

REVIEW OF THE MODERN SLAVERY ACT 2015: TERMS OF REFERENCE

Background

The introduction of the Modern Slavery Act 2015, the first legislation of its kind in the world, has helped to transform the UK's response to modern slavery. More victims are being identified and supported; more offenders are being prosecuted; and thousands of companies have published statements setting out the steps they have taken to tackle modern slavery in their supply chains.

The UK is determined to lead global efforts to tackle this barbaric crime and as the methods used by criminals to exploit vulnerable people evolve, and our understanding of this crime evolves, it is important to consider our legislative approach.

Aim of the Review

The aim of the Review is to report on the operation and effectiveness of, and potential improvements to, provisions in the Modern Slavery Act 2015, which provides the legal framework for tackling modern slavery.

Structure of the Review

The Review will gather evidence and seek views from relevant stakeholders. This process could include a call for written submissions, evidence sessions on particular aspects of the legislation, and interviews with representatives from civil society, business, law enforcement and other interested bodies.

The Review will be independent; the findings and recommendations of the Review will represent the views of the Reviewers. The Reviewers will be supported by a Secretariat which will be seconded from the Home Office, and sponsored by the Director for Tackling Slavery and Exploitation.

The Review will aim to report to the Home Secretary before the end of March 2019. On completion, the Review is to be compiled into a report, including recommendations, to be presented to the Home Secretary for approval. Following approval, the Home Secretary will lay the report in Parliament.

Scope of the Review

This Review aims to understand how the 2015 Act is operating in practice, how effective it is, and whether the legal framework for tackling modern slavery is fit for purpose now and in the future. In doing so, the Review will need to take into account any significant political, economic, social and technological changes since the 2015 Act was passed.

The following provisions of the Act must be considered in the Review:

- Section 3 on the meaning of exploitation
- Sections 8-10 on reparation orders

- Sections 40-44 on the Independent Anti-Slavery Commissioner
- Section 45 on the statutory defence
- Section 48 on independent child trafficking advocates
- Section 54 on transparency in supply chains

In particular, the Review should consider the following questions which have been brought to the attention of the Government by the sector and others as issues requiring consideration:

- In relation to section 3, how to ensure the Act is 'future-proof' given our evolving understanding of the nature of modern slavery offences, for example the recent and emerging issues of county lines and orphanage trafficking.
- In relation to sections 8-10, how to ensure access to legal remedies and compensation for victims and would a specific civil wrong improve access to compensation for victims.
- In relation to sections 40-44, how to ensure the independence of the Anti-Slavery Commissioner.
- In relation to section 45, how to ensure an appropriate balance between the need to protect victims from criminal prosecution and preventing criminals from abusing this protection to avoid justice.
- In relation to section 48, how to ensure the right support for child victims given the changing profile of child victims.
- In relation to section 54, how to ensure compliance and drive up the quality of statements produced by eligible companies.

The Review should take into account the following principles:

- Recommendations should only relate to the legal framework provided by the Act and its implementation.
- Recommendations must be sustainable and take into account the financial and practical impact of implementation.
- The Review may consider other matters in relation to modern slavery subject to the agreement of the Home Secretary.
- Purdah guidelines should be adhered to where appropriate.