

**Slavery, servitude and forced or compulsory labour
Modern Slavery Act 2015 s1**

**Human trafficking
Modern Slavery Act 2015 s2**

Triable either way
Maximum: Life imprisonment
Offence range: TBC

Culpability

A	<ul style="list-style-type: none"> • Directing or organising offending • Expectation of substantial financial gain • High degree of planning/premeditation • Abuse of a significant degree of trust/responsibility • Use of violence • Victim’s movement physically restricted
B	<ul style="list-style-type: none"> • Operational or management role in the offending • Involves others in the offending whether by coercion, intimidation, exploitation or reward • Expectation of significant financial gain • Some planning/premeditation • Threats of violence towards victim(s) or their families • Other cases falling between A and C because: <ul style="list-style-type: none"> ○ Factors in both high and lesser categories are present which balance each other out and/or ○ The offender’s culpability falls between the factors as described in A and C
C	<ul style="list-style-type: none"> • Engaged by pressure, coercion or intimidation • Performs limited function under direction • Limited understanding/knowledge of the offending • Expectation of limited financial gain • Little or no planning/premeditation • Absence of violence/threats of violence

Harm

A finding that the psychological harm is **serious** may be based on a clinical diagnosis but the court may make such a finding based on other evidence from or on behalf of the victim (from, for example, a support worker) that serious psychological, developmental or emotional harm exists. It is important to be clear that the absence of such a finding does **not** imply that the psychological, developmental or emotional harm suffered by the victim is minor or trivial.

Category 1	<ul style="list-style-type: none"> • Serious physical harm which has a substantial and/or long-term effect • Serious psychological harm which has a substantial and/or long-term effect
Category 2	<ul style="list-style-type: none"> • Some physical harm

	<ul style="list-style-type: none"> • Some psychological harm • Significant financial loss to the victim(s) • Exposure of victim(s) to additional risk of serious physical or psychological harm • Other cases falling between categories 1 and 3 because: <ul style="list-style-type: none"> ○ Factors in both high and lesser categories are present which balance each other out and/or ○ The level of harm falls between the factors as described in categories 1 and 3
Category 3	<ul style="list-style-type: none"> • Limited physical harm • Limited psychological harm • Limited financial loss to the victim(s)

A sentence imposed for a Modern Slavery Act offence should be determined by the seriousness of the offence, not solely by the expressed wishes of the victim. In particular, the absence of a Victim Personal Statement (VPS) should not be taken to indicate the absence of harm. A court should consider, where available, a VPS which will help it assess the immediate and possible long-term effects of the offence on the victim (and any children, where relevant) as well as the harm caused, whether physical or psychological.

Step 2

Statutory aggravating factors

- Previous convictions, having regard to a) the nature of the offence to which the conviction relates and its relevance to the current offence; and b) the time that has elapsed since the conviction
- Offence committed whilst on bail

Other aggravating factors

A1 – Offending took place over a long period of time (in the context of these offences, this is likely to mean months or years)

A2 – Deliberate isolation of the victim, including steps taken to prevent the victim reporting the offence or obtaining assistance (above that which is inherent in the offence)

A3 – Deliberate targeting of vulnerable victims

A4 – Victim’s passport or identity documents removed

A5 – Gratuitous degradation of victim

A6 – Large-scale, sophisticated and/or commercial operation (where not taken into account at step 1)

Mitigating factors

M1 – No recent or relevant convictions

M2 – Good character and/or exemplary conduct (where previous good character/exemplary conduct has been used to facilitate or conceal the offence, this should not normally constitute mitigation and such conduct may constitute aggravation)

M3 – Remorse

M4 – Sole/primary carer for dependent relatives

M5 - Age/lack of maturity (where linked to the commission of the offence)

M6 – Mental disorder or learning disability