

<b>Institution:</b> University of Nottingham		
<b>Unit of Assessment:</b> UoA 22 Anthropology and Development Studies		
<b>Title of case study:</b> Changing Government Policy to Improve Support for Survivors of Slavery		
<b>Period when the underpinning research was undertaken:</b> 2017-2020		
<b>Details of staff conducting the underpinning research from the submitting unit:</b>		
<b>Name(s):</b>	<b>Role(s) (e.g. job title):</b>	<b>Period(s) employed by submitting HEI:</b>
Dr Andrea Nicholson Dr Katarina Schwarz	Nottingham Research Fellow Nottingham Research Fellow	September 2017 to date November 2018 to date
<b>Period when the claimed impact occurred:</b> 2018-2020		
<b>Is this case study continued from a case study submitted in 2014?</b> N		
<p><b>1. Summary of the impact</b>  Drs. Nicholson and Schwarz delivered research that was key to securing support for a new UK Bill that would mandate support for modern slavery victims for at least 12 months, and was used as crucial evidence in two successful judicial review cases that changed UK Government policies. In one judicial review case, their research was key to a change in policy that means thousands of modern slavery victims can now access extended recovery support—over 1000 of whom were granted support in the first year of the new policy. In a second case, their research was key to a change in policy that means an estimated 965 asylum-seeking victims of modern slavery per year can now seek employment while awaiting asylum decisions.</p>		
<p><b>2. Underpinning research</b>  Drs. Nicholson and Schwarz researched the key development factors that make people vulnerable to modern slavery. They established the value of modern slavery survivor narratives to defining “modern slavery” and designing recovery support (3a-3c), and researched how to tackle individuals’ vulnerabilities to enslavement through legislative and policy efforts (3d, 3e).  In one article, Nicholson used survivor testimony to argue for the impact that enslavement can have on individuals and communities (3a). Analysing over 1000 modern slavery survivor narratives, she showed what they reveal about survivors’ definitions of modern slavery, and what these definitions reveal about the limitations of government support for post-liberation recovery. It argued that survivor narratives reveal five new criteria for the operationalisation of a definition, including disregard for well-being—where one’s personal needs are deemed irrelevant. The article showed that what ties these definitional layers together is their shared starting-point: modern slavery’s impact on the individual rather than the slaveholder’s intent. Together, Nicholson and Schwarz extended this examination of modern slavery’s definition in an article that reveals the defining elements of enslavement, including the alienation of individuals from the free community by slaveholders in order to exercise control (3b).  In another article, Nicholson focused on 160 modern slavery survivor narratives and revealed through in-depth analysis that a lack of targeted survivor support puts individuals at risk of being re-enslaved (3c). She showed survivors’ perspectives on recovery, including the degree to which different kinds of post-enslavement support are required, and the importance of embedding “time to process events and adjust to a new state of being” in “structures for survivor support.” Meanwhile, an article by Schwarz argued that that one of the largest failings of contemporary governments is their treatment of victims, discussed the right to effective remedy in human rights and international law, and showed that a more effective State response would recognise modern slavery victims’ agency and fully account for their perspectives and needs (3d).  Nicholson and Schwarz built on findings from all four articles (3a-3d) in a joint research report that showed an extension of modern slavery victim support in England and Wales from 45 days to one year would provide an overall benefit of up to GBP 25,100,000 annually (3e). Working with an internal collaborator (Professor Todd Landman) on the analysis, and seeking feedback from a number of NGOs who contributed data, Nicholson and Schwarz analysed data on immigration and asylum, health and well-being, universal credit, public services, repatriation, homelessness and rough-sleeping, employment, and the wider economic costs of modern slavery, among other data. The year-long research project combined secondary data analysis with new primary research that consulted modern slavery survivors and surveyed UK frontline service providers on the demographics and outcomes of victims they support. The final analysis demonstrated the benefit</p>		

to the UK of the enhanced, victim-centric support framework for which Nicholson and Schwarz had been advocating in research since 2018 (**3c**, **3d**)—the absence of which had failed to counter what they had previously identified as modern slavery’s defining characteristics: disregard for well-being (**3a**), and alienation from the free community (**3b**) through lack of reintegration support.

### 3. References to the research

- a. **Nicholson**, A., et al, 2018. “A Full Freedom: Contemporary Survivors’ Definitions of Slavery.” *Human Rights Law Review* 18.4: 689-704. DOI: 10.1093/hrlr/ngy032.
- b. **Schwarz**, K. and **Nicholson**, A. 2020. “Collapsing the Boundaries between De Jure and De Facto Slavery: The Foundations of Slavery Beyond the Transatlantic Frame.” *Human Rights Review* 21: 391-414. DOI: 10.1007/s12142-020-00604-y.
- c. **Nicholson**, A. 2019. “A Survivor Centric Approach: The Importance of Contemporary Slave Narratives to the Anti-Slavery Agenda.” *SAGE Handbook on Human Trafficking and Modern Slavery*. Sage Publishing: 259-277. DOI: 10.4135/9781526436146.n13.
- d. **Schwarz**, K. and Geng, J. 2018. “Reasserting Agency: Procedural Justice, Victim-Centricity and the Right to Remedy for Survivors of Slavery and Related Exploitation.” *Journal of Modern Slavery* 4.2, December: 93-120. <https://slavefreetoday.org/journal-of-modern-slavery-volume-4-issue-2-december-2018/>.
- e. **Nicholson**, A., **Schwarz**, K., et al, 2019. *The Modern Slavery (Victim Support) Bill: A Cost-Benefit Analysis*. Rights Lab.

### 4. Details of the impact

#### Research galvanises support for new national legislation on victim support

There are an estimated 130,000 modern slavery victims in the UK (Global Slavery Index, 2018). In 2019 and 2020, 18,213 of these victims entered the National Referral Mechanism (NRM)—the Government’s framework for identifying potential victims, referring them to support, and making a “Conclusive Grounds” (CG) decision on whether they definitely experienced modern slavery (Home Office Statistical Bulletins, 2019, 2020). In 2019, 75% of NRM referrals were of victims who originated from source countries outside the UK, including Albania, Bangladesh, Eritrea, India, and Vietnam (Home Office Statistical Bulletin, 2019).

In June 2018, Nicholson attended an event chaired by Lord McColl of Dulwich about legislation he was sponsoring: the *Modern Slavery (Victim Support) Bill*, which would change the situation where the UK Government provided modern slavery victims in England and Wales with only 45 days of recovery support. Instead, the Bill’s provision would give victims a guaranteed right to support for at least 12 months and the right to remain in the UK. Research by Nicholson and Schwarz (**3a-3d**) had shown the importance of post-enslavement support for long-term recovery by survivors. They believed a full cost benefit analysis (CBA) of the Bill could help its passage, and offered this to Lord McColl (**5a**).

The aim of their CBA research was to establish the cost and potential financial benefit of providing enhanced support (including appropriate accommodation, medical treatment, legal advice, translation and interpretation) for one year for all adult victims in England and Wales. Nicholson drew on her understanding of modern slavery survivors’ definitions of slavery and freedom (**3a**) and of the impact of support services on survivor wellbeing (**3c**), to define the gather new data from service providers and set the CBA’s criteria for indirect benefits (for example, preventing homelessness and re-trafficking). Schwarz used her research into States’ obligations (**3d**) to provide an international legal foundation for victim support, and her research with Nicholson into modern slavery’s defining characteristics (**3b**) to provide a CBA framework for the requirements and outcomes of appropriate support. Launched in Parliament in July 2019, the CBA report (**3e**) made the case for comprehensive, longer-term victim support by demonstrating that the Bill’s provisions would bring a net financial benefit of up to GBP 25,100,000 a year. It argued that providing longer-term support would prevent re-exploitation and reduce costs to the UK Treasury.

The team’s research (**3e**) helped Lord McColl gain cross-party Parliamentary support for the Bill. Responding to the CBA at its launch, Lord McColl commended the “thorough analysis to my colleagues in Parliament, to policy-makers and Government Ministers and encourage[d] them to consider increasing the support for all victims of modern slavery with utmost urgency” (**5b**). Terming it in one Parliamentary speech a “revealing cost-benefit analysis,” Lord McColl used the team’s research repeatedly to gain support for his Bill, including in speeches in the House of Lords

of September 9, October 7, and October 21, 2019 (5b). An MP also used the CBA in the House of Commons on September 30, 2019 to galvanise support for Lord McColl's Bill, citing the CBA report's "staggering" estimates, and another member of the House of Lords used it in Parliamentary speeches on September 7 and October 6, 2020 to reiterate that Lord McColl's Bill would save money and was a "win-win for the Government" (5b).

The Bill passed all stages in the Lords in 2019. Parliament was dissolved before a Second Reading in the Commons, Lord McColl reintroduced the bill in 2020, and its progress was delayed by a Parliamentary focus on Brexit and Covid-19. Expressing hope about its imminent passage, he explained that "the study has been **essential in persuading my colleagues to support the Bill**": the CBA was "**highly influential on the progress of the Bill**, ensuring that concerns that the proposals would be too costly were unfounded, and proving that increased survivor support would have the opposite effect...of providing indirect economic and social benefits that outweighed the costs" (5a). The UK Independent Anti-Slavery Commissioner highlighted the CBA report in her "Strategic Plan" for 2019-21 to explain why she would now encourage more data-driven research (5c). In a report the Commissioner's Office also praised the research team's "initiative" in recognizing that "a CBA could complement the moral impetus of the Bill by making the case that passing the Bill would be fiscally shrewd" (5d).

### **Research helps to change government policy on victim care time-limits**

While Lord McColl moved his Bill through Parliament, the research team used the CBA analysis in another way to transform how the UK Government supports modern slavery victims. As they finalised the CBA report for publication in April 2019, the team was contacted by Duncan Lewis Solicitors who were representing two modern slavery victims in a judicial review claim: *NN & LP v Secretary of State for the Home Department [SSHD]*. One of the NGOs that provided data for the CBA had told Duncan Lewis about the research team's work. Duncan Lewis' landmark case challenged the Home Office's National Referral Mechanism (NRM) policy that limited victim support to 45 days. Duncan Lewis was arguing for needs-based support but the Home Office was defending the 45-day limit by arguing that needs-based support was unaffordable (5e).

Duncan Lewis requested early access to the findings of the research team's CBA research, explaining "it would be very useful to be able to demonstrate that...providing ongoing support as per victims' needs at this point would cost the taxpayer less in the long term" (5e). The research team made its findings (3e) available to Duncan Lewis and also provided a lengthy witness statement that drew from the CBA report and cited the research team's other outputs (3a, 3c). As Duncan Lewis confirmed, "they devoted as much time as necessary to discussing the research with [us]" (5d). The witness statement was submitted as what Duncan Lewis termed "very helpful" evidence in the judicial review (5e). Duncan Lewis explained: "The University of Nottingham's work was extremely useful to us in demonstrating that the direct financial benefits of support outweighed the costs, and highlighted the importance of providing ongoing support to victims on a needs basis to avoid destitution, homelessness, and chronic mental health conditions" (5e).

This judicial review process **changed UK Government policy**. Upon receipt of the evidence, the Home Office settled the challenge; conceded that the 45-day policy is incompatible with the European Convention on Action against Trafficking in Human Beings and that support should be provided in reference to an individual's needs rather than by any reference to how long the individual had been supported; and agreed to introduce a needs-based system (5e, 5f). In September 2019, the Home Office published a new policy, the Recovery Needs Assessment (RNA), the guidance for which explains that support will not be restricted by time-limits, instead each RNA must include "a tailored transition plan...with the aim of ensuring that...services continue...until the victim has no such ongoing recovery needs" (5g). The RNA policy was added to the new Government Modern Slavery Victim Care Contract (MSVCC), awarded in 2020 at a value of GBP 281,000,000 for five years (5g), therefore giving longevity to the new longer-term support policy; and was included in the UK Government's Statutory Guidance on modern slavery, produced in accordance with Section 49 of the UK's Modern Slavery Act, therefore giving the policy a legal authority: "Following a positive Conclusive Grounds decision victims will be exited from MSVCC [Modern Slavery Victim Care Contract] support only when appropriate to do so....The point at which a victim will be exited from MSVCC support will be determined through a Recovery Needs Assessment" (5g).



**Thousands of modern slavery victims now have access to extended recovery support upon application as a result of the judicial review.** An estimated **9060** confirmed victims of modern slavery can now apply for RNA support as of October 2020. Based on historical data on the number of victims entering the NRM each year (e.g. 10,627 in 2019), thousands more will enter the NRM in 2021 and beyond, receive positive CG decisions (confirmation that the UK Government considers their case to be modern slavery, and be eligible for RNA support. Of these 9060 potential applicants to date, an estimated 8245 would successfully access support and therefore benefit from the new RNA policy. This calculation includes the following factors:

- Home Office Statistical Bulletins for 2019 and 2020 show that a total of 10,627 people entered the NRM in 2019 and 7,586 people in the first three quarters of 2020 (NRM statistics are not yet available for the last quarter of 2020);
- It is reasonable to include all NRM referrals for 2019 (including the first three quarters, before the introduction of the RNA policy in September 2019) as there are long delays in giving CG decisions (an average of 452 days in 2019);
- Research by Nicholson and Schwarz has shown that an average of 45.5% of NRM referrals result in a positive CG decision (**3e**);
- Although anyone with a positive CG decision since the introduction of the NRM in 2009 can request support with a RNA (not only those who enter the NRM after the introduction of the RNA policy), it is most likely that RNA applicants will be people who entered the NRM in 2019 and 2020, plus people who, as of late 2019, still have CG decisions pending from earlier years;
- The RNA policy applies only to adult victims (not children) and only to victims in England and Wales (not Scotland and Northern Ireland);
- UK Government figures (for September 2019-June 2020) show that 91% of RNA requests are being granted support (**5h**).

By November 8, 2020, the Single Competent Authority (SCA)—which confirms whether an individual is a modern slavery victim—had already processed 1141 RNA applications for extended support (**5h**). Of these, UK Government figures suggest that around 1030 (91%) will have been granted (**5h**). This means that, because of the judicial review—to which the introduction of the RNA was a response (**5f**)—**over 1000 survivors to date have received extended care**. And without the research team’s contribution, this judicial review would not have been successful: thanking the research team, Duncan Lewis noted that its work had “been invaluable and **we could not have reached this result without you**” (**5e**).

As research by Nicholson and Schwarz has shown (**3a**, **3c-3e**), extended victim support prevents re-enslavement and ensures long-term recovery. The leading NGO Hope for Justice, which identifies and supports modern slavery victims in the UK, confirmed the impact of the research team’s work for individuals: “All the survivors that we work with have suffered exploitation and the majority experience trauma....Safety and stability are fundamental...to enable them to overcome their experiences” (**5i**). Before the change in policy, victims “were faced with the ‘cliff edge’ of support finishing” (**5i**). Then “*NN & LP v SSHD* led to the introduction of the RNA policy” and the “acceptance by the Home Office that ongoing support is assessed by need and not time” (**5i**). The NGO sees the judicial review result as a “good step forward to ensuring victim care,” as the RNA policy “guarantees a consideration for every victim of slavery of their further support needs” (**5i**). The NGO also considers “*NN & LP* to be a helpful authority for legal challenges around the support provided to victims” and explained that “Hope for Justice has relied on this case to advocate for the extension and reinstatement of support under the NRM” (**5i**). For example, the NGO worked with a victim who had migrated to the UK, was destitute upon exiting the NRM, and was denied welfare support. Hope for Justice challenged this denial by requesting a reinstatement of NRM support “on the basis of the principles outlined in *NN & LP*” (**5i**). This was accepted. The victim received subsistence—ensuring “that a gap in...support was successfully avoided”—because of the use of *NN & LP* to argue for support “in line with his individual needs” (**5i**).

Duncan Lewis credited the research team with having “made a **lasting positive contribution to the situation for some of the weakest and most vulnerable members of society**” (**5e**). In a report of July 2020 (**5d**), the Anti-Slavery Commissioner’s Office featured this work by Nicholson and Schwarz as a key case study of “research that had impact”: one of only nine examples (from a 97-item literature review and 56 interviews) of research that “successfully bridged the gap between [researchers and stakeholders] to achieve impact” (**5d**). Noting that the research team

aimed to achieve “more robust support for individuals,” the Commissioner’s report concluded: “It is safe to say that these motivations were satisfied” (5d).

### Research helps to change government policy on victims’ right to work

In April 2020, Duncan Lewis approached Nicholson and Schwarz for help with a new judicial review case, *HYL v SSHD*, that challenged the Home Office’s blanket deferral of decisions on whether to grant discretionary leave to remain (DLR) to modern slavery victims until *after* the determination of an asylum claim. This left asylum-seeking modern slavery victims in limbo, unable to work. As Duncan Lewis explained in a letter, this policy “unjustifiably discriminated against victims of trafficking who also claimed asylum” (5e).

Nicholson and Schwarz used the methodology of their original CBA (3e), combined its findings with more recent immigration, asylum and NRM data, and determined the financial implications of providing DLR to confirmed modern slavery victims who were awaiting an asylum decision. This research, shared in a full witness statement for Duncan Lewis in June 2020 that also used the team’s earlier work (3b, 3d, 3e), found that granting DLR to asylum-seeking modern slavery victims would bring a direct benefit to the public purse exceeding the costs incurred. It would reduce the costs of supporting individuals who were unemployed, prevent re-exploitation, and improve mental health, stability and social integration. Duncan Lewis submitted the witness statement as part of the judicial review case, which, again, **changed UK Government policy**. In September 2020, the Home Office conceded that the blanket ‘scheduling rule’ was unlawfully applied and agreed to publish amended guidance (5j). In October 2020, the published guidance said it is appropriate to consider granting DLR in *advance* of an asylum claim consideration (5e). As a result, an estimated 965 asylum-seeking modern slavery victims annually (5e)—based on 2019 numbers—can have their DLR applications assessed earlier and potentially seek work while awaiting asylum decisions.

Duncan Lewis explained the team’s research was “**extremely useful** to us in demonstrating that the direct financial benefits [of DLR] outweighed the costs, and highlighted the importance of granting [DLR] during the period in which confirmed victims are awaiting an asylum decision and the benefits of granting such leave to the recovery and reintegration of confirmed victims” (5e). The law firm added that for both judicial reviews, it was “very grateful” to the research team for sharing data and “taking the time to discuss their findings with us and draft witness statements for these cases in a very narrow time frame” (5e).

Hope for Justice explained the impact of this second judicial review case for individual modern slavery victims. The NGO’s team members “regularly witness the negative impact of survivors being left in limbo with regards to their immigration status....we have regularly seen cases where immigration status prevents victims of modern slavery from accessing the services they need to recover....survivors who are seeking asylum in the UK [experience] the difficulties of long delays in determining asylum claims and the inability to move forward in the meantime” (5i). The NGO believes that by ensuring that “conclusively identified victims of slavery will be considered for discretionary leave to remain prior to determinations of their asylum claim,” the successful judicial review will enable victims to “have access to employment and mainstream accommodation and welfare assistance, which are often vital for long-term recovery,” concluding: “the decision will have a **positive impact for asylum seeking victims**” (5i).

### 5. Sources to corroborate the impact

- a. Testimonial from Lord McColl.
- b. Parliamentary citations and Lord McColl foreword to the CBA report.
- c. UK Independent Anti-Slavery Commissioner “Strategic Plan” (excerpts).
- d. UK Independent Anti-Slavery Commissioner report (excerpts).
- e. Emails and testimonial from Duncan Lewis Solicitors.
- f. Consent Order and Statement of Reasons for *NN & LP v SSHD*.
- g. Recovery Needs Assessment (RNA) Guidance (excerpts), Statutory Guidance (excerpts), and Contract Award Notice.
- h. Home Office statements on RNA figures.
- i. Testimonial from Hope for Justice.
- j. Government Legal Department letter on *HYL v SSHD*.