



Horticultural Sector Committee

Corrected oral evidence: The horticultural sector

Thursday 13 July 2023

10.30 am

Watch the meeting

Members present: Lord Redesdale (The Chair); The Earl of Arran; Lord Carter of Coles; Lord Colgrain; Lord Curry of Kirkharle; Baroness Jones of Whitchurch; Lord Sahota; Baroness Walmsley; Lord Watson of Wyre Forest; Baroness Willis of Summertown.

Evidence Session No. 21

Heard in Public

Questions 237 - 247

Witnesses

[I](#): James Mallick, Compliance and Implementation Director, Pro-Force; Justin Emery, Director, Fruitful Jobs; Simon Bowyer, Chief Executive, Concordia.

Examination of witnesses

James Mallick, Justin Emery and Simon Bowyer.

Q237 **The Chair:** Thank you for coming this morning to give evidence to the committee. The first question is before you, but could you also state who you are, what your organisation is and its make-up? For Concordia, what is your charitable status? What role do scheme operators play in the seasonal worker visa scheme and how do they work with other bodies and agencies to secure workers in the UK? It is a small question.

James Mallick: Good morning. I am compliance and implementation director at Pro-Force, a labour provider to the agricultural and food production sectors. We recruit circa 27,000 workers a year, of which the seasonal worker scheme makes up about a third. The make-up of our labour force is workers through the seasonal worker scheme and EU workers who still come in seasonally under the EU settlement scheme and live in the UK. We also source UK workers based here in the UK.

On the role we play, it may be worth setting out the government organisations that legislate us. All sectors and all recruiters that supply labour into the UK are governed by the Conduct of Employment Agencies and Employment Businesses Regulations. If you supply labour to the food sector, you are also covered by the Gangmasters and Labour Abuse Authority and have to hold a licence. As scheme operators, we are licensed by the Home Office to sponsor seasonal workers on visas of up to six months. If we were to lose either of our licences from the GLAA and the Home Office, we would be restricted from supplying labour to the agricultural sector.

The sponsors' obligations are very strict and very broad. Effectively, we now police the agricultural industry, to a point, particularly around labour supply. It is worth setting out the key obligations under the sponsors' guidance. Prior to providing labour, we have to ensure that the workplace is safe by checking against the obligations of health and safety regulation. We have to ensure that steps are taken so that workers going to a farm understand the health and safety regulations. That means ensuring that any induction is provided in multiple languages and understood. We have to ensure that workers are treated fairly. That is a fairly broad requirement, and I am sure we will get into some of the detail of that later. We have to ensure that workers receive contracts that they understand, translated into their first language.

We also have to ensure that workers are paid properly, which includes receiving a minimum of £10.42 per hour, which is higher than the national minimum wage because there is no age banding in the seasonal worker scheme. Workers must receive a minimum of 32 hours per week. That entitlement was introduced to the scheme formally this year, but Pro-Force has required that of our clients since 2019, when we were first appointed as a sponsor. We have to ensure that regular breaks and days off are given, as per the Working Time Regulations. We have to ensure that workers know the procedures to follow if they are sick or injured and

how to claim on their medical insurance, as they are not covered fully by the NHS. Certainly in the case of Pro-Force, and I think with most operators, that insurance is provided to the migrant workers free of charge.

We have to ensure that they receive appropriate PPE and that it is not charged for, under national minimum wage regulation. We must ensure that housing is safe and hygienic, and that any vehicles used to transport the workers are safe. We have to ensure that workers are not threatened or subjected to physical abuse, violence or discrimination, and that travel and ID documents are not withheld.

There is a question later about this, but, in brief, Pro-Force ensures those things through a pre-supply audit, prior to any migrant workers being provided to a farm. We do a mid-season welfare check and encourage open dialogue with the migrant workers we provide to the farm. We have to ensure that workers understand how to make a complaint and what the routes are for that. We have to enable transfers, which is vital in the horticultural sector for a range of reasons, whether that is crop failure, lack of work, a worker not performing or the worker being unhappy. As an operator, because we supply multiple farms, we can move the worker around to give best fit to both the worker and the industry.

We are very actively involved with the GLAA. Pro-Force has just released a video, which has been gifted to the GLAA, that talks about a migrant worker's experience in the UK and has testimony from a number of workers. That is now hosted by the GLAA on its website. We also liaise with Defra, UKVI and organisations such as the IOM and other stakeholders in the sector, including the NFU, retailers, NGOs and the farms where we supply labour. The majority of our recruitment is done by Pro-Force. We do not typically use agents in-country to do the recruitment; it is done by us. We also work with the UK embassy in the source country and the embassy of the source country here in the UK. I think I have said enough and I will end here.

Simon Bowyer: I am CEO of Concordia. As you mentioned, Chair, we are a charity, based in Brighton and Hove. We have been involved in recruiting, initially volunteer, workers since 1943. That morphed into paid workers and volunteers as two separate schemes. Any money that we make surplus to our operating costs by supplying workers to farms is now channelled into our charitable activities, largely youth-based programmes in and around Brighton and Hove. We work with the NCS Trust. We have a schools programme to help people with their emotional well-being, and learn team-building and employability skills. We think there is a virtuous circle here: we are bringing workers from other countries who would potentially earn a lot less in their home country and can make a good living over here. If we make any money from that, it helps young people in the UK as well.

All the companies operate different models, because it is a competitive scheme. We work together on some initiatives: for example, we are also members of the Association of Labour Providers, an industry body for

recruitment firms. One of its recent initiatives is an app that can be downloaded on to workers' phones called "Just Good Work". That app is translated into different languages to cover all the source countries we use. Using the app, people can get information about their entitlement to sick pay, what their minimum wage should be and what the deductions are on their payslip, such as tax and national insurance, because they may come from countries that might not have a similar regime to ours where tax is deducted at source. We frequently get questions about that sort of thing. The app gives them a list of all their rights, explaining things like the 48-hour opt-out, which is arcane, even to some of us living in this country.

We try to give them as much information as possible. For example, we give them a welcome pack in which there is a credit card-sized card translated into their own language giving them a phone number and email address to contact us, an anonymous reporting form and the number of the Modern Slavery Helpline. If for any reason they do not feel that we are an impartial source to help them, they have a third party to call in extremis. We try to cover all those bases. Generally, workers call us or the agent who recruited them in their own country. We use Language Line to translate a call from a worker, but we do not always speak their native language. Often, we put them through to the agent who recruited them so that they can help us with translation.

I think James covered everything else. Likewise, we operate an insurance scheme so that people coming to this country to work have travel insurance in case their baggage goes amiss on the way, and health insurance when they get here. That covers GP visits that might not be covered by the NHS. Obviously, working in farm environments, we have had serious incidents such as broken limbs, or one person who was in a coma. National health insurance would not cover them for that, but our insurance will. As James said, it is provided free of charge to participants.

Justin Emery: Good morning. I am managing director of Fruitful Jobs. James and Simon summed up what we do and how we manage it. Obviously, all three businesses manage our staff and welfare in different ways, but we are very similar in reporting back to the Home Office and to the GLAA. We do inside investigations of any welfare issues and report that back to the GLAA, which proceeds with that. In general, the chaps have covered it. Our main role is being a third party for the welfare of staff in the UK and managing the sector to ensure that farms abide by the guidance and employment laws, and ensuring that that is in place.

Q238 Baroness Willis of Summertown: Thank you all for giving such detail. I sat here slightly amazed, because we have obviously heard a very different view from some of the people who came here to work. For us as a committee, it is quite hard to balance that view against the free insurance, the health insurance and all those things, which we had not really heard about.

In your opinion, how widespread is exploitation? Do you have quantitative figures that demonstrate it and where you can say, "10% of

our work is dealing with exploitation”, or, “This is the number against the overall number of employees we have”? Could each of you address that?

Justin Emery: I have looked at the percentages. On exploitation in the UK, how you define exploitation? Take somebody sending you a photo of bad accommodation, such as a dirty room when they arrive. It is not acceptable, but is it exploitation? The exploitation we manage looks at wages and safe working conditions. Living conditions have to be suitable, but where does exploitation start? Looking at our complaints, across what we do we run at only 1% in complaints such as those made by the three migrant workers you had here. The biggest chunk of exploitation is actually in the home countries. Since joining the scheme, it has become a major part of our work, working with labour authorities and Ministers at embassies abroad, to try to remove exploitation in the supply chain or by criminals trying to break into it and charging money for visas. That is a significant area that we are working in.

Baroness Willis of Summertown: One thing that struck me is that you can have six to eight people in a caravan with one toilet, and they are each charged £60 a week for that accommodation. To me, that is exploitation. So I wonder about your definition.

Justin Emery: With that case, we would look at the farm and ask, “Is the accommodation suitable for six people?” A caravan at £60 a week is in the guidance. Farms are not breaking the rules; they are following guidance put out by the Home Office of £63.70. Our job is to make sure that farms do not charge any extras on top of that; that they are not charging for gas, electricity or washing. That has to be included in the £63.70.

Our job is to make sure that they are not overhousing people. Depending on the size of caravans, they might be able to accommodate that many people. Also, before migrant workers come to the UK they are given information and shown presentations on their first placement, and possibly their second placement. They will be shown photographic evidence of the accommodation they are moving into and how many people will be in it as we go through the work. We want people to say no, they are not happy to live in those conditions before they come to the UK, rather than once they get here. Obviously, that is when we get complaints and issues.

Baroness Willis of Summertown: Thank you. Simon, what is Concordia’s view?

Simon Bowyer: Two auditors go out to every farm that we work with at least once a year physically. They also do a Zoom audit with them once a year, so there is a minimum of two checks per year. One thing they check is the condition of the caravans. The model that farms normally use is that they buy the caravans from holiday parks, which previously would have charged British holidaymakers £600 or £700 a week to stay in them. They are not usually in poor condition, but they deteriorate over time. All farms will have a maintenance worker and a checklist, where

they go round and maintain the caravans. We usually get a lot of complaints when the weather changes, as it just has, from dry to wet conditions. That is when the leaks that people did not know about become apparent. We will probably get a few complaints this week and we will ask the farms to go out there immediately and fix those issues. If they have not been fixed properly, we ask the farms to transfer the participants to a different caravan. Accommodation is a major source of contention. As Justin said, the £63.70 is enshrined in law. That is set, I think, by HMRC.

Justin Emery: Yes, HMRC.

Baroness Willis of Summertown: What percentage of complaints come back to you?

Simon Bowyer: I had a look at this yesterday before I came here. It is 1% of our workers this year. That is about normal. Flip that on its head and we have 99% of people who are not complaining. I agree about the 1%. We would love to make it 0%, but in an environment like this that is almost impossible. To break down those complaints, some 50% are about the work, either not getting enough work or it not being suitable. About a third of complaints are to do with supervisors not treating them fairly or not being impartial. The remainder are about accommodation. We have been talking to farms about how we can help them with supervisors. This scheme is still relatively new, so a lot of the supervisors have Romanian or Bulgarian backgrounds. They deal with people from around the world whose cultures they do not necessarily understand as yet.

Baroness Willis of Summertown: James, you made the point that you guarantee 32 hours of work a week. We have not been hearing that. One complaint we heard is that people turn up and there are not 32 hours a week or work finishes on one farm and there is no other place to go to. Do you deal with complaints about that?

James Mallick: Absolutely. The requirement for 32 hours under the scheme rules was only brought in this April. I think you had testimony from migrant workers who were participants in previous years. Although that requirement brings some challenges in managing work availability in a sector that is by its nature quite difficult to predict, its addition is welcomed. As I said, Pro-Force first became a sponsor in 2019 and we obliged our clients to do that from day one.

It provides some challenges. If a grower has an end of season, as an operator we always try to predict that. Often, a worker will be offered two assignments prior to arriving in the UK; they will have 12 weeks on one farm for a soft fruit season and then move to a top fruit farm for that season. Those tend to work quite nicely together. Sometimes, crops finish earlier or start later and there could be a gap. That is a potential problem and is not necessarily covered by the 32 hours.

I have some genuinely quantitative data to share with you. I echo the thought from Simon and Justin that complaints are at about 1%. That is

true across our business, whether it is seasonal workers, EU workers or UK workers. For the last two years, Pro-Force has run a worker survey. Our 2021-22 stats are on our website, and stats are published every year.

The response rate to the survey has been about 1,000 participants. That is good representation, although I must stress that it is a representation of Pro-Force migrant workers in the farms that Pro-Force supplies. If not completely representative, it is a good example. Of that number, 83% felt they were provided with good information during the recruitment process; 97% felt they had a good or very good understanding of their job; and 87% agreed that kitchen and accommodation facilities were suitable, although only 72% felt that issues were fixed quickly. That is something that definitely requires a bit of work. A really good metric is that 89% would recommend Pro-Force to a friend; 91% would want to work in the UK again; and 88% wanted to come back the following year.

Those numbers are quite interesting, not only as a good representation of the industry but because they are from 2021 when we had a lot of Ukrainians working in the sector through the scheme, many of whom were returnees. As a result of the invasion of Ukraine by Russia, we had to shift source country quite quickly. Now, most of the workers Pro-Force recruits are from central Asia. So the numbers for both years—a year with a good level of returnees and one with almost no returnees and all new workers—are broadly similar. Again, there is a good set of data.

Q239 Lord Watson of Wyre Forest: When you provide pathways for workers with a grievance to find some kind of workplace justice, do you provide access to trade unions?

James Mallick: We do not, because there is not necessarily a trade union representing the agricultural sector, especially not seasonal workers. It is quite difficult, because they are here for such a short period of time. We work very closely with the GLAA and with NGOs like the Work Rights Centre, and we provide details of them to workers throughout the process, both at job offer stage and again when they arrive in the UK. Although there is no trade union per se, there are third parties. As Simon said, we have a number of options for them for raising a complaint. That can be to us through the channels we have. We use SeeHearSpeakUp, an independent, multilingual hotline, for example, and we then receive an anonymised report about the complaint.

Lord Watson of Wyre Forest: If a trade union approached you to ask to talk to workers, you would not deny access. It is just that you have not been asked.

James Mallick: Yes.

Lord Watson of Wyre Forest: Thank you.

The Chair: I have a quick question. Have you ceased working with any farms because of the conditions they provided?

Simon Bowyer: Yes.

James Mallick: Yes.

Justin Emery: Yes.

The Chair: All three of you have walked away from farms.

Justin Emery: We remove staff on the same day.

James Mallick: Yes. I mentioned some of the obligations we have as a sponsor in effectively policing the sector. The ultimate sanction we have is to remove workers—that would be catastrophic for that farm, because the crop would not be picked, packed or distributed, so the grower would have no income—or to say that we will not provide labour the following year, which presents the same challenge.

Q240 **Lord Sahota:** You have touched on my question, which is about seasonal workers' complaints. How do scheme operators respond to complaints or concerns from workers?

Simon Bowyer: We have slightly different models but I think we all do the same thing. We log every complaint that we get and classify them, as you heard me talk about earlier, as to whether they are about a supervisor, working conditions, pay or accommodation. We look into the complaints. We keep that information on a database and track complaints by type, farm and recruiting agent. We can then see whether there is a cluster of complaints about similar issues on a particular farm, which means we need to go there and investigate. We had a case where 13 workers on a site complained about accommodation and we immediately went to that site to see what the problem was. At the other end, if they complain that the work is not what they expected, we look more at the agent who recruited them to see whether the recruitment process was done properly and all the correct documents were given to them, so that they understood what they would be doing. We have a video training application that they can see before they leave their country to come and work in the UK. That should give them a strong idea of what they should be doing when they come here.

If they complain, we log every complaint and we respond to them all. A couple of weeks ago, at about 7 pm or 7.30 pm—because workers work all day during daylight hours—I went on a Zoom conference with six or seven workers who had a particular complaint. In that instance, it was about unfair allocation of work. They felt that Romanian and Bulgarian workers were given better positions on a packhouse line than they were. That problem was easily solved by creating a ballot so that they got a random allocation on the packhouse line each day. It was as simple as that. We take every complaint seriously and look into all of them.

The second part of the question is about what workers' surveys tell us about conditions on farms in the UK. Our survey results are very similar to James's. One stat he did not mention is that, depending on the year—the Ukraine situation skewed it slightly—between 65% and 70% of our

workers come back year on year. They have to be asked back by the farm in order to come back. It is a combination of whether the farm wants them back and whether they want to come back.

Lord Sahota: Staying with you, Simon, we had a journalist here some weeks ago, who said that one worker had said that there was bullying and shouting in supervision and that if workers constantly complained they were denied work. Is that a true categorisation of your company?

Simon Bowyer: No, certainly not. I remember very clearly an incident a couple of years ago when somebody phoned me and said they had been threatened by a supervisor. I immediately contacted the GLAA and they went out to that farm. The supervisor was disciplined. We take anything like that very seriously. Obviously, there are categories for what they complain about. If it is racism, bullying or anything like that, it is category A priority, whereas complaining that another worker is given a better place on the packhouse line, as I mentioned, is probably something we can negotiate about with the farm and fix.

Justin Emery: At Fruitful Jobs, we do it a little differently. We have four people on the road, constantly employed as a welfare team visiting farms before we get complaints. We do not just go when there are complaints; we are on the road all year round. When we have a complaint, we send the welfare team there to investigate, interviewing the staff member and a few others. If, say, the complaint is based on accommodation, we want to know the feeling across the farm because it might be just that individual. The job might not suit them, they are not happy where they are or are homesick. We assess that before we take it further.

With supervisors, with the changeover of nationalities coming in because of the unfortunate Ukraine situation, we have moved to places such as Kyrgyzstan and Kazakhstan. As James said, we have Bulgarian and Romanian supervisors. Communication has become more difficult, and we have had incidents. It is then for us to take the grower aside with his team and assist in training the supervisor. In some cases, the supervisor is removed from the job. There are times when they just cannot deal with the people, as they have not been trained to deal with different nationalities. If the training does not work, they are removed. This is our second year in the scheme. We have now managed to employ returnees as supervisors, so they are the same nationality and have the same language. Obviously, the Ukraine-Russia war threw things out and we all had to move quite quickly to other areas.

As time goes on, we are seeing the returnee rate increase. Before Brexit, Fruitful Jobs had an 85% returnee rate, although granted it was on smaller numbers—only 3,500 people. For this year to date, we are running at 72% returnees in our second year in the scheme. That shows that it works. We are getting happy people. But we have found that we cannot get that out in the media, so Fruitful Jobs has invited embassies and labour commissioners from other countries to come to the farms. We actively take them around. I was just with the Labour Minister and high commissioner from Saint Vincent and the Grenadines this week, showing

them farms in Herefordshire, the accommodation and so on. We need to paint a picture of the good work. It is not all bad news. We are talking about individual complaints and how we address them. We are dealing with people's expectations. At the moment, there are 45,000 different expectations out there that we have to manage.

The Chair: We will get on to other issues but obviously this is a big one.

Q241 **Baroness Walmsley:** I should like to ask more questions about this issue, but, first, on a point of clarification, one of you mentioned earlier that it is very competitive, so do you compete with each other for workers from the same country? Do farms recruit only from one of you, or do they sometimes have workers from more than one of you?

James Mallick: It is yes to both. We are not prescribed by the Home Office as to where we can recruit. There are a number of countries where we all recruit and a number of countries where maybe only one of us recruits, but, in general, all of us recruit the majority of our labour from three or four countries. There are some stats on the scheme that may be misleading in the sense that they say 16 nationalities are recruited, but there may be only one person from Kenya, for example, so that becomes a nationality. Probably 80% come from a small number of countries.

Baroness Walmsley: Do you compete with each other on individual farms?

James Mallick: Yes, there are individual farms where multiple providers supply, on different commercial terms and with different recruitment methods.

Baroness Walmsley: Thank you. Moving back to the welfare of the workers, James, you outlined your mandatory responsibilities. Are there any aspects of those responsibilities for which you do not feel equipped to respond? If not you, who?

James Mallick: Pro-Force as a business feels well equipped to do what we are asked to do, in the sense that there is a clear set of obligations and we have a very good audit process, so things that could be an issue are picked up early, prior to labour being provided. The recruitment is done by my teams based in the UK or in Ukraine—they may be slightly more dispersed now because of the Ukraine issue—so they go out to the country to see the workers. We interview the workers. We select the workers. There is no agent involved, albeit that a labour ministry is advertising those jobs. The Migration Advisory Committee was in Kyrgyzstan with us last week observing that.

Baroness Walmsley: Are those duties appropriate for the way you are set up?

James Mallick: Yes, I think so.

Baroness Walmsley: Do the other witnesses agree?

Simon Bowyer: Yes, absolutely. We all shaped our organisations in order to make sure that we can comply with all the obligations. The seasonal worker scheme, as it stands now, is very different from the way seasonal workers were employed prior to 2019. We have had to develop our audit techniques on farms. We have had to develop our welfare departments. We have all responded in the same way.

Justin Emery: I agree. I would add that a difference in the recruitment side is that at Fruitful Jobs we work with a recruitment partner and open offices that we manage. In Kyrgyzstan, you cannot own a business unless a Kyrgyzstan national owns 85% of that business. We took on a business partner who works with us and only recruits for us, so we can manage the whole office in the process. That is our model, which is why we go to the embassies in the UK to start with to make the introduction, and that speeds up the GLAA licensing and so on.

Yes, we are competitive, but we discuss farms and issues that we see. If we see a problem, we speak to the other operators about whether they have had any issues, how they are addressing them and where we take that further.

Baroness Walmsley: I would like one more little clarification. You talked about your visits to farms while you are monitoring. Are they all routine and notified in advance, or do you ever turn up without notice?

Justin Emery: We give them a bit of both. If it is a complaint, we show up without notification. If we are going in to do a normal day visit, we always interview 10% of the staff we supply to the farm on every visit—different staff, so that we get different views. We notify them that we are coming on that day.

Baroness Walmsley: Okay. There are some without notice as well.

Simon Bowyer: Yes. The GLAA does random visits to farms as well, and the Home Office is, I think, visiting all the farms that are employing scheme workers this year.

James Mallick: Likewise.

The Chair: One of the pieces of evidence that we were given was that men and women were asked to share the same caravan. Is that normal practice?

James Mallick: It is avoided as much as is possible. I do not think it can always be avoided because there could be an arrival and the caravan accommodation space is not fully available. It could happen. I do not think it is normal practice as something that is set out. In most farm accommodation, there are rooms that are set aside for couples. There are rooms that are set aside for singles. If there are two single males, they may end up sharing a twin room, but I do not think it is normal practice.

Simon Bowyer: As James mentioned, with pivoting away from Ukraine towards central Asian republics, we are doing a lot more work with farms

on pre-arrival orientation. There may be faith issues with participants from central Asian countries where they absolutely cannot put men and women in the same caravan because it is not concordant with their faith, and we would advise farms of that before they arrive.

Justin Emery: The operators are working with growers to create a worker experience that means they want to return because that is beneficial to all businesses, including the growers. It is more cost effective and there will be no more training costs. We eliminate exploitation in their home country by having returnees who have had a season in the UK. They know they do not have to pay third parties for the visas. They do not need to do any of that. They can come direct. The worker experience is key.

Growers are working really hard. I was at a farm on Monday where they are building a prayer room. Getting people out to see and visit the farms is so important, hence the work we are doing with the embassies. The GLAA was brilliant this year. We invited them to meet our people coming in at Heathrow, and they sat on the bus and interviewed staff based on the recruitment pathway, travelled with them to the farm and went through the whole process of checking them into the accommodation, which was a great success.

Baroness Jones of Whitchurch: I am interested in the competition between you all. You all seem to be good friends here and you are all agreeing with each other. You said that if there was continual bad practice on a farm you would not go there any more. Is the reality that one of your colleagues will see an opportunity and step in and think, "I can take over that farm instead", in which case we have not made any more progress? I want to know how cut-throat it is. Are you all busy trying to undercut each other? Is that how the model works?

Simon Bowyer: One of the things that is really important about the scheme is that we are monitored against a set of KPIs by the Home Office. If two of our competitors had pulled out of a farm, phoned me up and said, "Look, the accommodation is really rubbish at this farm", we might audit the accommodation to see if that was true, but we are not going to dive in there and suddenly say, "We really want to work with this farm", because ultimately we will lose our licence if we are working with farms that do not have good practices. That is why we all share our knowledge about which farms to work with and which farms to avoid.

We compete on price. We have slightly different business models, and some of us have locations that others do not recruit in. There are slight tweaks to what we do, but although we are competitive, we would never go to a farm that had a really bad reputation because, ultimately, we would lose our licence.

Baroness Jones of Whitchurch: Are there people who are not here today who you would say do not have the same standards as you?

Simon Bowyer: There are three new operators on the scheme. We do not know them as well, but they stick by the same rules.

Lord Curry of Kirkharle: On the worker experience and the surveys, you mentioned that you are measured against KPIs from the Home Office. Do you have similar internal systems for ranking the farms that you deal with? Is there a process of continuous improvement in the conditions that exist on those farms?

James Mallick: One of the challenges with the scheme is late notice, and maybe we can touch on that later. There is quite a lot that has to happen before we supply workers to a farm. Each year, when we find out our visa allocation, we invite growers to place orders, and one of the things that we do each year is look at that grower and that farm's performance against a number of KPIs to see whether we wish to supply, or to what extent we wish to supply.

The sort of things that we are looking at are: quality of work; the length of the assignment that was available in the previous year in terms of both total length of assignment and how it compared to what was predicted, because if that happens every year there is an issue and the worker will be left without employment, which is not where we want to be; the earning potential of that farm, which is priority number one for the migrant workers, because they are here to earn money, and it is potentially life-changing money for many of them; and the number that we supplied in the previous year, and how many of those were predicted and then actioned.

The complaints log is critical, as is wider worker feedback, because there is a difference between someone wishing to raise a complaint and someone who is just not particularly happy with that farm. Both are equally important. We look at their adherence to our reporting requirements, because under the scheme rules we have to provide a significant amount of data to Defra on length of service, earnings and complaints. All that information goes in. If a farm is not giving that to us, we cannot complete our obligations, so that is also a factor.

Justin Emery: Growers are competing as much as we are competing. Growers are competing against each other to provide a better experience and better facilities because they want people returning. The growers are putting the work in, so there is constant improvement. At Fruitful Jobs, we only have three staff who have never worked or lived in a caravan. The rest of us—the whole team—have all come into this country as foreign labour and started in a caravan either in a strawberry field or an asparagus field or veg. I came in 1997, and I can tell you that now it is a holiday camp on those farms compared to what I came into.

The GLAA and the guidance is working. Yes, we can always progress, but as long as we can see progression we have to keep working with it. Some of the farms have built their own night clubs and football grounds. Those things are there. We just need to make you all aware that it is constantly changing and people are always progressing.

Lord Curry of Kirkharle: It is constantly improving.

Justin Emery: Yes.

Simon Bowyer: We run a series of road shows at the end of each picking season. We look at worker surveys and we rank the satisfaction scores for each farm, and we talk to farms that are towards the bottom end of the league table and share best practice with them from other farms. Then we have a series of road shows where we go out and hire a hall and get all the farms together. We have one in Scotland, one in the east Midlands, one on the Welsh/Herefordshire border and one in Kent in the south of England. We get farms together to those road shows to share what has gone well this season and what has been particularly successful so that they can share good practice and we can talk to them about the legislative changes that are coming up in the year ahead.

Q242 **Lord Carter of Coles:** Good morning and thank you for your time. My question is about the sourcing of workers, how you recruit and what your relationships are. James, you touched on the fact that you do it directly, but, Justin, you said you had a partner. Could you take us through perhaps one specific country as you change from Ukraine to Kazakhstan or Uzbekistan, or one of those? How did you go about entering the market? As you got into that market, were there other countries recruiting your equivalents? Are you fishing in the same pool? How competitive is it for you to source that labour?

James Mallick: I will pick up where I left off. I will talk about our processes in Ukraine very briefly first. We had our own business. It employed 10 people. They did all the sourcing. All the advertising, worker briefing sessions and selection was done by the Pro-Force team.

Lord Carter of Coles: How did they source them—electronically? How did people know?

James Mallick: It was a combination. We ran digital adverts, adverts on job boards and so on, and more locally through newspaper advertising, very much the same as we do in the UK to source workers. The operators have all had to deal with a couple of issues over the last few years that have been very reactive; dealing with Covid and arranging for multiple thousands of workers to enter the UK under all the restrictions that we had, and then the sudden loss of Ukraine as a resource country where between 80% and 85% of the total labour pool came from.

Effectively, we went into new countries by engaging with their UK embassy and signing co-operation agreements with their labour ministry. Then we worked in partnership. Effectively, they have a migration centre that is similar to our Jobcentre Plus but specifically for overseas work. Those migration centres advertise the jobs, workers apply, and they get invited to an assessment day. The assessment day is attended by Pro-Force employees. We deliver a presentation that is about 50 to 60 minutes long, plus questions. The Migration Advisory Committee was in

Kyrgyzstan last week to see that and to engage with stakeholders in the source country, including the labour ministry.

The workers are fully briefed on the type of work, what to expect, what the accommodation looks like and what the work is like. They see videos of all those things, not just pictures. We try to get to the point where we deter people from coming, because it is really wet, it can be cold and it can be really hot. There can be loads of work. Sometimes there is not enough crop. All those things can happen. We want people to say no at that point rather than believe that there are paths of gold in the UK in agriculture. It is hard, manual work and it is really important that they understand that.

We talk through pay, how the tax scheme works, how national insurance works, and what they can get back and what they cannot get back. We look at some softer stuff such as what facilities are available and whether you can get to the local town. We touch on what the visa process is like. Then the workers are interviewed by one of my team, one to one, and we do a small physical sorting test that checks their ability for manual activity and for colour blindness. Once they have been through that assessment process and we select them, they get offered a specific job, and the job detail includes where the farm is, what the pay is, what the work is like—it often includes videos—what the accommodation is, what the cost of accommodation is, what additional facilities there are, and what else to bring. Some farms provide everything you need. Some farms do not provide everything.

We start to talk about some of the risks that the workers need to be aware of. As Justin said, a lot of the exploitation that we see is actually in the source country, such as fraudulent adverts that require a payment for which there is no real job. We see regular examples of passing off, which is where our brand is taken, and it is a genuine scam. There is an online payment system. It is quite advanced, and it is probably not run in the source country where we are operating. We alert workers to those kinds of things and make sure they understand how we will communicate with them, because that prevents fraudsters entering the supply chain.

As Simon mentioned, we advertise and recommend that they download the "Just Good Work" app, which is something we have worked with since 2020 when Pro-Force paid for the translation into Ukrainian, because that was the primary source of labour at the time. Since then, under the seasonal workers scheme taskforce and governance committee, that work has progressed, and the "Just Good Work" app now has a seasonal worker-specific section. Workers can access that section with a code from their operator that aligns them to their operator so that they can get independent information from the app.

The workers then go through a visa process that is quite complex. It is in English. It is online. The workers receive support from either Pro-Force or the migration centre under the labour ministry in the source country because it is quite difficult to navigate. That is where we see what I would not necessarily call exploitation, but there are certainly service

industries that pop up around that to offer visa application support services that are not really required if, as operators, we are doing all we can to support the worker.

The Chair: Thank you. We are going to have to be quite brief on the next questions because we are running out of time. We are getting excellent information.

Q243 **Baroness Jones of Whitchurch:** We have received quite a lot of evidence of people paying an upfront fee in their home country to access jobs in this country. None of you is going to admit that you are doing that because you know that it is illegal, but how is it that there are so many stories? I know you are saying that some of it is a scam, but it cannot just be scams. There must be agents out there who are charging people and misleading people about what they are coming to. Lots of people say that they paid an awful lot of money and that they are trapped and have to pay back the fee for years at a time. Where are those stories coming from? What are you doing about it?

Justin Emery: I can talk about a case that is now closed. About two and a half years ago, we worked with a GLAA-licensed recruiter based in Bulgaria who recruited Kosovans for us for the scheme. We had a complaint about that. We investigated, and the complainant was able to supply us with bank transfers and video evidence. They had secretly recorded the meetings. That was reported to the GLAA. Fruitful Jobs paid back just under £90,000 to workers who had paid the fee for the visa. We then stopped recruiting in Kosovo, reported the recruiter to the GLAA, and then the GLAA took over because we had no legal authority in those countries.

The scamming side is bigger than you would think. Just in the last month, Bangladesh seems to be a big one at the moment. Our phones are ringing about Fruitful Jobs advertising in Bangladesh. We do not work in Bangladesh. We do not work in Sri Lanka. We do not work in those countries. My team in the office are constantly saying, "We don't work there. Don't pay the money". To protect my business, I hire a full-time social media monitor; her job is to find the fake companies that are coming up and put on messages that they are fake. We keep it all recorded because we want to prove that it is not Fruitful Jobs.

We had an incident in Nepal. We do not work in Nepal, and never have. Someone said they had paid £1,500 for a visa through Fruitful Jobs. We said, "We don't work there. You're paying the wrong person". When we put on the Instagram page, "Please do not pay these people", the answer from the person who paid the money was, "Yes, but they sell us hope". We keep it all. We record it all and we supply it all to the GLAA and to Defra with the quarterly reports that we must supply to Defra where we monitor wages, sick days, et cetera. Defra has quarterly reports that show the hours that people are working on farms and their earnings, so we can work back through that. That is how we monitor it.

With the exploitation, we are now finding that people in the UK are saying, “We can help you get asylum now”, and they are charging people and showing them how to apply for asylum. Those are things that we need to work on. That is the biggest problem I find with the scheme. I used to just enjoy visiting farms and helping people, but 60% of my work now is trying to deal with exploitation abroad. Most of them are scammers, but it is up to us to make sure that our teams are not falling into the trap of taking money, because it is easy; people are desperate to come to the UK.

In Russia, we closed an office and removed the staff because we found that they were charging £55 for a visa. We do not charge for that. They should not have to pay that. We closed the office down and removed the staff. There is constant good practice in our business to eliminate that. We are constantly monitoring our own team.

Q244 **The Earl of Arran:** Briefly, because we have already circled around this, how do scheme operators comply with the duty to place workers with growers who demonstrate that they are actively trying to recruit UK-based workers?

James Mallick: One of the things that we ask our growers to do on an annual basis is demonstrate the jobcentre advert that has been placed, that it has been logged, and that they are feeding back on successful applications through to new starters on farms. It is quite evident in the recruitment that we do that it is very difficult to recruit in the UK for agriculture. As a commercial business that derives profit by placing individuals in work, we reject jobs on a regular basis because we cannot recruit enough people in the UK. That is probably the clearest example that it cannot be achieved. That is not to say that it is not; about 3% of our workforce in agriculture is British. Obviously, a larger number is UK-based but maybe with EU settled status.

The Earl of Arran: You are saying that you cannot recruit enough workers from the UK. What is the percentage of shortfall in workers? What more would you like—another 20%?

James Mallick: It is quite difficult to predict the numbers because there are a number of things happening in the UK at the moment. Ukrainians who came on the seasonal worker scheme previously have now been given extended rights to stay in the UK and are still on farms. We are obviously still seeing the impacts of Brexit. There are still EU workers here, but we are losing more and more of them every year, and it is impossible to replace them from the EU because they do not have settled status and therefore require a visa. This year, there seems to be enough labour, but each year it may become more difficult.

Justin Emery: At the moment, with the 45,000—I know there are 10,000 in a pot somewhere—we are where we are. That is a good place to be because it is leaving it to be competitive. Growers are still trying to improve because they want to make sure that they are getting the best labour into their farms. They continue to improve their accommodation

and their facilities. I am sure there will be NGOs out there that will shoot me for saying that, but the reality is I feel the number is about where it is now.

James Mallick: I think you are right.

Justin Emery: In horticulture and ornamental, I do not feel there is a need. There may be other sectors that are still short-staffed, but if we are looking at this scheme only—

The Earl of Arran: Brexit is not helping.

Justin Emery: No.

Q245 **Baroness Willis of Summertown:** This can be quick because I think you have pretty much answered it. My question is about the relationship between the scheme operators and the Home Office, Defra and the enforcement bodies. My impression is that it sounds quite good, but is there one area where you think it could improve?

Justin Emery: Communication between the Home Office and the operator in more day-to-day running could be slightly better. There is very good communication now. If we have issues, we can communicate and we get those issues addressed. However, it would be quite nice to have input in the scheme going forward. We are out on the road and we experience it face to face, so why not use some of our ideas and try to see if we can work with them to improve the scheme?

The Chair: I read the licensing provisions. If I was setting up a company, I would see it as an insane risk of losing your licence. One company has lost its licence. Do you think it is a threat that others will face?

Justin Emery: Fruitful Jobs was suspended this year due to the KPIs on asylum seekers. That is purely out of our control. Actually, that goes back to the question, if you do not mind. The Home Office asylum team could have direct communication with the operators, and say, "This person has applied for asylum. Could we see his recruitment pathway?" We record all interviews now and we ask, "Do you have a reason for applying for asylum when you get to the UK?" If they say no, that person would not have to go into a decision process for the next 12 to 18 months and be left in the UK under the asylum scheme. We could answer the question with, "This person has no reason for asylum". If you look at UK laws and what the reasons are for asylum, they are quite clear, but I will be punished as a business and removed from the sector licence for—

The Chair: You have your licence back at the moment.

Justin Emery: We are being audited on 2 August. That leads to the last question, so I have answered that. That is something I would like to see changed.

Simon Bowyer: Can I comment on that as well? As the others have said, we have a very co-operative relationship with Defra. We get a lot of

information and feedback from them, and we give them a lot of data. The Home Office is now working really well with the scheme. One piece that is missing—it goes back to the question about people having paid fees in foreign countries—is the scams. There are foreign operators who present themselves as part of the scheme when they are not, and we could use some help from the Home Office, and maybe even the Foreign Office, to damp down the level of scamming that goes on abroad.

Q246 Lord Watson of Wyre Forest: It has been a remarkable evidence session this morning, so thank you for that level of detail. I am trying to understand the role of scheme operators in the UK and how it differs from scheme operators overseas in other jurisdictions. Are there things that we can learn from those other schemes in terms of best practice?

Simon Bowyer: Justin did some homework on this.

Justin Emery: Yes, I did a bit of homework on the Canadian scheme. I have to be honest; I used Saint Vincent because it has been supplying the Canada scheme for 40 years. I asked its Foreign Minister and the Labour Commissioner to provide me with the contracts of employment and the recruitment process from start to finish. It is so similar. You could literally put a mirror next to it. The only difference is that they are supplied to councils in Canada and the councils have to manage them. We have just talked about our welfare and how we are managing farms and working with farms. I cannot see my local council being able to deal with that, to be honest. The only difference is that side of it.

We can always learn from any other schemes around the world in the same way that they are learning from us. Australia is actively trying to get the GLAA to help to set up those processes there because it has the same issues, the same as New Zealand, which was used as a good scheme. I am from New Zealand. I have witnessed the scheme. If you think we have it bad in the UK, just go and spend a week on a kiwi fruit farm in New Zealand. It is going back to 1997 when I arrived here.

We could all learn from each other. We are doing a lot of good work here as well. It is not all negative, but we could definitely be improving. Maybe it is about communicating and getting a bit more across on how we manage.

James Mallick: Some of the source countries that we are recruiting from also send workers to other countries such as South Korea, China, Germany, the Netherlands, Poland and Romania. The same migrant workers have a broad opportunity to go to a lot of places. The UK is seen as one of the best from both a pay and conditions point of view. What we saw post Brexit was that a number of EU workers probably took something from Brexit that meant they felt they were not wanted here and elected to go to Germany. About six months later a lot of those workers were saying, "Can I come back?", because the conditions here are good. Yes, there is stuff that we can learn, and Justin is quite right that we need to do more of that work, but it is really important that we make the case that there are really good practices in the UK.

Lord Watson of Wyre Forest: Do you have authoritative data? I was quite interested when you said that you have a 70% return rate. Is there comparative data for other schemes abroad that you could share with us?

Simon Bowyer: I do not know.

James Mallick: I do not have that data.

Simon Bowyer: We could get it.

Justin Emery: It could be easily sourced.

Simon Bowyer: One other thing on that is that in other sectors in the UK we had an experience two years ago when there was a shortage of poultry workers, and the scheme was used as a vehicle for recruiting turkey pluckers for Christmas. We found that when we went to those employers and explained to them what we would be auditing them for and what their responsibilities were, they had not thought of a lot of those things. Horticulture was actually a leading light in improving the standards in other sectors of the economy.

Q247 **The Chair:** I get the final question. It seems that you are in a sector that is a political football at the moment, and you are taking a good kicking. Hopefully, the committee has not been too harsh on you. What is the one thing you would be asking from government? James, can we start with you?

James Mallick: More time to plan is absolutely critical. We have effectively had a one-year scheme for years, with a roll-on. Yes, we now have an extension for two years that ends at the end of next year, but there are a number of things that have to happen within that. It is not only the announcement of the scheme and the announcement of the total number of visas available; there also has to be an announcement of which operator has how many visas, because we cannot start talking to farms about the numbers we will supply, so we cannot start recruiting, we cannot start auditing, and we cannot start planning for that supply. Equally, growers cannot decide whether they should plant or not; for example, with top fruit there is probably a five-year investment to get a tree producing.

We need some guarantees. We need some communication. We need earlier communication. Regarding the visa announcement, the one thing that could be a significant improvement is that when new operators come into the scheme you give them a smaller number in year one. This is a highly complex scheme, as I think you have heard, and it takes time to develop a business. Quite clearly, it is also competitive. If you give a new operator the same number of visas as someone who has been doing it for a number of years, inevitably there will be problems, and we saw that last year.

Simon Bowyer: I echo James's comments. There are details in the scheme that could be communicated earlier as well. The year before last, we were summoned to a meeting on 24 December at 4 pm to be told

what our allocation of visas was for the following year. A week between Christmas and the new year is not sufficient time to plan.

When we issue a certificate of sponsorship to a worker, that certificate has to state the minimum amount that they will be paid, and that is set by legislation each year. In recent years, we have been notified in March of the pay rate that will apply from 6 April, in a couple of weeks' time. It takes four weeks to get a visa organised and things like that, so we need notice of those little details, as well as the wider fact that the scheme really needs to give us certainty for three, four or five years ahead.

Justin Emery: Again, it is timing. Our recruitment pathway is 12 weeks. If we find out that the minimum wage will increase at a certain time and that these are our numbers, we have 12 weeks from then to get people in the country and ask the growers to change their employment contracts, update them, get them translated and so on.

As I mentioned, the main change I would like to see is on the asylum KPIs and how we can address that communication with the operators, who I think are successfully running an immigration programme. We should have direct communication with the asylum team to be able to say, "Here is the evidence of why those people are not entitled to asylum". That would save the taxpayers in this country a lot of money as well.

The Chair: This is one of the only sessions that has overshot. It was really interesting. Thank you for your honest answers.