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Slavery and Trafficking Risk and Prevention Orders

A background review of history and use to date



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Authorship and acknowledgements

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Table of abbreviations

ABE	Achieving Best Evidence
APP	Authorised Professional Practice
ASBO	Anti-Social Behaviour Order
BTP	British Transport Police
CPS	Crown Prosecution Service
DTN	Duty to Notify
ECHR	European Convention on Human Rights
FTO	Foreign Travel Order
GLAA	Gangmasters and Labour Abuse Authority
HMICFRS	Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services
JIT	Joint Investigation Team
MAPPS	Multi-Agency Public Protection System
MSA	Modern Slavery Act 2015
MSOIC	Modern Slavery and Organised Immigration Crime Unit
MSPTP	Modern Slavery Police Transformation Programme
NCA	National Crime Agency
NCLCC	National County Lines Coordination Centre
NCRS	National Crime Recording Standard
NRM	National Referral Mechanism
PND	Police National Database
RoSHO	Risk of Sexual Harm Order
SCPO	Serious Crime Prevention Order
SOO	Sex Offender Order
SOPO	Sexual Offences Prevention Order
SHPO	Sexual Harm Prevention Order
SPO	Stalking Protection Order
SPOC	Single point of contact
SRO	Sexual Risk Order
STPO	Slavery and Trafficking Prevention Order
STRO	Slavery and Trafficking Risk Order
TEPO	Trafficking and Exploitation Prevention Order (Scotland)
TERO	Trafficking and Exploitation Risk Order (Scotland)
ViSOR	Violent and Sex Offender Register

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1. Executive summary

1.1. Background

The Queen's Speech delivered on the 10th of May 2022 announced the Government's intention to introduce a Modern Slavery Bill, with a view to reduce the prevalence of modern slavery in supply chains, enshrine the UK's international obligations in relation to victim support and assistance into domestic law, and provide law enforcement agencies with stronger tools to tackle modern slavery and human trafficking. One such measure proposed to assist law enforcement was to 'strengthen the operation of Slavery and Trafficking Prevention Orders (STPO) and Slavery and Trafficking Risk Orders (STRO).'

This Background Review offers an introduction to STPOs and STROs within the relevant legislative and regulatory frameworks, discusses their implementation and enforcement to date, and considers implications and lessons learned for the Bill.

1.2. Key findings

- STPOs and STROs remain an uncommon tool in criminal justice responses to modern slavery cases.
- Many of the gaps identified in the regulatory framework for STPOs and STROs have been filled through statutory guidance, although some areas for reform remain.
- Key issues in the implementation of STPOs and STROs include a lack of awareness, understanding, training, and guidance, as well as insufficient mechanisms for coordination, data collection, information sharing, and monitoring.
- Reforms to improve policing of modern slavery and the implementation of the Modern Slavery Act have been significant but have not yet translated to increased STPOs and STROs.
- Other ancillary orders have also faced many of the same issues as experienced by STPOs and STROs, signalling a need for a more holistic evaluation of preventative ancillary orders.
- Data and evidence on the implementation and impact of STPOs and STROs is scarce, making evaluation of the effectiveness difficult.

1.3. What are STPOs and STROs?

STPOs and STROs are a kind of ancillary order, imposed on people who have committed modern slavery offences (STPOs) or those assessed to be at risk of committing an offence (STRO). They were created by the Modern Slavery Act 2015.

- STPOs are intended to prevent further abuse by those who have committed modern slavery violations and can be granted by a Court or Magistrate at the time of sentencing an offender of after an application submitted by a designated law enforcement official. The measures imposed last for a minimum of five years, with the possibility of extension.
- STROs are intended to prevent modern slavery abuses from occurring and may be ordered against a person deemed at risk of committing an offence irrespective of whether they have been prosecuted or convicted. They are granted by a Magistrate after an application submitted by a designated law enforcement official. The measures imposed last for a minimum of two years, with the possibility of extension.

Under an STPO or STRO, the court can impose any measure it deems necessary for the purpose of protecting persons generally, or particular persons, from the physical or psychological harm which would be likely to occur if the defendant committed a modern slavery offence. This can include prohibitions on the person working with children, employing staff, residing with vulnerable people, contacting specific individuals, or travelling to specific countries (among other measures).

1.4. Key issues identified in practice

When they were introduced, STPOs and STROs were described as an important tool in policing modern slavery. However, since the adoption of the Modern Slavery Act in 2015 only a small proportion of modern slavery cases identified, charged, or convicted in the UK have attracted an application for an STPO or STRO. From July 2015 – March 2020, 147 STPOs and 60 STROs were issued in England and Wales. In March 2022, 250 orders were in existence. In this same period, thousands of potential modern slavery victims were identified and hundreds of cases charged. Uptake of equivalent orders in Northern Ireland and Scotland has also been notably low.

Low uptake of STPOs and STROs has been attributed to a range of different issues, predominantly focused on the implementation and enforcement of the legislative framework rather than issues with the law itself. These shortcomings have also translated into inconsistent practice between different police forces. Key issues identified in practice include shortcomings in:

- Awareness and understanding of STPOs and STROs;
- Coordination between police forces, as well as between different justice actors involved in modern slavery cases;
- Data collection on modern slavery cases generally, and STPOs and STROs specifically;
- Information sharing between police forces, as well as between different justice actors; and
- Monitoring and quality assurance of implementation and practice (see further section 5.1).

Some shortcomings with the legislative framework are also noted, including the limitations on who can apply for an STPO or STRO, confusion around the standard of proof, and the absence of a comprehensive list of prohibitions available.

1.5. Recommendations for reform

Sequential reviews of the Modern Slavery Act generally, and of STPOs and STROs specifically, have generated a series of recommendations for reform, focused on both policy and practice to address the shortcomings identified above. Significant emphasis has been placed on the need for increased training and capacity building, improved guidance, greater coordination, more effective mechanisms for data collection, information sharing, monitoring, and quality assurance (see further section 5.2).

These recommendations have attracted significant development in the implementation of the Act. Millions of pounds have been invested in modern slavery policing since 2015, including through the Modern Slavery Police Transformation Programme. Developments have been particularly notable in relation to improving modern slavery training for law enforcement officials, establishing designated and specialised officials across the country for dealing with modern slavery cases, and producing structured guidance on STPOs and STROs. However, these reforms have yet to translate into increased uptake of the orders, and data and evidence on implementation and impact remains scarce.



2. Overview of STPOs and STROs

Slavery and Trafficking Risk Orders (STROs) and Prevention Orders (STPOs) are a kind of ancillary order. This is the legal term ascribed to measures imposed on offenders by a judge or magistrate, with a view to protect victims, atone for the harm committed by a perpetrator, or to prevent re-offending.

STROs and STPOs were introduced in part 2 of the Modern Slavery Act 2015 (sections 14, 15, and 23) and modelled on similar orders created for sexual harm and anti-social behaviour. STROs and STPOs are tools designed for use by law enforcement—namely the police, the National Crime Agency, immigration officers, and labour abuse prevention officers from the Gangmasters and Labour Abuse Authority (GLAA). These court-applied orders are not intended as a substitute for prosecution. Instead, they provide law enforcement with the powers to place and enforce a wide range of restrictions on individuals deemed at risk of committing slavery and human trafficking related offences, prohibiting them from certain activities deemed high-risk, such as working with children.¹ These orders still require consideration of the defendant’s right to a fair hearing—as established under article 6 of the European Convention on Human Rights (ECHR)—and respect to their private life (article 8). Breaching an order is a criminal offence, which can come with a maximum penalty of five years’ imprisonment.²

Table 1: Overview of STPOs and STROs

	STPO	STRO
Target	Individuals who have been convicted, found not guilty by reason of insanity, or found to be under a disability and to have done the act charged, or been cautioned in respect of a slavery or trafficking offence ³	Individuals deemed at risk of committing slavery and trafficking related offences (not necessarily tied to a prosecution or conviction)
Objective	Preventing further abuse	Preventing abuse
Application process	STPO on sentencing: made by the Court at the time of sentencing. STPO on application: law enforcement applicant through Magistrates’ Court	STRO on application: law enforcement applicant through Magistrates’ Court ⁴
Duration	Minimum five years, with possibility of extension Maximum five years for prohibitions of travel	Minimum two years, with possibility of extension Maximum five years for prohibitions on travel

‘Slavery and human trafficking offences’—the foundation for STPOs and STROs—are crimes involving slavery, servitude, forced or compulsory labour, and human trafficking under the Modern Slavery Act (2015), which covers England and Wales. In Scotland, the Human Trafficking and Exploitation Act (2015) introduced the Trafficking and Exploitation Prevention Order (TEPO) and the Trafficking and Exploitation Risk Order (TERO), while Northern Ireland only has a Slavery and Trafficking Prevention Order under the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015.⁵

STPOs can be subject to variation, renewal, discharge (section 20), and appeal (section 22) by the Court.⁶

2.1. Slavery and Trafficking Prevention Orders

Slavery and Trafficking Prevention Orders (STPOs) are aimed at individuals who have already committed slavery and trafficking related offences, designed to prevent further such abuse. There are two types of STPO:

1. An STPO on sentencing, which can be made by a Court at the time of sentencing;⁷ and
2. A free-standing STPO on application, where a law enforcement professional can apply for the order themselves via a Magistrates' Court.⁸

An STPO may be applied to defendants who have been convicted of a slavery or human trafficking offence, been found not guilty of a slavery or trafficking offence by reason of insanity, found to be under a disability and to have done the act charged, or been cautioned in respect of a slavery or trafficking offence.⁹ An STPO has a minimum duration of five years and can be extended, although this changes to a maximum of five years if the STPO includes a prohibition of travel.

Text box 1: Example STPO

A published example detailing the use of an STPO can be observed in the example of two brothers who trafficked 18 vulnerable men from Poland to the UK to work at their Sports Direct warehouse in Derbyshire.¹⁰ The brothers subjected the men to appalling living and working conditions, monitoring their bank accounts and controlling their contact with others by using physical violence and verbal threats. They were sentenced in 2017 to six years in prison for modern slavery offences and subject to STPO restrictions including:

- A prohibition of contact with their previous victims for the duration of the order.
- A prohibition on being involved in multi-occupancy accommodation or arranging the transportation of people into or within the UK.
- Only a maximum of £500 cash to be carried on their person.
- Their telephone numbers must not be registered as the main contact within employment agencies.
- Nottinghamshire Police's chief constable must be informed of their addresses, mobile phone details and bank accounts.

2.2. Slavery and Trafficking Risk Orders

An STRO can be requested by law enforcement on a free-standing basis. The court administers prevention measures against individuals deemed at risk of committing slavery or trafficking related offences, but who have not necessarily been previously convicted of such. This could include a requirement that the individual in question provide their name and address to the police and update them if their details change. An STRO has a minimum duration of two years and can be extended. A maximum period of five years applies if the STRO includes a prohibition of travel.

Text box 2: Example STRO

In 2020, Derbyshire Constabulary publicised that the court had granted an STRO to prevent a woman from exploiting people in forced labour.¹¹ The woman, who had previous status as a landlord, was convicted in 2019 of offences relating to the condition of a property she owned, placing her tenants at risk by providing them with substandard and dangerous housing conditions.¹² The local authority had issued her with two Improvement Notices (under section 21 of the 1974 Health and Safety at Work Act), which she breached. In 2020, officers visited the hand car wash she owned and found a hidden room behind a sofa, containing mattresses, airbeds, food, and suitcases.¹³

As a result, the defendant was issued with an STRO and subject to preventative and protective measures, including being forbidden from:¹⁴

- Arranging accommodation for anyone other than immediate family;
- Possessing the passports, bank cards, or documents of any other person; and
- Employing an individual for work without notifying Derbyshire police and ensuring they are paid the national minimum wage.

2.3. Available prohibitions

The Modern Slavery Act does not detail the full list of measures that may be ordered in an STPO or STRO.¹⁵ Instead, it specifies that the prohibitions that may be included in an order are those that ‘the court is satisfied are necessary for the purpose of protecting persons generally, or particular persons, from the physical or psychological harm which would be likely to occur if the defendant committed a slavery or human trafficking offence’.¹⁶ Explicit measures mentioned are prohibitions on foreign travel (sections 18 and 25) and a requirement to provide name and address (sections 19 and 26). It further provides that prohibitions may restrict action both within and outside the United Kingdom (sections 17(3) and 24(3)).

The statutory guidance issued by the Home Office on STPOs and STROs (first issued in July 2015 and updated in December 2017) provides a list of example prohibitions.¹⁷ Example prohibitions include restrictions on:

- Advertising for/ recruiting/ employing staff;
- Being a gangmaster;
- Working with children;
- Working with vulnerable people;
- Residing with (specified) children/vulnerable people;
- Organising transport/accommodation for other people;
- Travelling to specified countries;
- Contacting/recruiting specific individuals, directly or indirectly, either personally or by any electronic means;
- Holding a licence to act as a sponsor for visa applications; or
- Going to a specific place (e.g. where a victim resides).

This is a non-exhaustive list, and the Court is empowered to decide what prohibitions are necessary in light of the evidence it hears.¹⁸ Prohibitions sought must be specified in the application for an STPO by application or STRO.

2.4. The standard of proof

Both STPO and STRO requests must meet a level of evidence and standard of proof similar to that required for other types of civil order, such as Sexual Harm Prevention Orders, Sexual Risk Orders, and Serious Crime Prevention Orders.¹⁹ The standard to be met is an ‘enhanced civil standard of proof’ akin to the criminal standard ‘beyond a reasonable doubt’.²⁰ It requires that the Court be satisfied that *it is sure* that behaviour or actions giving rise to the application took place.²¹ For STPOs, the evidence underpinning proof will be based on an individual’s previous conviction of modern slavery and human trafficking related offences. For STROs, evidence can include behaviour that is not deemed a criminal offence, such as conducting numerous trips to areas with a high-risk of slavery/trafficking, that combined with additional evidence can be deemed a sufficient risk by the court.²²



3. A brief history of STPOs and STROs

Table 2: STPO and STRO summary timeline

2013	December	<ul style="list-style-type: none"> The Draft Modern Slavery Bill introduces STPOs and STROs The Home Office declares STPOs and STROs to be compliant with the ECHR
2014	April	<ul style="list-style-type: none"> Joint Committee on the Draft Modern Slavery Bill produces legislative revisions, with concerns raised on STROs
	November	<ul style="list-style-type: none"> Second reading of the Modern Slavery Bill in the House of Lords draws criticism of STPOs and STROs The Human Rights Joint Committee raises issues in relation to the standard of proof for STPOs and STROs
2015	26 March	<ul style="list-style-type: none"> The Modern Slavery Act—including provisions for STPOs and STROs—receives royal assent
	31 July	<ul style="list-style-type: none"> First Statutory Guidance on Risk and Prevention Orders issued under section 33 of the Modern Slavery Act 2015 STPOs and STROs available to the courts
	October	<ul style="list-style-type: none"> The first STPO for sexual exploitation is issued The Modern Slavery Threat Group established and led by National Policing Lead Chief Constable Shaun Sawyer
2016	January	<ul style="list-style-type: none"> The first STPO for labour exploitation is issued
	July	<ul style="list-style-type: none"> Prime Minister Theresa May announces the establishment of a new Modern Slavery Taskforce²³ The Modern Slavery Act Review is published, highlighting low uptake of STPOs and STROs
	October	<ul style="list-style-type: none"> The government announces the allocation of £8.5m to improve modern slavery law enforcement operations
2017	30 April	<ul style="list-style-type: none"> Statutory Guidance on Risk and Prevention Orders is updated

Some of the earliest public references to STPOs and STROs at the governmental level occurred in December 2013, with the Draft Modern Slavery Bill²⁴ and The European Convention on Human Rights (ECHR) Memorandum by the Home Office.²⁵ The Draft Modern Slavery Bill introduced STPOs and STROs in the proposed legislation, signalling that the ‘nature of modern slavery is so complex that it requires bespoke orders to target effectively the behaviour of individuals and organised criminals operating in this space’.²⁶ The ECHR Memorandum examined the compliance of the proposed orders with Article 8 of the ECHR—the right to a private life.²⁷ The Home Office considered the orders to engage article 8, but found the infringements to be necessary, proportionate, and in accordance with the law and therefore compliant with the Convention.²⁸

By April 2014, the Joint Committee on the Draft Modern Slavery Bill had responded to the draft bill, questioning whether the orders would be effective in practice. Concerns were raised on STROs in particular, including the choice of the Magistrates' Court as the venue for application and uncertainty over which types of slavery related behaviour would fall within scope.²⁹ They recommended specifying the types of restrictions that could be imposed under the orders, and that criminal legal aid be made available to defendants.³⁰ STPOs were acknowledged as an important tool in enhancing the authorities' ability to monitor and restrict individuals convicted of slavery and human trafficking offences.³¹

The orders established in the Draft Bill were modelled on existing ancillary measures, such as Sexual Harm Prevention Orders and Sexual Risk Orders.³² The Committee recommended that STPOs and STROs follow a similar model of procedures, but also highlighted the need for a high burden of proof—the criteria of which they did not specify.³³

Most of the early criticism of STPOs and STROs came from the House of Lords. During the Bill's Second Reading, Baroness Hanham voiced her concern on details surrounding the burden of proof and evidence that would be used in deciding whether to issue an STRO:³⁴

My concern as a former magistrate is that if you cannot find enough evidence to put before the court for a judgment to be made, it looks very odd to try to put forward the suggestion that there "may be a suspicion of" and get that through a court system.

The concerns around standard of proof were further echoed in legislative scrutiny by the Human Rights Joint Committee, who acknowledged that while proof in such proceedings is generally centred around the enhanced civil standard (proof beyond reasonable doubt), the Bill made no reference to this.³⁵ The Committee questioned the government on why an explicit reference to the applicable standard of proof had been deemed unnecessary, arguing that clarifying the standard would only enhance legal clarity.³⁶ On the lack of clarity as to the types of prohibitions that could be issued, the Committee mentioned the specified list of prohibitions and requirements included within the Terrorism Prevention and Investigation Measures Act (2011) (TPIM) as an example.³⁷

Ultimately, the government appears to have rejected these recommendations, and the final Modern Slavery Act makes no mention as to the specification of prohibition measures or what counts as significant proof, particularly when it comes to STROs. However, the standard of proof was clarified in Statutory Guidance published by the Home Office in July 2015.³⁸

Text box 3: Statutory guidance on STPOs and STROs

The first statutory guidance on STPOs and STROs under Part 2 of the MSA was issued in July 2015, intended to serve as a 'practical tool' to assist those responsible for applying for, and managing, STPOs and STROs.³⁹ The Guidance summarised the purpose and process of STPOs and STROs, and outlined situations in which STPOs and STROs may be appropriate, who may apply, and what restrictions may be imposed. The Guidance also clarified the standard of proof as an enhanced civil standard akin to the criminal standard of proof beyond a reasonable doubt (i.e. the Court is sure that the behaviour or actions giving rise to the application took place) and established guidance for evidence gathering and admissibility. Although the first statutory guidance appears to have addressed Baroness Hanham's concern over ambiguity in the standard of proof, subsequent reviews of the STPOs and STROs in practice continued to demonstrate confusion and a lack of coherent understanding of the orders.⁴⁰ The statutory guidance was updated in April 2017 after the publication of the Modern Slavery Act review undertaken in 2016 by Barrister Caroline Haughey OBE QC.⁴¹

The first STPO was issued in October 2015 in a case related to sexual exploitation.⁴² The case concerned a family who trafficked and enslaved two Hungarian women to force them into prostitution.⁴³ The women were subject to physical, sexual, and psychological torment, including beatings and starvation. They were forced to see up to five clients a day, and the family would collect and keep their £150 daily earnings. The convicted mother, father, and two sons were given prison sentences of between three and six years and subjected to measures such as having to register their contact details to the police, restrictions on their financial activity, and a ban on assisting the travel of anyone linked to the sex industry.⁴⁴

The first STPOs for labour exploitation were secured in early 2016, following an investigation by the GLA working with the police in Norfolk and Suffolk.⁴⁵ The investigation—deemed Operation Badsworth—focused on a pair of Lithuanian nationals who transported two male twins to Norfolk for the purposes of forced labour in food factories. The men were both imprisoned for three and a half years.

The adoption of the Modern Slavery Act and subsequent orders led to the creation of the Modern Slavery Threat Group, made up of senior law enforcement officials, and the Modern Slavery Taskforce, made up of government ministers, intelligence and policy professionals.⁴⁶ Led by National Policing Lead Chief Constable Shaun Sawyer, the focus of the Taskforce was to be on its law enforcement response, although the full extent of its activity surrounding STPO/STRO measures remains somewhat unclear several years later.

Text box 4: The Modern Slavery Police Transformation Programme

The 2016 Haughey review led to an £8.5 million investment for the Modern Slavery Police Transformation Programme (MSPTP). This investment was intended to ensure that Haughey’s recommendations—which included frequent mention of Risk and Prevention Orders—were implemented in a coordinated and embedded manner.⁴⁷ However, it was not made clear how much would be allocated specifically to improving practice in relation to STPOs and STROs, or in which ways money would be spent.

The MSPTP, which received a further £3.1 million in 2019/20 to extend activities, was delivered in four phases and pursued six core outcomes:⁴⁸

- A. Provide and strengthen the regional and analytical coordination capability to develop the collection and exchange of intelligence across and between forces and partner agencies and to coordinate cross-force operational activity.
- B. Collate, assess, and disseminate intelligence from/to ROCUs and forces. Provide analysis of emerging threats, trends, and offender/victim methodologies to ROCUs, forces and, subject to operational sensitivities, partner agencies and Government. Provide analysis of the overall operational performance in tackling modern slavery.
- C. Develop the evidence base for operational best practice, to include but not limited to: prevention measures, conducting effective investigations, achieving successful prosecutions and other criminal justice outcomes (such as Slavery and Trafficking Risk Orders), confiscation/forfeiture of illicit profits and victim support through the criminal justice system. Share this best practice with forces and, where appropriate, with partner agencies.
- D. Where there are synergies with policing activity and concerns, support the delivery of wider government initiatives to tackle modern slavery, for example the NRM reform programme and the government’s international modern slavery agenda.
- E. Develop and provide updated training based on learning that emerges in 19/20 to forces, and, subject to operational sensitivities, share this with partner agencies.
- F. Provide ongoing support to PCCs to embed good practice and to support local partnership and prevention initiatives.

Activities delivered within the MSPTP included a wide range of training, awareness raising, and guidance focused interventions.⁴⁹ However, the extent to which these specifically tackled the issues in the implementation of STPOs and STROs is unclear. Further, the number of orders issued has remained notably low since the enactment of the Modern Slavery Act in 2015, and the orders becoming available to the courts on 31 July 2015 (see section 4. STPO and STRO statistics). This suggests that the reforms have not yet had a significant impact on uptake of the orders.



4. STPO and STRO statistics

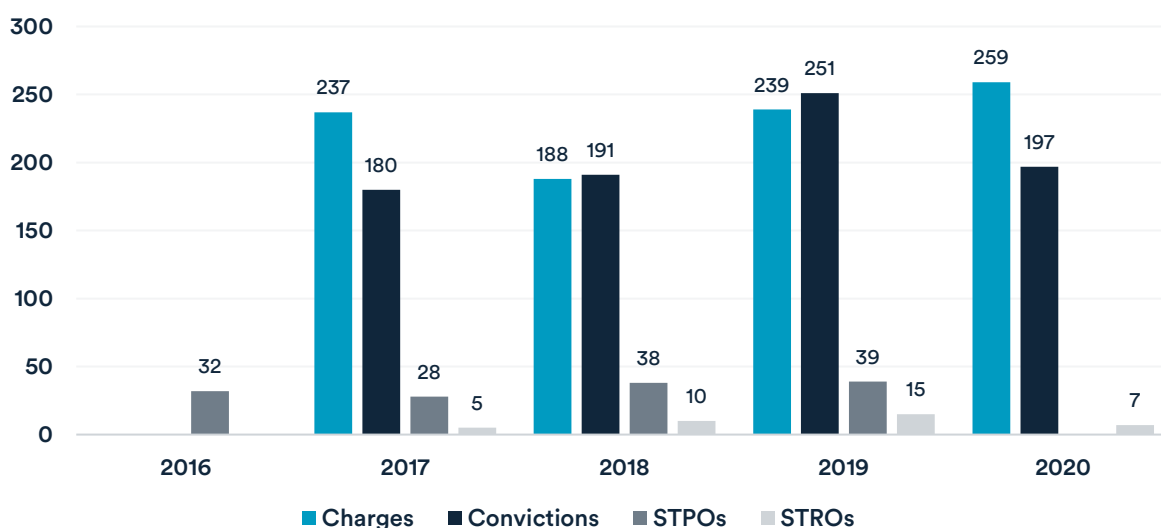
Statistics on STPOs and STROs are not regularly reported within a centralised mechanism. Data on the orders must therefore be collated from different locations, creating difficulty generating a holistic picture of orders made.

Although the use of STPOs and STROs in specific cases provides promising evidence of their application and enforcement, the overall number of orders remains low when compared to the number of modern slavery cases identified and prosecuted in the UK. In comparison to the number of potential victims identified in England and Wales in any given year (which ranged from 3,622 to 10,021 between 2016 and 2020),⁵⁰ this difference is particularly stark. While the number of potential victims identified was measured in thousands, the number of STPOs and STROs issued from 2016 to 2016 ranged from 32 to 54. In 2016, this represented one STPO/STRO per 113 potential victims identified, while in 2019 there was only one order per 197 potential victims identified.

Cases that progress to prosecution represent only a small proportion of the total number of modern slavery cases identified in the country. STPOs and STROs are notably less frequent than charges or prosecutions (see Figure 1). From 2016-2019, the number of STPOs ordered in Crown Court ranged from 28 to 39. The number of STROs ordered in Magistrates' Courts was lower, ranging from five to fifteen from 2017-2020. At the same time, the number of prosecutions progressed ranged from 188 to 259, and the number of convictions secured ranged from 180 to 259. For STPOs—which can be awarded at the time of conviction—this is particularly notable. These statistics show that STPOs and STROs remain an uncommon tool in criminal justice responses to modern slavery and human trafficking cases.

- From July 2015 – March 2020, 147 STPOs and 60 STROs were issued.
- Orders were used by 74.4% of police forces in England and Wales in this period.
- 28 convictions for breach of an STPO or STRO were secured from 2017-2021.
- In March 2022, 250 orders were in existence.

Figure 1: Modern slavery charges, convictions, STPOs, and STROs⁵¹



The Home Office's 2020 UK annual report on modern slavery identified that 147 STPOs and 60 STROs were issued in England and Wales between July 2015 and March 2020, while twelve Interim Slavery and Trafficking Risk Orders were issued in 2019-20.⁵² In Scotland, eight TEPOs were imposed on conviction from 2015-2020, while a 'number of TEROs' were under consideration.⁵³ In Northern Ireland, two STPOs were issued between 2017 and 2020.⁵⁴

Data from the Ministry of Justice shows that from 2017-2021 there were 28 convictions relating to a breach of STPO or STRO adherence requirements, highlighting that further monitoring guidance is needed for the investigators working on the 250 orders in current circulation.⁵⁵

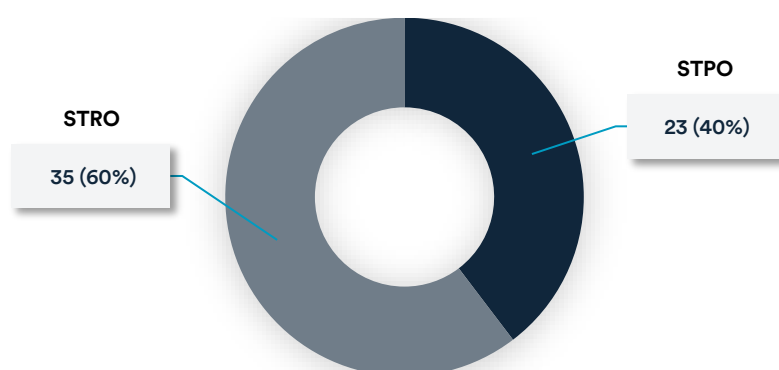
4.1. STPO and STRO reports

There is no formalised, centralised data on the types of modern slavery and trafficking cases in which STPOs and STROs have been ordered. However, news reports collected between 2015 and early 2023 provide insights on a select range of cases. A rapid scoping review of online news media sources conducted in early 2023 revealed reports on 58 slavery and trafficking orders—23 STPOs and 35 STROs (see Figure 2)—as well as three reports of STRO breaches. Reports collected therefore represent approximately 20% of all orders made in England and Wales. Although not necessarily representative of the full body of orders made, they provide useful insights on the nature and distribution of orders and the best current picture of orders possible based on publicly available information.⁵⁶

4.1.1. Orders identified

Despite STPOs being a more common order issued in England and Wales, representing over 70% of all reported orders (see Figure 1), a higher number of news media reports were identified related to STROs (see Figure 2). More than half of the orders identified through news reports (60%) related to STROs, signalling that these orders may be considered more newsworthy.

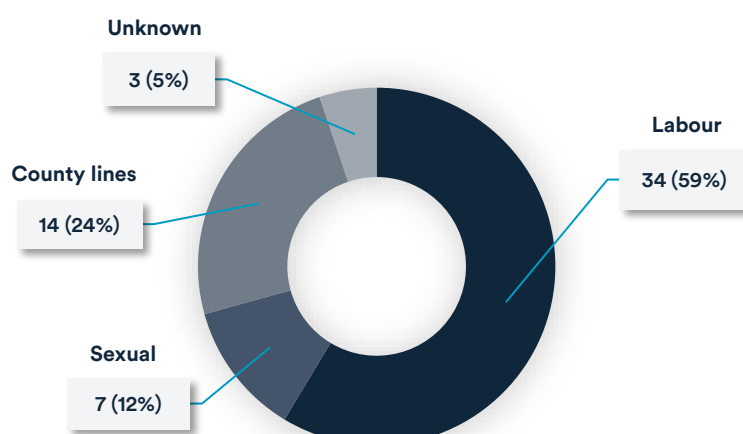
Figure 2: Orders identified



4.1.2. Exploitation type connected to orders

Orders related to labour exploitation were most common, representing 62% of all orders reported, while 25% related to county lines exploitation and 13% to sexual exploitation (see Figure 3). Exploitation type was not reported in three cases. Information on the specific circumstances of the case was often limited. However, some industries were identifiable from reports as locations of exploitation. Car washes were cited as a site of exploitation in ten of the 58 cases identified, making it the most commonly referenced sector in STPO and STRO reports. Food processing was referenced in seven cases, construction and care work were each referenced in three cases, and nail bars and scrap metal recycling were each referenced in two. Other sectors referenced included cleaning, domestic work, and manual labour.

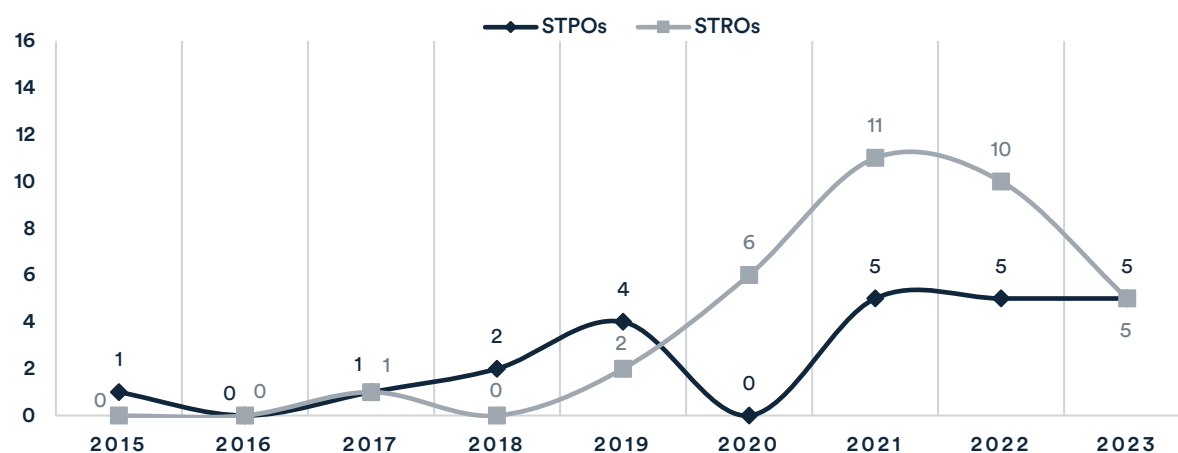
Figure 3: Orders by exploitation type



4.1.3. Orders reported over time

The number of orders reported generally increased over time, although with a slight lag in 2016 when no orders were reported (see Figure 4). The number of reports increased notably in 2021, in which 16 distinct orders were reported in news media sources, decreasing only slightly in 2022 (15 orders reported). As reports for 2023 represent only the first part of the year, it is not anticipated that this represents a reduction in total reports for the year.

Figure 4: STPOs and STROs identified over time

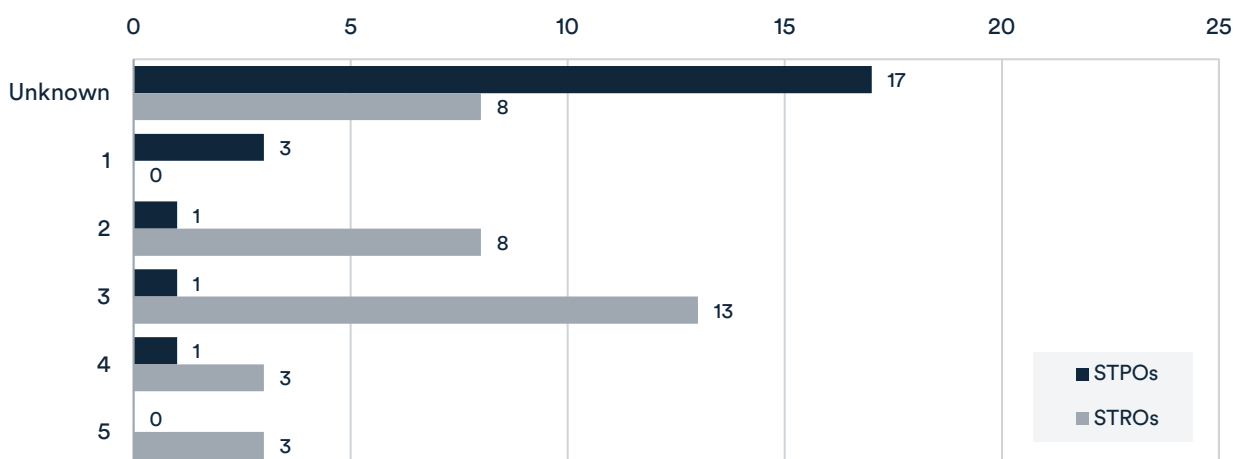


4.1.4. Measures ordered

The specific measures ordered were identified in 33 cases (57% of reports), providing some insight on the prohibitions used in practice. However, reports on the specific measures ordered were more often identified for STRO reports (where measures were unknown for 23% of all cases) than STPO reports (where measures were unknown in 74% of cases).

The number of measures identified as having been imposed in any given order ranged from one to five. However, this was not necessarily reflective of the total number of prohibitions imposed in any given case, as reports often provided an example of prohibitions rather than a complete list. Reports most commonly identified two or three prohibitive measures that had been imposed in the orders—27% of cases where measures were known reported the imposition of two distinct measures, while 42% of cases with known measures reported three distinct prohibitions (see Figure 5).

Figure 5: Number of distinct measures reported in STPOs and STROs identified



The most frequently imposed orders placed restrictions on travel (70% of orders with known prohibitions), accommodation (61% of orders with known prohibitions), and employment or recruitment (61% of orders with known prohibitions) (see Figure 6). These measures often coincided—twelve reported cases involved restrictions on travel, accommodation, and employment. Five additional orders involved restrictions on both travel and accommodation together, three on travel and employment together, and one on accommodation and employment. While phone-related restrictions were imposed in six reported cases, internet-related restrictions were not identified in any of the reports. This may indicate the need for increasing awareness of the use of online platforms and internet-facilitated communication in modern slavery cases.

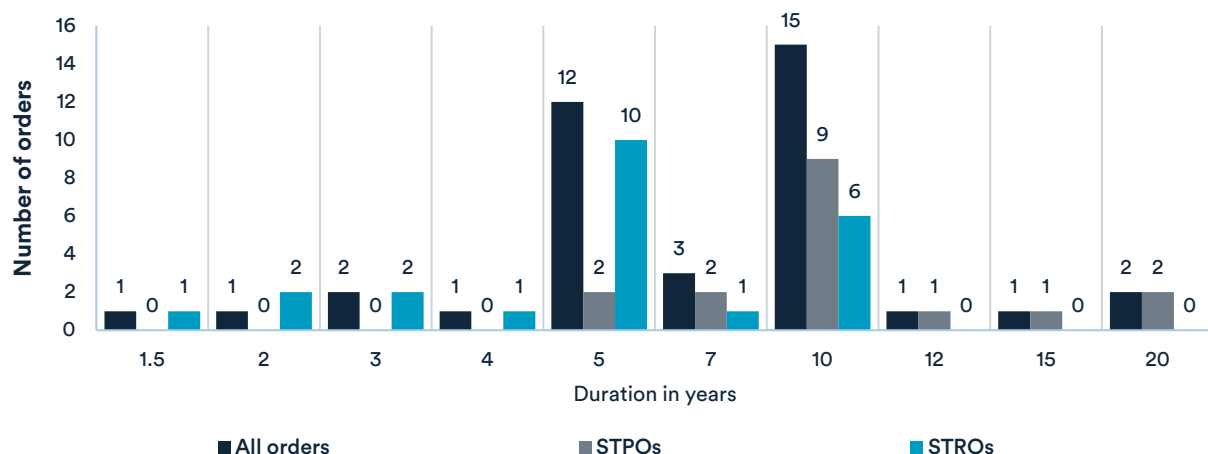
Figure 6: Prohibition measures imposed in reported STPOs and STROs



4.1.5. Duration of orders

The duration of orders identified varied, ranging from eighteen months (for an interim STRO) to twenty years (for an STPO in a county lines case). While the duration of the orders was not specified in sixteen cases (five STPOs and eleven STROs), the remaining 42 reports indicated the duration of prohibitive measures imposed. In two cases, orders imposed on multiple perpetrators had varying durations—in one case ranging from ten to fifteen years, and in another ranging from seven to fifteen years. For the remaining orders, prohibitions imposed for ten years were the most commonly reported—identified in fifteen cases. Orders for a duration of five years were also relatively common—identified in twelve cases. Orders were often imposed for a notably longer period of time than the specified statutory minimums of five years for STPOs and two years for STROs. Reflecting these specified periods and the different functions of the different orders, STPOs were more likely to be imposed for a longer period of time than STROs.

Figure 7: Duration of orders imposed in reported cases



4.1.6. Location of orders

At least one STPO or STRO report was identified for each of the regions in England and Wales, as well as one (an STRO) being identified for Nepal. While not reflective of the overall uptake of STPOs and STROs by police forces and officials across the country, this does signal a higher level of reporting in some areas compared to others. The highest level of reporting was identified in the East Midlands—with fifteen orders reported (three STPOs and twelve STROs). This was followed by twelve orders identified in the South East (six STPOs and six STROs) and seven in the South West (four STPOs and three STROs). The lowest number of reports were identified in the North East and West Midlands, with only one report identified in each. The geographic distribution of reported orders does not align with the density of modern slavery cases, suggesting a need both for better data collection and sharing on STPOs and STROs and increased efforts to ensure consistency of practice across the jurisdiction.

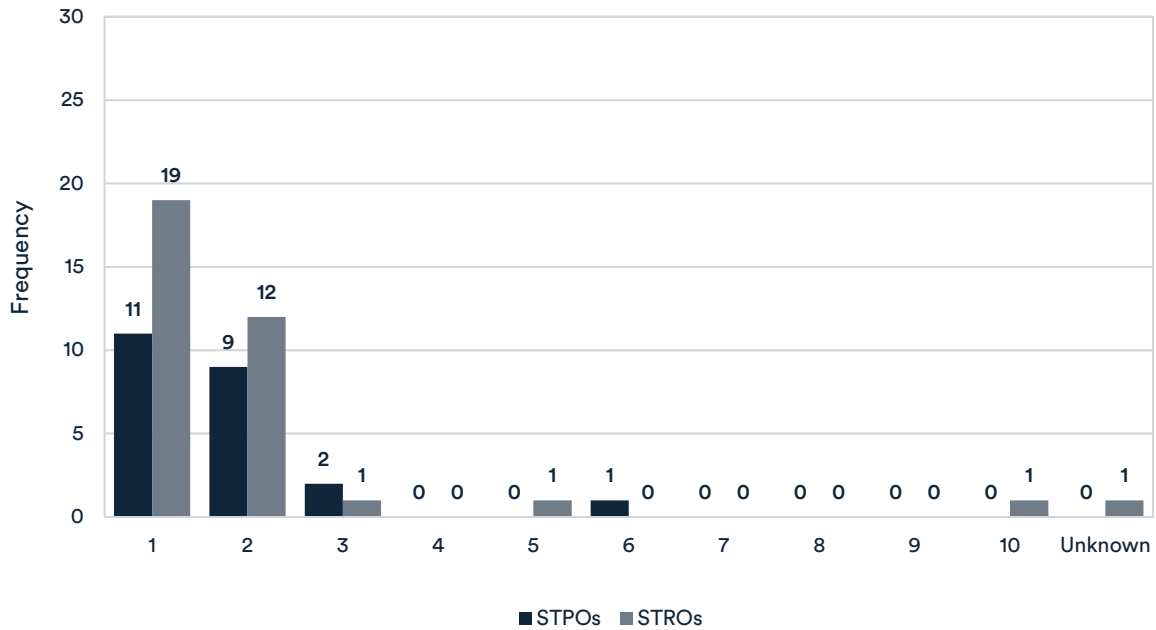
4.1.7. Identity of persons on whom orders were imposed

Reports identified the number and gender of the individuals on whom STPOs and STROs were imposed, namely perpetrators and those at risk of committing slavery and trafficking offences. Across the 57 reported cases for which perpetrators were identifiable, orders were imposed on 102 individuals, with 41 subjected to STPOs and 61 subjected to STROs. The majority of orders were imposed on one identified perpetrator or potential perpetrator, representing 52% of all reported cases (see Figure 9). Orders involving two (potential) perpetrators were also relatively common, representing over a third (36%) of reported cases. Three reported orders involved three (potential) perpetrators (two STPOs and one STRO), while one STRO involved five potential perpetrators and one STPO involved six perpetrators. The highest number of potential perpetrators in the reports identified involved the imposition of an STRO on ten individuals.

Figure 8: Location of reported STPOs and STROs

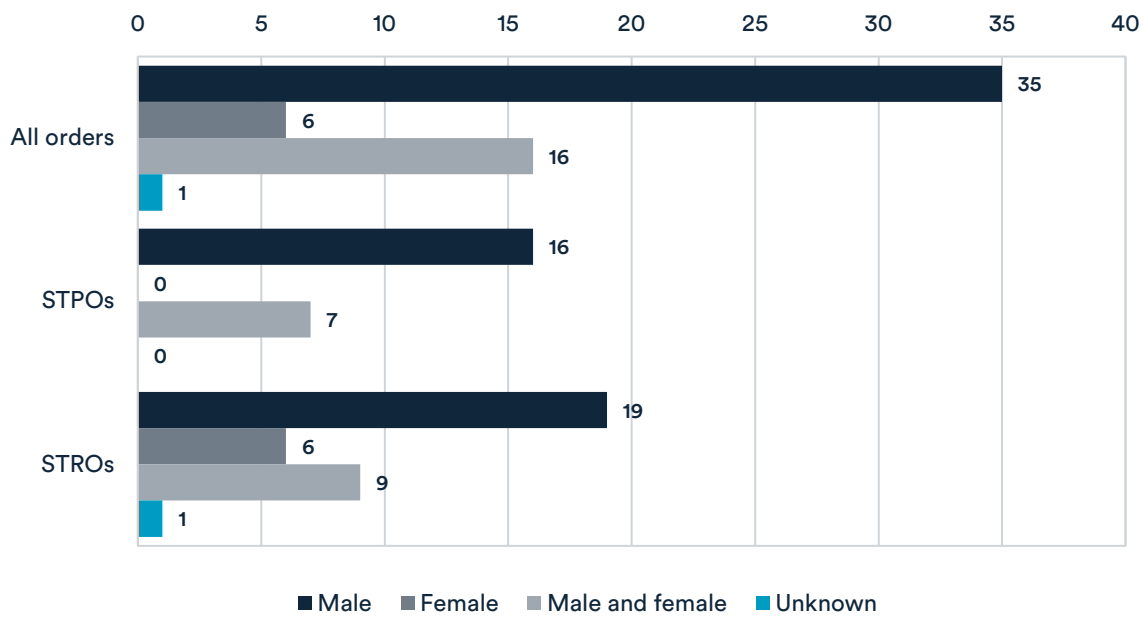


Figure 9: Number of persons on whom reported STPOs and STROs were imposed



The gender of perpetrators and potential perpetrators was reported in all cases except one (n=57) (see Figure 10). The majority of orders were imposed on male perpetrators/potential perpetrators—representing 61% of all reported cases for which perpetrator gender was identified (70% of STPOs and 56% of STROs). A relatively small proportion of reported orders were imposed on females, representing 11% of all orders for which perpetrator gender was identified. All cases involving female perpetrators only were STROs. Both male and female perpetrators were involved in just under a third of all orders reported—30% of STPOs and 26% of STROs involved both male and female perpetrators.

Figure 10: Gender of individuals on whom reported STPOs and STROs were imposed



4.1.8. Characteristics of victims and potential victims

The characteristics of victims or potential victims involved in an STPO or STRO case were reported in many cases. The majority of STPO reports identified the characteristics of victims involved—91% identifying victim ages and 83% identifying victims’ gender. STRO reports were less likely to identify specific victim characteristics—with 40% of reports identifying age and 20% identifying gender. This reflects the different functions of STPOs compared to STROs. STPOs are granted at the time of sentencing an offender, meaning that cases relate to specific and identifiable victims. STROs, on the other hand, may be ordered against a person deemed at risk of committing an offence irrespective of whether they have been prosecuted or convicted, meaning that specific and identifiable victims or potential victims are less likely in these cases.

A higher proportion of STPO and STRO reports related to adult victims than minors, with adults representing 57% of all orders in which victim ages were identified—a proportion which was consistent across both STPOs and STROs (see Figure 11). The majority of orders related to cases involving male victims, representing 65% of reported cases in which victim gender was identified (see Figure 12). Males made up a higher proportion of victims in STPOs than STROs, representing 74% of identified victims in the former and 43% of the latter. Two STROs involved both male and female victims. No reported STPOs or STROs related to victims identified as trans.

Figure 11: Age of identified victims or potential victims in reported STPOs and STROs

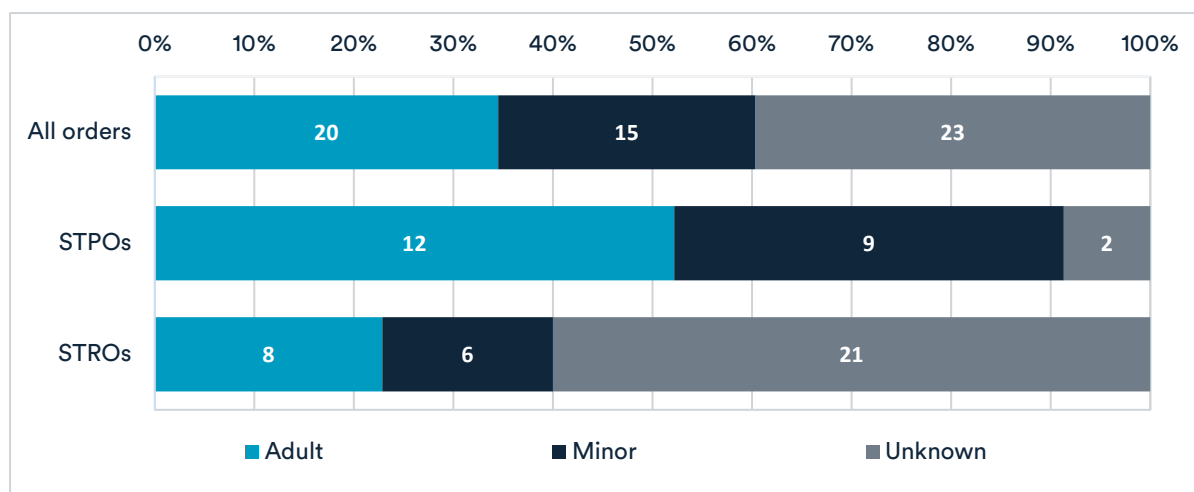
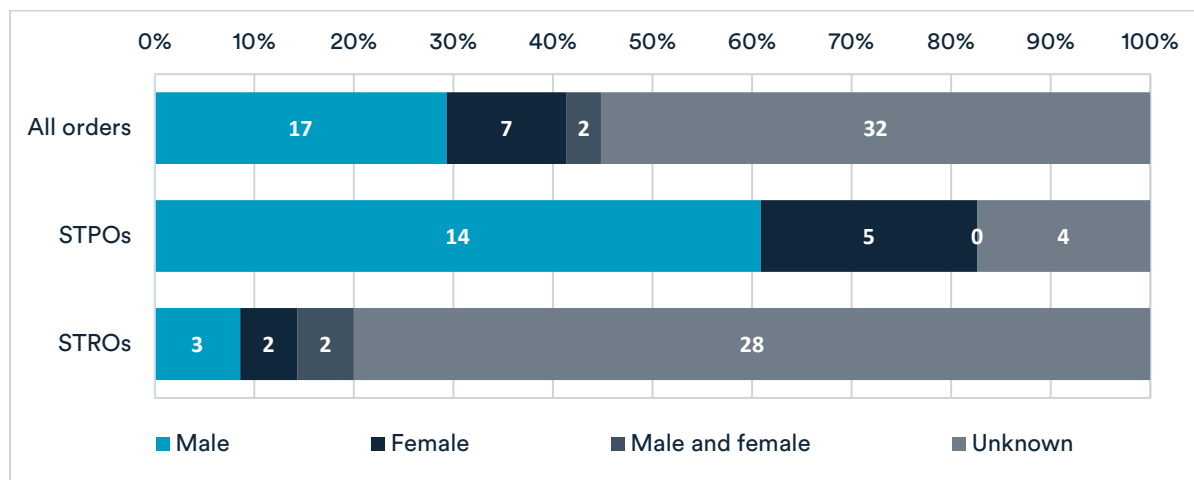


Figure 12: Gender of identified victims or potential victims in reported STPOs and STROs





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5. STPOs and STROs in practice

Evidence of the implementation, enforcement, and impact of STPOs and STROs is limited, as there is no centralised mechanism for recording or reporting data. While there have not been systematic studies of the implementation and impacts of STPOs and STROs, the uptake and effectiveness of the orders has been considered in several consequential reviews of the Modern Slavery Act.

The first formal examination of STPO and STRO activity came from the 2016 Haughey review, which focused on analysing criminal justice provisions and performance since the Act's implementation, identifying legislative gaps, and recommending measures to address these shortcomings.⁵⁷ The orders were further examined in a 2017 report produced by Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS).⁵⁸ Two months later, the Crown Prosecution Service (CPS) published a report reviewing the CPS response to the Modern Slavery Act, recommending increased use of STPOs and STROs as part of the overall case strategy.⁵⁹

In February 2021, Shaun Sawyer QPM, Chief Constable and the National Police lead for Modern Slavery, wrote to the Home Office proposing amendments to the Modern Slavery Act related to STPOs and STROs.⁶⁰ By December 2021, the final report of the Independent Review of the Modern Slavery Act had been released, with Chair Rt Hon Frank Field MP remarking that despite the fact they had not been asked to consider Risk Orders as part of the review, they believed potential improvements necessary to enhance the uptake and effectiveness of Risk Orders.⁶¹ Finally, Detective Inspector Tim Evans (Law Enforcement Policy Lead for the Independent Anti-Slavery Commissioner) produced a dedicated review of STPOs and STROs in a 2022 report for the Independent Anti-Slavery Commissioner.⁶² These sequential reviews provide an indication over time of the evolution of practice in relation to STPOs and STROs, key areas of development, and critical areas for reform.

5.1. Key issues identified in practice

As revealed by STPO and STRO statistics outlined in section 4, uptake and use of STPOs and STROs since their introduction has been low compared to the total number of potential modern slavery victims identified, charges filed, and convictions secured. STPO and STRO practice has also been reported to be inconsistent, with different police forces demonstrating differing levels of understanding and different approaches to the orders. Low uptake and inconsistent practice have been connected to several identified shortcomings, including: a lack of coordination in data collection, sharing, and dissemination; a lack of awareness, understanding, and guidance on the orders; concerns over the impact of orders on investigations; and the absence of a list of example prohibitions.

5.1.1. Low uptake of STPOs and STROs

Haughey's 2016 review of the Modern Slavery Act highlighted the low uptake of STPOs and STROs despite improvements in the number of modern slavery investigations conducted.⁶³ Although the number of investigations increased to 289 in 2015, only 56 ancillary orders were obtained in the first 21 months after the Modern Slavery Act came into force. In 2017, the HMICFRS report found 'limited use' of STPOs and STROs in forces visited.⁶⁴ Across England and Wales, eight forces reported having applied for STPOs between the implementation of the Modern Slavery Act and mid-December 2016, and only four forces reported having applied for STROs. All thirty of the STPOs applied for by these forces were granted, while fifteen out of sixteen STROs were granted. This demonstrates a high success rate where applications were submitted. Although high success rates indicate that the cases where applications were submitted were strong candidates for orders, it does not demonstrate that orders were pursued in all appropriate cases.

The 2022 Evans IASC report asserts that over 300 convictions of modern slavery offences made during the previous year could have also resulted in such orders and labels the orders ‘underutilised tools’.⁶⁵ One of the reasons for low uptake cited was a difficulty with gaining victim trust,⁶⁶ which complicates engagement to proceed with cases, and often leads to the subsequent closing of investigations. STPOs are granted in less than a third of cases, which could be due to ‘considerations of the Rehabilitation of Offenders Act, a perceived minimal risk of offending or, a lack of a defined plan to satisfy the court that any imposed conditions would be monitored.’⁶⁷

5.1.2. Inconsistent practice and alternative orders

Low uptake of STPOs and STROs has been found to be connected with inconsistency in practice between different police forces. Having analysed documentation from all 43 police forces, the 2017 HMICFRS report found only eight forces reporting use of STPOs and four applying for STROs.⁶⁸ The report found widespread inconsistency in police response, which demonstrated a limited understanding of modern slavery and of the Act’s legal powers and provisions.⁶⁹

An absence of applications for STPOs and STROs does not necessarily demonstrate a lack of engagement with preventative powers in all cases. Rather, forces have been noted to pursue alternative civil orders—such as Serious Crime Prevention Orders (SCPOs) and Sexual Harm Prevention Orders (SHPOs)—in some cases.⁷⁰ The absence of data on decision making in these cases makes it difficult to identify the reasons underpinning these choices or the implications for modern slavery and trafficking cases broadly. However, the more comprehensive record management in relation to SHPOs undertaken via the Violent and Sex Offender Register (ViSOR) may play a role in these decisions.

5.1.3. Lack of awareness and understanding

Haughey’s 2016 review and the 2017 HMICFRS report both identified a lack of awareness and understanding as underpinning issues impacting the uptake and consistency of STPOs and STROs in practice.⁷¹ In one police force, HMICFRS reported a ‘clear misunderstanding about the breadth of preventative provisions’ under the MSA, and a ‘belief that orders could be obtained only following a conviction’.⁷² This was noted to result in failures in victim protection as due consideration was not given to all powers available. The CPS review likewise found that law enforcement professionals demonstrated limited understanding as to the orders themselves and their processes,⁷³ while Evans’ 2022 report found that the need for better training and understanding had persisted.⁷⁴

5.1.4. Lack of coordination, data collection, and data sharing

Issues in data collection, data sharing, and overall coordination have been reported to have hampered the effective implementation of STPOs and STROs. The 2020 MSPTP Annual Report highlighted the lack of consistent or national recording management, leaving forces with the singular option of recording locally.⁷⁵ This lack of coherence and localised approach means monitoring of offenders is inconsistent, as officers are unable to adequately share information or issue warnings on cases that cross force boundaries, ultimately putting victims at risk.⁷⁶ In June 2020, Chief Constable Shaun Sawyer, the National Police lead for Modern Slavery, stated that a better understanding of the volume and situational dimensions of the orders was required. He requested that all cases be uploaded by every UK police force, onto the Police National Computer (PNC). By February 2022, there were 168 STPOs recorded.⁷⁷

This contrasts to practice in relation to SHPOs, with a more comprehensive approach to record management undertaken via the Violent and Sex Offender Register (ViSOR).⁷⁸ ViSOR is a database implemented in 2003 accessible by the police and certain probation service personnel, in use across all police forces in the UK. The Chief Constable located in the defendant’s area is responsible for record management via ViSOR, as well as undertaking general monitoring and compliance.

The platform offers UK-wide coverage and allows for multi-agency collaboration and information exchange—something which has not been available to date in the case of modern slavery orders. Although the MSOIC has been working with the ViSOR National User Group to implement a national system, there appears to have been little progress made in this regard.⁷⁹ On the other hand, Police Scotland does use ViSOR to monitor orders.⁸⁰ ViSOR is soon to be decommissioned and replaced by a new Multi-Agency Public Protection System (MAPPS) with a view to launch in 2023,⁸¹ so it remains to be seen whether this will be an option in records operation management available for managing STPOs and STROs.

5.1.5. Lack of comprehensive list of prohibitions

The lack of a comprehensive list of prohibitions included in previous orders has been reported to make constructing applications more time consuming for investigators, who often seek to refer to previous orders.⁸² Investigators indicated that the best practice examples collated by the National County Lines Coordination Centre (NCLCC) and National Crime Agency (NCA) were not sufficiently extensive for this purpose. For its part, the CPS maintains a library of Serious Crime Prevention Order (SCPO) prohibitions. However, Evans indicated that including STPOs and STROs in this library would be a ‘significant challenge’,⁸³ although the specific issues resulting in this conclusion are not explicitly identified in the report.

5.1.6. Concerns over impacts on investigation

The CPS report found doubts among police forces as to whether STPOs and STROs should be used while perpetrators were still being investigated, citing fears that these measures could alert perpetrators and cause additional risk to victims.⁸⁴ These fears were put to the test in a case where two STRO orders were issued against suspected perpetrators based in the West Midlands, who hadn’t yet been charged. This case resulted in a successful investigation leading to custodial sentences, an outcome the CPS deemed ‘*good practice*’. While this example appeared to provide evidence against these fears, data on STROs more broadly is limited and it is unclear whether breaches have occurred in other cases which could have put victims at risk or negatively impacted investigations.

5.2. Recommendations for reform and responses

Having identified a range of challenges and shortcomings in the design and implementation of the Modern Slavery Act, Haughey’s review made a series of recommendations relevant to improving STPO and STRO practice.⁸⁵ The HMICFRS report echoed many of these recommendations,⁸⁶ with common threads also carrying through the CPS and IASC reports.⁸⁷ Considering the low uptake of STPOs and STROs, the Crown Prosecution Service in 2017 called for increased use of Slavery and Trafficking Prevention Orders and Risk Orders broadly as part of the overall case strategy.⁸⁸ The HMICFRS report likewise recommended police forces immediately use their ‘preventative powers under the Modern Slavery Act 2015 to ensure that opportunities to restrict the activities of those deemed to pose a clear threat to others in respect of modern slavery and human trafficking offences are exploited’.⁸⁹

[Recommendations relevant to STPOs and STROs are collated in Annex I.](#)

5.2.1. Awareness raising, training, and guidance

The need for awareness raising, training, and guidance for officials responsible for STROs and STPOs has been consistently emphasised across all reviews identified (see further sections 5.1.2 and 5.1.3). Haughey’s review recommended the implementation of a series of tailored awareness-building, training, and implementation guidance programmes to bolster understanding, facilitate adoption, improve effectiveness, and ensure consistent practice in relation to STPOs and STROs.⁹⁰

The HMICFRS report echoed the need for training and learning mechanisms to raise awareness and capability of frontline staff.⁹¹ The CPS report likewise highlighted problems in knowledge and understanding of STPOs and STROs, leading to the CPS subsequently sharing order templates for the police knowledge hub (the POLKA site) and recommending research be undertaken on live and finalised cases so that lessons may be learned for the future.⁹² The report therefore recommended mandated training for all prosecutors and further training for all staff.⁹³

The IASC report highlighted various guidance and training activities undertaken to address the recommendations identified in earlier reports, demonstrating clear progress since the 2017 HMICFRS inspection.⁹⁴ This includes an MSOIC document to support the use of STROs and STPOs produced in 2020, and MSOIC⁹⁵ and NCLCC⁹⁶ guidance documents on obtaining and managing orders produced in 2021. Both documents provide practical and operational advice including examples of evidential statements, orders, and prohibitions to enable investigating officers to structure applications. In the same year, the Sentencing Council produced the first sentencing guidelines for a breach of STRO/STPO offences,⁹⁷ and the Crown Prosecution Service (CPS) produced updated legal guidance on modern slavery, human trafficking, and smuggling cases including specific consideration of STPOs and STROs.⁹⁸ The Knowledge Hub⁹⁹ was also highlighted as a key platform for accessing guidance.¹⁰⁰

In a 2019 report, Hestia highlighted that modern slavery training in some form had been implemented in the majority of police forces in England.¹⁰¹ However, at the time, only two forces included modern slavery as part of their continuous professional development and the number of modern slavery specialists was noted to be low.¹⁰² In response, the College of Policing committed to reviewing and updating the Authorised Professional Practice (APP) on major investigations and public protection on modern slavery as soon as possible and amend relevant content in other guidance as part of their regular updating processes.¹⁰³ A wide range of training, guidance, and awareness activities were also implemented through the Modern Slavery Police Transformation Programme.¹⁰⁴

Despite positive developments, the IASC report found that many respondents remained unaware of guidance and online resources, suggesting a need for further targeted dissemination.¹⁰⁵ Variation in the delivery of training across the country was also identified and the need for ongoing annual training emphasised.¹⁰⁶ In particular, the report recommended the College of Policing ensure that APP is updated to include references to the MSOIC and NCLCC guidance and that the MSOIC maintain oversight over the extent to which the specialist investigator training is being delivered nationally.¹⁰⁷

Despite the increase in training available for relevant officials, ongoing issues in the uptake of orders also remain (see section 4). This indicates that the significant increases in training and guidance have not yet effectively translated in practice in relation to STPOs and STROs.

5.2.2. Coordination, information sharing, and case management

Issues in data systems, information sharing, and coordination were identified across reviews (see section 5.1.4). The CPS report signalled the need for the creation of a Joint Investigation Teams (JITs) knowledge hub with access to case lawyers, where ongoing and finalised cases and lessons in best practice could be shared.¹⁰⁸ Evans' report recommended heeding and incorporating NCLCC guidance,¹⁰⁹ Respondents shared that orders had been successfully obtained in part due to regional NCLCC support staff.¹¹⁰ For its part, the HMICFRS report recommended that police forces establish active information sharing agreements with other agencies within six months, to facilitate speedy exchange of intelligence.¹¹¹

To enable a consistent and coordinated police response to modern slavery, the Haughey review concluded that each police force should appoint or identify single points of contact (SPOCs) on modern slavery and exploitation to assist and ensure evidence and relevant general data collection, sharing, and dissemination of intelligence with relevant partners.¹¹² Haughey recommended that each police force appoint one SPOC at the strategic command level, and one at the tactical investigative level.

She further suggested that it was necessary for the National Policing Lead and Chief Constables to ensure SPOCs become a ‘dynamic and thriving community of practice that regularly shares good practice and lessons learned.’¹¹³

In 2020, the Programme Annual Report for the Modern Slavery Police Transformation Programme reported that all 43 police forces in England and Wales had appointed SPOCs, and that this victim liaison role, working alongside investigators, was considered effective in supporting both victim recovery and police investigation.¹¹⁴ The report also highlighted additional resources and structures established to improve coordination and consistency in modern slavery cases (see Table 3).

Table 3: Summary of dedicated police force resources and structures to address modern slavery in England and Wales¹¹⁵

Resource type	Description	% of forces deploying
Specialist/single points of contact	Provides general advice and guidance to officers encountering potential modern slavery victims or investigating offences.	100%
Dedicated “triage” officers and protocols	Supports the coordination of initial and subsequent responses to modern slavery cases, allocating resources and maintaining oversight of the progress of each investigation.	58%
Modern slavery coordinators	Provides support primarily in the delivery of prevent and protect strategies often working with partner agencies.	40%
Dedicated investigative assets	Provides experienced leadership and management of live modern slavery investigations.	35%
Dedicated research and analysis assets	Provides analytical and research support to modern slavery teams within the force.	35%
Dedicated intelligence assets	Provides focused intelligence on identified modern slavery threats and also specific support to investigations	26%

A significant increase in dedicated modern slavery resources and structures in police forces in England and Wales was demonstrated between 2017 (when only two police forces outside London had SPOCs) and 2020.¹¹⁶ However, the effectiveness of these developments with regards to STPOs and STROs has yet to be analysed in depth. Further, these structures (including the appointment of SPOCs) does not appear to have increased orders to date, as numbers remain low compared to the number of potential modern slavery cases identified, charges laid, and convictions secured (see section 4).

Echoing the need for dedicated and specialised modern slavery personnel, the CPS report also identified a need to ensure Area leads are appointed who are sighted on all strands of modern slavery and human trafficking work, and are able to make the links across all crime types and lead on knowledge management and sharing, as well as assurance and performance.¹¹⁷ The report suggested that Areas need to work with police forces and ensure an effective mechanism for feedback and sharing lessons learned between the Areas and CPS Direct.

With regard to the casework hub specifically, the CPS report also recommended that CPS incorporate live and finalised cases, good practice, and lessons learned into the hub to maximise its usefulness, as well as ensuring there is a mechanism to share learning nationally that is coherent and consistent.¹¹⁸ The report further called for the collation and maintenance of performance data locally and nationally, rather than under current ad hoc arrangements.

5.2.3. Monitoring and data collection

Recommendations related to monitoring and data collection were evident across all major reviews of STPOs and STROs. Haughey found a need for better recording of offences, data collection, and evidence.¹¹⁹ She therefore recommended that the Modern Slavery Threat Group strengthen data collection by disseminating guidance, enforce the use of nationally consistent processes to collect and synthesise data and intelligence from different partners including local authorities, and enhance the ABE process to improve evidence produced. The HMICFRS report also emphasised the importance of proper recording in line with the national crime recording standard (NCRS) and the need to ensure sufficient audit capacity available to the force crime registrar to provide reassurance that each force is identifying and managing any gaps in its crime-recording accuracy for these types of offences.¹²⁰

Performance and quality assurance were also a key concern connected to data collection and monitoring. The HMICFRS report recommended police forces review modern slavery leadership and governance arrangements to ensure performance and quality assurance measures in place to allow senior leaders to assess the nature and quality of the service provided to victims.¹²¹ The CPS likewise called for the introduction of a quality assurance mechanism for all modern slavery casework and for a mechanism implemented with partners to collate and analyse joint performance data on modern slavery crimes.¹²² The need for robust quality assurance was also considered in relation to training and guidance. Haughey advocated for quality assurance of training materials by technical and legal experts,¹²³ echoed in the HMICFRS call for ‘legally-validated’ learning products.¹²⁴

To improve monitoring of STPOs and STROs for enforcement purposes, Sawyer recommended the amendment of sections 19 and 26 of the Modern Slavery Act to ‘make it a mandatory requirement for the subject of the order to provide their name and address and provide the court with discretionary power to require notification of additional information where necessary and proportionate.’ This could enable more effective monitoring of individuals subject to the orders—key to preventing reoffending—although the absence of robust data and monitoring make it unclear whether the majority of breaches of STPOs and STROs are currently identified.¹²⁵ Rather than recommending amendment of the Act to improve monitoring, the IASC report recommended updating the statutory guidance issued under section 33 to include direction on the monitoring of subjects, the recording of actions, and additional prohibitions guidance.¹²⁶ Evans further emphasised the need for the MSOIC to develop a system to monitor risk and prevention orders.¹²⁷

5.2.4. Limitations on applicants

While implementation and enforcement of STPOs and STROs were the dominant concern across reviews, a small number of structural concerns were also raised. This included the call for amendments to sections 19 and 26 identified in section 5.2.3 above, as well as a recommendation in relation to the list of potential applicants. Under the existing framework, applications for STPOs and STROs can only be made by the Chief Officer of Police in the area where the defendant is, lives, or intends to move to (or an officer to whom this power is delegated).¹²⁸ Sawyer recommended removing this restriction on forces applying for orders for persons who live outside their force area. This may be relevant, for instance, where a potential or identified victim lives in a different area.¹²⁹

The regulatory framework also sets out a prescribed list of potential applicants for STROs and STPOs. STPOs on conviction may be imposed by the Court of its own volition or after invitation by the prosecutor. STPOs on application, STROs, and interim STPOs and STROs may be applied for by: a Chief Officer of Police (or delegated officer); the Director-General of the National Crime Agency (or delegated officer); immigration officers authorised by the Director of Criminal Investigations, Immigration Enforcement; or a LAPO, authorised by the Director of Operations, GLAA.¹³⁰ In addition to reviewing the geographic scope of law enforcement applications, Sawyer also recommended extending the list of bodies with permission to apply to a Magistrate, whether that be initially or for a discharge or renewal, recommending in particular the inclusion of the Chief Constable of the British Transport Police (BTP).¹³¹

6. Lessons learned from other ancillary orders

Slavery and trafficking risk and prevention orders are modelled on other ancillary orders. Academic literature and general analysis of STPOs and STROs is, at this stage, very limited. However, lessons for modern slavery orders can also be gleaned from the experience of managing SROs and SHPOs.

6.1. Sexual offences orders

The origins of ancillary orders stem from the Labour Party's 1995 plan to create an all-encompassing Community Safety Order for low-level crime or behaviour that wasn't criminal but considered 'undesirable'.¹³² The order would follow a two-step process—if the poor behaviour were to recur, criminal sanctions could then be pursued. In 1998 the Anti-Social Behaviour Order (ASBO) and Sex Offender Order (SOO) were introduced under sections 1 and 2 of the Crime and Disorder Act 1998. SOOs were sought by the police and pursued in the magistrate's court, applicable towards individuals with previous sexual offence convictions. The intention was to protect the public from further associated harms.¹³³ However, as with STPOs and STROs, uptake was low. By 2002, only 170 such orders had been made since their inception.

In 2003, SOOs were replaced with three new orders: the Sexual Offences Prevention Orders (SOPO); Risk of Sexual Harm Orders (RSHO); and the Foreign Travel Orders (FTO).¹³⁴ Yet, general criticisms of the lack of orders issued persisted.¹³⁵ Low uptake of orders led to the Davies Review, commissioned by the Association of Chief Police Officers (now the National Police Chiefs' Council).¹³⁶ The report found that the existing orders were not proving effective in preventing child sexual abuse, and required simplification to create an evidence-based assessment of the risk posed by the defendant. As with the modern slavery orders, the report also recommended the range of appropriate applicants be extended, as well as clarification of the standard of proof—to be based on the civil standard (the balance of probabilities) rather than the criminal standard (beyond all reasonable doubt).

The review led to the institution of the Child Sexual Offences Prevention Order as a replacement, which Davies argued would demand greater levels of policing. Simplifying the order application process was thought to improve uptake, although police forces were still reported to be avoiding the orders due to a lack of motivation.¹³⁷ The review (and subsequent parliamentary debate) ushered in the era of the Sexual Risk Order (SRO) and Sexual Harm Prevention Order (SHPO) as they exist today. These orders were introduced in the Anti-Social Behaviour, Crime and Policing Act 2014, and came into effect in March 2015. Research undertaken by Kingston and Thomas analysing news reports revealed that from their inception in 2015 to 2018, only 50 SROs were made, indicating that uptake of orders remained consistently low.¹³⁸

6.2. Stalking Protection Orders (SPOs)

In January 2019, the government introduced another ancillary order that requires monitoring of a defendant, the Stalking Protection Order (SPO). Despite being at the height of the Covid-19 pandemic, 436 SPO applications were made from February 2020 to January 2021.¹³⁹ Despite these numbers appearing significantly higher than equivalent statistics for other preventative orders, SPOs have also attracted criticism for low application uptake.¹⁴⁰ Both a Home Office review and NGOs such as the Suzy Lamplugh Trust, have identified key issues with these orders, including low uptake and frustration with monitoring, training and bureaucracy.¹⁴¹ However, success rates for applications that are put forward are high—with 78% of SPO applications granted between 20 January 2020 and 19 January 2021.¹⁴²

6.3. Lessons learned

There are consistent patterns shown amongst many ancillary orders. Low uptake of orders compared against the total number of offences reported or committed signal that the orders are not living up to their preventative or protective potential in relation to serious offences—whether in relation to modern slavery or sexual offences. This trend also carries through to stalking orders. Although SPOs show higher uptake than sexual offences and modern slavery orders, they have still struggled to achieve the level of uptake needed to be considered effective. On the other hand, when applications are submitted—success rates are high. This indicates that the key issues are not currently situated in the decision-making by Magistrates over granting of the orders.

Difficulties in monitoring, training, bureaucracy, and data management appear to be common across the different orders, suggesting that more work is needed on the implementation infrastructure surrounding the orders. The overall lack of data on these ancillary orders presents a challenge for evaluation. These shared shortcomings may signal more systemic issues with preventative orders and highlight the need for closer analysis and improvement of implementation across different orders rather than only in relation to STPOs and STROs.

As the issues identified with STPOs and STROs appear to also affect other ancillary orders, systematic analysis should be undertaken on whether these orders are fit for purpose more broadly, as well as in response to modern slavery offences specifically.



7. Conclusion

The exact details surrounding reforms to STPOs and STROs in the upcoming Modern Slavery Bill have not yet been released. However, it is clear that there are a range of areas in need of reform if STPOs and STROs are to live up to their preventative and protective potential for people who have experienced modern slavery and those at risk. There is also evidence that many of the issues faced by modern slavery orders are shared with other ancillary orders, signalling the need for a more holistic consideration of the design and implementation of these measures.

The 2022 Queen's Speech outlined amendments not only to the Modern Slavery Act (2015) and associated orders, but also to that of the Sexual Risk Order (SRO) and Sexual Harm Prevention Order (SHPO).¹⁴³ This may enable a more systemic and holistic focus on these ancillary orders across different crime types, taking lessons learned from implementation of each of the orders. Where improvements to one order have already been made, harmonisation across orders could help address identified shortcomings in others. For instance, the Police, Crime, Sentencing and Courts Act (2022) granted application powers to the British Transport Police (BTP) with regards to Sexual Risk and Harm Prevention Orders. This could be extended to other orders—including STPOs and STROs.

While some changes to the legislative frameworks governing STPOs and STROs may be required, the various reviews of the Modern Slavery Act and the orders outlined above make it clear that the major issues lie in their implementation. Low uptake and inconsistent practice of the orders are seen as predominantly a by-product of issues in guidance, training, coordination, data collection, information sharing, and monitoring rather than as a primarily regulatory failure. Thus, while some amendments to the legislative framework may be warranted, deeper attention is required to ensure that this translates into effective practice.

With little to no academic attention and only a handful of reports, the orders once described as an important tool in policing by then-Home Secretary Amber Rudd have made little progress and urgent, in-depth analysis is required to understand why. Not only are policy and practice required, but robust data and evidence must also be generated and shared and in-depth research conducted to understand why the implementation deficit for STPOs and STROs remains so significant.

Annex I. Consolidated recommendations related to STPOs and STROs

Haughey review (2016)¹⁴⁴

Consistent and coordinated police response

Recommendation 1: Each police force should appoint or identify single points of contact (SPOCs) on modern slavery and exploitation - one at strategic command level one at tactical investigative level.

Recommendation 2: The National Policing Lead and Chief Constables should ensure that Police SPOCs become a dynamic and thriving community of practice that regularly shares good practice and lessons learned.

Recommendation 3: The Modern Slavery Threat Group should increase national and regional capability to produce intelligence-based assessments of the national, regional and cross-border threat from modern slavery.

Training and continuous improvement

Recommendation 4: The Modern Slavery Threat Group should ensure that tailored modern slavery training that has been quality-assured by technical and legal experts is provided more quickly to more frontline staff, prioritising police officers and criminal justice staff. This must be part of a wider training programme, overseen by the Modern Slavery Threat Group, to raise awareness and capability among all frontline staff who play an important role in the operational response to slavery.

Recommendation 5: The Modern Slavery Threat Group should establish an online resource centre for SPOCs and specifically approved CJSM account holders working for organisations who play a key role in modern slavery and trafficking cases, including CPS and local authorities. The site should contain all cases investigated and/ or prosecuted under the Act.

Better recording and investigation of offences

Recommendation 6: The Modern Slavery Threat Group should strengthen data collection by disseminating guidance on which cases should be recorded as exploitative or trafficking offences, and by enforcing the use of nationally consistent processes to collect and synthesise data and intelligence from different partners including local authorities.

Recommendation 7: The National Policing Lead and Chief Constables should ensure that all complainants in trafficking and exploitation cases give their statements to police officers who are trained to deal with vulnerable witnesses.

Recommendation 8: The ABE process should be enhanced with a view to improving the evidence produced and the victim's experience.

Processing of Court cases

Recommendation 18: The Sentencing Council Guidelines should fully reflect the changes made in the Modern Slavery Act and the increase in the sentencing powers available.

Recommendation 19: Update the Crown Court Bench Book to encompass directions on law on Modern Slavery Act.

Policy considerations

Recommendation 28: Consideration should be given to creating a Visa order preventing the offender for applying and or sponsoring another person's entry into the UK and/ or making it mandatory that the defendant disclose the relevant conviction on any sponsoring/ supporting visa application.

Recommendation 29: Consideration should be given to enhancing police powers of detainment for own protection. This would be limited to offences under the Modern Slavery Act, for a limited period, and could only be sanctioned by an officer ranked Detective Chief Superintendent or above.

HMICFRS report (2017)¹⁴⁵

Leadership

Recommendation 1: Within six months, the National Crime Agency (NCA) and regional organised crime units (ROCU) should assure themselves that their roles and responsibilities in tackling the organised crime groups linked to modern slavery and human trafficking at a national and international level are clear and understood by all law enforcement agencies.

Recommendation 2: Within twelve months, forces should review their leadership and governance arrangements for modern slavery and human trafficking, to ensure that:

- senior leaders prioritise the response to modern slavery and human trafficking;
- every incident of modern slavery identified to police is allocated appropriate resources with the skills, experience and capacity to investigate it effectively;
- forces develop effective partnership arrangements to co-ordinate activity in order to share information and safeguard victims; and
- performance and quality assurance measures are in place to allow senior leaders to assess the nature and quality of the service provided to victims.

Intelligence

Recommendation 4: Within six months, forces should have in place active information-sharing agreements with other agencies to facilitate speedy exchange of intelligence and in order to safeguard victims better and to identify suspects as early as possible

Crime recording

Recommendation 7: Immediately, forces should take steps to ensure they fully comply with national crime recording standard (NCRS) requirements for offences identified as modern slavery and human trafficking and that sufficient audit capacity is available to the force crime registrar to provide reassurance that each force is identifying and managing any gaps in its crime-recording accuracy for these types of offences.

Prevention

Recommendation 9: Immediately, forces should review their use of preventative powers under the Modern Slavery Act 2015 to ensure that opportunities to restrict the activities of those deemed to pose a clear threat to others in respect of modern slavery and human trafficking offences are exploited.

Learning

Recommendation 10: Within twelve months, the College of Policing should ensure that forces are provided with high-quality, legally-validated learning products on modern slavery and human trafficking, in order to raise awareness and capability among all frontline staff.

Recommendation 11: Within twelve months, the College of Policing should work to improve knowledge and expertise in investigators up to senior investigating officer level, drawing on the experiences of all police forces. This should include improved understanding of the use of joint intelligence teams (JITs) and other means to obtain intelligence and evidence from agencies overseas, and the use of preventative orders.

CPS report (2017)¹⁴⁶

Recommendation 1: The CPS should:

- consider where modern slavery and human trafficking sits strategically;
- ensure there is a framework for leadership, assurance and oversight;
- appoint a lead to deal with legal enquiries; and
- ensure there is succession planning and resilience for the current policy portfolio (paragraph 3.8).

Recommendation 3: The CPS should, maximise the usefulness of the casework hub by incorporating case studies of live and finalised cases, good practice and lessons learned and ensure there is a mechanism to share learning nationally that is coherent and consistent (paragraph 3.25).

Recommendation 4: The CPS should:

- introduce a quality assurance mechanism for all modern slavery and human trafficking casework;
- collate and maintain performance data locally and nationally rather than under current ad hoc arrangements; and
- introduce a mechanism for effective third sector engagement and scrutiny (paragraph 3.29).

Recommendation 5: The CPS needs to:

- mandate the e-learning for all prosecutors;
- provide awareness training to all staff;
- ensure more developed training is delivered to all relevant staff handling any cases involving a modern slavery and human trafficking element; and
- ensure learning in relation to joint investigation teams is disseminated and supported by practical examples on the casework hub (paragraph 3.38).

Recommendation 6: The CPS needs to:

- ensure Area leads are appointed who are sighted on all strands of modern slavery and human trafficking work, and are able to make the links across all crime types and lead on knowledge management and sharing, as well as assurance and performance; and
- provide clarity about where cases are dealt with and how they are allocated in the Areas (paragraph 4.10).

Recommendation 7: The CPS needs to introduce a mechanism, with partners, to collate and analyse joint performance data across all strands of modern slavery and human trafficking crime types (paragraph 4.16).

Recommendation 8: The CPS Areas need to:

- work with police forces to ensure opportunities for early investigative advice are maximised; and
- ensure there is an effective mechanism for feedback and sharing lessons learned between the Areas and CPS Direct (paragraph 5.5).

IASC report (2022)¹⁴⁷

Guidance and training

Recommendation 1: The College of Policing to ensure that APP is updated to include references to the MSOIC and NCLCC guidance.

Recommendation 2: The MSOIC to maintain oversight over the extent to which the specialist investigator training is being delivered nationally.

Standard procedures to actively monitor individuals subject to STPOs and STROs

Recommendation 3: The Home Office updating of the Section 33 Statutory Guidance to include direction on the monitoring of subjects, the recording of actions and additional prohibitions guidance.

Prohibitions guidance

Recommendation 4: The Modern Slavery Threat Group to commission a working group to establish the business case for a library of prohibitions for STPOs and STROs.

Monitoring of STPOs and STROs

Recommendation 5: The MSOIC must prioritise the development of a system to monitor risk and prevention orders.

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- ¹⁰³ Her Majesty's Chief Inspector of Constabulary, 'The hidden victims: Report on Hestia's super-complaint on the police response to victims of modern slavery' (GOV.UK, 04 April 2022) <<https://www.gov.uk/government/publications/police-response-to-victims-of-modern-slavery/the-hidden-victims-report-on-hestias-super-complaint-on-the-police-response-to-victims-of-modern-slavery--2#actions-and-recommendations-1>> accessed 14 March 2023.
- ¹⁰⁴ MSOIC, above n 48, pp 60-63.
- ¹⁰⁵ Evans, above n 55, pp 15-16.
- ¹⁰⁶ Ibid.
- ¹⁰⁷ Ibid, recommendations 1 and 2.
- ¹⁰⁸ CPS, above n 59.
- ¹⁰⁹ Evans, above n 55, p 17.
- ¹¹⁰ Evans, above n 55, p 19.
- ¹¹¹ HMICFRS, above n 58, p 85.
- ¹¹² Above n 41, recommendation 1.
- ¹¹³ Haughey, above n 41, recommendation 2.
- ¹¹⁴ MSOIC, above n 48, pp 32 and 36.
- ¹¹⁵ Ibid, p 36.
- ¹¹⁶ Ibid.
- ¹¹⁷ Above n 59, recommendation 6.
- ¹¹⁸ Above n 59, recommendation 3.
- ¹¹⁹ Above n 41.
- ¹²⁰ Above n 58, recommendation 7.
- ¹²¹ Above n 58, recommendation 2.
- ¹²² Above n 59, recommendations 4 and 7.
- ¹²³ Above n 41, recommendation 4.
- ¹²⁴ Above n 58, recommendation 10.
- ¹²⁵ Courts, Sentencing and Tribunals data recorded 28 breaches of STPO and STRO orders between April 2017 and March 2021 (see section 4), while 207 total orders had been issued by March 2020 and 250 were in existence in March 2022. This suggests that breaches are identified in approximately one out of every 7-9 orders.
- ¹²⁶ Above n 55, recommendation 3.
- ¹²⁷ Ibid, recommendation 5.
- ¹²⁸ Home Office, above n 1, section 3.5.2.
- ¹²⁹ Sawyer, above n Error! Bookmark not defined..
- ¹³⁰ Home Office, above n 1, section 3.5.2.
- ¹³¹ Above n Error! Bookmark not defined..
- ¹³² Sarah Kingston and Terry Thomas, 'The Sexual Risk Order and the Sexual Harm Prevention Order: The first two years' (2018) 65(1) *Probation Journal* 77, citing Burney (2005) and Simester and von Hirsch (2006), p 2.
- ¹³³ Ibid, p 3.
- ¹³⁴ Ibid, p 4.
- ¹³⁵ Ibid, p 5.
- ¹³⁶ Ibid, p 5.
- ¹³⁷ Kingston and Thomas, above n 132.
- ¹³⁸ Ibid.
- ¹³⁹ Home Office, 'Review of Stalking Protection Orders' (GOV.UK, updated 26 January 2023) <<https://www.gov.uk/government/publications/management-information-stalking-protection-orders/review-of-stalking-protection-orders-accessible-version>> accessed 17 March 2023.

¹⁴⁰ Shanti Das, 'Anti-stalking orders "fail to protect women from danger"' (*The Guardian*, 12 March 2022) <<https://www.theguardian.com/society/2022/mar/12/anti-stalking-orders-fail-to-protect-women-from-danger#:~:text=New%20powers%20to%20shield%20stalking,sent%20to%20the%20Home%20Office.>> accessed 17 March 2023.

¹⁴¹ Home Office, above n 139; 'Super-complaint on the police response to stalking Submitted by the Suzy Lamplugh Trust, on behalf of the National Stalking Consortium' (24 November 2022) <<https://www.suzylamplugh.org/Handlers/Download.ashx?IDMF=cf3fdc8b-f958-4cc0-9fc7-9ce6de3e9137>> accessed 20 March 2023.

¹⁴² Ibid.

¹⁴³ HM Government, 'Queen's Speech 2022' (*GOV.UK*, 10 May 2022) <<https://www.gov.uk/government/speeches/queens-speech-2022>> accessed 17 March 2023; Prime Minister's Office, 'The Queen's Speech 2022: Background Briefing Notes' (*GOV.UK*, 10 May 2022) <https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1074113/Lobby_Pack_10_May_2022.pdf> accessed 17 March 2023.

¹⁴⁴ Above n 41.

¹⁴⁵ Above n 58.

¹⁴⁶ Above n 59.

¹⁴⁷ Evans, above n 55.



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