



HM Government

# **UK GOVERNMENT RESPONSE TO THE INDEPENDENT REVIEW OF THE MODERN SLAVERY ACT 2015**



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# Contents

Home Secretary Foreword . . . . .	.2
Introduction . . . . .	.4
Independent Anti-Slavery Commissioner . . . . .	.5
Transparency in Supply Chains . . . . .	.7
Independent Child Trafficking Advocates . . . . .	.14
Legal Application . . . . .	.17
Conclusion . . . . .	.23
Annex A – Recommendations made by the Independent Review of the Modern Slavery Act 2015 . . . . .	.24

# Home Secretary Foreword



Modern slavery has a devastating impact on the lives of its victims. Around the world and here in the UK, children, women and men are being exploited. They are forced to work for little or no pay, held against their will, forced to undertake crimes on behalf of their exploiters and routinely assaulted and raped.

Modern slavery also devastates communities and our economy. It is hidden in plain sight all around us, in the places we shop and eat, in our local factories and farms and on our streets. Modern slavery exists in the supply chains of the goods and services we as Government and consumers buy. Estimates put its cost to the UK as over £4 billion.

As Home Secretary, I am proud of the world-leading response to modern slavery that we have developed in the UK. Ending modern slavery is a priority for the UK Government and under the personal commitment of the Prime Minister, Rt. Hon. Theresa May MP, we have made significant progress in recent years. Our approach is underpinned by the Modern Slavery Act 2015 – the first legislation of its kind in the world.

Law enforcement agencies have new powers and tools to disrupt perpetrators and we have seen a sharp increase in the number of live police operations on modern slavery from just under 200 in 2016 to over 1,400 in June 2019. More victims than ever are being identified and receiving support. The UK's transparency in supply chains legislation has begun to transform business culture, with thousands of businesses publishing statements on the steps they are taking to prevent modern slavery in their supply chains.

Internationally, nearly 90 countries have now endorsed the global Call to Action to end forced labour, modern slavery and human trafficking by 2030, over £200m of UK aid has been committed to tackle the problem at source, and we are deepening partnerships with countries from where victims are regularly trafficked to the UK.

However, we are not complacent and while modern slavery exists we know more must be done. That is why, in July 2018, at the request of the Prime Minister, Rt. Hon. Theresa May MP, I commissioned Frank Field MP, Maria Miller MP and Baroness Butler-Sloss, to undertake an Independent Review of the Modern Slavery Act 2015, to consider how we can ensure our legislation keeps pace with the evolving threat from modern slavery.

The Review, which was published in May 2019, made a compelling case that now is the time to strengthen elements of our legislation and its implementation. The Review made 80 recommendations aimed at improving our response on four discrete themes: Independent Anti-Slavery Commissioner, transparency in supply chains, Independent Child Trafficking Advocates, and legal application of the Act.

We are now publishing our detailed response to the Independent Review of the Modern Slavery Act 2015. We have accepted many recommendations now. Some recommendations require further consultation to determine the best way to deliver them. To inform this work, we are publishing a public consultation on transparency in supply chains.

I am very grateful to the reviewers, and the Expert Advisers and stakeholder groups that supported them to develop the final Review and its recommendations.

This Review will shape a significant part of our future response to modern slavery and our response will strengthen our ability to stop criminals putting men, women and children into criminal, dangerous and exploitative working conditions. I am determined to ensure that modern slavery has no place in the communities and businesses of our modern world. To achieve this, we will continue to mobilise the full force of the state and work in partnership with other nations, devolved administrations, law enforcement and criminal justice agencies, the private sector, NGOs, civil society and the Independent Anti-Slavery Commissioner to ensure we protect and support some of the most vulnerable in society and continue to relentlessly pursue the perpetrators behind these vile crimes.

**Rt Hon Sajid Javid MP**

**Home Secretary**

# Introduction

1. In July 2018, the Home Secretary commissioned an Independent Review (“the Review”) of the Modern Slavery Act 2015 (“the Act”). The aim of the Review was to consider the operation and effectiveness of, and potential improvements to, provisions in the Act.
2. The Review was undertaken by Frank Field MP, Maria Miller MP and Baroness Butler-Sloss. The Review appointed nine Expert Advisers to gather evidence from stakeholders and sector interest groups to inform findings and recommendations on the following sections of the Act:
  - The Independent Anti-Slavery Commissioner (sections 40-44) – UK;
  - Transparency in Supply Chains (section 54) - UK;
  - Independent Child Trafficking Advocates (section 48) – England & Wales; and
  - Legal Application (specifically section 3 on the meaning of exploitation, sections 8-10 on Slavery and Trafficking Reparation Orders and section 45 on the statutory defence) – England & Wales.

Existing provisions relating to the Commissioner and transparency in supply chains extend across the UK. The provisions relating to Independent Child Trafficking Advocates and legal application are limited in extent to England and Wales only. Scotland and Northern Ireland each have their own domestic legislation in relation to modern slavery and human trafficking.

3. The final [Review report](#) was submitted to the Home Secretary in March 2019 and it was laid in Parliament in May 2019. The final report made 80 recommendations, listed at Annex A.
4. The UK Government welcomes the Review and its recognition that the Modern Slavery Act 2015 is world-leading. We are grateful to the reviewers and Expert Advisers for the rapid work undertaken to conduct the Review. The UK Government accepts the majority of the recommendations made by the Review and our response is set out in detail below. This response has been developed in consultation with the Independent Anti-Slavery Commissioner and Devolved Administrations.

# Independent Anti-Slavery Commissioner

5. The Review considered how to ensure the independence of the Independent Anti-Slavery Commissioner (IASC). The Government recognises the vital role of the IASC in driving best practice and ensuring that the UK response to modern slavery remains world leading. The Independent Anti-Slavery Commissioner provides challenge and advice to public authorities on their modern slavery response. The role must be, and is, independent of Government.
6. The Government did not accept the Review's recommendation to halt the recruitment of a new Commissioner, because the role is crucial and the recruitment process was already at an advanced stage. We believe that the new Commissioner, Dame Sara Thornton, has an excellent understanding of the role, and the Government is looking forward to the insight and challenge she will provide. We remain committed to ensuring the independence of the role and accept or partially accept many of the Review's other recommendations on the role of the Commissioner.

## Independence and Role (recommendations 2, 3, 5)

7. The Review recommended that the Government should respect the IASC's statutory independence and that the IASC's role should be to advise and hold the Government to account, on modern slavery, and promote co-operation between different groups. The Review also recommended that the IASC's focus should be primarily on tackling modern slavery domestically. The Government broadly accepts these recommendations. The Act sets out the role of the IASC in advising the Government and holding the Government and public authorities to account and the Government believes the IASC should continue to fulfil this mandate. The Government agrees it would be helpful to have greater clarity about the IASC role in international work, and agrees there needs to be a balance between domestic and international engagement. To address this, the Government has responded positively to one of the other recommendations to create a government international envoy on modern slavery (see paragraph 15).

## Appointment and Accountability (recommendations 6, 7, 12)

8. The Review recommended that the IASC role should be sponsored by a Secretary of State other than the Home Secretary. The Government does not agree with this recommendation. The Home Office sponsors other independent bodies which scrutinise the department's work and believes that such sponsorship does not undermine their independence.
9. The Review recommended that the IASC appointment should be subject to additional scrutiny, including through a Pre-Appointment Hearing with a Parliamentary Select Committee. Dame Sara Thornton was appointed in accordance with the Cabinet Office's Governance Code for Public Appointments and the Government will continue to ensure that this is adhered to in future recruitment rounds. It was not possible at the advanced stage of the recruitment to introduce pre-appointment scrutiny for the appointment, as the Review recommended. However, the Government has committed to consider whether the role meets the criteria for pre-appointment scrutiny for future recruitment

exercises. The Government will also take on board other recommendations to strengthen the independence of the Commissioner set out in the next section.

10. The Review recommended that the Commissioner should appoint an advisory panel to inform her work, and the Government agrees with this. We do not believe this needs to be statutory. The new Commissioner has already taken action to form an advisory panel.

## Data Sharing, Funding, Reports and Complaints (recommendations 4, 8, 9, 10, 11, 13)

11. The Review made practical recommendations about how the office of the IASC could work more effectively. These included issues such as ensuring the IASC has adequate access to data; ensuring the IASC has a clear, multi-year budget and an agreed process for budget revisions; and that the IASC should have a clear complaints procedure in place.
12. The Government accepts these recommendations, with minor technical adaptations. We agree that the IASC's budget should be agreed on an indicative multi-year basis for the duration of each Spending Review period, as with all Government budgets, multi-year budgets would be indicative. Similarly, we agree there should be a process for complaints to ensure the IASC's accountability and protect the IASC from unjustified allegations. A procedure for complaints that concern the work of the IASC and her office has been developed and published on the IASC [website](#). A separate procedure will cover complaints about the personal conduct of the IASC.
13. To implement these recommendations, the Home Office has worked with the IASC to develop a Memorandum of Understanding. This sets out how the Home Office and the IASC will engage on these issues to ensure that there is a clear understanding of respective roles and responsibilities.
14. The Review also made a recommendation requiring the Government to respond to public reports made by the IASC, and for the IASC to seek to attend and give evidence to relevant select committees if the Government does not take on board the IASC's recommendations. The Government agrees that in future it will provide a response to the IASC's reports published in line with her strategic plan. Select Committees may choose to discuss the IASC's reports and ask the IASC to give them evidence.

## International Role (recommendation 14)

15. The Review recommended that the Government create an international envoy on modern slavery. Modern slavery is a global crime which requires a global response. The Government accepts this recommendation. The Prime Minister announced that we will appoint an HMG Modern Slavery and Migration envoy, an Ambassador based in the Foreign & Commonwealth Office, who will represent HMG interests on modern slavery and migration in key international fora and with key partner countries
16. The IASC and the envoy will work closely to share priorities and maximise impact. The envoy will be appointed in the autumn.



# Transparency in Supply Chains

17. The landmark transparency in supply chains provision in section 54 of the Act has helped to make modern slavery a business-critical issue, driven by increased board-level scrutiny and engagement. This provision requires commercial organisations, which carry out all or part of a business in the UK, which supply goods or services and with a specified turnover (presently £36m or more) to publish an annual statement on what steps, if any, they have taken to address modern slavery in their supply chains.
18. Our innovative approach has influenced governments around the world, sparking a global trend for transparency in supply chains measures. As more countries introduce their own legislation, it is essential that we work closely with our international partners to harmonise approaches and level the playing field for responsible, ethical businesses. Building on the global *Call to Action to end forced labour, modern slavery and human trafficking*, which has now been endorsed by nearly 90 countries<sup>1</sup>, the UK jointly launched the ‘Principles to Combat Human Trafficking in Global Supply Chains’ with the U.S., Canada, Australia and New Zealand at the UN General Assembly in September 2018<sup>2</sup>. These Principles set out a framework for government action, including addressing risks in government procurement, collaboration with the private sector, and creating the conditions for responsible recruitment.
19. The public sector has a crucial role to play in harnessing its huge spending power to help eradicate modern slavery from the global economy. The UK Government is leading these efforts and the Prime Minister announced at the G20 last year that in 2019 the UK Government will publish its own modern slavery statement setting out the steps we are taking to identify and prevent modern slavery in central Government supply chains this year. The Scottish Government will also publish its own slavery and trafficking statement. From 2020/21, UK Government Ministerial departments will publish their own individual modern slavery statements.
20. The Review considered how the Government can better ensure compliance with the transparency in supply chains legislation set out in the Act at section 54, and how the quality of statements could be improved.
21. The Review set out a compelling case for the Government to step up its ambition and strengthen the transparency in supply chains provision of the Act. We agree and will launch a public consultation. Following the consultation, we will make the necessary legislative changes as soon as Parliamentary time allows.<sup>3</sup>

## Clarifying which organisations are in scope (recommendations 15-16)

22. The Review recommended that the Government keep a list of organisations in scope of section 54 of the Act, and check with companies to confirm whether they are covered by the legislation. The Review also recommended that individual organisations should

<sup>1</sup> <https://www.gov.uk/government/publications/a-call-to-action-to-end-forced-labour-modern-slavery-and-human-trafficking>

<sup>2</sup> <https://www.gov.uk/government/news/uk-agrees-principles-for-tackling-modern-slavery-in-supply-chains>

<sup>3</sup> A legislative consent motion will be required where any amendment to legislation engages devolved competence.

retain responsibility for determining whether they are required to produce a slavery and human trafficking statement. We agree and have identified a list of approximately 17,000 UK organisations, which are likely to fall in scope of the legislation. We have used this information to write directly to the CEOs of those organisations with clear information to support effective reporting. However, only individual commercial organisations will have the full data required to definitively determine whether or not they are caught by the legislation and we agree that organisations themselves should retain ultimate responsibility for determining whether they are required to produce a modern slavery statement.

## Improving the quality of statements (recommendations 17-22)

23. Under section 54, many organisations have published comprehensive modern slavery statements, which demonstrate:
  - how they are focussing their activities on the highest risk parts of their supply chain where workers are most vulnerable; and
  - how they are engaging with workers and how they are collaborating with other businesses and civil society experts.
24. It is crucial that the efforts of these responsible businesses are recognised. However, many organisations have published poor quality statements which contain little or no evidence of the steps they have taken to prevent modern slavery and human trafficking in their operations and supply chains. Therefore, the Government welcomes the Review's focus on improving the quality of statements.
25. A number of recommendations relate to the provision of guidance. In response to these recommendations we commit to revise the statutory guidance on transparency in supply chains in 2020 following the planned consultation and in line with any subsequent amendments to the legislation. The Home Office will engage relevant stakeholders including Devolved Administrations, the Business Against Slavery Forum and members of the Transparency in Supply Chains Modern Slavery Strategy and Implementation Group. In particular, we will involve the Independent Anti-Slavery Commissioner to support the development of this guidance.
26. Specifically, the Review recommended that the statutory guidance should be strengthened to include a template of the information organisations in scope of section 54 reporting requirements are expected to provide. The Government accepts this recommendation. Recognising that organisations will need to retain the flexibility to set their own priorities based on the specific risks faced by their business, the template will be non-exhaustive and will evolve over time to reflect emerging best practice about the most effective ways to address modern slavery risks. The template will be included in the revised statutory guidance which will be published in 2020.
27. The Review recommended that the IASC should oversee statutory guidance about transparency in supply chains. We recognise the valuable role that the IASC has played, and will continue to play, in engaging business and sharing best practice on transparency in supply chains. The Home Office will work closely with the IASC's office to develop updated guidance. However, the Home Secretary has statutory responsibility for ensuring compliance with the Act, and so it is appropriate that overall responsibility for issuing statutory guidance on compliance with the Act remains with the Home Office.

28. The Review recommended that Government amends the Act to require organisations to consider the entirety of their supply chains. We agree that organisations' human rights due diligence activity needs to extend beyond their first and second tier suppliers to the entirety of their supply chains; in many sectors the risks of modern slavery may increase further down an organisation's supply chain. However, we recognise that the process of mapping complex and far reaching supply chains is challenging and that an organisation's ability to influence suppliers may weaken further down the supply chain. The legislation as it stands does not impose a limit on how far down their supply chain an organisation should look and in future updates to the statutory guidance we will make clear the need for organisations to strengthen their human rights due diligence activities beyond their first and second tier suppliers over time as part of a risk-based approach.
29. The Review recommended that organisations set out their modern slavery priorities for the following year in their modern slavery statements. We agree that this would be useful, and could create a commitment that organisations can then report back against in their next annual statement as a way as demonstrating ongoing progress. We will therefore update statutory guidance to encourage organisations to include details of the specific due diligence steps they intend to take in future, as well as the steps they have taken in the previous financial year.
30. The Review's final recommendations on the quality of modern slavery statements suggest amendments to the Act requiring organisations to report against the six areas, which are currently recommended<sup>4</sup>, and to remove the ability for an organisation to state that they have taken 'no steps' to address their modern slavery risks. The Government recognises that strengthening the content requirements for reporting could improve the quality of statements produced and intends to consult to gather further views on the impact of such changes ahead of any amendment to the legislation. This consultation will consider how to retain enough flexibility to accommodate the diversity of organisations in scope of the legislation as well as how best to ensure alignment of the UK's legislation with the requirements of other jurisdictions.

## Embedding modern slavery reporting into business culture (recommendations 23 - 25) and increasing transparency (recommendations 26 - 28)

31. To address modern slavery risks effectively, organisations need to ensure sustained engagement across several business functions. The Review recommended that organisations should designate a board member to be accountable for production of their modern slavery statement. We agree that the company board or equivalent is best placed to embed anti-slavery activity into their organisation's culture as a business-critical issue. The requirement for statements to be approved at board-level and signed by a Director was designed with this mind. However, we do not agree with this recommendation, as the Board's role in approving a modern slavery statement is a collective responsibility.

<sup>4</sup> The six discretionary areas (under s54(5) of the Act are:

- (a) the organisation's structure, its business and its supply chains;
- (b) its policies in relation to slavery and human trafficking;
- (c) its due diligence processes in relation to slavery and human trafficking in its business and supply chains;
- (d) the parts of its business and supply chains where there is a risk of slavery and human trafficking taking place, and the steps it has taken to assess and manage that risk;
- (e) its effectiveness in ensuring that slavery and human trafficking is not taking place in its business or supply chains, measured against such performance indicators as it considers appropriate;
- (f) the training about slavery and human trafficking available to its staff.

32. The Review recommended that there should be a central government-run reporting service for modern slavery statements; that statements should be dated and clearly state over which 12-month period they apply, and that the website hosting the service should clearly outline the minimum statutory reporting requirements. We accept these recommendations. In June 2019, the Prime Minister announced that the Government would create a central registry of modern slavery statements. This service will be available to organisations free of charge and will cover all organisations caught by the legislation in the UK. When creating the registry, we will take into account the lessons from the successful gender pay gap reporting regulations which, like the transparency in supply chains reporting requirements, sit outside of the Companies Act 2006. Many stakeholders have highlighted the requirement for employers to publish their gender pay gap data to a centralised government website as a crucial enabling feature of this legislation. We agree that a similar service for transparency in supply chains legislation could have a transformative impact on the quality of statements produced.
33. The Review did not recommend establishing a single reporting deadline and suggested that reporting deadlines should continue to be in line with the end of an organisation's financial year. However, the lack of a single reporting deadline makes it challenging to effectively drive and monitor compliance. As well as introducing a centralised reporting service we intend to create a single reporting deadline – enabling civil society, investors and consumers to track progress over time. A single deadline would also make it easier for the Government to offer targeted and timely support to improve organisations' reporting. We will consult on this to gather further evidence on the potential impact of introducing a single reporting deadline, including understanding the practical and resource implications for businesses of adopting this. The consultation will also seek views on a potential appropriate annual deadline date.
34. The Review recommended that the Government should amend the Companies Act 2006 and section 54 of the Modern Slavery Act 2015, first to place a duty on companies to refer to their modern slavery statement in their annual report to Companies House, and second to impose a similar duty on non-listed companies that meet the £36 million threshold. The Review further recommended that the Government should create an offence under the Company Directors Disqualification Act 1986 for companies in scope which fail to fulfil modern slavery reporting requirements or to act when instances of modern slavery are found. The Government does not agree with these recommendations. We do not intend to mandate modern slavery reporting in companies' annual reports or create an offence under the Company Directors Disqualification Act as we have concerns that this might lead to an overly compliance driven approach and encourage statements which are high-level with limited disclosure about instances of or risks of modern slavery identified. We believe that the enhanced transparency delivered by the creation of a central Government-run service for reporting and a single reporting deadline will address the concerns underlying this recommendation, by making it much easier for investors, consumers and civil society to effectively scrutinise statements and hold organisations to account for their actions. We want to see modern slavery statements which are open and transparent about specific instances of slavery identified and steps taken to prevent and address modern slavery risks.

## Monitoring and enforcing compliance (recommendations 29 - 31)

35. Under the Act, thousands of organisations have published statements detailing the action they are taking to prevent modern slavery in their supply chains. While most organisations want to protect workers in their operations and supply chains, we know

that some businesses are publishing poor quality statements or failing to publish statements at all. To address this, the Review recommended that the IASC should monitor organisations' compliance with section 54 of the Act. The Government partially agrees with the recommendation. The Home Office has the power to issue guidance and take enforcement action against non-compliant organisations and as such it is best placed to monitor compliance with the law. However, the creation of a centralised registry will facilitate increased scrutiny and comparison of statements by the IASC, as well as consumers, investors and civil society stakeholders. The IASC will continue to hold the Government to account for its activity to ensure compliance with section 54 of the Act.

36. The Review recommended that the Government should make legislative provision to strengthen the approach to tackle non-compliance. The Government agrees that the introduction of any new enforcement measures would need to be gradual, consistent with growing business awareness and the Government's continuing efforts to encourage this. We also need to ensure that any new enforcement sanctions are proportionate and support the overall aim that organisations will take effective action to prevent and tackle modern slavery in their business and supply chains and report this activity in a transparent way. We want to avoid any unintended consequences – such as creating an overly compliance driven approach which might disincentivise disclosure of risks identified. The Government will therefore consult to explore potential enforcement options and appropriate timeframes for enforcing compliance.
37. Finally the Review recommended that the Government should set up an enforcement body to impose sanctions on organisations that do not comply with their reporting requirements under section 54 of the Act. The Home Office is already working to tackle non-compliance in the following ways:
  - First, to ensure that all eligible organisations understand and meet their legal obligations to publish a modern slavery statement, the Home Office has written twice to the CEOs of approximately 17,000 UK-based organisations who we have identified as falling in scope of the Act setting clear expectations as well providing guidance.
  - Second, the Home Office is carrying out an audit of compliance; further to this audit, non-compliant organisations risk being publicly named.
38. In response to this recommendation, the Government commits to consulting to gather further evidence before making any legislative changes.

## Government and the public sector (recommendations 32 - 34)

39. Alongside the action being taken by businesses, the public sector has an important role in preventing the risk of modern slavery occurring in its supply chains. In the UK alone, the public sector spent £255bn on public procurement in 2016/17.<sup>5</sup> The Review recommended that section 54 of the Act should be extended to the public sector, and that Government departments, and local government, agencies, and other public authorities should publish a statement if their annual budget exceeds £36 million. The UK Government agrees that it is right that it should be subject to the same transparency requirements as businesses. In recognition of this, the Prime Minister announced at the G20 that the UK Government will publish its own modern slavery statement setting out the steps we are taking to identify and prevent modern slavery in central Government supply chains this year. From 2020/21 onwards, individual UK Government ministerial departments will be responsible for publishing their own modern slavery statements on an annual basis.

<sup>5</sup> <https://researchbriefings.parliament.uk/ResearchBriefing/Summary/SN06029>



40. We agree that certain public-sector organisations should be required to produce annual statements and welcome the efforts of an increasing number of public sector organisations, including over 100 local authorities as well as many police forces and NHS bodies, that have already voluntarily published their own statements. To ensure that our approach is proportionate, we will consult to gather further evidence from the public sector to identify the size and type of public sector organisations that should be brought into scope, as well as whether the duty on public sector organisations should mirror the duty on commercial organisations, ahead of any amendment to primary legislation. The consultation will also gather evidence to inform the most appropriate approval processes for these organisations given the differences between public and private sector governance.
41. The Review recommends that Crown Commercial Service should keep a database with details of compliance checks and due diligence on public contractors that is easily accessible to public authorities for use during the procurement process. Ahead of the creation of the central registry for modern slavery statements, the Government has already taken steps to support public authorities to undertake and share due diligence on contractors. Earlier this year we launched the [Modern Slavery Assessment Tool](#). The tool, which was developed in partnership with the Ethical Trading Initiative and the technology firm NQC, allows public sector organisation to ask suppliers questions about the processes they have in place for managing modern slavery risks and provides tailored recommendations on how to improve their anti-slavery processes. It is available free of charge to public sector organisations with access to the [Supplier Registration Service](#). To reduce the burden on suppliers, they can share their assessment results with multiple public sector organisations. Public sector organisations can also request access to suppliers' results, but individual suppliers must give consent for this to be shared. The Home Office consulted over 60 organisations to develop the tool and the requirement for suppliers to grant access to their results was informed by feedback that data should be confidential to encourage increased transparency from suppliers. The Government believes this tool meets the requirements of the Review's recommendation.
42. The Review recommended that the UK Government strengthen its public procurement processes to exclude companies which are non-compliant with section 54 from bidding for public contracts. The Government is committed to ensuring all companies in scope of section 54 meet their legal obligations. Over the last year, the Home Office has stepped up activity to focus on this. The Public Contracts Regulations 2015 already allow public sector organisations to exclude non-compliant bidders from the tender process where they have anticipated this in their procurement documents and they consider exclusion to be appropriate. Crown Commercial Service has used this discretionary power to exclude bidders that were non-compliant with section 54.
43. The creation of a central registry of statements will make it easier for public sector organisations to access the information they need to exercise this discretion.

## Consumer attitudes (recommendation 35)

44. The Review highlighted the power of consumers to influence business behaviour, and recommends that the IASC commission research into how consumer attitudes to modern slavery can be influenced, to feed into the IASC's annual report. The IASC will publish a strategic plan in 2019 that will set out her priorities for academic research in this area. The Government recognises that consumers, as well as investors and civil society, have a crucial role. Consumer action can reward leaders as well as highlighting

those organisations which are failing to adequately identify and address their modern slavery risks. Increased transparency achieved through the creation of a central registry of modern slavery statements will help to strengthen these levers.

45. In April 2018 the Office of the Independent Anti-Slavery Commissioner published a comprehensive report mapping out the existing research on modern slavery in the UK and identifying the gaps. Building on this, the Home Office published a set of Modern Slavery Research Priorities as an Annex to the 2018 UK Annual Report on Modern Slavery<sup>6</sup>. The priorities, which were developed to encourage research supporting the Government's policy and operational response to modern slavery as well as informing the action taken by businesses and others, includes a specific question on the factors influencing companies to act on and disclose modern slavery risks in their supply chains.
46. We also welcome the existing work of researchers focussed on this issue and are committed to continued engagement and collaboration with the academic community.

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<sup>6</sup> <https://www.gov.uk/government/publications/2018-uk-annual-report-on-modern-slavery>

# Independent Child Trafficking Advocates

47. The Review examined how to ensure the right support for child victims given the changing profile of child victims. In particular, the Review focussed on section 48 of the Act which makes provision for Independent Child Trafficking Advocates (ICTAs) in England and Wales, which are an additional source of advice and support for all trafficked children, irrespective of nationality, and somebody who can advocate on their behalf.
48. In 2016, the UK Government committed to rolling out ICTAs nationally across England and Wales. To date, a staggered approach to rollout has been adopted, with built-in assessments along the way. Currently ICTAs have been expanded to one third of early adopter local authorities in England and Wales.<sup>7</sup>
49. A full evaluation, led by Home Office in conjunction with the University of Bedfordshire, on the implementation of the ICTA service in the original three early adopter sites will soon be published. This evaluation will look at how the ICTA service in the initial model, where ICTAs provided one-to-one support for every child, worked alongside existing service provision, how this was different for different groups of children, and the outcomes for children who had an ICTA. The full evaluation will build on the findings from the interim assessment of the ICTA service, which was published in Summer 2018 and can be found [here](#)
50. The findings from both assessments have informed the revised model for the ICTA service that is currently being trialled in six areas and which the Review addressed. The revised ICTA model provides one-to-one support for children for whom there is no one with parental responsibility in the UK via an ICTA direct worker, and introduces the role of ICTA regional co-ordinators. ICTA regional coordinators work with professionals who are already supporting trafficked children for whom there is someone with parental responsibility in the UK, to encourage a multi-agency approach for supporting children in this cohort.
51. The Government accepts the spirit of the recommendations of the Review about how the ICTA service can be improved. This section sets out the recommendations which the Government will accept now, and those which require further consideration. We are committed to considering all these recommendations in full, in consultation with stakeholders. The Government will publish a further paper before Parliament ahead of national roll out, setting out our response to the recommendations.

## Terminology (recommendation 54)

52. The Review recommended that the Government rename ICTAs to be commonly known as 'Independent Guardians'. The review did not deem it necessary to change the statutory title in section 48 immediately. Following consultation with the current ICTA service provider (Barnardo's), and stakeholders within the sector, the Government partially accepts this recommendation. From this point onward, the Government will refer to ICTAs as 'Independent Child Trafficking Guardians' so that this becomes their

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<sup>7</sup> In January 2017, the ICTA service was introduced into three early adopter sites: Greater Manchester, Hampshire and nationally in Wales. The service was subsequently expanded to three additional sites to test the revised model: West Midlands in October 2018, followed by the East Midlands and the London Borough of Croydon, in April 2019.



commonly recognised name.<sup>8</sup> The Government will consider whether to change the statutory title in section 48 of the Act alongside recommendations 48 and 55 of the Review which suggest other changes to terminology in the Act.

## National Rollout of Independent Child Trafficking Guardians across England and Wales (recommendations 36, 39, 41, 46, 49, 52, 53, 57)

53. The Review recommended that the Government should continue its roll out of provision for a one-to-one ICTA service to children without effective parental responsibility in the UK, and an ICTA regional coordinator for those with effective parental responsibility in the UK. The Review also recommended that section 48 of the Act be commenced, and that the full roll out of the ICTA service take place as soon as possible. The UK Government committed in 2016 to rolling out ICTAs across England and Wales. The Government will publish a further paper before Parliament ahead of national roll out, setting out our response to the recommendations.
54. The Review made a number of further recommendations in relation to the operation of Independent Child Trafficking Guardians which the Government accepts and will implement in current early adopter sites for Independent Child Trafficking Guardians. Specifically these are:
- to keep open and continue discussing cases of children that go missing while in the ICTA service until the child is found;
  - for each region to undertake a preliminary audit of existing child trafficking services available, to construct a bespoke ICTA service that complements the work of other public authorities;
  - to closely monitor the ICTA service to ensure ICTA practitioners act in the child's best interests and resource is being allocated appropriately'; and
  - that ICTAs not be required to have formal social work qualifications on appointment, but that they should have other relevant experiences relevant to child trafficking, criminal justice, social care, asylum and immigration.
55. The Government also accepts the recommendation that ICTAs have access to a high quality standardised training offer that is devised and delivered by one or a number of independent providers, and that has a key focus on developing the ability to gain access to legal support quickly for children facing immigration issues. This will be delivered as the service is rolled out nationally.
56. Where the Government has accepted recommendations for implementation ahead of national roll out, it is important to note that we will work with the current Independent Child Trafficking Guardians service provider (Barnardo's), and other relevant stakeholders to agree an appropriate way or process to implement recommendations (for instance, the Home Office will work with Barnardo's to agree and trial an appropriate process by which cases of missing children can be kept open and discussed in the early adopter local authorities, ahead of national rollout). Where possible, we will put the recommendations into practice as soon as possible in early adopter sites, and by the end of the calendar year at the latest.

<sup>8</sup> This response will however continue to refer to ICTAs when quoting the Review, to make the readacross between our response and the Review's recommendations as clear as possible.

## Recommendations requiring further consideration ahead of national rollout across England and Wales (37, 38, 39, 40, 43, 44, 45, 48, 50, 51, 55)

57. The Government welcomes the recommendations listed above. Before the Government can fully respond to them, we assess that they require further consideration and analysis. For instance, the Government will need to consider the timing of suggested research; we need to further consult stakeholders and consider the best vehicles for implementing any recommendations accepted. For these reasons, and in consultation with stakeholders, the Government will continue to conduct further analysis on these recommendations to inform the model of Independent Child Trafficking Guardians provision that is rolled out nationally. As outlined above, the Government will provide a further response to Parliament on the recommendations listed above ahead of national rollout.

## Other recommendations on Independent Child Trafficking Guardians (recommendations 42 and 47)

58. The Review recommended that comprehensive ‘return home’ interviews should be offered to children who have gone missing and subsequently been found, and conducted with the child’s consent. The Government partially accepts this recommendation. Due to the statutory safeguarding responsibilities that sit with local authorities in England, the Government believes that local authorities in England should retain responsibility for offering ‘return home’ interviews. However, the Government recognises that access to information from ‘return home’ interviews would enable Independent Child Trafficking Guardians to reopen the child’s case with stronger evidence behind their disappearance and an understanding of their needs. Where there is no statutory responsibility in Wales for local authorities to offer a ‘return home’ interview, Independent Child Trafficking Guardians will need to consider their role in collecting information relating to the disappearance of the child in collaboration with the public authorities in their locality, to determine the best approach to understanding the child’s needs. Prior to national roll out, the Government will set out within statutory guidance detail on how public authorities should collaborate with Independent Child Trafficking Guardians.
59. Finally with regard to Independent Child Trafficking Guardians, the Review recommended that the Independent Child Trafficking Guardians service should work with regional providers to train public authorities in a consistent application of best practices in relation to age assessment, and that this framework should be included in the National Protocol. Following consultation with Independent Child Trafficking Guardians, the Government does not feel that this role is appropriate for Independent Child Trafficking Guardians who need to maintain, as far as practical, independence from authorities making decisions about the child.

# Legal Application

60. The Review examined a number of issues in relation to legal application of the Act in England and Wales, specifically:
- how to ensure the Act is ‘future-proof’ given our evolving understanding of the nature of modern slavery offences;
  - how to ensure access to legal remedies and compensation for victims; and
  - the use of the statutory defence and 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
61. The Act consolidated and strengthened existing anti-trafficking and slavery legislation and provided law enforcement agencies with the tools to tackle modern slavery. This includes maximum life sentences for preparators and enhanced protection for victims through risk and prevention orders.
62. In 2016, the then Home Secretary, the Rt Hon Theresa May MP, commissioned Caroline Haughey QC to undertake an independent review of the criminal justice provisions of the Act. The purpose of this review was to ensure that law enforcement was making the best use of the powers available under the Act.<sup>9</sup> The findings and recommendations of Caroline Haughey’s 2016 report have been implemented through a number of developments and initiatives. In respect of the policing response, the Modern Slavery Police Transformation Programme was designed, in part, to address issues identified by the 2016 review and has taken forward many recommendations through its subsequent work. We have used the Prime Minister’s modern slavery Taskforce to address many of the issues raised in the 2016 report about the role of the CPS and the processing of court cases and we are implementing the majority of the report’s recommendations around victim support through reforms to the National Referral Mechanism. In some cases a decision was taken not to implement certain recommendations and in others the implementation is ongoing, given the system-wide reform to tackling modern slavery which is underway.

## Meaning of exploitation and standalone offence of exploitation (recommendations 58-59)

63. The 2019 Review considered the meaning of exploitation and delivers the Government’s manifesto commitment to review the application of exploitation in the Modern Slavery Act. The Review recommended not amending the definition of exploitation under the Act, on the grounds that the existing definition is sufficiently flexible to meet a range of new and emerging forms of modern slavery. We welcome this finding, and agree that the current definition is sufficiently flexible to include emerging forms of modern slavery, such as county lines and note that there have been recent cases where county lines offenders have been prosecuted under the Modern Slavery Act.

<sup>9</sup> <https://www.gov.uk/government/publications/modern-slavery-act-2015-review-one-year-on>

64. Rather than revise the legal definition of “exploitation” in the Act, the Review recommended that the Government should produce policy guidance to assist in the interpretation of the Act, building on the Home Office Typology of Modern Slavery research.<sup>10</sup> We accept this recommendation and agree that it would be sensible to produce policy guidance to aid interpretation and application of the Act in respect of emerging forms of modern slavery such as county lines and orphanage trafficking. We will continue to develop and update statutory guidance under section 49 of the Act, once published, as new forms of modern slavery are identified, to reflect the evolving landscape. We will align this with existing guidance which criminal justice agencies have already produced (such as the CPS typology reports and Modern Slavery Police Transformation Unit toolkits on labour and sexual exploitation) to ensure accuracy and consistency.

### Definition of human trafficking (recommendation 60)

65. Regarding the scope of the section 2 trafficking offence, the Review recommended that the IASC should consider whether the courts interpret the definition of trafficking, defined in section 2 of the Act, too narrowly, and therefore whether it needs expanding legislatively in future.
66. The Government accepts that there is a requirement to assess trends and aggregate outcomes of prosecutions as part of ongoing post-legislative scrutiny and that there is a role for the IASC in monitoring and scrutinising trends in investigations, prosecutions and convictions, but not in monitoring the outcome of specific court decisions as this risks compromising the integrity and independence of the courts.

### How the offences relate to children (recommendation 61)

67. The Review reported concerns that the legislation did not clearly reflect international definitions of child trafficking and recommended that the Act should be amended to reflect more clearly that a child is not able to consent to any element of their trafficking. We have not, however, received corresponding reports from our operational and prosecutorial partners that the Act is deficient in this respect or that child victims are being failed as a result. Therefore, we do not accept this recommendation. Should we receive reports to the contrary we will revisit this recommendation.

### Increasing the compensation awarded to victims (recommendations 62-63)

68. The Review considered the compensation awarded to victims of modern slavery. It recommended that this compensation should be at the forefront of the Court’s mind, and that the Act’s sentencing guidelines should be updated to remind judges of their duties to consider reparation orders where appropriate. The final decision on implementing this recommendation will be for the Sentencing Council, which is independent from Government. In terms of timelines, the Sentencing Council is intending to consult in early 2020 on guidelines for offences committed under the Act. If accepted by the Council, the time from consultation to implementation could be between 12 to 18 months.
69. The Review recommended that that all victims of modern slavery should receive

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<sup>10</sup> <https://www.gov.uk/government/publications/a-typology-of-modern-slavery-offences-in-the-uk>

appropriate compensation, not just those who give evidence in Court, and that the police should maintain contact with victims, making sure they are aware of the possibility of receiving compensation in future. We accept this recommendation. While the Court's power to make slavery and trafficking reparation orders compensating victims, does not stipulate that victims must give evidence, the availability of compensation under the Act needs to be more widely known and more easily accessible. In practical terms, compensation could only be made available to those victims who had been proven throughout the trial or on the basis of a defendant's plea, to be victims. There are, of course, other legal routes to compensation outside of the Act.

70. In implementing this recommendation, we will seek to address concerns that an increased focus on compensation may be used by the defence to discredit witnesses, and that it may be seen as an incentive for individuals to claim spuriously that they have been victims of modern slavery.

## Identifying and securing assets and proceeds of crime (recommendations 64-65)

71. The Review also considered the effectiveness of law enforcement identification and seizure of illicit profits generated through modern slavery and recommended swift and thorough financial investigation in every modern slavery investigation. The Government accepts this recommendation. We agree that financial investigations are important. Swift and thorough financial investigation should apply to all cases of modern slavery where profit is the apparent motive behind the offending. Deploying these capabilities is ultimately a decision for the independent law enforcement agencies to make on a case by case basis. The Home Secretary has been clear that policing is his priority for the upcoming Spending Review.
72. The Review also recommended that law enforcement bodies make better use of the powers available to them, including powers to freeze suspects' assets early in investigations, where appropriate. We accept this recommendation and agree that more needs to be done to ensure that financial investigations are commenced at the earliest opportunity. The Modern Slavery Police Transformation Unit guidance encourages law enforcement to consider using such powers within overt phases of investigations. Although the deployment of capabilities is an operational decision, the Government will continue to work closely with law enforcement to promote the active early use of financial investigatory powers within modern slavery investigations.
73. It is important to note that the deployment of capabilities is an operational decision to be taken on a case by case basis *where appropriate*, and we welcome the use of this wording in the Review's recommendation. This is because there are practical considerations to explore in each instance before acting. For example, there can be a risk when applying for interim Freezing Orders that this will alert suspects during an investigation when they cannot access their funds. This could hinder opportunities to gather evidence to support a prosecution.

## Slavery and Trafficking Risk Orders (recommendation 66)

74. Slavery and Trafficking Risk Orders enable courts to impose specific restrictions on the activities of individuals convicted of, or considered to be at risk of committing, modern slavery crimes. Although not in scope of the Review, the final report recommended that the Government streamline the process for applying for a Slavery and Trafficking Risk Order, in circumstances where a criminal case is ongoing. Slavery and Trafficking



Prevention Orders are available to prevent slavery and human trafficking offences being committed by someone who has already committed such offences or, on application in the magistrates court, in respect of someone who has been cautioned in respect of a slavery or human trafficking offence. Further assessment is required before Government can take a position on this recommendation, including whether an operational gap exists between risk and prevention orders and, if so, whether it is right for Crown Court Judges to be able to make risk orders whilst proceedings are ongoing or only on acquittal (i.e. where a suspect has been found not guilty of a modern slavery offence but concerns remain over victim safeguarding). We commit to engage with the Crown Prosecution Service in respect of this proposal.

## Access to legal aid to pursue compensation claims (recommendation 67)

75. The Review considered the effectiveness of wider options available to victims to pursue civil claims against their alleged exploiters, focussing on legal aid provision. It recommended that the Government should review the effect of new Legal Aid contracts with regards to modern slavery, and that the IASC should monitor the experience of victims of modern slavery in accessing legal aid.
76. The UK Government accepts that the effect of new Legal Aid contracts should be reviewed, including by the IASC. The Legal Aid Agency (LAA), the Ministry of Justice and the Home Office will work together to monitor and review the effect of the new contracts on a quarterly basis. In addition, the Ministry of Justice is launching a new campaign to raise awareness of how individuals can access support, including how they can access legal aid. We will look to share relevant data with IASC on the new legal aid contracts in order for that they can provide an independent assessment of trends.

## Burden of proof (recommendations 68 - 70) and offences to which the statutory defence does not apply (recommendation 71)

77. The Review examined how the statutory defence (at section 45 of the Act) was working in practice and whether the legislation struck the right balance between protecting victims and preventing opportunistic misuse. It found that:
  - the burden of proof to disprove the statutory defence for victims of modern slavery should remain with the Crown;
  - the Act as it stands achieves the right balance between the potential for misuse and the need to protect victims;
  - where the statutory defence has been raised, law enforcement bodies and prosecutors should make provision to conduct thorough investigations to gather sufficient evidence of whether or not an individual is a victim of modern slavery; and
  - that Schedule 4 of the Act (offences to which the section 45 statutory defence does not apply) should not be changed.
78. The Government accepts these findings. We note that the Review reported concerns from law enforcement members and prosecutors as to the difficulties in disproving the defence to the criminal standard (beyond reasonable doubt), but finds that the jury system is the appropriate system through which concerns as to a given defendant's

status may be tested. We will therefore continue to keep under review the use of the statutory defence and work with these operational partners in assessing how the defence is being used in practice, at all stages of the criminal justice system. In addition, the Independent Anti-Slavery Commissioner will work with criminal justice agencies to better understand what is happening on the ground.

## The statutory defence in relation to children who may be victims of modern slavery (recommendation 72)

79. The Review recommended that defence lawyers should advise their clients of the statutory defence as early as possible, and that the Judicial College should provide training and guidance for judges and magistrates to identify indicators of modern slavery. Where indicators exist for adults, and in all cases involving children, magistrates and judges should question at the pre-trial hearing whether the statutory defence is applicable.
80. We agree with this recommendation. The statutory defence should be raised at the earliest opportunity by the relevant criminal justice practitioner. In implementing the recommendation, we will respect the independence of the Judiciary who are responsible for devising and delivering their own training through the Judicial College. Resources for the Judiciary are already available on the Judicial Learning Management System. We will engage with the Criminal Bar Association and the Criminal Law Solicitors Association to improve awareness amongst defence lawyers. As with other recommendations concerned with training and awareness we will build on existing training materials which have already been developed and ensure there is consistency between them.

## Clarifying the relationship between the National Referral Mechanism (NRM) and criminal justice process (recommendation 73)

81. The Review recommended that the relationship between the NRM and criminal justice processes should be clarified. We accept this recommendation and will work in partnership with operational partners and devolved administrations to develop guidance on this (while respecting judicial independence) in line with the development of the statutory guidance on identifying and supporting victims (as provided by section 49 of the Act).

## Training and Awareness (recommendations 74 - 77)

82. The review considered current training and awareness provision across the criminal justice system and recommended that the Government implement the recommendations made in Caroline Haughey's 2016 Review of the Modern Slavery Act relating to training and the need for specialist advocates to prosecute modern slavery cases.
83. We did not implement the "specialist advocates" recommendation from the 2016 report due to concerns that such an approach would be too restrictive to prosecute the very wide range of offending associated with modern slavery. Regarding the second part of this recommendation, a significant amount of training across the criminal justice system has taken place since the 2016 Haughey review: the Crown Prosecution Service (CPS) have delivered training to all relevant CPS prosecutors; gaps within police training are being addressed by the Modern Slavery Police Transformation Unit. We acknowledge the ongoing requirement for training for all criminal justice practitioners to build on and complement this. As we have made clear in our response to related recommendations

on training, we will work with the relevant professional bodies to support and develop training and awareness for all practitioners working in the criminal justice system.

84. The Review also made recommendations about training on modern slavery for practitioners in the criminal justice system, specifically that Government should work with relevant organisations to ensure there is mandatory training on recognising modern slavery for all participants in the criminal justice system; and that the guidance from professional bodies for their members must reflect that where there is evidence that someone may be a victim of human trafficking, it will be in their client's best interest to disclose this immediately and the Crown must have adequate time to conduct the ensuing enquiry.
85. We accept these recommendations and will work with the relevant criminal justice agencies and professional bodies, such as the CPS, the College of Policing and the Judicial College, to improve training, awareness and ensure consistency between different agencies. In doing so we note the operational independence of these agencies and that this extends to their training and professional development curriculums. It will be a matter for each of the independent professional bodies to devise and deliver appropriate training for their members. We will support and encourage them to do so and ensure that it is aligned with existing guidance.

## Data and Monitoring (recommendations 78 - 80)

86. The Review made a number of recommendations around improving data collection across the criminal justice system, particularly around the use of the statutory defence, victim demographics and compensation for victims. Specifically, the Review recommended:
  - the criminal justice services record data on how the statutory defence is being used by adults and children, including the frequency of its use; instances of appropriate and spurious deployment, and instances where it could have been deployed earlier;
  - the Ministry of Justice, CPS and HM Courts and Tribunals Service (HMCTS) collect data on the type of exploitations involved in modern slavery prosecutions and the age of the alleged victim(s); and
  - the CPS and HMCTS collect data on compensation awards made to victims of modern slavery, and report annually on findings in the UK annual report on modern slavery.
87. Further assessment is required before the Government is in a position to accept or reject these recommendations. We are currently liaising with operational partners and with HMCTS on the feasibility and proportionality of introducing additional data requirements to the existing criminal justice data returns. In addition, the Independent Anti-Slavery Commissioner will work with criminal justice agencies to establish what data could be collected.



## Conclusion

88. The Independent Review of the Modern Slavery Act 2015 has provided an opportunity to reflect on how the UK can enhance its legislation on modern slavery, and ensure it is implemented effectively. The Government has accepted the majority of recommendations made by the Independent Review and has already begun work to implement these. There are several recommendations that the Government has committed to consult on or consider in more detail, in order to understand the impact on affected groups and to inform practical implementation. To support this, the Government has launched a consultation on transparency in supply chains. The Government has also committed to publish a further update to Parliament on the Independent Child Trafficking Guardians recommendations, ahead of national rollout of the service.

# Annex A – Recommendations made by the Independent Review of the Modern Slavery Act 2015

No	Recommendation
<b><i>Review Theme: Independent Anti-Slavery Commissioner (IASC)</i></b>	
1	The present recruitment process for a new Commissioner should be paused and a new job description drafted once the recommendations of this report have been considered in full by the Home Secretary.
2	The Government must respect the Commissioner's statutory independence.
3	The Commissioner's primary roles in carrying out the role set out in section 41(1) of the Act should be to advise the Government on measures to tackle modern slavery; to scrutinise and hold the Government and its agencies to account on their performance; and to raise awareness and promote cooperation between sectors and interest groups.
4	The Commissioner should have sufficient access to Government data to be able to carry out the duty of scrutiny.
5	The Commissioner's focus should be primarily on tackling modern slavery domestically, but there will need to be some continued international angle. The Commissioner's international role should be focussed on countries of direct strategic importance to the UK on modern slavery. This work should be analytical and advisory, as opposed to project delivery or representation of the UK Government's interests.
6	The Commissioner should be appointed by a sponsoring Secretary of State other than the Home Secretary. Our preference would be for a Sponsoring Minister in the Cabinet Office, acting on behalf of the Prime Minister.
7	The Commissioner should be recruited and appointed in accordance with the Cabinet Office's Governance Code for Public Appointments. The appointment should be subject to a pre-appointment Hearing with a Parliamentary Select Committee. If the Committee approves the selection, the final appointment should be by order of the Prime Minister. Any extension to the length of appointment of the Commissioner should be in consultation with the Parliamentary Committee.
8	The process for agreeing the Commissioner's budget should be set out in a memorandum of understanding with the sponsoring department and it must be adhered to.
9	The Commissioner's budget should be agreed on a multi-year basis for the duration of each Spending Review period, providing certainty for the Commissioner to determine a strategic multi-year work plan. The budget should be sufficient to ensure the Commissioner has adequate funds to fulfil his/her functions effectively.
10	There should be an agreed mechanism to assist the Commissioner to meet unexpected or additional financial requirements which may arise in the course of the year.

11	All [the Commissioner's] reports should be made public and the Government should be required to give a public response. If the Government fails to accept or to implement [the Commissioner's] recommendations, the Commissioner should be able to seek the opportunity from relevant select committees to attend and give evidence.
12	A statutory board should be introduced [to advise the Commissioner], chaired by a person of stature, to be drawn from outside the Government or Civil Service. The Board and its chair should be independently appointed in consultation with the Commissioner and drawn from many sections of society.
13	There should be a formal complaints procedure in place [to ensure the Commissioner's accountability and protect him/her from unjustified allegations]. The procedure should be clearly set out on the Commissioner's website and should be a tiered procedure with the final stage of escalation independent of the sponsoring Department.
14	An international role should be created in the form of an Envoy or Ambassador, who would represent the UK Government['s modern slavery agenda] overseas and ensure close co-operation and dialogue with other nations, for instance against organised crime

No	Recommendation
<b><i>Review Theme: Transparency in Supply Chains</i></b>	
15	Government should establish an internal list of companies in scope of section 54 [which requires them to publish a slavery and human trafficking statement] and check with companies whether they are covered by the legislation.
16	Individual companies should remain responsible for determining if they need to produce a slavery and human trafficking statement. Non-inclusion in the list should not be an excuse for non-compliance.
17	Section 54(4)(b), which allows companies to report they have taken no steps to address modern slavery in their supply chains, should be removed.
18	In section 54(5) 'may' should be changed to 'must' or 'shall', with the effect that the six areas set out as areas that an organisation's statement may cover will become mandatory. If a company determines that one of the headings is not applicable to their business, it should be required to explain why.
19	The statutory guidance [on transparency in supply chains] should be strengthened to include a template of the information organisations are expected to provide on each of the six areas [that a statement may cover].
20	Guidance should make clear that reporting should include not only how businesses have carried out due diligence [to prevent modern slavery in their supply chains] but also the steps that they intend to take in the future.
21	The Independent Anti-Slavery Commissioner should oversee the guidance [on transparency in supply chains] available to companies.
22	The legislation should be amended to require companies to consider the entirety of their supply chains [in respect of modern slavery]. If a company has not done so, it should be required to explain why it has not and what steps it is going to take in the future.

23	The Companies Act 2006 should be amended to include a requirement for companies to refer in their annual reports to their modern slavery statement. Section 54 should be amended to impose a similar duty on non-listed companies that meet the £36 million threshold but would not be captured by the Companies Act 2006 reporting requirements.
24	Businesses should be required to have a named, designated board member who is personally accountable for the production of the [modern slavery] statement.
25	Failure to fulfil modern slavery statement reporting requirements or to act when instances of slavery are found should be an offence under the Company Directors Disqualification Act 1986.
26	There should be a central government-run repository to which companies are required to upload their [modern slavery] statements and which should be easily accessible to the public, free of charge.
27	[Modern slavery] Statements should be dated and clearly state over which 12-month period they apply.
28	The website hosting the [modern slavery statements] repository should also clearly outline the minimum statutory reporting requirements.
29	The Independent Anti-Slavery Commissioner should monitor compliance [of businesses under section 54 of the Act].
30	Government should make the necessary legislative provisions to strengthen its approach to tackling non-compliance [with section 54 of the Act], adopting a gradual approach: initial warnings, fines (as a percentage of turnover), court summons and directors' disqualification. Sanctions should be introduced gradually over the next few years so as to give companies time to adapt to changes in the legislative requirements.
31	Government should bring forward proposals to set up or assign an enforcement body to impose sanctions on non-compliant companies [that have not published a modern slavery statement]. Fines levied for non-compliance could be used to fund the enforcement body.
32	Section 54 should be extended to the public sector. Government departments should publish a [modern slavery] statement at the end of the financial year, approved by the Department's board and signed by the Permanent Secretary as Accounting Officer. Local government, agencies and other public authorities should publish a statement if their annual budget exceeds £36 million.
33	Government should strengthen its public procurement processes to make sure that non-compliant companies in scope of section 54 are not eligible for public contracts.
34	The Crown Commercial Service should keep a database of public contractors and details of compliance checks and due diligence carried out by public authorities. The database should be easily accessible to public authorities for use during the procurement purposes.
35	The Independent Anti-Slavery Commissioner should commission research into how consumer attitudes to modern slavery can be influenced. The aim of this should be for business, in partnership with civil society, to leverage purchasing power to eradicate modern slavery in supply chains. The research should feed into the Commissioner's annual report, with recommendations for Government action as appropriate.

No	Recommendation
<b><i>Review Theme: Independent Child Trafficking Advocates (ICTAs)</i></b>	
36	The Government should continue to roll out the revised model of support that provides a one-to-one ICTA service to children without effective parental responsibility and a consultative service through a regional coordinator for those with effective parental responsibility.
37	The allocation of a one-to-one ICTA should be tailored to assess the risk, vulnerability and need for each individual child in consultation with other public authorities. There should not be a presumption that a child with effective parental responsibility does not require a one-to-one service. A child's needs should be considered on a case-by-case basis where there is evidence a greater level of support is required.
38	The Government should extend the ICTA service to young people who need the service over the age of 18 and up to 21 or 25, subject to their circumstances.
39	The Government should remove the 18-month time limit for ICTA provision for those children that require a longer duration of support.
40	The Government should provide more effective support and guidance for trafficked young people transitioning from children's to adult services.
41	Cases of children that go missing should be kept open and continue to be discussed until the child is found.
42	Comprehensive "return home" interviews should be offered and conducted with the child's consent when they are found so that their case with an ICTA can be reopened with stronger evidence behind their disappearance and an understanding of their needs.
43	Caseloads for each ICTA should be capped at a modest number to ensure regular contact and quality provision.
44	The Government should conduct further research into the optimum contact time between ICTA and child, and the optimum caseload per ICTA, to deliver a service that meets every child's best interests. Caseload levels should be monitored by the Independent Anti-Slavery Commissioner and the Children's Commissioners for England and Wales.
45	The Government needs to establish a National Protocol for the ICTA service detailing how public authorities should collaborate with ICTAs to ensure a consistent quality of service based on best practice examples. The protocol should specify the ways in which public authorities will be required to pay due regard to ICTAs and share information with them, when sections 48 (6)(e)(i) and (ii) of the Act are brought into effect. This collaboration should be monitored by the Independent Anti-Slavery Commissioner in conjunction with the Children's Commissioners for England and Wales and the findings reported in the Independent Anti-Slavery Commissioner's annual report.
46	The National Protocol should stipulate that each region undertakes a preliminary audit of existing child trafficking services available and construct a bespoke ICTA service that complements the work of other public authorities.

47	The ICTA service should work with regional providers to train public authorities in a consistent application of best practices in relation to age assessment. This framework should be included in the National Protocol.
48	The phrase “reasonable grounds” should be removed from section 51 of the Act. The Government should issue further guidance on the way public authorities should interpret grounds for “belief” that a child is under 18 and “presumption of age” consistently for the protection of all trafficked children.
49	Close monitoring of the ICTA service needs to continue in order to ensure ICTA practitioners are acting in the child’s best interests and resource is being allocated appropriately.
50	Monitoring needs to be supported by much more comprehensive data gathering on what happens to children during and after the ICTA service to assess value for money and set direction for the service.
51	The monitoring and evaluation role should be undertaken by the Independent Anti-Slavery Commissioner in conjunction with the Children’s Commissioners for England and Wales.
52	ICTAs should not be required to have formal social work qualifications on appointment but should have other relevant experience or qualifications relevant to child trafficking and criminal justice, social care, asylum and immigration.
53	As the service establishes itself nationwide, ICTAs should have access to a high quality standardised training offer devised and delivered by one or a number of independent providers. A key part of the training must be the ability to develop the ability to gain access to legal support quickly for children facing immigration issues.
54	The Government should rename ICTAs to be commonly known as “Independent Guardians”. It is not necessary to change the statutory title in section 48 in the immediate future.
55	The wording of section 48 should be amended to ensure all children and young people who are believed to have been victims of human trafficking and all other forms of modern slavery are eligible for the ICTA service. The Act should be amended in the same way at section 51 where references to “victims of human trafficking” are made.
56	All references to “reasonable grounds” should be removed from section 48 of the Act.
57	Section 48 should be commenced and the full roll out of the ICTA service across England and Wales should take place as soon as possible, with the service operating in accordance with the methods and principles we have recommended in this report.



No	Recommendation
<b><i>Review theme: legal application</i></b>	
58	Section 3 on the meaning of exploitation should not be amended as it is sufficiently flexible to meet a range of circumstances, including new and emerging forms of modern slavery.
59	While we are in no doubt about the seriousness of new types of exploitation that have come to light since the passing of the Act, such as county lines and orphanage trafficking, it is not practical to amend legislation every time a new form of exploitation is identified. Government instead should produce policy guidance to assist in the interpretation of the Act, building on the Home Office Typology of Modern Slavery research. This should be regularly updated to respond to new and emerging trends and should give examples of the types of exploitation that can potentially be prosecuted under the Act, including orphanage trafficking and county lines.
60	The Independent Anti-Slavery Commissioner should monitor and review the outcomes of prosecutions and appeals to ensure the Courts are not taking an overly narrow interpretation of what constitutes trafficking under section 2. The Commissioner should report her findings in her annual report, and Government should be prepared to bring forward amendments to the legislation if the Commissioner identifies an issue with the interpretation of section 2.
61	Section 1(5) and section 2(2) should be amended to reflect more clearly that a child is not able to consent to any element of their trafficking.
62	Compensation for victims ought to be at the forefront of the Court's mind. The Sentencing Council should include in their forthcoming Modern Slavery Act sentencing guidelines a reminder for judges of their responsibility to consider Reparation Orders in every case where it is appropriate to do so.
63	Compensation for victims ought to be made more easily available to all known victims of a convicted perpetrator, regardless of whether they give evidence in Court. The police need sensitively to maintain contact with victims throughout the course of an investigation and trial, ensuring victims understand there is a possibility they could receive compensation in future and therefore the importance of providing the police with up-to-date means of contact.
64	It is essential there is a swift and thorough financial investigation in every modern slavery investigation. Government needs to ensure the appropriate priority is placed on resourcing financial investigations.
65	Law enforcement needs to make better use of the powers provided to it, in freezing suspects' assets early on in modern slavery investigations, including before arrest where that is appropriate. This will help to prevent perpetrators dissipating assets and ensure that there could be funds available post-conviction to make Reparation and Compensation Orders to victims. Freezing assets will also disrupt modern slavery and human trafficking networks, ensuring they are unable to operate while investigations and criminal proceedings are underway.
66	We recommend extending the provision of Section 23 to allow Crown Court Judges to make Slavery and Trafficking Risk Orders.

67	The Government should keep under review the effect of the new Legal Aid contracts and how they are operating in practice. The Independent Anti-Slavery Commissioner should monitor the experience of victims of modern slavery in accessing legal aid and raise concerns or challenges with Government, as well as reporting them in her annual report.
68	The burden of proof should remain with the Crown.
69	There is a natural tension which exists in any defence, between the potential for misuse and the need to protect victims. We believe a balance needs to be maintained, and the current legislation, case-law and the system of trial by jury achieves the right balance. Protecting vulnerable individuals is the purpose of the Act, and the recent Court of Appeal judgement ensures this protection.
70	Law enforcement bodies and prosecutors should make provision to conduct thorough investigations and gather sufficient evidence to demonstrate whether an individual is a victim or not.
71	We do not recommend any changes to Schedule 4. A balance needs to be achieved between preventing the perpetrators of serious criminal acts from evading justice and protecting genuine victims from prosecution. An absolute defence for all offences is not appropriate. The current safeguards of CPS discretion and consideration of the public interest test before bringing charges act as an appropriate safety net even if an offence falls within Schedule 4.
72	For all potential victims of modern slavery, it is essential that defence lawyers are aware of the statutory defence and advise their clients to disclose at the earliest possible stage if they are a victim of trafficking or modern slavery. This is even more important in the cases of children. Where it has not already been raised by the defence and there are indicators that modern slavery might be a factor, training and guidance from the Judicial College ought to prompt Judges and Magistrates to question at the pre-trial hearing whether the statutory defence is applicable. The statutory defence should be considered by Judges and Magistrates at the pre-trial hearing in all cases relating to children.
73	The relationship between the NRM process and criminal justice process needs to be clarified. A common set of guidance ought to be developed to ensure that all participants in the criminal justice system – the CPS, law enforcement, judiciary, defence and prosecution lawyers – understand the NRM decision-making process and the weight it should be given in criminal proceedings.
74	The recommendations made in Caroline Haughey's 2016 Review of the Modern Slavery Act relating to training and the need for specialist advocates in modern slavery cases should now be implemented.
75	Government should work closely with relevant organisations (including the CPS, College of Policing, Criminal Bar Association, the Criminal Law Solicitors Association and the Judicial College) to ensure there is mandatory training on recognising modern slavery for all participants in the criminal justice system. This is a priority for frontline officers and defence lawyers who may be among the first participants in the criminal justice system a victim encounters.



76	Government should work closely with relevant organisations (including the CPS, College of Policing, Criminal Bar Association, the Criminal Law Solicitors Association and the Judicial College) to review the available training and guidance to ensure it includes clear and consistent information on the statutory defence. This should highlight the Court of Appeal ruling and where the burden of proof lies. Progress should be regularly monitored by a cross-government forum, such as the Prime Minister’s Task Force.
77	Finally, professional bodies need to reflect in their guidance to members that where there is evidence that someone might be a victim of trafficking, it is likely to be in their client’s best interests to disclose this immediately, and the Crown must be given adequate time to conduct their enquiry.
78	The accurate collection of data on the use of the statutory defence is vital. As a priority, we recommend that the police, the CPS and HM Courts and Tribunals Service record data on how the statutory defence is being used by adults and children. The overall use of the defence needs to be captured; as well as cases where the defence has been appropriately deployed, where it has been claimed and subsequently disproved, and instances where it, arguably, ought to have been deployed earlier on.
79	The Crown Prosecution Service and HM Courts and Tribunals Service should collect data on compensation awards made to victims of modern slavery – whether through Reparation Orders or Compensation Orders. This data should be reviewed regularly in conjunction with the Home Office, to monitor progress in making compensation awards to victims. The findings should be reported annually in the UK annual report on modern slavery.
80	The Ministry of Justice, Crown Prosecution Service and HM Courts and Tribunals Service should collect data on the type of exploitation involved in modern slavery prosecutions, and the age of the alleged victim(s).