

Policy Brief: Legal Enforcement of Modern Slavery

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1. Introduction

This briefing provides a policy overview of three linked research reports produced under the [Legal Enforcement of Modern Slavery](#) research programme conducted by Dr Alicia Heys, Dr Bethany Darby and Dr Craig Barlow at the Wilberforce Institute, University of Hull. The research was funded by the Modern Slavery and Human Rights Policy and Evidence Centre led by the University of Oxford.

The brief draws from all three research reports and is intended to inform policy and other decisions on immigration and asylum, on statutory and operational guidance, and on training and data collection. It sets out the key findings of each report, the priority recommendations that follow from them, and what the three studies tell us when read together.

The research for these three workstreams was conducted between May 2025 and August 2026. During this period, referrals to the National Referral Mechanism continued to rise, while prosecutions and convictions under the Modern Slavery Act 2015 remained low. This raises an important question: how effectively is the legal framework established under the Act working in practice, particularly for the people it was designed to protect?

The programme was developed in close consultation with policymakers, practitioners, and expert with lived experience. Through a series of workshops, they identified three areas where significant gaps in the evidence remain and where better understanding could make a difference in the legal response to modern slavery.

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The views expressed in this report are those of the authors and not necessarily those of the Modern Slavery and Human Rights Policy and Evidence Centre, the University of Oxford, or the Arts and Humanities Research Council.

2. Research Overview

The first workstream, [From Invisibility to Justice: Survivor Experience of the Criminal Justice System Following Modern Slavery](#), focuses on survivor engagement with the criminal justice system. It explores how survivors experience the justice process from their first contact with the system, and what a successful justice outcome looks like from their perspective. The findings draw on interviews with 15 adult survivors of criminal, labour and sexual exploitation, conducted between February and June 2026 with support from Causeway and the PEC Lived Experience Advisory Panel.

The second workstream, [Understanding the Application and Implementation of Slavery and Trafficking Prevention and Risk Orders under the Modern Slavery Act \(2015\)](#), examines the use and impact of the civil Slavery and Trafficking Prevention Orders (STPOs) and Slavery and Trafficking Risk Orders (STROs). It considers how these orders are used as alternatives or complements to criminal prosecution and what role they can play in preventing further exploitation. The research combines a structured review of literature published between 2013 and 2025 with interviews conducted between March and July 2026 with 24 professionals, including representatives from the Police, Crown Prosecution Service (CPS), HM Prison and Probation Service (HMPPS), the Bar and local authorities.

The final, third workstream, [Professional Experiences of the S45 Statutory Defence under the Modern Slavery Act 2015](#), considers the statutory defence under Section 45 of the Modern Slavery Act 2015, which is intended to protect victims who have been compelled to commit offences as a consequence of their exploitation. The research examined how the defence is understood and applied by professionals. It draws on a review of international and domestic law, analysis of appellate case law, and interviews with 15 professionals working across criminal justice youth justice and law enforcement.

Taken together, the three workstreams examine the legal response from different but interrelated perspectives. Namely, the experience of survivors moving through the justice system, the tools available to prevent further offending and exploitation, and the protections available when victims themselves come into contact with criminal law.

3. What the Research Found

Each report discusses multiple findings and makes its own set of detailed recommendations. This section summarises the most significant findings from each workstream in turn, followed by priority policy recommendations that respond to them.

Workstream One: Survivors Experiences of the Criminal Justice System

Key Finding: Recognitions, treatment within the system and opportunities to rebuild shape survivors' experiences of justice

For survivors, recognition was rarely a single moment, but a gradual and sometimes contested process. Participants described repeated contact with police, immigration authorities and local services before their exploitation was identified. However, how they were understood during these encounters was often shaped by assumptions about what a victim of modern slavery looks like. In instances where participants were encountered in the context of apparent offending, the visibility of that offending could obscure indicators of exploitation, meaning some were treated first as offenders rather than recognised as people who may have been victimised. These encounters were not self-contained; early experiences of recognition or misrecognition could shape survivors' trust, sense of safety and willingness to disclose and engage with the system as they navigated through it.

This research found that survivors' engagement with the criminal justice system is relational and shaped by previous experiences. Participants described making judgements about whether disclosure was safe and whether the professional with whom they were interacting could offer meaningful protection. Fear of disbelief, retaliation and further harm shaped these decisions. Disclosure was therefore often a process rather than a single event. Trusted relationships acted as a relational lifeline as they made otherwise fragmented systems navigable, rebuilt enough trust to sustain engagement and created the conditions in which disclosure became possible. Engagement was supported by patience and consistency, and undermined where responses were disbelieving or where procedures were delivered in ways that were not trauma-informed, including repeated retelling of traumatic accounts, fragmented communication and frequent changes of professional.

Recognition mattered not only for identification but because of the safeguarding it should trigger in practice. Survivors felt particularly let down in instances in which disclosure of their exploitation did not lead to meaningful protection, with examples of survivors being sent home with the individuals they had named as their exploiters.

Leaving exploitation did not necessarily bring uncertainty to an end. Survivors were already trying to rebuild their lives while lengthy criminal justice, National Referral Mechanism (NRM) and immigration processes, sometimes lasting years, remained unresolved. These processes were experienced as yet another form of harm, and the prolonged uncertainty they created could constrain survivors' efforts to rebuild. Participants also identified longer-term barriers arising from disrupted education, missing documentation and convictions connected to their exploitation, which could continue to restrict access to education and employment after they had been formally recognised as victims.

Overall, this research found that a positive outcome in the eyes of criminal justice professionals does not always equate to a survivor's idea of justice. Participants saw the benefits of prosecutions and convictions, but justice also meant longer-term support, being believed and treated with dignity, safety, opportunities to rebuild, compensation and accountability - both from the offenders and the services that they believed had failed them.

Priority Policy Recommendations

Recommendation: Recognise exploitation at first contact

Strengthen first-contact practice so that professionals routinely identify and respond to indicators of exploitation, alongside immediate concerns about offending, immigration status or apparent non-compliance.

- Frontline professionals must be trained in trauma-informed practices that include professional curiosity to recognise indicators of modern slavery, particularly where initial contact may be in the context of offending behaviour.
- Ensure recognition does not depend on detailed knowledge of the wider statutory framework.
- Review first-contact safeguarding procedures, particularly risk assessment, confidentiality and safe discharge arrangements.
- Strengthen safeguards against confidentiality breaches following disclosure.
- Ensure survivors are not discharged or returned to situations where there is a risk of continued exploitation.

Key bodies: Home Office, College of Policing, National Police Chiefs' Council

Recommendation: Reduce the harm that criminal justice processes cause to survivors

Reform criminal justice and related decision-making processes to reduce avoidable delay, uncertainty and retraumatisation for survivors.

- Reduce avoidable delays across criminal justice, NRM and related immigration decision-making.

- Introduce minimum communication standards, including regular updates, named points of contact and clear explanations of significant decisions.
- Minimise unnecessary changes of caseworker or advocate and strengthen continuity of support following a positive Conclusive Grounds decision.
- Embed trauma-informed practice across investigation, evidence gathering and court processes, including reducing unnecessary repetition of traumatic accounts.
- Strengthen evidence-led investigations against those organising and directing exploitation, reducing unnecessary reliance on survivor testimony and shifting attention beyond street-level offending.

Key bodies: Ministry of Justice, Home Office, Crown Prosecution Service, College of Policing

Recommendation: Deliver justice as survivors define it

Broaden the response to modern slavery beyond formal recognition and prosecution by addressing survivors' longer-term priorities for recovery, independence, recognition and accountability.

- Ensure accountability of both perpetrators and the organisations and services that failed survivors, including acknowledging where the system has failed and demonstrating that lessons have been learned.
- Review barriers to education, employment and financial independence following recognition as a victim.
- Address the continuing impact of convictions arising from exploitation, including criminal record disclosure.
- Review evidential and documentation requirements that survivors may be unable to meet because of their exploitation. For example, identity or financial documents which may have been retained or destroyed by an exploiter.
- Improve awareness of, access to and practical support through compensation processes.
- Embed lived experience in the design, delivery and evaluation of modern slavery policy, services, professional training and research.
- Co-design reforms with practitioners and people with lived experience, ensuring meaningful lived-experience involvement in the design, review and evaluation of policy, guidance, services and training, and recording how survivor input has influenced the final product or decision.

Key bodies: Home Office, Ministry of Justice

Workstream Two: Slavery and Trafficking Prevention and Risk Orders

Key finding: Prevention and risk orders are effective but substantially underused

STPOs and STROs provide a means of placing targeted restrictions on people who have committed, or pose a risk of committing, slavery or trafficking offences. Breach of either order is a criminal offence. The available evidence suggests that both powers are underused, but this underuse is starker with risk orders. The national picture is also incomplete: published figures recorded 147 prevention orders issued and 60 risk orders between 2015 and 2020, with 250 orders reported to be in existence by 2022, but there has been no routine publication since. Without reliable data, it is difficult to assess how consistently the orders framework is operating and where problems are occurring, which leaves policy to be made on a weaker evidential basis.

Where orders are used, emerging evidence suggests that they can be effective. A 2026 analysis of 41 risk orders found substantial reductions in recorded offending and crime harm. Practitioners also described orders as a means of disrupting links with organised crime groups and, in some cases, creating opportunities for individuals with entrenched offending histories to engage with services.

The principal barriers identified by the research were practical rather than legal. Practitioners, including law enforcement personnel, described learning about the existence of these powers through their own research or informal professional networks rather than through routine organisational processes. Expertise could therefore become concentrated in particular individuals and lost when they moved roles. Familiarity among magistrates and court staff was also reported to vary.

Practitioners also identified risks associated with applications, including premature disclosure of investigative material and the possibility that evidence could be attributed to a survivor. These concerns point to the importance of constructing applications, wherever possible, around professional and independent evidence and assessing risks to survivors before an application is made.

Obtaining an order is only part of an effective response. The research identified considerable variation in how orders are monitored once imposed, including uncertainty about which agency or individual should take responsibility. Practice ranged from regular active management to recording an order on the Police National Computer with little subsequent monitoring. Reliance on the original applicant to retain responsibility is particularly difficult where orders remain in force for several years. The research also identified gaps in

communication with HMPPS, despite the potential role of prison and probation services in identifying breaches and aligning licence conditions with restrictions imposed by an order.

Priority Policy Recommendations

Recommendation: Make prevention and risk orders a routine consideration in every qualifying case

Require prosecutors to consider a Slavery and Trafficking Prevention Order (STPO) in every prosecution for a qualifying slavery or trafficking offence.

- Record whether an STPO was considered and the decision reached on the case file.
- Where an order is not pursued following conviction, record the reasons for that decision.
- Periodically review cases where orders were considered but not pursued.
- Use identified barriers and recurring issues to inform future guidance, training and practice.

Key bodies: Crown Prosecution Service

Recommendation: Build knowledge of orders into training and guidance

Develop a national training package and practical toolkit to ensure consistent understanding and use of STPOs and STROs.

- Provide concise awareness training for investigators and case officers on identifying cases where an order may be appropriate.
- Provide more detailed training for practitioners responsible for preparing applications.
- Establish a national repository of model orders and restrictions to support effective and consistent applications.
- Embed relevant decision points within prosecution and judicial guidance and training.

Key bodies: Home Office, College of Policing, National Police Chiefs' Council, Crown Prosecution Service, Judicial College

Recommendation: Establish a national standard for monitoring, managing and communicating orders

Introduce national standards that clearly define responsibility for monitoring.

- Set proportionate expectations for the type and frequency of monitoring activity, drawing on existing offender-management frameworks where appropriate.

- Agree responsibility before an order is made, with a named team, senior oversight and clear arrangements for transferring responsibility when staff change.
- Establish arrangements for cooperation with overseas authorities where relevant.
- Require a communication plan identifying which organisations must be informed when an order is made and who is responsible for notifying them.
- Establish a formal mechanism for notifying prison and probation staff of relevant orders and their terms, enabling licence conditions to be aligned and potential breaches identified.

Key bodies: Home Office, College of Policing, Ministry of Justice, HMPPS

Recommendation: Protect survivors when applying for orders

Ensure applications for prevention and risk orders minimise safeguarding risks and avoid unnecessary reliance on survivor evidence.

- Assess whether evidence used in an application could identify, or be attributed to, a survivor.
- Consider potential safeguarding risks before an application is made.
- Use professional, corroborative and other independent evidence wherever possible.

Key bodies: Home Office

Recommendation: Routine publication of data on orders

Ensure consistent national data on prevention and risk orders so that their use and impact can be monitored effectively.

- Ensure routine publication of data on Slavery and Trafficking Prevention Orders and Risk Orders.
- Use national data to identify variation in practice, gaps in implementation and areas requiring further investigation.
- Monitor whether policy and operational reforms relating to orders are producing their intended effects over time.

Key bodies: Home Office

Workstream Three: The Section 45 Statutory Defence

Key finding: The statutory defence is constrained by structure rather than a lack of awareness

The research suggests that inconsistency in the operation of the Section 45 statutory defence cannot be explained simply by a lack of professional understanding. Practitioners often demonstrated a detailed understanding of exploitation, constrained agency and the overlap between victimisation and offending. The difficulty was translating that understanding consistently into evidence, charging decisions and protective action within the criminal justice process.

One important example concerns investigation. Where the statutory defence is raised, the alleged offence may be investigated thoroughly while the exploitation said to explain the offending receives less attention or is not investigated at all. In those circumstances, evidence that could be relevant to establishing the defence may never be gathered.

The research identified several further sources of inconsistency. The statutory tests applying to adults and children differ, but guidance and practice do not always make that distinction sufficiently clear. Understandings of compulsion can also focus on an immediate threat close to the offence, rather than considering how control may develop over time through grooming, dependency, previous violence, isolation or trauma.

Assumptions about what exploitation looks like can narrow recognition further. Participants described criminal exploitation of boys being less readily recognised than more familiar forms of trafficking; apparent bravado being interpreted as willing participation rather than possible survival behaviour; and concerns about the adultification of children, especially Black children. These findings point to the importance of applying the statutory tests in context and ensuring that professional training reflects the different ways exploitation and constrained agency may present.

A wider structural issue is the relationship between safeguarding and criminal proceedings. Safeguarding systems can respond to indications of risk and exploitation before all the facts are established. Criminal proceedings, by contrast, require evidence to be tested against defined legal standards. Information relevant to exploitation may also be held across local authorities, education, health, youth justice and custodial services without routinely reaching the criminal case file.

The result can be an evidential gap: information sufficient to raise safeguarding concerns may not be developed into the evidence needed to inform a charging decision or establish a statutory defence. Timing compounds this problem where NRM decisions are received only after decisions on charge, plea or trial have already had to be made.

There is also a significant national data gap. There is no routine national monitoring of when the Section 45 defence is raised, how it is resolved or how outcomes vary between areas or groups of defendants. This makes low recorded use difficult to interpret, as it could reflect successful early diversion, limited reliance on the defence, or failures to identify defendants who have experienced exploitation.

Priority Policy Recommendations

Recommendation: Investigate exploitation as soon as it is raised

Treat credible indications that the statutory defence may apply as a potential report of modern slavery, not solely as a defence to an alleged offence.

- Require proportionate investigation of the alleged exploitation alongside safeguarding enquiries.
- Clearly allocate responsibility for coordinating information about the alleged offence, exploitation, NRM referral, continuing risk and suspected exploiters.
- Record responsibility and relevant information clearly on the case file.

Key bodies: Home Office, College of Policing

Recommendation: Require a recorded specialist review wherever the statutory defence may apply

Require a recorded specialist review at key decision points wherever there is a credible indication that the statutory defence may apply.

- Conduct specialist review before charge and again before a guilty plea is accepted or a trial begins.
- Record the applicable statutory test, indicators of exploitation, enquiries undertaken, information potentially held by other agencies and the relationship between exploitation and offending.
- Record whether prosecution is in the public interest where the suspect may be a victim.
- Draw on existing multi-agency models when developing regional protocols; the London Complex Management Panels for criminal exploitation provide one such model.

Key bodies: Crown Prosecution Service

Recommendation: Distinguish clearly between the adult and child statutory tests

Ensure that guidance and practice clearly distinguish between the statutory defences that apply to adults and to children.

- Apply the appropriate statutory test according to the defendant's age at the time of the alleged offence, with clear guidance for disputed or unresolved age.

Key bodies: Home Office, Crown Prosecution Service

Recommendation: Support a contextual assessment of compulsion

Develop Home Office and CPS guidance to support a contextual assessment of the nexus between exploitation and offending, consistent with case law.

- Recognise the cumulative effects of grooming, dependency, previous violence, isolation, trauma and developmental stage when assessing compulsion.
- Assess whether a realistic alternative was available in light of the person's circumstances within the exploitative situation, rather than solely with hindsight.

Key bodies: Home Office, Crown Prosecution Service

Recommendation: Move information across organisational boundaries in a timely and reliable manner

Establish a national protocol for timely and effective information-sharing where the statutory defence may arise.

- Enable relevant referral, police, local authority, youth justice, education, health and custodial information to be identified and shared within clear legal parameters and timescales.
- Establish named contacts, defined responsibilities and an auditable record of information requested and considered.
- Where appropriate, seek adult consent for disclosure of relevant social care, health and mental health information alongside consent to an NRM referral.
- Introduce a priority NRM mechanism for cases involving active criminal proceedings, with defined service standards where timing is critical.
- Prioritise cases involving children, those approaching adulthood, defendants remanded in custody and those facing an imminent plea or trial.
- Require the competent authority to update the court and parties on the status and anticipated timescale where an NRM decision cannot be reached before a critical stage.

Key bodies: Home Office, Ministry of Justice, Crown Prosecution Service

Recommendation: Make training mandatory and practice-based

Strengthen mandatory professional training for criminal justice practitioners on modern slavery, child criminal exploitation and the statutory defence, with an emphasis on practical learning.

- Embed training within initial professional education and qualification routes.
- Consider additional advocacy requirements for practitioners appearing in cases involving vulnerable or exploited defendants in the youth and Crown Courts.
- Use scenario-based training addressing adultification, apparent bravado as a possible survival response, neurodivergence and transition into adulthood.
- Consider quality or accreditation standards for specialist training providers.

Key bodies: College of Policing, Crown Prosecution Service, Judicial College, the Bar Standards Board, the Solicitors Regulation Authority and other relevant professional regulators and training bodies

Recommendation: Commission two legal reviews

Commission two legal reviews to examine the treatment of exploitation within statutory defence cases and the safeguards available where the defence is excluded.

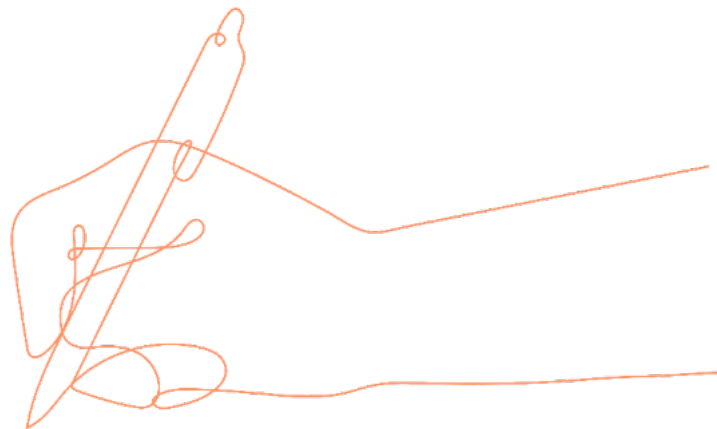
- Review 1: Contextual and expert evidence:
 - Review whether juries receive sufficient assistance to understand grooming, cumulative coercion, trauma, neurodivergence and delayed disclosure.
 - Ensure contextual or expert evidence assists understanding without transferring decisions about credibility or the ultimate legal question to experts.
 - Ask the Judicial College to consider whether the Crown Court Compendium provides sufficient guidance on jury directions concerning behaviours associated with exploitation.
- Review 2: Schedule 4 exclusions:
 - Independently review whether the exclusions remain proportionate where severe exploitation is associated with serious offending.
 - Assess whether duress, abuse of process, prosecutorial discretion and mitigation provide effective and consistent safeguards where the statutory defence is unavailable.

Key bodies: Home Office, Ministry of Justice, Crown Prosecution Service, Independent Anti-Slavery Commissioner

Recommendation: Introduce national monitoring of the statutory defence: Establish national data collection on the use and outcomes of the Section 45 defence so that its operation can be monitored effectively

- Introduce national monitoring of when the Section 45 statutory defence is raised, how cases are resolved and how outcomes vary across areas and groups of defendants.
- Use national data to identify variation in practice, gaps in implementation and areas requiring further investigation.
- Monitor whether policy and operational reforms relating to the statutory defence are producing their intended effects over time.

Key bodies: Ministry of Justice, Crown Prosecution Service



4. Conclusion: What the Three Studies Tell Us Together

The three studies deliberately use different lenses, and their findings are not interchangeable. However, a common thread runs through them. Across all three workstreams, there is a gap between what the legal framework makes possible and what happens consistently in practice. The challenges facing the criminal justice response to modern slavery do not come from a lack of suitable mechanisms, but sometimes from limited knowledge of those mechanisms, and often from difficulty translating them into effective practice.

Survivors may not be recognised despite indicators of exploitation; prevention and risk orders exist but are not routinely considered or monitored; and the Section 45 defence exists but relevant evidence of exploitation may not be identified, gathered or carried through into decision-making. Across each, outcomes can therefore depend too heavily on individual practitioners recognising and acting on something that is not yet reliably embedded within the system. For orders and the statutory defence, gaps in the data that are collected and published also make these inconsistencies difficult to identify at a system level.

The priority for policymakers is therefore less about creating new powers than about embedding existing ones into routine practice: building the recognition of exploitation, the consideration of orders and the investigation of exploitation-related defences into the processes, records and decision points that shape outcomes, so that they no longer rely on the initiative of individual practitioners.

Doing so also requires recognising that a positive criminal justice outcome is not the same as justice for survivors. Survivors' own understanding of justice – being believed and treated with dignity, safety, the opportunity to rebuild, compensation, and the accountability of both perpetrators and the organisations and services that failed them – should inform how the success of the response to modern slavery is judged. The recommendations in this briefing are a selection of priorities. Each report sets out its full findings and recommendations:

- [From Invisibility to Justice: Survivor Experience of the Criminal Justice System Following Modern Slavery](#)
- [Understanding the Application and Implementation of Slavery and Trafficking Prevention and Risk Orders under the Modern Slavery Act \(2015\)](#)
- [Professional Experiences of the S45 Statutory Defence under the Modern Slavery Act 2015](#)

The Modern Slavery and Human Rights Policy and Evidence Centre (the PEC) at the University of Oxford exists to enhance understanding of modern slavery and transform the effectiveness of laws and policies designed to address it.

The Centre funds and co-produces high quality research with a focus on policy impact, and brings together academics, policymakers, businesses, civil society and survivors to collaborate on solving this global challenge.

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