strongly recommend that the Home Office recommences immediately considering applications from specialist front line organisations to become a First Responder Organisation.*** (Paragraph 208)

***We recommend the Home Office reviews, together with current First Responder Organisations, the funding for such organisations. This review should consider specifically the case for the Home Office providing further funding to First Responder Organisations supporting victims waiting on National Referral Mechanism decisions that are extensively delayed.*** (Paragraph 209)

76. The circumstances under which First Responders encounter victims will be specific to their role and that of the organisation for which they work. All First Responder

Organisations should ensure they have pathways and protocols in place to support First Responders and ensure that they are trained appropriately. The Home Office has produced e-learning modules for use by all First Responders on identifying indicators of modern slavery and referring into the National Referral Mechanism (NRM). The Home Office is also in the process of developing an online Hub for First Responder Organisations to share resources and best practice, as well as a First Responder Toolkit that will provide clear, user-friendly guidance to support First Responders in identifying victims of modern slavery and increase the quality of referrals into the NRM. We will continue to review the policy on First Responders, including on function and purpose of the cohort.

***We recommend an independent review of the implementation of modern slavery provisions (Part 5) in the Nationality and Borders Act 2022, conducted by a suitably qualified and independent professional, to start in January 2024.*** (Paragraph 215)

***The Government should pause any requirement to provide third party evidence at the Reasonable Grounds stage until such an independent review has been concluded and has determined that the new requirements are not unduly burdensome.*** (Paragraph 216)

***There has been a troubling and unwelcome rise in the number of adults choosing not to enter the National Referral Mechanism, who may be at risk of further exploitation. It is unclear why the Home Office does not collect, analyse, and publish data on why individuals are refusing to consent to enter the NRM. We recommend that the Home Office corrects this deficiency immediately.*** (Paragraph 221)

77. The Home Office is monitoring and evaluating the New Plan for Immigration and the Nationality and Borders Act 2022, and has revised this work to take into account the Illegal Migration Act 2023. The programme monitoring will analyse data from a range of indicators to assess whether the measures introduced are meeting our objectives. Evaluation will be conducted in line with HM Treasury Magenta Book principles to provide detailed insight on the process, impact and value for money of changes implemented, and will be integrated into the delivery of the Acts.

78. The Home Office keeps all of its policies and procedures under review and regularly updates the Modern Slavery Statutory Guidance to ensure that potential victims of modern slavery are appropriately identified and provided with the support they need to begin rebuilding their lives.

79. The Reasonable Grounds (RG) guidance introduced by the Nationality and Borders Act 2022 enables decision makers to use all available evidence to determine whether a case meets the RG threshold. The change builds on and simplifies much of the previous guidance to ensure decision making at the RG stage is robust while still providing scope to consider unusual circumstances, and to ensure that in those circumstances victims are still able to access the NRM. Initial results following the change suggest the new threshold and guidance is having the intended impact of making RG decisions more robust: prior to 2023, the proportion of positive RG decisions was typically 90%, but between July to September 2023 this fell to 52%. The Government regularly reviews policies and will continue to monitor results.

80. The Government also regularly reviews what information is beneficial to publish. The Home Office collects data on why individuals are refusing to consent to enter the NRM and is exploring avenues to improve the collection of this data following work with the Modern Slavery Policy and Evidence Centre.

***We recommend that the Government publishes thorough and accurate data to support its assertions of significant abuse of the National Referral Mechanism (NRM) to claim asylum to enable objective assessment of the scale of the problem. This data should include: NRM decision outcomes for people who arrive in the UK on small boats; the number of victims positive Conclusive Grounds NRM decisions who receive a grant of Temporary Permission to Stay (and other forms of leave) to remain in the UK; those referred to the NRM who claim asylum, and their asylum outcomes, combined with their NRM referrals and outcomes; and the number and characteristics of people in immigration detention and prison who are referred to the NRM and their NRM decision outcomes.*** (Paragraph 226)

81. The Home Office regularly publishes a summary and breakdown of the number of potential victims of modern slavery referred into the National Referral Mechanism (NRM) or via the Duty to Notify (DtN) process, including NRM referrals from Small Boats. Misuse of any system, by its very nature, is difficult to evidence. If we were able to evidence overt misuse, it would be filtered out of the system.

82. The Government has a proactive approach to addressing and preventing misuse of the modern slavery system. There are case studies that illustrate how an NRM referral may be used to prevent removal action. Home Office ministers have provided case study evidence of examples where Competent Authority case workers were concerned about the system being misused to the Home Affairs Select Committee.

83. The Government had published statistics on the NRM referral rate for people arriving in the UK on small boats, and from asylum and detention cohorts.<sup>3</sup> The increase in NRM referrals from detention cohorts results in more people being released from detention and therefore removal prevented. This could be interpreted as a pull factor for those who would benefit from this release from detention.

***We recommend that the Government increases the provision of safe accommodation available through the Modern Slavery Victim Care Contract for trafficking victims, including single-sex provision, while they await a National Referral Mechanism decision.*** (Paragraph 234)

84. The Government remains committed to ensuring all potential and confirmed victims of modern slavery have secure and appropriate accommodation when they enter National Referral Mechanism (NRM) support. The Modern Slavery Victim Care Contract (MSVCC) manages their pipeline of secure accommodation to meet the demands of the NRM system and those victims who require accommodation as part of their support package, including single sex provision where necessary. The Home Office contract managers monitor the portfolio as part of contract governance to ensure the MSVCC has appropriate capacity to meet demand.

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3 [Irregular migration to the UK, year ending December 2022 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/statistics/irregular-migration-to-the-uk-year-ending-december-2022); Annex: analysis of modern slavery NRM referrals from asylum, small boats and detention cohorts - GOV.UK (www.gov.uk)

85. MSVCC accommodation is provided on a needs-basis. Many victims are already in suitable, secure, and appropriate accommodation when they enter NRM support, such as asylum accommodation, local authority accommodation or living in their own private accommodation or with friends or family.

86. Where there is no risk to them remaining in existing accommodation they will usually remain there, unless a need for MSVCC accommodation is identified through the risk and needs assessment process outlined in Chapter 8 of the Modern Slavery Statutory Guidance. This is the case for both British and foreign nationals.

87. Where a need for MSVCC accommodation is identified, victims are provided secure and appropriate accommodation suitable for their needs. For example, if necessary, they are provided with single sex or family accommodation. MSVCC contractual accommodation standards are based on published guidance in the form of the Decent Homes standard in England and the Welsh Quality Homes Standard.

***Local authorities and safeguarding partners should develop a defined strategy for child victims to be transitioned to appropriate adult services with continuity of support to ensure that there is no gap in services such as mental health care.*** (Paragraph 235)

***The Home Office should amend its Modern Slavery statutory guidance to include guidance on 'turning 18' to ensure that aging out of the care system does not reduce holistic support for recovery and prevention of re-trafficking.*** (Paragraph 281)<sup>4</sup>

***We recommend that the Home Office immediately commissions an independent review of the Recovery Needs Assessment process to determine whether it works effectively for children and young adults transitioning into adult support services.*** (Paragraph 251)

88. Children referred into the National Referral Mechanism (NRM) are supported by children's services within local authorities. Local authorities are the primary service provider for safeguarding and responding to the needs of a child victim of modern slavery, regardless of their nationality or immigration status. Whatever form it takes, modern slavery and child trafficking is child abuse and relevant child protection procedures, as set out in Working Together to Safeguard Children 2023, must be followed if modern slavery or trafficking is suspected.

89. Children who are victims of trafficking are included within the provisions of the Children Act 2004 which places a joint and equal duty on statutory safeguarding partners (police, local authorities and Integrated Care Boards) to make arrangements to work as a team to safeguard and promote the welfare of all children in a local area. Local authorities assess, on a case-by-case basis, the needs of a child to help determine how they can be best supported. The Government recognises that each individual child victim of trafficking will have different needs and preferences, which will influence the combination of services they need or can access, and how and when they do. There is no 'one-size-fits-all' support pathway that could meet the diverse range of needs of all child victims of trafficking.

90. As is set out in the Modern Slavery Statutory Guidance, s9.46 'child victim transition into adult support', from the age of 18 in England and Wales, children are eligible to transition to MSVCC adult support services if they give their consent. Specifically, when

<sup>4</sup> Home Office response to Paragraph 281 included under 'Identification and Protection'. Paragraph 281 is included under 'Trafficking of Children' section in [Human trafficking \(parliament.uk\)](https://www.parliament.uk/human-trafficking).

children referred into the NRM reach 17.5 years old, the Single Competent Authority (SCA) can send a request for consent, with a view to the individual consenting at 18 and informing the SCA immediately so that relevant support can continue/begin. The Home Office plans to update the Modern Slavery Statutory guidance to provide further detail on the process for requesting consent from children turning when legal challenges conclude.

91. A child victim transitioning to adult NRM support may also receive support from local authorities or other support services to assist them during this process. There are specific packages of support in place for care leavers from their local authority and government is providing £99m to local authorities between 2022–25 to enable young people in foster care to remain living with that family in a Staying Put arrangement; and £53 million to increase the number of young people leaving residential care who receive practical help with move-on accommodation, including ongoing support from a keyworker, through the ‘Staying Close’ programme.

92. The Home Office also funds the Independent Child Trafficking Guardians (ICTGs). ICTGs provide an additional source of advice and support for potentially trafficked children, irrespective of nationality, and somebody to advocate on their behalf to ensure their best interests are reflected in the decision-making of the public authorities involved in their care. When it is known that ICTG support is due to end, the ICTG will plan well in advance to enable an effective transition to mainstream support services, as is set out in the ICTG Interim Guidance.

93. A child within the ICTG service will remain supported by the service until they no longer require support based on their needs, or until the child becomes 18 (with the exception of the ICTG Sites testing Recommendation 38 of the Independent Review of the Modern Slavery Act 2015), whichever is sooner. When it is known that ICTG support is due to end, the ICTG will plan well in advance to enable an effective transition to mainstream support services, as is set out in the ICTG Interim Guidance.

***We recommend that the Government provides victims of human trafficking with earlier and better access to legal aid. This must include the following areas that are currently ‘out of scope’: pre-NRM immigration advice; advice on identification as a victim of trafficking and modern slavery; advice on the Criminal Injuries Compensation Scheme; advice for non-UK nationals on applying for international protection; and advice on the application of the non-punishment principle.*** (Paragraph 241)

***The Government should also increase the legal aid rate for those dealing with human trafficking cases, not just those which fall under the Illegal Migration Act and should increase training for legal aid solicitors on human trafficking and the National Referral Mechanism process. We recommend that the Government publishes its plans for doing so by June 2024.*** (Paragraph 242)

94. The Government is committed to ensuring victims are enabled and empowered to engage with the Criminal Justice System. All potential victims of modern slavery with a positive Reasonable or Conclusive Grounds decision have access to legal aid, including criminal and civil legal aid, legal aid for immigration advice, advice on an asylum claim, employment law advice and for a civil claim of damages.

95. As part of measures in the Nationality and Borders Act, as per Immigration Rules Appendix: Temporary Permission to Stay as a Victims of Human Trafficking or Slavery, legal aid will be granted to individuals who are co-operating with police investigations and/or pursuing compensation claims against their traffickers.

96. Upon entering Modern Slavery Victim Care Contract support, support workers ensure that all adult potential and confirmed victims of modern slavery are provided with information on their rights and the services available to them in a language they understand, including how to access legal aid, legal representatives, and legal advice. Equivalent support is provided in detention settings.

97. For child potential victims, local authorities, alongside the ICTG service where it is present, may obtain legal advice or instruct a legal representative to act on the child's behalf where it is considered necessary and appropriate to do so. This advice or representation may relate to the support and care needs of the child, any immigration or criminal proceedings the child is involved in, or circumstances which may be considered to have a detrimental impact on the child.

***The Government should deliver on its commitment of 12 months' support for all victims with a positive Conclusive Grounds decision by the end of 2024.*** (Paragraph 248)

98. We have carefully reviewed the previous commitment to provide 12 months of support to confirmed victims of modern slavery and concluded that the existing needs-based approach through the Recovery Needs Assessment (RNA) ensures that Modern Slavery Victim Care Contract (MSVCC) support is available to confirmed adult victims for the necessary length of time, including if this is 12 months, or longer.

99. The MSVCC is currently supporting adult victims who have been in the RNA process for over 12 months. Providing 12 months of support post Conclusive Grounds decisions outright to all confirmed victims would risk creating a longer-term dependency on the NRM, counter to its purpose to provide a short-term bridge to wider specialist support, or to help a victim return home, or to a safe third country. Particularly as many individuals will have received an extended period of support between their Reasonable Grounds and Conclusive Grounds decision, in line with the recovery period set out in our domestic and international obligations.

100. Furthermore, once a confirmed victim exits the main MSVCC support service through the RNA process, the Reach-in service is available to victims for as long as they need it to help facilitate a sustainable transition back into the community. There is also the option for confirmed victims to re-enter the main MSVCC support service where necessary.

101. Through Section 65 of the Nationality and Borders Act 2022, the Government also set out, for the first time in primary legislation, that confirmed victims of modern slavery are eligible for temporary permission to stay in the UK. Depending on the individual circumstances, Temporary Permission to Stay can be granted for 12 months, or more, to confirmed victims of Modern Slavery.



***We support Recommendation 24 of the Independent Review of the Modern Slavery Act 2015 and urge the Government to formalise and clarify the duties of local authority agencies to support victims of slavery and trafficking once they have left the National Referral Mechanism.*** (Paragraph 249)

***We recommend that survivors of human trafficking with a positive Conclusive Grounds decision be placed on priority needs lists for housing.*** (Paragraph 250)

102. A confirmed adult victim will exit the NRM through the Recovery Needs Assessment (RNA) process once their ongoing recovery needs are being met by alternative support services. For example, where suitable local authority housing is offered to the victim, they will transition out of Modern Slavery Victim Care Contract (MSVCC) accommodation. MSVCC accommodation and financial support to meet a victim's essential living needs will continue where necessary to prevent a victim becoming destitute, but the MSVCC does not duplicate support that is available through the welfare system or asylum support.

103. Where survivors are homeless or at risk of homelessness our focus is to ensure that the Homelessness Reduction Act's prevention and relief duties are being deployed to provide help to all eligible people, including those who do not have priority need. The existing homelessness legislation already means a modern slavery victim may have a priority need if they would be assessed as vulnerable if homeless. We updated the Homelessness Code of Guidance specific chapter on modern slavery and trafficking to make this clearer. If an eligible household is homeless through no fault of their own and has priority need, the council has a duty to provide temporary accommodation until suitable settled accommodation can be secured.

104. How social housing is allocated is a matter for the local authority concerned and they already have powers to give survivors of human trafficking priority for housing where they are eligible. When determining priority for housing, local authorities must, by law, ensure that reasonable preference (overall priority) for social housing is given to certain categories of people in housing need; including homeless households, people living in overcrowded housing, and those who have medical and welfare needs. This is to ensure that social housing goes to those who need it most. Local authorities may also give certain groups additional preference (higher priority) to those in urgent need where they assess this is needed. Survivors of human trafficking may be eligible for both reasonable and additional preference, depending on the local authority's assessment.

## Trafficking of Children

***The Home Office must publish an interim evaluation of the devolved decision-making pilot for children by January 2024, and thereafter a full evaluation of all phases of the Pilot by June 2024. If the outcomes are successful, all decision making for children must be transferred to local authorities within one year of the publication of the evaluation report.*** (Paragraph 271)

***The Home Office must change the criteria for eligibility to allow local authority pilot locations to make National Referral Mechanism decisions for all children in their care, including those who are age-disputed; and not exclude those who are within 100 days of their 18th birthday.*** (Paragraph 272)

105. An evaluation of the devolved decision-making pilot was conducted during the first year of the pilot (June 2021-June 2022) and was used to inform the pilot policy and make changes ahead of pilot expansion in early 2023. We remain committed to continue testing a devolved approach to decision-making for children. As previously mentioned, the Government will commit to publishing evaluations on the Independent Child Trafficking Guardian programme and devolved decision-making pilots in order to inform future policy development.

106. To enable further testing, ten additional pilot sites were launched in early 2023, taking the number of pilot sites to twenty, covering thirty local authorities. We are working closely with local authorities and stakeholders across all pilot sites to monitor and evaluate the successes of the pilot and use this to inform its future and next steps. The timing of any future expansion of the pilot will be driven by several factors. In particular, as the pilot is putting additional demands on local safeguarding partners, it is important these are considered and managed carefully before expanding the pilot more widely or committing to a national rollout.

107. The Home Office has no plans to expand the scope of the pilot to include children who are age-disputed or those who are within 100 days of their 18<sup>th</sup> birthday. The current set up of the pilot is designed to ensure that there is sufficient time for both a Reasonable Grounds and Conclusive Grounds decision to be made before a child turns 18. Any move to expand the scope to include children closer to their 18<sup>th</sup> birthday or those who age is under dispute will increase the risk of cases not being completed before the individual becomes an adult.

***The Home Office must complete the roll out of the Independent Child Trafficking Guardians (ICTGs) to all local authorities in England and Wales by June 2025, bringing in individual local authorities before then if they are ready.*** (Paragraph 278)

108. The Government remains committed to delivering a national ICTG programme. In June and October 2023, the former Safeguarding Minister agreed that we continue work to deliver ICTG national rollout covering all of England and Wales.

109. While the implementation of a national rollout of the ICTG programme is still subject to approval of business cases and funding arrangements, we will continue our work to deliver it as soon as is practically possible. The Government is working to ensure that the most suitable commercial option is selected to support the delivery of a national ICTG service.

***We are disappointed that the Government does not currently agree that there is compelling evidence to introduce a statutory definition of child criminal exploitation. We urge the Government to read our evidence and to consider introducing a statutory definition to ensure:***

- a) ***that children who commit criminal offences as a consequence of their own exploitation receive appropriate support and protection as victims, and***
- b) ***that people who criminally exploit children receive a proportionate law enforcement response.*** (Paragraph 295)

***Local authority safeguarding guidance needs to include the external threats that traffickers pose to children who may be in local authority care even after they have been removed from immediate harm.*** (Paragraph 296)

***The Home Office should review its Modern Slavery statutory guidance on criminal exploitation every six months to be inclusive of emerging intelligence for this form of trafficking.*** (Paragraph 82)<sup>5</sup>

110. The Government does not accept this recommendation. We agree that children who are subject to child criminal exploitation should be treated as victims first and foremost. We also agree they should receive support and an appropriate response from the police and law enforcement agencies. But we do not believe a statutory definition is required to deliver this. As stated in our response to the Home Affairs Select Committee's report on Drugs, frontline professionals are already under a statutory duty to have regard to guidance which includes information on child criminal exploitation (Keeping Children Safe In Education (2023) and Working Together to Safeguard Children (2023)). Further guidance on how to support and protect children who are victims of criminal exploitation is provided through the Child Exploitation Disruption Toolkit (2022) and the county lines guidance for prosecutors and youth offending teams (2019).

111. The Home Office has also recently published updated guidance for frontline professionals that aims to aid the identification of potential victims of county lines exploitation and appropriate safeguarding referral routes and ensure those who are in need receive help.

112. We recognise that robust sanctions are required for those who criminally exploit children, and there are a range of existing legislation which can be used to prosecute this criminal behaviour including Section 19 of the Misuse of Drugs Act 1975, Sections 44–46 of the Serious Crime Act 2007 and Section 2 of the Modern Slavery Act 2015. We are working with partners to strengthen the response to child criminal exploitation.

***Clearly it is not appropriate to accommodate children in hotels, particularly unaccompanied asylum-seeking children. The Government needs to show greater urgency in securing more appropriate accommodation, that is suitable for the needs of children, notwithstanding the need to keep families together.*** (Paragraph 301)

***Every child who goes missing from home or care should be considered as a potential victim of trafficking, even if they are subsequently found safe.*** (Paragraph 302)

***The Committee has previously challenged the Home Office with our concerns that children have gone missing. The Home Office must update the Committee with its progress in finding these children by the end of this year, and we expect to receive regular updates thereafter until the problem is resolved.*** (Paragraph 303)

113. The Government agrees that the best place for unaccompanied asylum-seeking children (UASC) is within the care of a local authority. Six of seven hotels were closed on 30 November 2023, with the remaining hotel closed 31 January this year.

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5 Home Office response to Paragraph 83 included under 'Trafficking of Children'. Paragraph 82 is included under 'Prevention' section in [Human trafficking \(parliament.uk\)](https://www.parliament.uk/hybrid-panels/committees/human-trafficking).

114. The Modern Slavery Statutory Guidance highlights numerous indicators and factors that first responders should consider when considering making an NRM referral. These indicators and factors mean that each case is unique, and so all cases should be handled with the case-specific information that can be obtained.

115. A policy on blanket NRM referrals for all children who go missing would remove the case-specific nature of the NRM process and may cause more issues than benefits. For example, it may lead to significantly more pressure on decision-making timescales as there would be many more referrals to consider where referrals are made for children who are not potential victims and there are no genuine first responder concerns of trafficking.

116. Additionally, if every missing child were referred into the NRM, this may lead to negative reasonable or conclusive grounds decisions due to a lack of information. This could subsequently be damaging to a child if further information comes to light that they have been trafficked, as relevant professionals may see a child's previous NRM decision without understanding the level of information considered, so may not feel a new NRM referral is necessary.

117. All individuals who went missing from Home Office operated UASC Hotels were reported as missing to the relevant police force. When a child goes missing, a multi-agency, missing persons protocol is mobilised, alongside the police and local authorities, to establish their whereabouts and ensure they are safe. Information held by the Home Office is shared with statutory partners. The Home Office has worked closely with the National Police Chiefs' Council (NPCC) and National Crime Agency (NCA) to set out national guidance and best practice on missing UASC investigations, which has been shared with police forces across the UK. Home Office teams review and monitor the records of children who went missing from UASC Hotels to ensure that if they are encountered or any contact is received this information can be shared with the police and local authority. The relevant police force and local authority review the missing persons cases according to their processes.

118. The Government agrees that, whilst the police are responsible for finding missing children, the Committee can be updated verbally at the Department's regular appearances.