

# Modern Slavery, Jury Trials & Sentencing Reforms

## Briefing note for Members of Parliament, January 2026<sup>1</sup>

### Overview

- Proposals to remove jury trials in cases likely to attract sentences of three years or less raise specific risks in cases involving modern slavery and criminal exploitation.
- In such cases, criminal responsibility often relies on context, coercion and vulnerability, rather than disputed facts.
- Evidence from practice indicates that judge-only models may increase inconsistency in the treatment of exploitation and expert evidence.
- Safeguards are available that could reduce court backlogs without weakening protections for exploited children and vulnerable defendants.

### Context

In January 2026, proposals were announced to remove the right to trial by jury in cases expected to receive custodial sentences of three years or less, with the aim of reducing pressure on the criminal courts.

During the House of Commons Opposition Day debate on jury trials<sup>2</sup> on 7<sup>th</sup> January 2026, Members raised concerns about judge-only decision-making and the role of juries as a safeguard in complex criminal cases.

The proposal has implications for cases involving modern slavery and criminal exploitation, especially where children are coerced and forced into offending.

### Why jury trials matter in modern slavery cases

In modern slavery and exploitation cases, the key issue is often not whether an act occurred, but why it occurred.

Juries are required to assess:

- the impact of grooming, coercion and control;
- whether apparent compliance reflected genuine choice;
- how trauma and developmental immaturity affect behaviour and recall.

These are factual assessments that require decision-makers to determine what was occurring in practice, how the child's behaviour was shaped by their circumstances, and whether apparent compliance reflected genuine choice or constraint. Evidence from practice indicates that juries are often more willing to engage with this complexity than a single decision-maker operating under time and workload pressures.

<sup>1</sup> This briefing was prepared by Dr Grace Robinson and Daniel Robinson of Black Box Research and Consultancy Ltd  
<sup>2</sup> UK Parliament (2026) *Jury Trials*, HC Deb 7 January 2026. Hansard. Available at:

<https://hansard.parliament.uk/commons/2026-01-07/debates/C9FEDD36-4BE9-423C-997A-206919EC8999/JuryTrials> (Accessed 29 January 2026)

## Treatment of expert evidence in judge-only settings

Across modern slavery cases, there is documented inconsistency in how expert evidence is handled.

In courts without juries, including magistrates' courts, we frequently observe:

- Expert evidence being restricted or excluded;
- Assumptions being substituted for specialist analysis;
- Exploitation being treated as mitigation rather than a factor affecting liability.

Expanding judge-only models risks replicating these patterns in a wider range of cases.

## Implications for the Section 45 Modern Slavery Act defence

Where cases are predicted to fall below the three-year threshold, defendants may face increased pressure to plead guilty early, on the basis that exploitation can be considered at sentencing.

This may:

- Reduce the use of Section 45 defences;
- Discourage contested trials where exploitation is central;
- Shift the focus from criminal responsibility to mitigation.

For exploited children, this creates a significant structural risk. Many struggle to identify or describe the coercion and control they have experienced, particularly where such behaviour has been sustained

over time. Expert input is often necessary to support recognition of these dynamics and to provide a framework for understanding the tactics associated with modern slavery.

## Disproportionate impacts and bias

Evidence from the Lammy Review (2017)<sup>3</sup> highlighted racial disparities throughout the criminal justice system.

Concentrating decision-making in a judiciary that remains unrepresentative of affected communities may increase the risk of:

- Credibility being assessed through racialised assumptions;
- Coercion and control being minimised where children appear 'streetwise';
- Inconsistent outcomes for Black and migrant children.

These risks are compounded for migrant children subjected to exploitation, who often face additional barriers including language difficulties, insecure immigration status, trauma-related memory gaps and fear of authority. Their credibility is frequently questioned in both criminal and immigration proceedings. Judge-only models may heighten the risk of harsher outcomes, particularly where decision-makers lack familiarity with trafficking indicators, the National Referral Mechanism (NRM) or cross-jurisdictional exploitation patterns. Training alone is unlikely to mitigate these risks fully.

## Policy risks over time

There is a recognised risk that procedural reforms introduced at a lower threshold expand over time.

<sup>3</sup> Lammy, D. (2017) *The Lammy Review: An independent review into the treatment of, and outcomes for, Black, Asian and Minority Ethnic individuals in the Criminal Justice System*. London: Ministry of Justice. Available at:

<https://assets.publishing.service.gov.uk/media/5a82009040f0b62305b91f49/lammy-review-final-report.pdf> (Accessed: 29 January 2026).

Children coerced and forced into participation in county lines and low-level drug supply are frequently prosecuted for offences that fall close to sentencing thresholds. If jury trials are removed for cases likely to attract sentences of three years or less, this group is likely to be disproportionately affected. There is also a risk that, once introduced, such thresholds expand over time, widening the range of cases excluded from jury trial.

### Options and safeguards for policymakers

If reform proceeds, a number of safeguards could mitigate risks in cases involving modern slavery and criminal exploitation, particularly where children are concerned:

- **Trauma-informed and youth-specific expertise in criminal courts**  
Decision-makers must be able to recognise how trauma, coercion and developmental immaturity shape behaviour, memory and credibility. Strengthening trauma-informed and youth-specific expertise within criminal courts is essential to ensure accurate assessments of culpability where exploitation is alleged.
- **Specialist judicial training and case allocation**  
Any reform should be preceded by mandatory specialist training for judges dealing with cases involving recognised indicators of modern slavery. Consideration could also be given to specialist courts or designated pathways for such cases, ensuring they are heard by judges with appropriate expertise.
- **Statutory consideration of expert evidence**  
Where exploitation is raised, there

should be a clear expectation that expert evidence is considered, reducing inconsistency and reliance on assumption rather than specialist knowledge.

- **Earlier safeguarding and strengthened NRM decision-making**  
Improving early safeguarding responses and National Referral Mechanism decision-making would reduce the number of exploited children reaching criminal court before exploitation is identified.

### Contact and further support

Black Box Research & Consultancy specialises in modern slavery and criminal exploitation. We have provided expert evidence in criminal courts across England and Wales in over 700 cases. Our work sits at the intersection of legal process, safeguarding and lived experience. We would be happy to:

- Provide anonymised case examples
- Contribute to further briefings
- Or support policy development on safeguards and implementation