

# Holistic approach key to quality legal advice for modern slavery survivors

John Trajer Dr Jean-Pierre Gauci Dr Noemi Magugliani

---

Although people with lived experience of modern slavery often have complex and intersecting legal needs, there are countless stories of them receiving no, limited or low-quality legal advice, which has a significant detrimental effect on both their experiences within the legal system and their overall recovery and wellbeing.

In our [research project](#), carried out with [UNSEEN UK](#) and lived experience consultants for the [Modern Slavery and Human Rights Policy and Evidence Centre](#), we set out to understand why people with lived experience of modern slavery often struggle to access quality legal advice, as well as to document why this is a critically important issue. Our research participants confirmed that a **lack of quality legal advice can impact every area where people with lived experience of modern slavery are (or should be) in touch with the legal system** - from identification as a 'victim', to proceedings covering immigration and asylum issues, access to compensation, criminal cases (as 'victim' or accused), or family matters (such as parental rights).

Yet, the importance of access to quality legal advice is not limited to securing specific legal outcomes in these areas for clients. Indeed, project consultants also highlighted how a **lack of quality legal advice can affect their recovery and wellbeing directly** by contributing to ongoing uncertainty around their situation: not knowing where one stands or what rights one holds in the legal system is a major source of anguish and anxiety that can result in a state of limbo, with individuals unable to move on from their experiences.

The impacts of a lack of access to legal advice can also extend beyond the situation of the individual person with lived experience of modern slavery. Our research participants highlighted that **access can also be important in developing trust in the legal system and with public authorities**. This might, for instance, mean a greater willingness to cooperate with criminal justice authorities (should individuals feel safe in doing so), or to disclose information relevant to identification. Access to quality legal advice can also have a positive impact on public finances. One frequently highlighted example was the costly and lengthy appeal procedures required to vacate criminal convictions that could have been avoided had the client been advised correctly at an earlier stage. This points to the fact that access to quality legal advice is not only critical for the protection, recovery and wellbeing of people with lived experience of modern slavery, but also for **ensuring successful and cost-effective responses to this crime** at the national level.

What can be done to address these problems? Where do the challenges lie in accessing quality legal advice? Our study pointed to three main factors affecting outright access to any advice at all. On the **supply side**, research participants highlighted how cuts to legal aid funding have reduced the number of legal service providers with expertise on modern slavery issues in the UK, with many operating at full capacity and therefore unable to take on new cases.

On the **demand** side, lack of awareness of rights and the options available for accessing legal advice among people with lived experience of modern slavery is also a critical challenge. This underlines the important role played by support workers and organisations in filling this gap. However, merely being informed of a right to legal advice may not be enough to ensure effective access. The third factor is thus the need for supported referrals from frontline workers to ensure that such advice can be accessed in practice and to maintain the engagement of clients throughout the process. This can be promoted through **partnerships** between frontline organisations and lawyers with the relevant expertise, which will also build trust between the client and all the parties involved.

And yet **access alone is not enough**. Quality legal advice is critical to ensuring promising outcomes: bad advice is often worse than no advice. The research identified several components of what 'quality' advice means in this context. Particularly important is respect is what participants called a **'holistic approach'** to legal advice provision. Such an approach does not focus exclusively on securing immediate (and oftentimes unsustainable) legal outcomes, such as a short-term immigration status, but **addresses the broader aspects of the client's wellbeing and considers solutions to both their legal and non-legal needs in the long term**.

This requires a coherent strategy, close coordination with support providers and open communication with the client so that they can make informed decisions on matters which affect them directly. Such an approach also addresses the full range of the client's legal needs, with lawyers making referrals to other practitioners where they lack the specialist expertise to address all of these needs alone. These may include legal issues that are not traditionally seen as directly relevant to the modern slavery experience, such as family law and compensation matters.

One of the most important features of 'quality' advice is **regular, direct communication** with clients **in an effective and trauma-informed manner**. A lack of regular communication was identified as a major source of anxiety and distress, leading some people with lived experience of modern slavery to believe that their case was not being prioritised and exacerbating issues of mistrust rooted in their experiences of exploitation. Other research participants highlighted that regular communication was necessary to manage expectations and to ensure full involvement in the process so that clients can make informed decisions. Any such communication must be conducted in a trauma-informed manner in recognition of the fact that clients may be unable or unwilling to disclose their full range of experience and may find it difficult to articulate their needs due to linguistic, cultural or other barriers.

**Promising practices** exist and there is much to be learnt from existing experiences. These include (but are certainly not limited to) the **public funding of dedicated programmes** in Scotland and Northern Ireland **designed to provide access** to specialised advice for adults with lived experience of modern slavery at an early stage, as well as collaborations between NGOs, local authorities and legal service providers aimed at promoting a holistic approach to legal advice provision. Other good practices included **training and mentoring of legal practitioners by NGOs specialising in modern slavery** issues to improve technical expertise and promote trauma-informed working practices.

In view of all of the above our research makes a number of recommendations, including that the legal aid funding structure should be revised to ensure better access to advice for people with lived experience of modern slavery, and that adequate training and mentoring opportunities for providers of legal services should be guaranteed to improve the quality of the service. Critically, the legal advice provided should consider the significant and complex needs experienced by some people with lived experience of modern slavery in light of the different legal issues they may be facing, as well as broader issues of cultural disorientation, lack of trust, trauma and mental health problems, language barriers, and other factors.

You can read the research outputs including a series of recommendations for relevant institutions [here](#).

#### **Authors:**

**[Dr Jean-Pierre Gauci](#)** is the Arthur Watts Senior Research Fellow in Public International Law and Director of Teaching and Training at the British Institute of International and Comparative Law.

**[Dr Noemi Magugliani](#)** is Research Fellow in Anti-Trafficking Law and Policy at the British Institute of International and Comparative Law.

**[John Trajer](#)** is Research Fellow in Anti-Trafficking Law and Policy at the British Institute of International and Comparative Law.

*This blog post has also been published on the blog of the [Modern Slavery Policy and Evidence Centre](#) which funded the research project. BIICL is a host organisation from the Modern Slavery PEC.*

URL: <https://www.biicl.org/blog/52/holistic-approach-key-to-quality-legal-advice-for-modern-slavery-survivors>