

# Barriers and opportunities for prison services in developing reintegrative pathways for justice-involved people subjected to MSHT exploitation

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Vulnerable people who are subjected to modern slavery and human trafficking (MSHT) exploitation and become justice-involved, face complex challenges in both recovering from their experiences and achieving ongoing protection. An evaluation of international correctional service responses to MSHT found that 'only a handful of jurisdictions consider the issue of survivors of modern slavery in prisons and how to support them'; however, this has not been '...in a comprehensive or systematic way' (p.8).<sup>1</sup> There are opportunities to develop a comprehensive approach that can strengthen MSHT responses and align with HM Prison and Probation Service (HMPPS) strategic priorities to reduce reoffending and protect the public, but this is within a context of significant challenges in the broader public policy arena and across the criminal justice system in England and Wales. The lack of confidence in recognising the overlap between people with experiences of victimisation and those who are convicted of MSHT offences, systemic issues including information sharing between agencies and limited coordinated responses across the criminal justice system, have contributed to a lack of effective approaches that disrupt exploitation and protect people from re-trafficking. In this paper, we sketch out the specific barriers and opportunities for prison services in developing reintegrative pathways for justice-involved

people experiencing exploitation to achieve sustainable support and protection. First, we review the policy setting and what we know about MSHT victimisation and offending, subsequently we consider some of the barriers faced by prison services and justice-involved people in achieving support and protection, with a focus on the potential for trafficking and re-trafficking. We then explore opportunities for developing reintegrative pathways to better support and protect people who have experienced MSHT exploitation and are under the care and management of HMPPS. Ultimately, we argue for the need to move towards a multi-agency, public health approach that adopts trauma-informed principles to support justice-involved people who have experienced exploitation and prevent re-trafficking.

## Modern Slavery and Human Trafficking in UK prisons

The UK Government has described MSHT as an 'abhorrent crime' (p.4) motivated primarily by economic gain.<sup>2</sup> Gaining an accurate understanding of prevalence is challenging and compounded by the wider diversity of offending which occurs in MSHT contexts. However, while research suggests an increase in people reporting exploitation, locally and globally, for varied reasons it is difficult to know the scale and extent of MSHT in the

1. Jovanović, M., Burland, P., Topp, V., & Fluhr, F. (2023). *Tackling the blind spot of the UK anti-slavery regime: The role and responsibility of prisons in securing the rights of modern slavery survivors*. Modern Slavery & Human Rights Policy & Evidence Centre. Available at: <https://modernslaverypec.org/assets/downloads/Prisons-modern-slavery-full-report-final.pdf>.
2. Home Affairs Committee. (2023). *Human trafficking: First report of session 2023-24*. House of Commons. Available at: <https://publications.parliament.uk/pa/cm5804/cmselect/cmhaff/124/report.html>.

UK.<sup>3</sup> According to the Home Affairs Committee, this is because the:

Home Office does not hold a definitive data source on the number of victims in the UK and while the number of referrals into the National Referral Mechanism (NRM) has grown substantially since its creation in 2009, there is still likely to be underreporting of the true number of victims (p.4).<sup>4</sup>

Additionally, it is difficult to know the MSHT prison population in the UK. There are no official data on the number of justice-involved people who have experienced exploitation in UK prisons, and this is a significant issue hampering the development of responses by prison services. As Jovanović and colleagues note, 'this is not a fringe concern affecting only a small number of isolated cases' (p.15), highlighting the need for action.<sup>5</sup> Although the UK has adopted some policies and legislation on non-punishment, Burland's research shows that potentially or actually trafficked people are 'still being punished on a worrying scale' (p.168).<sup>6</sup> His work has highlighted cases where the non-punishment principle should have been considered but was not for people convicted of cannabis cultivation. This, Burland claims, is because justice-involved people are not being properly identified as trafficked, or the policy and legislation were not applied.

Increasing awareness of the overlap between justice involvement and MSHT victimisation has led to calls for correctional services, like HMPPS, to develop responses to human trafficking. However, as Rizo and colleagues argue, it is not clear how correctional facilities like jails and prisons are responding to this call for action.<sup>7</sup> This is a significant issue in the UK as the imprisonment rate of 144 prisoners per 100,000 population is higher than comparable European nations

such as Spain, France and Germany.<sup>8</sup> At 162 prisoners per 100,000 population aged 15 and over, Scotland has the highest imprisonment rate among Western European jurisdictions followed by England and Wales at 159 prisoners per 100,000. The rates of return to prison show that more than four in ten adults (42 per cent) are reconvicted of another offence within a year from release, and coupled with this, more people leaving custody are now required to serve a minimum of 12 months under community supervision.<sup>9</sup> This has seen the number of people recalled into custody increasing, particularly for women. While the UK has the largest prison population in Western Europe, the MSHT prison population is not a formal recording

group, and this further compounds issues in identifying and supporting incarcerated people who have experienced exploitation and understanding the factors shaping victimisation, offending and re-offending. This is a significant challenge for HMPPS as they are legally obligated to raise awareness of MSHT and take reasonable steps to identify adults and children under its management and care, who are or have been subjected to MSHT exploitation, to support their recovery and protect them from ongoing or new exploitation and re-trafficking. These obligations stand irrespective of whether a person enters the NRM, which is the UK's framework for recognising,

supporting and protecting victims of MSHT.

...limited coordinated responses across the criminal justice system, have contributed to a lack of effective approaches that disrupt exploitation and protect people from re-trafficking.

### MSHT Victimisation and Offending Patterns

While we have little data and research about MSHT in the prison system and no statistics are available for justice-involved survivors, the relatively low conviction rate for offences under the Modern Slavery Act (2015), currently at 2.5 per cent, presents challenges in

3. Broad, R. (2018). Assessing convicted traffickers: Negotiating migration, employment and opportunity through restricted networks. *The Howard Journal of Crime and Justice*, 57(1), 37-56; see footnote 1: Jovanović et al. (2023).
4. See footnote 2: Home Affairs Committee (2023).
5. See footnote 1: Jovanović et al. (2023).
6. Burland, P. (2023). Still punishing the wrong people: The criminalisation of potential trafficked cannabis gardeners. In C. Craig, A. Balch, H. Lewis, & L. Waite (Eds.). *The modern slavery agenda: Policy, politics and practice* (pp. 167-186). Bristol University Press.
7. Rizo, C., Wretman, C., Luo, J., Van Deirse, T., Sullivan, N., Godoy, S., Meehan E., & Macy, R. (2024). Human trafficking in correctional institutions: A survey of correctional and anti-trafficking leaders. *Journal of Human Trafficking*, 10(1), 135-152.
8. Sturge, G. (2023). *UK prison population statistics*. House of Commons. Available at: <https://researchbriefings.files.parliament.uk/documents/SN04334/SN04334.pdf>; World Prison Brief. (2023). *World prison brief data: Europe*. Available at: <https://www.prisonstudies.org/map/europe>.
9. Prison Reform Trust. (2023). *Bromley briefings prison factfile, January 2023*. Available at: <https://prisonreformtrust.org.uk/wp-content/uploads/2023/02/January-2023-Bromley-Briefings.pdf>.

assessment and sentence planning for prison staff who are aware of offending occurring within a MSHT context but where alternative charges have secured a conviction.<sup>10</sup> However, the evidence suggests a diverse range of offences are committed in this area of offending, and we cannot consider survivors and perpetrators as a cohesive cohort.

A small but growing body of research has documented how the degree to which trafficking is organised differs, falling on a continuum ranging from soloists or individual traffickers or loose networks of organised criminals to highly structured international trafficking networks.<sup>11</sup> In Jespersen and Henriksen's 'criminal pyramid scheme', offenders are at the apex, driving recruitment and exploitation, communities and families are in the middle, encouraging people to migrate, with trafficked people making up the largest layer of the pyramid.<sup>12</sup> Key actors, then, can range from professional criminals to family and friends, including highly organised criminal groups, loosely connected networks, individuals, or family and friends of the victim-survivor. While the involvement of organised crime makes MSHT more difficult to detect and dangerous for victims, the former Independent Anti-Slavery Commissioner encouraged consideration of loosely organised groups and individuals of 'low sophistication', which may be as, or more, prevalent than those operating in organised crime groups.<sup>13</sup> What is clear is that the relationships between those facilitating MSHT and people with experiences of trafficking are often complex, involving subtle methods of recruitment and control. This means there is diversity in the level and nature of organisation, the relationships between people convicted of MSHT

offences, other justice-involved persons, and victims, as well as the circumstances that enable these relationships to be manipulated for crime.

Victimhood is complex, and sometimes when the label of 'victim' is applied to people, their identity can be reduced to a narrow set of traits relating to vulnerability and passivity.<sup>14</sup> This can result in people rejecting the label, particularly by young people striving to survive their experiences or sex workers who do not see themselves as 'victims of trafficking', and also risks obscuring our understanding of their agency. Research has consistently shown gendered aspects to victimisation and offending and overlaps between justice involvement and MSHT victimisation. MSHT has a relatively high rate of female involvement, both as

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people with experiences of being trafficked and as those convicted of MSHT offences. The similarities between these groups are important in recruiting and controlling people.<sup>15</sup> Although we only have a small number of studies of people convicted of trafficking offences, research highlights cases of former victim-survivors being involved in offending. In this process Aronowitz and colleagues claim that people with MSHT convictions undergo '...a sort of transformation of their exploitation as former victims into traffickers themselves' (p.44),<sup>16</sup> with Colvin explaining how coercion provokes several

social-psychological deficits, which include anger, low self-control, social bonding and 'coercive ideation', where those once coerced have the potential to become the coercers, further reasons explored by Atkinson-Sheppard and colleagues and Broad in this volume.<sup>17</sup> Broad's research reflects the findings of feminist criminological literature, which shows how

10. The Crown Prosecution Service (CPS) publishes data on convictions under the *Modern Slavery Act* (2015), but these convictions may not necessarily result in a prison or community sentence.
11. Aronowitz, A., Theuermann, G., & Tyurykanova, E. (2010). *Analysing the business model of trafficking in human beings to better prevent the crime*. Office of the Special Representative and Co-Ordinator for Combating Trafficking in Human Beings OSCE. Available at: <http://www.osce.org/cthb/69028?download=true>.
12. Jespersen, S., & Henriksen, R. (2022). Criminal pyramid scheme: Organised crime recruitment strategies. In C. Murphy & R. Lazzarino (Eds.), *Modern slavery and human trafficking: The victim journey* (pp. 25-40). Bristol University Press.
13. Independent Anti-Slavery Commissioner (IASC). (2022). *Independent Anti-Slavery Commissioner annual report 2021-2022*. Available at: <https://www.antislaverycommissioner.co.uk/media/1796/iasc-annual-report-2021-2022.pdf>.
14. Christie, N. (1986). The ideal victim. In E. Fattah (Ed.), *From crime policy to victim policy: Reorienting the justice system* (pp. 17-30). Palgrave Macmillan.
15. Surtees, R. (2008). Traffickers and trafficking in southern and eastern Europe: Considering the other side of human trafficking. *European Journal of Criminology*, 5(1), 39-68.
16. See footnote 11: Aronowitz et al. (2010).
17. Atkinson-Sheppard, S., Dando, C., Ormerod, T., & Robinson, B. (2023). Coercion and crime: Convergences, divergences and 'county lines'. *Criminology & Criminal Justice*, (Online first); Colvin, M. (2000). *Crime and coercion: An integrated theory of chronic criminality*. St. Martin's Press.

many imprisoned women have experiences as both victim-survivor and of perpetrating MSHT offences with many surviving significant trauma and their offending part of a patriarchal victimisation matrix.<sup>18</sup>

The transformation of a victim-survivor into someone who commits MSHT offences, documented in the literature and discussed by Broad in this volume, raises the issue of how prison services can respond to trafficking victim-survivors who become perpetrators and the complexity surrounding the detection and prosecution of MSHT offences. Moreover, as Jovanović and colleagues highlight, prison services face significant challenges in identifying and supporting justice-involved people who have experienced exploitation. In their paper in this volume, they highlight how the prison environment itself acts as a barrier to identifying victim-survivors, arguing that underreporting and missed cases are highly likely. Prison itself may also create conditions conducive to exploitation and trafficking within the prison estate, with incarcerated people generating significant debts in prison that are then used as a means of control on release, or cell debt extortion scams being used to control vulnerable prisoners.<sup>19</sup> According to Grey, county lines are known to be operating from within the UK prison system, and while the authorities have developed interventions, National Crime Agency (NCA) data shows a significant increase in the number of county lines operating in England and Wales, up from 720 in 2017 to 2000+ by 2020, an expansion that signals the likelihood of trafficking and re-trafficking occurring both within prison and after release.<sup>20</sup>

The research discussed above highlights the potential for re-trafficking and raises questions about the prison system and environment supporting the needs of the MSHT prison population. Support must be

developed to reduce the risk of re-trafficking as this further increases the likelihood of offending and re-offending. Given the transformation of victim-survivors into offenders, how can prison services address the overlap between justice involvement and MSHT victimisation? What capacity does the prison environment have to be supportive of justice involved people who are victims of MSHT exploitation, and those convicted of or at risk of MSHT offending? If the current operational environment cannot support justice-involved peoples' needs, what are the alternatives? In the following sections, we sketch an attempt to identify some of the barriers and challenges in addressing these questions and provide a possible framework for action.

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### Barriers

In this section of the paper, we consider some of the barriers faced by prison services and justice-involved people in achieving support and protection. This ranges from issues surrounding systems for managing justice-involved persons, and the NRM to challenges in reintegration and rehabilitation.

### Systems of Risk Management

In the UK, HMPPS use the Offender Assessment System (OASys) to measure risk and as the first step in developing plans for rehabilitation. This system for managing justice-involved persons is based on the principles of the risk-needs-responsivity (RNR) model and 'what works' approaches, and more recently, HMPPS have adopted a needs assessment and sentence planning process that integrates RNR and desistance approaches.<sup>21</sup> As a standardised, structured risk assessment tool used in custodial and community settings, OASys evaluates the likelihood of future reoffending and the risk a person

18. Carlton, B., & Segrave, M. (2013). *Women exiting prison: Critical essays on gender, post-release support and survival*. Taylor & Francis; Franich, G., Sandy, L., & Stone, U. (2021). 'It's not designed for women at all': Exploring service providers' perspectives of working in the Victorian criminal justice system. *Current Issues in Criminal Justice*, 33(2), 211-227.
19. Grey, K. (2023). County lines in prison. In P. Andell & J. Pitts (Eds.). *The Palgrave handbook of youth gangs in the UK* (pp. 473-488). Palgrave; Pitts, J. (2021). *County lines*. HM Inspectorate of Prisons Academic Insights 2021/01. Available at: <https://www.justiceinspectorates.gov.uk/hmiprobation/wp-content/uploads/sites/5/2021/01/Academic-Insights-county-lines-.pdf>.
20. See footnote 19: Grey (2023).
21. Andrews, D. & Bonta, J. (2010). Rehabilitating criminal justice policy and practice. *Psychology, Public Policy and Law*, 16(1), 39-55; Moore, R. (2015). The Offender Assessment System (OASys) and the 2009-2013 research projects. In R. Moore (Ed.). *A compendium of research and analysis on the Offender Assessment System (OASys) 2009-2013* (pp. 2-8). National Offender Management Service. Available at: <https://assets.publishing.service.gov.uk/media/5a7f676fed915d74e33f6380/research-analysis-offender-assessment-system.pdf>.



poses in causing serious harm to themselves or others, based on recognised criminogenic risks and needs (e.g., factors linked to recidivism). OASys in part derives its logic from algorithms derived from criminal justice databases as the key to understanding the risk factors involved in why people commit crime and using the criminal punishment system to achieve its aims. While these tools are said to be 'robust' with claims to 'veracity', the work on which they are based is partial.<sup>22</sup> As Shaw and Hannah-Moffitt argue, these universal actuarial systems are based on a male, usually white, correctional population, wherein criminogenic needs are seen as 'un-gendered' (p.163), which has implications for women and other minoritised groups.<sup>23</sup>

Actuarial systems like OASys may be considered a deficits-based approach that focuses on understanding crime as a function of the factors in a person's life that encourage criminality and managing the risk of this occurring. In this framework, risk is conceptualised as a quality of the individual, with the degree and extent measurable by identifiable factors. It is framed as knowable and measurable through formulated risk assessments and can be accurately measured by appropriate tool design and use. This can lead to the categorisation, classification, assessment and diagnosis of individual as 'offenders' and has been criticised by some as being part of an increasingly dehumanising, atomising and actuarial approach that views justice-involved persons as clusters of risk.<sup>24</sup> Actuarial approaches 'uncritically prioritise individual characteristics' (p.244) and influence rehabilitation, as the focus becomes transforming 'irresponsible' citizens into responsible, self-managing ones, with programs targeting behaviours and thinking patterns and downplaying factors connected to social considerations and disadvantage.<sup>25</sup> This compounds issues for incarcerated women and other minoritised groups who live very marginal lives in the community and the partial

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lens can lead to an inability to view problems holistically, and in the broader context of people's lives. In addition, a risk management approach can influence relationships between people with convictions and prison and probation officers, as reflected in the experiences of incarcerated people who have experienced exploitation:

You're just seen as a prisoner. For them you're a criminal — you serve your sentence, and then you go. There's not a system put into place to really understand (p.35).<sup>26</sup>

These carceral logics act as a barrier to care for people who experience prison, and understanding these barriers are key to improving access to appropriate rehabilitative interventions during and after incarceration. While a growing body of literature, such as the Good Lives Model advocates a strengths-based approach, aspects of which have been incorporated into accredited programmes, low recruitment and completion rates, long waiting times and availability of structured interventions remains a challenge.<sup>27</sup> Moreover, prison is a difficult environment to recover from the trauma caused by MSHT victimisation. There is a dire need for prisons to recognise the long-lasting impacts of victimisation and trauma and to avoid re-traumatisation, and here we can see how the dominant criminal justice framing of the 4Ps (pursue, prevent, protect and prepare), and RNR model, not only neglects some very fundamental aspects of MSHT victimisation and offending, but also inhibits the shift needed towards trauma-informed practice. It is clear that a paradigm shift is necessary in moving away from a deficit-based model that asks what is wrong with this person (i.e., what needs to be fixed), toward needing to know about the person (i.e., understanding what has happened) allowing the shift into needing to connect with the person — what do you need and how can we help, which underlies trauma-informed care.

22. Shaw, M., & Hannah-Moffitt, K. (2000). Gender, diversity and risk assessment in Canadian corrections. *Probation Journal*, 47(3), 163-172.  
23. See footnote 22: Shaw & Hannah-Moffitt (2000).  
24. Garland, D. (2001). *The culture of control: Crime and social order in contemporary society*. Clarendon Studies in Criminology, University of Oxford Press; Kemshall, H. (2003). *Understanding risk in criminal justice*. McGraw-Hill Education.  
25. Hannah-Moffitt, K. (2015). The uncertainties of risk assessment: Partiality, transparency and just decisions. *Federal Sentencing Reporter*, 27(4), 244-247; Kemshall, H. (2002). Effective probation practice: An example of 'advanced liberal' responsabilisation? *Howard Journal of Criminal Justice*, 41(1), 41-58.  
26. See footnote 1: Jovanović et al. (2023).  
27. HM Inspectorate of Probation. (2023). *HM Inspectorate of Probation Annual Report 2022/23*. HM Inspectorate of Probation. Available at: <https://www.justiceinspectors.gov.uk/hmiprobation/wp-content/uploads/sites/5/2023/09/2022-2023-HMIP-Probation-Annual-Report-v1.0.pdf>; Ward, T., & Maruna, S. (2007). *Rehabilitation: Beyond the risk paradigm*. Routledge.

## National Referral Mechanism

The design of the NRM does not currently meet the complex needs of justice-involved people who have experienced exploitation. The service itself is provided centrally on a contract basis via a consortium of NGOs, which offer safe-house and outreach-based support, and does not commence until the point of release from prison. While these organisations have considerable expertise in service delivery, none specifically focus on justice-involved clients. Multi-agency working can also be challenging, relationships with local statutory agencies can be ad-hoc and are dependent on informally constituted local partnerships, which are often poorly resourced and vary widely across regions.<sup>28</sup>

For justice-involved people, concerns surround immediate custody and processing. In OASys emphasis is placed on addressing past events to prevent reoccurrence; however, the NRM investigates and deliberates whether the status of 'victim', and the support that goes with this, be afforded to the person. Thus, the policy status of 'prisoner' is structured by a timeframe that differs in tempo and temporality to the status of 'victim of trafficking'. For example, in 2022, the average length of a custodial sentence was 21.4 months,<sup>29</sup> but the median number of days for a NRM decision 543 (17-18 months).<sup>30</sup> Most prisoners will have served the custodial element of their sentence and be under statutory community supervision or post-release licence supervision before official recognition of 'victim' under the NRM.

In 2023 the UK Government restricted entry to the NRM to exclude anyone who had arrived by irregular means or had committed a criminal offence constituting a 'threat to public order' (irrespective of whether this was an aspect of their exploitation). Following legal challenge, the Government has indicated that it intends to specify a definition for public order focusing on 'serious criminality and threats to

national security' but many justice-involved people are likely to be impacted by this policy.<sup>31</sup> The disqualification of trafficking survivors from accessing government-funded support was first introduced in the Nationalities and Borders Act (2022) and strengthened under the Illegal Migration Act (2023). Foreign nationals who spend time in prison are at a high risk of disqualification, while British citizens may be disqualified if they have committed any of the 100 plus offences listed under schedule 4 of the Modern Slavery Act (2015).

For those who are referred, there are significant delays in accessing services, creating an extended period of 'limbo' for those seeking help.<sup>32</sup> Many UK nationals are not referred or choose not to enter, partly due to a lack of clarity about the benefits.<sup>33</sup> For those without UK residency, a positive 'conclusive grounds' decision, which acknowledges that an individual has experienced MSHT, still confers no legal rights to work or education for those with unstable immigration status, although conversely a negative conclusion may impact negatively on an asylum claim. As a result of these exclusionary policies and ambiguous benefits, it is estimated that half of adults who qualify to access the NRM are choosing not to.<sup>34</sup>

## 'Reintegration'

Globally, MSHT is one area with higher numbers of women involved in victimisation and offending, however in the UK, men and boys make up the majority of NRM referrals, for example in 2022 78 per cent of referrals were male and 21 per cent were female. The term 'reintegration' is misleading as it assumes community integration before incarceration, but for many incarcerated people, and women in particular, this is not the case. Suitable and stable housing, addiction and recovery support programs and education and training programs are crucial for

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28. Gardner, A. (2018). An idea whose time has come? Modern slavery, multiple streams approach and multi-layer policy implementation. *Journal of Human Rights Practice*, 10(3), 461-481.
  29. Ministry of Justice. (2023). *OASys Sexual reoffending Predictor (OSP) policy framework: OSP guidance for practitioners*. Ministry of Justice. Available at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1174397/osp-guidance-practitioners.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1174397/osp-guidance-practitioners.pdf).
  30. Home Office. (2023a). *Modern slavery: National referral mechanism and duty to notify statistics UK, end of year summary 2022*. Available at: <https://www.gov.uk/government/statistics/modern-slavery-national-referral-mechanism-and-duty-to-notify-statistics-uk-end-of-year-summary-2022#:~:text=In%202022%2C%20there%20were%206%2C189,highest%20since%20the%20NRM%20began>.
  31. Home Office. (2023b). *Nationality and Borders Bill, abuse of modern slavery protections factsheet*. Available at: <https://www.gov.uk/government/publications/nationality-and-borders-bill-abuse-of-modern-slavery-protections-factsheet/nationality-and-borders-bill-abuse-of-modern-slavery-protections-factsheet#:~:text=In%20line%20with%20our%20international,from%20removal%20from%20the%20UK>.
  32. Nicholson, A., Murphy, C., Gardner, A., Young, M., Lumley-Sapanski, A., Davy, D., ... Adebuseoye, T. (2023). *Pathways to liberation, a policy report*. University of Nottingham. Available at: <https://www.nottingham.ac.uk/research/beacons-of-excellence/rights-lab/resources/reports-and-briefings/2023/november/pathways-to-liberation-.pdf>.
  33. Murphy, C., Heys, A., Barlow, C., Gleich, L., & Wilkinson, S. (2022). *Identifying pathways to support British victims of modern slavery towards safety and recovery, a scoping study*. St Mary's University. Available at: <https://modernslaverypec.org/assets/downloads/British-nationals-full-report.pdf>.
  34. Tomas, J. (2019). *Responding to modern slavery and exploitation within the homelessness sector*. The Passage. Available at: <https://passage.org.uk/wp-content/uploads/2022/12/Modern-Slavery-Report-2019.pdf>.

reintegration and preventing re-trafficking. However, in this area of service delivery, HMPPS, and especially probation, largely relies on NGOs and charities to meet these needs. This includes employment and training, accommodation, community mental health, and drug treatment services.

### Education, employment and training

In a recent survey of people on probation, only 27 per cent of respondents felt that the service met their employment, education and training needs.<sup>35</sup> This is a significant barrier to reintegration as gaining employment after release helps to reduce recidivism and a person's vulnerability to re-trafficking, but people who have been in prison face barriers to finding secure employment. This includes the stigma of criminalisation and having a criminal record, the disconnect parolees see between in-prison employment or training and post-release employment, and personal barriers like limited education and work experience and poor mental health.<sup>36</sup> However, for justice-involved women, many also struggle to find satisfying jobs that are ongoing, which impacts on their ability to attain and retain stable employment.<sup>37</sup> Clearly, post-release employment is important, but getting and staying in employment is connected to other post-release challenges, including housing, addressing addiction and other mental and physical health issues, where programs are needed both in-prison and after release.

Victim navigator approaches, like advocacy models, can provide blueprints for more tailored solutions for justice-involved people.

each year, and in a 2022 survey of people on probation, only 43 per cent of respondents said their accommodation needs were being met.<sup>38</sup> The issues in providing adequate and stable housing are exacerbated by the 'loss of ring-fenced supported housing for people on probation; changes to benefit rules; and other barriers [that] have created a housing crisis' (p.8) for many justice-involved people, increasing vulnerability for re-trafficking.<sup>39</sup> The sector lacks direct access to housing for people on probation, with most probation services only offering advice and support, and there is also a lack of rapid interventions for people in immediate need. If the sector is to prevent re-trafficking, what is needed is 'a focus on real, practical and measurable outcomes rather than merely signposting people on probation to services that might be able to help them' (p.31).<sup>40</sup>

In addition to these barriers, justice-involved people who have experienced exploitation face specific challenges with accommodation as a part of their reintegration into the community. For example, short-term and temporary housing providing accommodation for people released from prison can be targeted by former residents engaged in trafficking who are aware of its use by justice agencies. Some specific addresses may have links to cuckooing and other forms of exploitation, which is not only unsuitable but also increases the likelihood of re-trafficking.<sup>41</sup> This highlights the risks and additional barriers associated with greater proximity between victim-survivors and people engaged in trafficking.

### Accommodation

Suitable and stable housing is crucial for reintegration and preventing re-trafficking. However, according to the HM Inspectorate of Probation, more than 11,000 prisoners are released into homelessness

### 'Community'

These known barriers to reintegration heighten the importance of establishing community-based support networks for justice-involved people who have experienced exploitation. Social isolation is a recognised

35. See footnote 27: HM Inspectorate of Probation (2023).

36. Heydon, G., & Naylor, B. (2018). Criminal record checking and employment: The importance of policy and proximity. *Australian and New Zealand Journal of Criminology*, 51(3), 372-394.

37. Baldry, E. (2010). Women in transition: From prison to... *Current Issues in Criminal Justice: Beyond Prison: Women, Incarceration and Justice*, 22(2), 253-267.

38. See footnote 27: HM Inspectorate of Probation (2023); HM Inspectorate of Probation (2020). 2019/20 annual report: Inspections of probation services. HM Inspectorate of Probations. Available at: <https://www.justiceinspectors.gov.uk/hmiprobation/wp-content/uploads/sites/5/2020/12/2019-2020-Annual-Report-Inspection-of-probation-services.pdf>.

39. See footnote 38: HM Inspectorate of Prisons (2020).

40. See footnote 27: HM Protectorate of Probation (2023).

41. Cuckooing is a term used to describe when a person/s take over the homes of other people to facilitate criminal or sexual exploitation. For more on this see: Spicer, J., Moyle, C., & Coomber, R. (2020). The variable and evolved nature of 'cuckooing' as a form of criminal exploitation in street level drug markets. *Trends in Organised Crime*, 23, 301-323.

risk-factor for MSHT and re-trafficking. Strong community-based networks can additionally assist recovery from experiences of exploitation and build resilience. However, 'community' may also represent a potential source of victimisation risk, due to the complex social linkages between people with experiences of being trafficked and those who engage in trafficking noted above. If a person's original exploitation and offending is associated with people with whom they share a neighbourhood, familial or ethnic connection, returning to those communities may increase the risk of stigmatisation, retribution and/or re-exploitation. This highlights the importance of an individualised approach to reintegration, which takes account of pathways leading to exploitation when offering support to justice-involved people. It also demands a flexible multi-agency approach, although the existing system of post-NRM support is frequently hampered by fragmented service delivery arrangements, poor data sharing between providers, thresholds for access to services and an absence of 'local connection' or recourse to public funds.

### Funding constraints

The lack of funding in the sector acts as a barrier to supporting justice-involved people who have experienced exploitation and could undermine efforts to prevent re-trafficking and rehabilitation. Probation funding has been on a downward trend for the past 20 years. In 2019, government spending per person under supervision had decreased 40 per cent in real terms since 2003/2004 and this has continued into the 2020s.<sup>42</sup> Real-term spending on prisons is 16 per cent lower than 2009 and this lack of funding and drastic cutbacks has led to significant overcrowding in prisons.<sup>43</sup> Prisons are also under-staffed with the number of experienced officers leaving prisons increasing by 109 per cent, resulting in 50 per cent of staff having less

than five years' experience, which is twice the 2009/10 figure.<sup>44</sup> While efforts are being made to address this with recruitment campaigns, this may impact on safety and undermine rehabilitation efforts.

### Opportunities

In this section of the paper, we explore the opportunities for developing reintegrative pathways to address some of the barriers identified above, so correctional services can better support and protect people who have experienced MSHT exploitation and are under the care and management of HMPPS.

### Understanding criminogenic needs via criminal justice databases

OASys has undergone revisions over the years as datasets from criminal justice agencies have evolved. The latest version incorporates multiple tools for assessing risks associated with different types of offending, including general offending behaviours, violence, and sexual offending.<sup>45</sup> However, the use of criminal justice databases to develop our understanding of MSHT victimisation and offending is low, with Broad's work being a notable exception.<sup>46</sup> In understanding MSHT within the current prison population, and following how OASys evolved as a tool, further work could explore the utility of criminal justice databases to increase

If a person's original exploitation and offending is associated with people with whom they share a neighbourhood, familial or ethnic connection, returning to those communities may increase the risk of stigmatisation, retribution and/or re-exploitation.

understanding of people convicted of MSHT offences. This work could be linked with the Ministry of Justice's Data First programme and interrogating linked datasets of Crown and Magistrates' Court disposals, custodial sentences, and probation records since 2015. This work could inform new predictions to assess the specific criminogenic needs in MSHT offending, however, as Shaw and Hannah-Moffit argue, it is important that this work is not merely 'tinkering with male-based tools'

42. See footnote 27 & 38: HM Inspectorate of Probation (2020, 2023).

43. Hoddinott, S., Davies, N., Fright, M., & Richards, G. (2023). *Performance tracker 2023: Prisons*. Institute for Government. Available at: <https://www.instituteforgovernment.org.uk/sites/default/files/2023-10/performance-tracker-2023.pdf>.

44. See footnote 43: Hoddinott et al. (2023).

45. See footnote 21 & 29: Moore (2015), MoJ (2023).

46. Broad, R. (2014). *Stuck in traffic: A study of individuals convicted for human trafficking offences through the UK criminal justice system: Characteristics, relationships and criminal justice perspectives*. The University of Manchester.



(p.170).<sup>47</sup> As we have shown, the problem faced by prison services in responding to justice-involved people who have experienced exploitation is of addressing the needs of a small but diverse population in the context of a wider system focused on incarcerated men, and this work should not reinforce or mask racial and gender disparities and social disadvantage.

### Service delivery and multi-agency models

Victim navigator approaches, like advocacy models, can provide blueprints for more tailored solutions for justice-involved people. Although initially focused on promoting engagement with law enforcement towards pursuing prosecutions, advocacy models have evolved to include welfare rights and access to wider forms of justice.<sup>48</sup> While such approaches are not yet provided at scale, they could be extended by training existing agencies in advocacy approaches or via 'community sponsorship' support, similar to the refugee resettlement schemes.<sup>49</sup> In addition, research comparing survivor experiences of support across the UK shows that geographical co-location of survivor services in clusters can assist with providing flexible service responses. Creating 'hubs' for the diverse services focussed on survivor welfare can contribute to improving coordination and mitigate the fragmentation caused by multiple service-delivery organisations.<sup>50</sup> A network of anti-slavery regional partnerships is established across England, and while these are not statutory, they may represent an opportunity for multi-agency regional responses to be better coordinated. Other promising models of multi-agency work to shape services at a local level around individual needs can be found in MARAC (Multi-Agency Risk Assessment Conference) models and related approaches like SERAC (Slavery and Exploitation Risk Assessment Conference) developed in Nottingham.<sup>51</sup>

More widely, there is an opportunity to move away from a focus on individual risk and responsibility by furthering the development of a public health approach to addressing MSHT within the prison population. Following Such and colleagues, this approach would entail understanding the problem from population and systems perspectives; improving data and evidence collection and reporting; focusing interventions on prevention of re-exploitation, alongside wider health, and well-being concerns; and developing improved multi-agency and multi-level responses, with an emphasis on addressing inequalities and social justice challenges.<sup>52</sup>

### Employment, training, education

Only 17 per cent of prison leavers are employed within a year after release.<sup>53</sup> On a personal level, some people may lack confidence, as people who have been in prison may have low self-esteem. Here, in-prison programs can take a strengths-based approach, working to improve self-confidence and develop a sense of pride by learning new skills. However, it is important that in-prison programs provide appropriate training and qualifications and focus on job-ready skills. Strong connections between in-prison employment and the wider job market are needed, and exploring options for day-release programs and working with employers will allow prison services to create opportunities for employers to meet with justice-involved people and break down the stigma of having a criminal record.

All staff working in prisons must be alert and professionally curious to suspected MSHT. Specialist prison and probation training on MSHT needs to be consistent with meeting HMPPS's legal obligations to address MSHT, and here HMPPS can draw from approaches to child safeguarding and domestic violence training, where the focus is on working in partnership with agencies to develop individual

47. See footnote 22: Shaw & Hannah-Moffitt, 2000.

48. Williams-Woods, A. (2021). *Independent review of the Hope for Justice independent modern slavery advocacy model*. University of Liverpool. Available at: [www.liverpool.ac.uk/media/livacuk/humanitiesandsocialsciences/documents/Independent\\_Review\\_of\\_the\\_Hope\\_for\\_Justice\\_IMSA\\_Model\\_\(University\\_of\\_Liverpool,\\_June\\_2021\)\\_1.pdf](http://www.liverpool.ac.uk/media/livacuk/humanitiesandsocialsciences/documents/Independent_Review_of_the_Hope_for_Justice_IMSA_Model_(University_of_Liverpool,_June_2021)_1.pdf).

49. Centre for Social Justice/Justice and Care. (2022). *A path to freedom and justice: A new vision for supporting victims of modern slavery*. Available at: [www.centreforsocialjustice.org.uk/wp-content/uploads/2022/01/CSJ-JC-A-Path-to-Freedom-and-Justice-a-new-vision-for-supporting-victims-of-modern-slavery-single-pages.pdf](http://www.centreforsocialjustice.org.uk/wp-content/uploads/2022/01/CSJ-JC-A-Path-to-Freedom-and-Justice-a-new-vision-for-supporting-victims-of-modern-slavery-single-pages.pdf); Hope for Justice. (2023). *Written evidence submitted by Hope for Justice*. Available at: <https://committees.parliament.uk/writtenevidence/119860/pdf>.

50. See footnote 32: Nicholson et al. (2023).

51. Northall, P., Brewster, B., & Gardner, A. (2020). *Partnerships for freedom*. University of Nottingham and Independent Anti-Slavery Commissioner. Available at: [https://www.antislaverycommissioner.co.uk/media/1490/webtag\\_0920\\_gw\\_4428507\\_partnerships\\_for\\_freedom\\_v8\\_final.pdf](https://www.antislaverycommissioner.co.uk/media/1490/webtag_0920_gw_4428507_partnerships_for_freedom_v8_final.pdf).

52. Such, E., Hayes, K., Woodward, J., Campos-Matos, I., & McCoig, A. (2021). *Refining a public health approach to modern slavery*. Public Health England, IASC, The University of Sheffield. Available at: <https://www.antislaverycommissioner.co.uk/media/1606/final-report-24-may-21.pdf>.

53. House of Commons Education Committee. (2022). *Not just another brick in the wall: Why prisoners need an education to climb the ladder of opportunity*. House of Commons. Available at: <https://committees.parliament.uk/publications/22218/documents/164715/default/>.

54. Daniels, H., Leadbetter, J., Warmington, P., Edwards, A., Martin, D., Popova, A., Apostolov, A., Middleton, D., & Brown, S. (2007). Learning in and for multi-agency working. *Oxford Review of Education*, 33(4), 521-538.

practitioners' capacities.<sup>54</sup> At a basic level, introductory briefings and training courses should be required for all staff to raise awareness and identify potential victims. Staff in specialist roles need further training to understand how their role fits with the network of agencies engaged in local anti-slavery partnerships.<sup>55</sup> Co-delivery of training can help corrections staff identify their role with these partnerships, including maintaining boundaries, which is key to successful multi-agency practices.

### Partnerships

Multi-agency partnerships operate across the UK, but face challenges coordinating local level services in this complex area of work. Approaches to managing serious offending provide the opportunity to learn from and improve processes. The statutory nature of Community Safety Partnerships and the duty placed on police, local authority, and probation services to coordinate strategic responses to crime at a local level could be adapted to multi-agency approaches in MSHT. Indeed, the Nottinghamshire Modern Slavery Partnership has adopted this structure, and prison services could benefit from engagement with such local partnerships to explore local working arrangements and NGO-commissioned service provisions. Local Prison Single Point of Contacts for MSHT were established across all prisons in England and Wales in 2022 and there are opportunities to join regional anti-slavery partnerships to augment intelligence sharing and joint operational planning. Significantly, though, this should be towards planning for prisoner reintegration to ensure safety and support on return to the community and develop resilience within communities vulnerable to MSHT.

We have shown that a significant number of justice-involved people have been victims previously, and partnerships present the opportunity to further deepen policy responses by engaging with civil society to support people leaving custody who have lived experiences of MSHT. One possible response here includes adapting successful reintegration programmes like Circles of Support and Accountability (CoSA),

which is a process for reintegrating people convicted of sexual offences after incarceration. In building community resilience, the objectives of CoSA are to reintegrate people convicted of sexual offences into the community and reduce victimisation and research documents how this programme reduces offending, enhances community safety and reduces criminal justice expenditure.<sup>56</sup> In developing novel reintegrative pathways, a CoSA pilot could focus on risk management through proactive monitoring of behaviours and activities of people convicted of MSHT offences in the community. A key element of CoSA is the need to provide support and accountability for individuals from their communities to limit the risk of re-offending. In the context of MSHT, a parallel can be drawn by encouraging the involvement of both people convicted of MSHT offences and local communities to address the risk of re-trafficking and ongoing MSHT offending.<sup>57</sup> However, it would be necessary to research public opinion about policies to address people with MSHT convictions to avoid misunderstandings, raise public awareness and develop key messages.<sup>58</sup>

### Conclusion

In this paper, we have attempted to spark dialogue within prison services, necessitated by the fact that MSHT is a visible feature of the penal landscape. However, for further development to take place, it is equally important to recognise the essential role played by probation services in supporting and supervising justice-involved people, alongside the constraints faced by and opportunities presented to prison services highlighted in this paper. We have argued for the need to move toward a public health approach that adopts trauma-informed principles and views MSHT through a systems lens so victimisation and offending can be understood as a 'multi-staged process of cumulative harm' (p.327),<sup>59</sup> with complex layers of trauma for survivors that these services have a duty to address. We see this as a necessary first step in developing reintegrative pathways for justice-involved people who have experienced exploitation and preventing re-trafficking.

55. Gardner, A., Amann, J., & Gardner, M. (2017). *Collaborating for freedom: Strengthening multi-agency anti-slavery partnerships*. University of Nottingham. Available at: <http://iascmap.nottingham.ac.uk/about/>.

56. McCartan, K., Kemshall, H., Westwood, S., Solle, J., Mackenzie, G., Cattel, J., & Pollard, A. (2014). *Circles of Support and Accountability (CoSA): A case study file review of two pilots*. Ministry of Justice. Available at: <https://assets.publishing.service.gov.uk/media/5a7c67efed915d6969f44a4a/cosa-research-summary.pdf>.

57. Schwarz, K., & Williams-Woods, A. (2022). Protection and support for survivors of modern slavery in the UK: Assessing current provision and what we need to change. *Journal of Poverty and Social Justice*, 30(2), 98-119.

58. Richards, K., & McCartan, K. (2018). Public views about reintegrating child sex offenders via Circles of Support and Accountability (CoSA): A qualitative analysis. *Deviant Behavior*, 39(3), 400-416.

59. Zimmerman, C., Hossain, M., & Watts, C. (2011). Human trafficking and health: A conceptual model to inform policy, intervention and research. *Social Science & Medicine*, 73(2), 327-335.