

The Modern Slavery Act

Summary

The Modern Slavery Act (http://www.legislation.gov.uk/ukpga/2015/30/pdfs/ukpga_20150030_en.pdf) received Royal Assent on 26th March 2015 and became law from March 2016. It is based on the Modern Slavery Strategy (MSS) (https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/383764/Modern_Slavery_Strategy_FINAL_DEC2015.pdf) which was published in November 2014.

This paper sets out the key issues identified in the Modern Slavery Strategy and the recent Briefing Paper: Modern Slavery Act 2015: Recent Developments (July 2016) (<http://research.briefings.files.parliament.uk/documents/CBP-7656/CBP-7656.pdf>). It highlights issues relating to Modern Slavery as it impacts on Children and Young People.

Introduction

Modern Slavery is complex, difficult to detect and devastating for its victims. The Modern Slavery Strategy states: 'It (Modern Slavery) encompasses slavery, servitude, forced and compulsory labour and human trafficking. Traffickers and slave drivers coerce, deceive and force individuals against their will into a life of abuse, servitude and inhumane treatment. Victims may be sexually exploited, forced to work for little or no pay or forced to commit criminal acts against their will.' It is a global crime. Many victims are 'held in plain sight' – having the appearance of living in society but in fact having little or no freedom. It is also important to be aware that 'Human beings who are treated as a commodity are rarely 'used' for a single purpose. The offending associated with them can include: sham marriages; identity fraud; false benefits claims; rape; false imprisonment; violence; and a range of other crimes.

It is very difficult to be confident about the numbers of people affected in the UK. The MSS estimates that it affects between 10,000 and 13,000 people. In recent years more victims are being identified: in 2015, 3,266 potential victims were identified and referred for support, a 40% increase on the previous year. The trend increases year on year. These figures are widely accepted as not reflecting the true scale of the situation.

According to the MSS approximately 20% of the people referred for sexual or labour exploitation were children.

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The key issues for social care are that, building on the MSS, the Modern Slavery Act seeks to consolidate and clarify the existing offences of slavery and human trafficking whilst increasing the maximum penalties for such offences. It establishes the new Independent Anti-slavery Commissioner, introduces new measures designed to support and protect victims and requires some businesses to disclose what they are doing to eliminate slavery from their supply chains and their own business. It also creates two new civil preventative orders, the Slavery and Trafficking Prevention Order and the Slavery and Trafficking Risk Order.

Section 48 of the Act introduced Independent Child Trafficking Advocates to be available to represent and support children where there are reasonable grounds for believing they may be victims of human trafficking.

Most of the Act came into force in March 2016. Some aspects of provisions relating to the protection of victims are not yet fully in force.

Recent Developments

In March 2016 the Government published: Victims of Modern Slavery: Competent Authority Guidance (https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/521763/Victims_of_modern_slavery_-_Competent_Authority_guidance_v3_0.pdf) which sets out, in detail, all the issues relating to Modern Slavery.

The Anti-slavery Commissioner is Kevin Hyland OBE. He has set out a strategic plan and will report on the first year of his post shortly.

There are two interim measures in place relating to child trafficking: there will be a competition for three early adopter sites for independent child trafficking advocates and the Home Office and DfE will commission a training programme for existing independent advocates, who are statutorily provided for all Looked After Children.

It is also proposed to establish and launch a new child trafficking protection fund, with up to £3 million of funding initially available over the next three years.

Finally, Some Issues

It is the case that victims of modern slavery are experiencing difficulty in accessing legal aid which they cannot get until a) they have agreed to be referred to the authorities and b) it has been determined that there are 'reasonable grounds' to believe they are a victim. This may put people off coming forward.

The Government blocked an attempt by the House of Lords to ensure protection for overseas domestic workers who are 'tied' to their employers. Thus domestic workers in particular may be 'at risk' of exploitation.

As far as the present writer has been able to ascertain there has been no consideration of whether there is an issue relating to children born to parents who are being exploited or are in servitude. There does not appear to be any information relating to the size and/or significance of this issue.

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