

# Part 7: Types of exploitation and key legal/regulatory instruments

There are many different forms of exploitation, the descriptions below cover some of the most frequently-reported forms that arise in relation to people with cognitive impairment.

## Financial exploitation

Financial exploitation occurs when one or more people, either opportunistically or premeditatedly, unfairly manipulate another person for profit or personal gain, including money or goods. Financial exploitation may range from regularly taking advantage of someone else’s money or property, to appropriating someone’s benefits, or marrying someone specifically to gain control of their finances (predatory marriage). Another common sign and/ or result of financial exploitation can be debt. It can co-exist with domestic abuse and ‘mate crime’ between intimate partners, family members and friends. It may also co-exist alongside other forms of exploitation, particularly sexual exploitation and cuckooing.

## Criminal exploitation

Criminal Exploitation is the act of manipulating or abusing power over someone for personal gain or criminal purposes. It can take many forms including forcing adults and children to move drugs and money; forced stealing or begging and benefit frauds.

Signs that someone could be exploited include apparent lack of any significant income from their potential involvement in criminal activities. While young males are often thought of being the typical victims of criminal exploitation, older people and people with health issues may be exploited for their access to prescription medication and welfare benefits.

## Cuckooing or home takeover

Cuckooing is often associated with criminal exploitation and occurs when someone’s home is taken over through deception or coercion and used for criminal activities. A warning sign is if there are frequent lodgers, anti-social behaviour and multiple visitors.

## Mate crime

Mate crime is when someone is exploited by another person who is posing as a friend. It has no formal definition in law.

## Sexual exploitation

Sexual exploitation is when someone uses another person sexually for their own benefit or profit, which may include producing intimate images for profit or gain.

Distinctions between ‘consensual’ sex work and commercial sexual exploitation can be complex, but considerations could include whether someone is getting reasonable income from their participation in sex work, whether their work is being controlled by another person, and any additional risk factors or vulnerabilities.

## Forced labour/labour exploitation

Forced labour is direct compulsion to work for another person, compulsory labour is indirect compulsion to work for another person. In both cases, compulsion means the work is not offered voluntarily and is exacted under the menace of a threat or penalty. This includes psychological means of exerting control including humiliation, threats and insults or isolating a victim. Both forced and compulsory labour cover any work or service.

Labour exploitation is a wider spectrum of abuses which does not include threats or direct/indirect compulsion. It may however include very low wages or poor health and safety.

People with cognitive impairment often struggle to access employment opportunities and are therefore vulnerable to offers of work in the informal economy where labour abuses and exploitation are more common.

## Exploitation in law

Exploitation affecting adults is not currently well-defined in English law. The following table summarises some relevant areas of legislation along with applications and some key limitations.

Legislation	Application	Limitations
Modern Slavery Act 2015  Modern Slavery: statutory guidance for England and Wales (under s49 of the Modern Slavery Act 2015) and non-statutory guidance for Scotland and Northern Ireland (accessible version).	Human trafficking, slavery, servitude and forced or compulsory labour.  Crown Prosecution Service guidance makes it clear that consent of a person (whether an adult or a child) does not preclude a determination that the person is being held in slavery or servitude, or required to perform forced or compulsory labour. <sup>1</sup>	Prosecutions under the Modern Slavery Act are contingent on gaining a ‘Conclusive Grounds’ decision that someone has been a victim of modern slavery. This has a high evidential standard, may take a long time (average times to decision currently being in excess of 600 days) <sup>2</sup> and depends upon the individual consenting to enter the National Referral Mechanism.  Statutory guidance includes multiple indicators for forced and compulsory labour, but these tend to focus on coercive means that abusers may use to extract labour. They do not encompass wider factors that limit individuals’ choices and ability to access non-exploitative work, such as homelessness, discrimination, a lack of training or skills, or the local labour market.
The Care Act 2014  English Care and Support Statutory Guidance	If someone has care and support needs, is at risk of abuse and is not able to protect themselves they may be an ‘Adult at Risk’ under the Care Act 2014. Local authorities have a duty under section 42 of the Act to make enquiries if they believe an adult is experiencing abuse or neglect.  If a person does not consent to a safeguarding enquiry and there is a concern about their mental capacity, a cognitive impairment, or control and coercion, consent may be overridden so the enquiry can progress with the aim of risks and vulnerabilities being fully understood.  The Care Act lists ten forms of abuse, including modern slavery, financial abuse, sexual abuse and domestic abuse among others. These abuses may include or co-occur with exploitation. However, exploitation itself is not clearly defined in the Act.	There is local divergence in the definition of an ‘adult with care and support needs’ under the Care Act 2014.  The criteria to raise a safeguarding adults concern with the local authority is relatively low, as follows:  Do you have reasonable cause to suspect that the adult:  a) has needs for care and support (whether or not the authority is meeting any of those needs) and  b) is experiencing, or at risk of, abuse or neglect?  However, thresholds for section 42 safeguarding enquiries can vary across areas.  The lack of distinct categories for exploitation within the Care Act 2014 has also led to calls for this to be clarified in statutory guidance (Preston-Shoot et al, 2024).
Domestic Abuse Act 2021	The Domestic Abuse Act includes economic abuse, which relates to any behaviour having a substantial adverse effect on someone’s ability to acquire, use and maintain money, or obtain goods and services. It defines coercive control as ‘a pattern of behaviour – defined by at least two occasions – which causes fear of violence or distress which has adverse effect on everyday life of the victim.’	The Act applies only to ‘personally connected’ people – intimate partners, or former intimate partners, or other family members cohabiting at the time of the abuse. This leaves a potential gap in the law in relation to abuse-like behaviours between those who are not personally connected.

<sup>1</sup><https://www.cps.gov.uk/legal-guidance/modern-slavery-and-human-trafficking-offences-and-defences-including-section-45>

<sup>2</sup><https://www.gov.uk/government/statistics/modern-slavery-nrm-and-dtn-statistics-end-of-year-summary-2024/modern-slavery-national-referral-mechanism-and-duty-to-notify-statistics-uk-end-of-year-summary-2024#national-referral-mechanism-decisions>

Legislation	Application	Limitations
Sexual Offences Act 2003	Crimes in the Sexual Offences Act 2003 that are or could be relevant to sexual exploitation of adults includes: <ul style="list-style-type: none"><li>❑ Trafficking for sexual exploitation;</li><li>❑ Paying for sexual services from a prostitute who has been coerced;</li><li>❑ Controlling prostitution for gain, including use of mental and physical coercion;</li><li>❑ Causing or inciting prostitution;</li><li>❑ Sharing or threatening to share an intimate film of photograph;</li><li>❑ Keeping a brothel used for prostitution;</li><li>❑ Sexual contact with someone who cannot consent</li></ul>	Trafficking-related crime is now often addressed under the Modern Slavery Act 2015.  There is a lack of clarity in regard to adults engaging in exploitative relationships or sex work that appears to be consensual. In contrast to the case of children under 16, there is no equivalent offence for ‘grooming’ of adults.  The nature of pornographic content and its distribution has changed with social media, smart phones and user-generated content easily uploaded to multiple forums. This issue will potentially be addressed in relation to children in the Crime and Policing Bill 2025 but use of control and coercion in creating explicit content for gain is not yet clear when it comes to adults.

Legislation is continually being updated. At the time of writing, a Crime and Policing Bill is under consideration in Parliament, which will make both Child criminal exploitation and cuckooing (of children and adults) a criminal offence. However, the extent of application and any limitations of this legislation are not yet finalised.

### Additional powers and intervention tools

It can be seen from the table above that adults with cognitive impairment may sometimes fall outside frameworks for intervention, and struggle to gain access to justice.

This is particularly the case for exploitation such as cuckooing and financial abuse, when adults may have some form of vulnerability (whether this relates to a cognitive impairment or wider issues) and exploitation is originating outside the family unit, but they have capacity for relevant decisions and not assessed to be an ‘adult at risk’ or have care and support needs under the Care Act 2014. If adults are perceived to be ‘consenting’ to exploitation, this can be a further barrier, unless the abuse is severe enough to be considered modern slavery.

However, authorities have a range of additional tools and options available to them. Some of these are detailed in Part 5.

A useful guide to intervention tools and powers has been published by the Network Working Group: ‘Criminal, Civil and Partnership Disruption Options for Perpetrators of Child and Adult Victims of Exploitation’. [www.safeguardingchildren.co.uk/Resources/nwg-child-exploitation-disruption-toolkit](http://www.safeguardingchildren.co.uk/Resources/nwg-child-exploitation-disruption-toolkit)

### Support across the four nations

Across the four UK nations the legal frameworks for addressing exploitation, victim support entitlements, and safeguarding structures have some significant differences. The table below provides some examples of how England, Wales, Scotland, and Northern Ireland define and respond to adult exploitation, highlighting both commonalities and points of divergence.

Aspect	England	Wales	Scotland	Northern Ireland
Key Legislation	Modern Slavery Act 2015  Care Act 2014  Mental Capacity Act 2005	Modern Slavery Act 2015  Social Services and Well-being Act 2014  Mental Capacity act 2005	Human Trafficking and Exploitation Act 2015  Adults with Incapacity Scotland Act 2000	Human Trafficking and Exploitation (criminal Justice and Support for Victims) Act 2015  Mental capacity act (Northern Ireland) 2016  Adult Protection Bill 2025 (currently in progress).
Victim Support under NRM	30 day minimum support period.	30 day minimum support period.	Statutory minimum 90 day support.	Statutory minimum 45-day support (extendable)
Definition of exploitation in MSHT legislation	Section 6 Another person uses or attempts to use the person for a purpose within paragraph (a),(b) or (c) of subsection (5), having chosen him or her for that purpose on the grounds that—  (a) he or she is a child, is mentally or physically ill or disabled, or has a family relationship with a particular person, and  (b) an adult, or a person without the illness, disability, or family relationship, would be likely to refuse to be used for that purpose.	As in England	Section 8 Another person uses or attempts to use the person for any purpose within subsection (7)(a), (b) or (c), where—(a) the person is—(i) a child, or (ii) an adult whose ability to refuse to be used for a purpose within subsection (7) (a), (b) or (c) is impaired through mental or physical illness, disability, old age or any other reason (a “vulnerable adult”), and  (b) a person who is not a child or a vulnerable adult would be likely to refuse to be used for that purpose.	Part 1 – attempting to use a child, vulnerable adult, family member or a person who is subject to a position of trust to provide services or benefits of any kind, having chosen them on the grounds that they are a child or a vulnerable adult etc. and that a person who was not a child, vulnerable adult, etc. would be likely to refuse to be used for that purpose.

See Part 8 for further reading and useful resources.



Aspect	England	Wales	Scotland	Northern Ireland
Vulnerable adult in MSHT legislation	Section 6 Regard may be had—(a) to any of the person's personal circumstances (such as the person being a child, the person's family relationships, and any mental or physical illness) which may make the person more vulnerable than other persons.	As in England	Section 8 an adult whose ability to refuse to be used for a purpose within subsection (7)(a), (b) or (c) is impaired through mental or physical illness, disability, old age or any other reason.	Section 25: “vulnerable adult” means a person aged 18 or over whose ability to protect himself or herself from violence, abuse or exploitation is significantly impaired through physical or mental disability or illness, old age, addiction to alcohol or drugs or for any other reason.
Safeguarding Structures	Local Safeguarding Adults Boards	Regional Safeguarding Boards Human Trafficking MARACs	Adult Protection Committees Inter-Agency Referral Discussions (IRDs)	Northern Ireland Adult Safeguarding Partnership and local partnerships. Adult protection Bill 2025 will bring increased statutory powers.

