



Modern Slavery Act 2015 Committee

Corrected oral evidence: The Modern Slavery Act 2015

Monday 15 April 2024

5 pm

Watch the meeting

Members present: Baroness O'Grady of Upper Holloway (The Chair); Baroness Barker; The Lord Bishop of Bristol; Baroness Hamwee; Lord Hope of Craighead; Lord Kempson; Lord Randall of Uxbridge; Baroness Shephard of Northwold; Lord Smith of Hindhead; Lord Watson of Invergowrie; Lord Watts; Lord Whitty.

Evidence Session No. 11

Heard in Public

Questions 133 - 146

Witnesses

I: Professor Dame Sara Thornton, Rights Lab Professor of Practice in Modern Slavery Policy, University of Nottingham; Tatiana Gren-Jardan, Head of the Modern Slavery Policy Unit at Justice and Care UK and the Centre for Social Justice; Alison Logie, Director of Modern Slavery Response, Hestia.

USE OF THE TRANSCRIPT

1. This is a corrected transcript of evidence taken in public and webcast on www.parliamentlive.tv.

Examination of witnesses

Professor Dame Sara Thornton, Tatiana Gren-Jardan and Alison Logier.

The Chair: Welcome back to the Modern Slavery Act 2015 Committee for our second evidence session this afternoon, and a very warm welcome to our second panel. We have Professor Dame Sara Thornton, who is the Rights Lab Professor of Practice in Modern Slavery Policy at the University of Nottingham; Tatiana Gren-Jardan, who is head of the Modern Slavery Policy Unit at Justice and Care UK and the Centre for Social Justice; and Alison Logier—please correct me if I mispronounce any of your names—who is director of modern slavery response at Hestia. You are all very welcome.

Q133 Lord Hope of Craighead: Good afternoon. My question is built on the experience that, since the Modern Slavery Act was enacted, the Government have introduced other legislation, particularly the Nationality and Borders Act and the Illegal Migration Act, which is still to come into force.

What is your view about the impact that more recent legislation has had on the protections afforded to victims under the primary statute, the Modern Slavery Act itself? Two questions come under the umbrella of the general question. First, is the NRM still fit for purpose and, if not, what needs to be done about it? Secondly, can a case be built up to persuade the Government to avoid commencing the modern slavery sections of the Illegal Migration Act, which some people are asking for, and, if so, how would you go about it? Those are rather broad questions.

Professor Dame Sara Thornton: As a result of the Nationality and Borders Act, significantly fewer potential victims of modern slavery are being supported since 2023. As you rightly say, the modern slavery provisions of the Illegal Migration Act have not been implemented, but their impact will be even more significant.

Let me explain why that has happened. Under the Nationality and Borders Act, the threshold for the reasonable grounds test, the first test, was raised. In the data published by the Home Office, in 2023 only 55% of cases got a positive reasonable grounds test. That means that, in 2023, 7,000 victims who first responders had referred into the Home Office because they thought they were probably victims of modern slavery have received a negative reasonable grounds decision and therefore will not be supported.

In the majority of years up to 2023, the positive rate was about 90%, so it has gone from 90% to 55%; it changed within a year. On 30 January 2023, the new guidance under the Nationality and Borders Act was implemented and, as a result, the number of positive reasonable grounds decisions went right down. That was challenged in the courts and new guidance was published in July. In the data for quarters 3 and 4 in 2023, there is a slight increase in the number of reasonable grounds decisions, but we are still way off where we have ever been and we have ended the

year as a whole on 55%. So, as I say, 7,000 people will not be supported.

Another interesting data point is that victims are able to ask for a reconsideration of their decisions. Six hundred and ninety-six reconsiderations were resubmitted for reasonable grounds decisions last year, in 2023, of which 400—60%—were successful. That is quite a poor accuracy rate.

I can only conclude that victims are not being supported. Also, in the 2023 data, you get what is called a duty to notify. Basically, those are victims who have had the national referral mechanism explained to them. They are adults and they say, "We don't want to be supported". The number in that category last year was just shy of 5,000. That number has crept up year on year. So people are declining to go into the national referral mechanism. That is of great concern.

The second issue in relation to the Nationality and Borders Act—colleagues touched on this in the earlier session—is the public order disqualifications. None were done on the grounds of bad faith, as Olivia explained to you. That, of course, rather undermines the allegations of abuse, but let us leave that to one side. There were, however, 331 disqualifications on the grounds of public order. I suspect that most of those will be prompted by the fact that somebody has a criminal record. So we are saying in effect that potential victims of modern slavery will not be supported if they have a criminal past. That is another area.

In general, because of both Acts of Parliament, there has been a chill effect on victims' confidence, and I think it has just empowered traffickers.

Lord Hope of Craighead: On the mechanism itself, though, am I right in thinking that, as a structure, there is nothing particular to complain about? It is what happens next. Is that right? The product of the referral is now being badly affected by the legislation, but, initially, getting into the mechanism is not a problem.

Professor Dame Sara Thornton: As I have shown from the data, something significant happened last year. As I say, 7,000 people who first responders thought were potentially victims have now been told, "You're not getting any support". I think there is an issue with the decision-making. Colleagues on my left and right will be in a better position to say what the quality of care is afterwards, and we might come to that later in the session. A lot of the charities that work under the Salvation Army contract do a very good job, but there are issues to do with mental health support and legal support, and a whole range of other issues. It is not a perfect system.

As for whether it is fit for purpose—I will go through all three questions first—my view is that it is not, certainly for children. I have always argued that, for children, this should all be done locally. The Home Office has run two pilots for the last three or four years which show much better

outcomes for children and much speedier decision-making. My view, certainly for children, is that everything should be done locally. I suspect that would also work better for adults. In my view, it was retained centrally six or seven years ago because of the view that the Government would be better able to grip the immigration aspects. I think that is unnecessary, because the two decision-making processes are completely separate, but I think that was what was driving it.

Colleagues at the Rights Lab have done research on the Scottish model, a sort of hub model where mental health services and legal services are colocated and outcomes for survivors are better, and survivors' sense of confidence in the system is much higher. So I would suggest some sort of local model. It would have to be funded properly, but that might be a much better model. Tatiana might well mention that she and her team worked with St Mary's University in Twickenham and looked at the NRM particularly for UK victims. It does not work very well for them.

Q134 Lord Hope of Craighead: I do not want to lose sight of the point about building up a case for not commencing the Illegal Migration Act, but I wonder whether I can come to you, Ms Gren-Jardan. In relation to the first question, would you like to say your piece about support, the mechanism, and the way it is working?

Tatiana Gren-Jardan: Thank you for the opportunity to speak today. I will add a bit to what Dame Sara said about the reasonable grounds threshold. I entirely agree that there has obviously been a significant change, but it impacts more adults than children, which is what we also see in the data.

Of the 7,000 people that Dame Sara referred to, for example, only 40% of adults—just over 3,000—received a positive reasonable grounds decision. For children, the rate of positive reasonable grounds decisions is 74%, which is still quite high. Some 4,600 received a positive reasonable grounds decision, so the number is bigger. There is also the fact that most of these children are British nationals. The exploitation happens in the UK, so I guess it is just easier to meet the threshold compared to adults. That is definitely a significant change.

There is also the time that it takes to make the reasonable grounds decision. It is supposed to be five days, but now, on average, it takes more than 40 days to meet that threshold.

So where are the potential victims? We are about to publish a paper. I have spoken to some of the front-line professionals—both police officers and those who provide support to victims—and it is quite concerning, because a lot of them disengage. Alison would be able to say more about it from the perspective of the subcontractor. They go missing and we cannot find them, but we are supposed to wait for 40 days until the decision is made.

Lord Hope of Craighead: Can something be done to speed it up, or is it now so complicated?

Tatiana Gren-Jardan: We actually warned the Home Office. I remember meetings when the Nationality and Borders Act was still a Bill and we talked with the Home Office about the impact this change may have, which is that it will take much longer to get that evidence through to make the decisions.

It is certainly about training of the first responders, which has already been mentioned, because we need to make sure that the forms are properly filled in and that there is enough information. There is also something about the role of the police. We hear that sometimes the police wait for the reasonable grounds decision to come through to record the crime, which means that they do not start investigations. Should it not be the other way around—that the police investigate the crime and do not wait for the Home Office decision? If they did, hopefully they could provide more evidence, if needed, to the single competent authority in order to make a well-informed decision. The processes need to be right.

There was also poor communication when the guidance was published on 30 January. We might see some knock-on effect as people get better at making those decisions, collecting evidence and filling in the forms.

The entry point—the first responders point—is very important in this picture. I represent Justice and Care. We have heard about victim navigators, and we might come on to that. In our case load, we did not see such a significant decrease in positive reasonable grounds decisions. It decreased a little bit, but it is still quite high at 87%. The victim navigators work hand in hand with police officers, and they are trained and there to help and to make sure that the forms are being filled in properly, that the evidence is there to meet the threshold and to make the life of everyone in the whole process easier, from potential victims to the decision-makers. That is on the reasonable grounds threshold.

There are also issues with the Nationality and Borders Act. There has been a lot of evidence on that, but the temporary leave to remain that was introduced by the Nationality and Borders Act under Section 65 is an area to explore. We do not have any data on how many victims received that temporary leave to remain under the Act, so that is definitely something to look into. The eligibility for the temporary relief compared to what was there before—the discretionary relief—has been narrowed, against the psychological and physical recovery needs of victims and their co-operation with the police. So we do not know the impact of that provision yet.

Going back to the question of whether the NRM is fit for purpose, we as a country have been reforming it since 2017. The first report published by the Home Office was by Jeremy Oppenheim 10 years ago in 2014. The phenomena have changed, and the numbers have increased significantly. In the UK, we are dealing with 17,000 people. That is more than in the entire EU, by a big proportion. In the entire EU, about 10,000 people were reported. The challenges that the whole system has faced are significant, but it is not fit for purpose and has not been for many years, and we definitely need to do something about it.

Going back to the question of British nationals, and children in particular, I still believe we need a centralised system for referral, because this is the only way we collect data. Going back to the previous session, there is no other data, just the NRM. The pathways to support—how we support British children and nationals who are often failed by the system—need to change.

Lord Hope of Craighead: Thank you very much. Ms Logier, do you have anything to add to what has just been said?

Alison Logier: I will not reiterate the points already made by my colleagues, but I will summarise and reiterate a couple of things. The Nationality and Borders Act, for us, did three big things. It definitely increased the thresholds to get into the NRM and get access to support, from 89% to 55%.¹ We have covered that. It has made it take longer to access support, and people are waiting longer and longer.

I would add that, depending on who refers you, you may get access or not. If a charity or first responder refers you and takes the time to do it properly and get the best out of you in a trauma-informed way, the data from the IOM shows that 76% of cases presented by charity first responders get a positive reasonable grounds decision and access. If you get referred by UKVI, there is a 30% chance of getting in.² So, depending on who refers you in the system, you may or may not be able to access support. You may still be a victim, but it depends on who is putting in that referral, and how much time and capacity they have to do it. That goes hand in hand with training as well. So the first thing it did was that it definitely made access more difficult.

Secondly, it made access volatile and fragile. More than ever before, disqualifications are happening. We have talked a lot about public order disqualifications. Throughout all of 2023, we have not seen a single bad faith disqualification. For the first time ever, on Friday afternoon, I was informed of someone who was disqualified on bad faith grounds. We are still looking into it and trying to get some information, but it is the first time it has happened and the first time we have ever come across it. It is disappointing, and we are trying to find out more about what is going on for that individual.

With the public order disqualifications, there seems to be a before and an after of the update to the modern slavery guidance that came out in February 2024, ahead of a judicial review. There seem to be some people who have been disqualified; we have heard of over 300 people who have been disqualified in 2023, and some have not been informed of that. We are the support providers and we do not know whether that has happened. They are not duly made aware of it.

¹ 55% of people who were referred to the NRM in 2023 received a positive Reasonable Grounds (RG) decision, as opposed to 89% in 2022.

² Alison Logier has clarified in writing that the correct figure is 35%.

There is an “after” of that change to the guidance. We welcome the Government’s approach to reach out to us, the support providers, to ask us for information towards that immediate risk of re-trafficking assessment. We are seeing that this is happening, we are being contacted, and we are engaging in these requests to support that individual. We have noticed that we have had a couple. We are reviewing quite quickly whether a disqualification has taken place. There is still a lack of guidance as to what is going to happen to those individuals, and it is really difficult.

Q135 Lord Hope of Craighead: Can I pause you there? Thank you very much for what you have said so far. I will go to my other supplementary. How can we build up a case not to introduce the relevant provisions of the Illegal Migration Act? Perhaps you would like to speak about that. I am conscious that others want to ask their questions too, so could you be fairly brief?

Professor Dame Sara Thornton: I think there are three points. The modern slavery provisions are an extreme step, and they contravene both the European Convention on Human Rights and the European convention against trafficking. The Government clearly realise that, because there is a sunset clause there. It removes protection from victims of modern slavery who have entered the country irregularly, and it makes provision to detain them and remove them. It is pretty serious. Given that the Home Office’s own data showed that only 7% of people who came across in small boats were referred into the NRM, it seems to me to be a wholly disproportionate response to what was happening.

Secondly, if you go back and look at the arguments that Theresa May put when this was being discussed in Parliament, she said, “Can’t we wait until we understand the impact of the Nationality and Borders Act and the agreements with Albania?” The points she made a year ago are even more pressing and important now.

Finally—we will come to prosecutions later—there is a very, very narrow exception for helping law enforcement with the investigation and prosecution. I think it reduces even more the likelihood of successful prosecutions. There will be few, and if you are going to break the business model, which is apparently the intention, you need witnesses and prosecutions. These are three very powerful arguments not to commence them.

Q136 Lord Watts: I want to follow up on my hobby horse. You were in the room for the last panel and will have heard that there are at least 50 reviews taking place. Are any of those helpful to you? You have already said that there is an absence of information and research. Bearing in mind that the public purse has funded 50 reviews, do any of them help you in understanding the present position?

Alison Logier: Did you say reviews? I only entered the previous session 10 minutes before the end.

Lord Watts: Sorry, research.

Tatiana Gren-Jardan: I will start on that, because we do our own research, which adds to the MS PEC research, although, as Dame Sara Thornton mentioned, we partnered with St Mary's University on looking into British nationals and their needs, which was funded by MS PEC.

There is obviously a lot of knowledge and information, and it is useful for people like us. We go to that literature, we review it, and we add to that our front-line research. Whether it changes the policy is another question; I think it is a question of whether the Government listen. In our joint unit, for example, we have the opportunity to do cross-party work with government and MPs to do advocacy and to lobby. We have made certain progress on our recommendations. With the MSPEC it is probably more difficult, because once the research is published, individual organisations have to take it forward.

We definitely need to do more to make sure that knowledge is not wasted but is used by the policymakers, as it is supposed to inform policy. It is definitely not wasted by people like us who read and use it in our work.

Professor Dame Sara Thornton: There have been some great reports. My view is that there have been too many. There should have been focus on some larger reports. I used to be on their advisory board and made that point ad nauseam. The problem is that the Home Office has not really been listening to the work.

Q137 **The Lord Bishop of Bristol:** I think I am right in saying that, with the NRM, women are waiting twice as long for a decision as men. Could you explain why, and what should be done about that?

Professor Dame Sara Thornton: One thought about why that might be is that it is partly because of the nature of the exploitation—that some of the forced labour cases are clearer than the complex sexual exploitation cases. The other thing that is probably happening is that the immigration enforcement competent authority is making decisions very quickly. They will be on immigration cases, and, on the small boats, there tends to be a majority of men. They are my two hypotheses, and I am sure that colleagues have others.

Tatiana Gren-Jardan: I agree with Dame Sara on the type of exploitation. There is definitely something in that, but maybe Alison will be able to add more from her front-line work, as they deal with these cases.

Alison Logier: I echo everything that has been said. I would also suggest that maybe the prioritisation list plays a part when it comes to decision-making. The priority list has been published quite recently, and it could be behind some of that as well.

Q138 **Baroness Barker:** This issue of exploitation in the care sector is one that we are trying to unpick. We would very much welcome any data that you have on that. We want to see whether it is possible to separate the correlation between labour market restrictions and liberalisations and modern slavery. Do you think it is possible to separate it, and if so, how?

Professor Dame Sara Thornton: I will start with the care sector question. You might be aware that changes were made to the health and care worker visa and the shortage occupation list back in February 2022. My own view is that those changes were not thought through. They were made in response to very high levels of vacancies in care homes. At the end of March 2022, it was quoted at the time that there were 165,000 vacancies. A year later, there were still 150,000 vacancies, and in the meantime, in the first 18 months, there were over 120,000 care worker visas issued, and over 145,000 family members joined them.

What I have seen and what I understand from speaking to the National Crime Agency and the Gangmasters and Labour Abuse Authority is that there are cases of abuse and exploitation, but there are also cases of what is probably fraud, where people have been deceived into paying a lot of money to come to this country and find out that actually the job does not exist. It is a very attractive route for low-skilled workers, and it has a route to settlement. I am afraid that unscrupulous agents have exploited it.

I have spoken to the Gangmasters and Labour Abuse Authority investigators. It is investigating cases and takes steps to safeguard people, but whether you have a case under Section 2 of the Modern Slavery Act—a case of trafficking in a lot of the cases—is a very debatable point. The Government have made some changes. They have taken away the ability to bring dependants, and they are now saying that any CQC-regulated companies can sponsor care visas. Actually, that is only about a quarter of companies, because it is a very fragmented market.

We should go back to where it started two years ago. The Migration Advisory Committee said that this was a short-term measure because of the extreme number of vacancies. It said that the solution lay in the design and funding of the system itself, and I think that is still the case. If it were my decision, I would say that there has to be a time limit on this. That is what was advised. I also think that the Home Office probably has to do much greater due diligence on this visa application process, because it is highly problematic.

As well as working at a university, I work at CCLA Investment Management. As investors, we got together a couple of months ago, because we were very concerned about what was happening and wondered whether there was anything that we could do as investors to try to put pressure on the companies. The difficulty with using that angle is that in the UK there are no publicly listed care companies anymore, so we do not have the leverage. There are other less common routes in, and we are trying to explore those, but as investors we just do not have the ability. We sat down with the experts and were quite horrified about what is going on.

Alison Logier: I do not have much more to add, so I will echo that.

Tatiana Gren-Jardan: To echo what Dame Sara said, in our work at Justice and Care the victim navigator works with Gangmasters Labour and Abuse Authority, and we have also seen a huge increase. We absolutely agree that there should be greater scrutiny of the visa application process and the information that the care workers are given. The market now is huge. There are lots of vacancies and lots of visas given. The traffickers and other criminals—if you commit fraud but not trafficking, you are still a criminal—are obviously using and abusing the system. Only a few cases are being supported at the level of prosecution as going to the modern slavery threshold and potentially meeting it. However, we believe that most of these cases would not hit that threshold and there is more fraud, exploitation and people simply being deceived there.

Also, more needs to be done to help those who are already here to find the employment they came for. The time that is given to them, only 60 days, may not be enough to establish another sponsorship, so it only drives them underground and then makes them vulnerable to exploitation and slavery—and potentially in any other sector, because they do not have a job, so what are they supposed to do? Eventually, a few months down the line, they may become victims of slavery, but somewhere else.

Professor Dame Sara Thornton: You asked whether labour market enforcement and immigration enforcement can be separated. There is a long history of trying to create a firewall particularly between policing and immigration enforcement. There has been litigation, a police super-complaint and a significant Home Office review. The Home Office review rejected the call for a firewall and said that there should be a protocol that basically said that if a case was being investigated and a victim was helping with prosecution, there should be no enforcement action. Also, when they were receiving support, help should be given maybe to regularise their presence in this country, if that were possible.

At the moment, until the Illegal Migration Act comes in, if you are a victim of modern slavery and you are in the NRM, you are protected from immigration enforcement action, but that might well change if implementation of the Illegal Migration Act comes to fruition. My preference would probably be for a protocol rather than a firewall. I say that, because I find quite odd, as a former person from law enforcement, the suggestion that different enforcement agencies should not be able to share information. Normally, law enforcement gets criticised for failing to share. One needs to think carefully about how this could work. However, as I say, there is a long history in relation to policing in particular and immigration enforcement.

Baroness Barker: The whole question of trying to unpick the data, which must be there for this sector, is the issue that I keep returning to. These visas are being applied for by organisations. They may not be publicly listed companies, but they are being applied for. Those companies must be applying for care contracts. Forgive me if I am getting this wrong, but it appears that there must be different bits of data

that nobody is putting together. Is that right?

Professor Dame Sara Thornton: The National Crime Agency is trying to do some work on this. I have heard of cases where there has been concern about companies that are not quite shell companies but companies that do not really exist. There was one case I heard where a company that, according to its records, employed four people but received 275 visas. That cannot be right, and it does not seem that anyone is doing due diligence.

So there is some data, and maybe it is worth asking the National Crime Agency about what it and the Gangmasters and Labour Abuse Authority have, but I agree that data would be helpful in understanding exactly what is happening.

Q139 **Baroness Barker:** What are your views on Section 50 of the Modern Slavery Act and reforming it?

Professor Dame Sara Thornton: I would love to see something about access to work. In preparation for this committee, I looked back at the letters I wrote as the Anti-Slavery Commissioner. I wrote to Ministers in 2019, 2020 and 2021 saying that the impact of not working on survivors for years is substantial, and can we please put something in place within the NRM, maybe with a third party or third-sector organisation, to sort this out?

The answer always was, "We're reviewing asylum seekers' right to work, so we want to do that review until we decide what we're going to do for victims of modern slavery". The problem with that is that the review was competed but never published. There was a Ministerial Statement that said, "We have completed the review and the policy will remain the same".

Our rules on asylum seekers' right to work are the strictest in the world. We do not allow people to work for 12 months. In other countries it is three or six months. We have never seen that review. I asked for it, but I am afraid I was unsuccessful. I do think access to work matters. I commissioned two pieces of research when I was in post—one on barriers to work and another on the practical steps and initiatives being taken on the ground to try to spread them as good practice. For me, access to work is utterly key.

Q140 **Lord Whitty:** I want to ask about the care sector itself. We understood from earlier evidence that the Gangmasters Licensing Authority would act only if the CQC provided information on abuse within the care sector. But that is not the CQC's main job. Is there a lacuna there, between what you mentioned just now, whereby some people bringing people over are not real care companies, yet they brought people here under false pretences, if you like, while those who ultimately employ them have to have a certificate from the CQC. Are there jurisdiction and expertise issues here that we need to address if the care sector is now one of the largest areas of new cases of modern slavery?

Tatiana Gren-Jardan: From the small case work that Justice and Care has, it feels that in the much bigger picture there is definitely a lack of co-ordination and ownership. The buck is being passed between the GLA, the CQC and the other organisations involved. Something definitely needs to be looked at from the perspective of co-ordination of the data on activity, and who is doing what and how.

Again, our view is based on quite a small number of cases that we have looked at. I have two simple things on my wish list for Section 50. It narrowed the support to needs arising from exploitation. I do not know how you tell which needs arise from exploitation and which needs led to it. If those needs are not met, the person is still vulnerable to being re-exploited, even after leaving the NRM. So we would like to see the criteria changed to specifying physical, psychological and social recovery, which would be much closer to the provisions of ECAT, the Council of Europe convention.

The other thing that we have worked on for many years in our unit, supporting legislation involving Sir Iain Duncan Smith and Lord McColl previously, is the support after the NRM. There is still a cliff edge. The recovery needs assessment is not working. We believe that people who receive positive, conclusive grounds decisions need to have at least 12 months of support afterwards, depending on their needs of course, to be able to return home—many will not now have a chance to stay in the UK because of all the immigration changes—or, if they are here, to be able to find a job in order to reintegrate into society. We cannot just stop supporting victims. Unfortunately, the current policy under the recovery needs assessment is very short term and does not really work.

Those are our recommendations on Section 50.

The Chair: Your contributions are fascinating, but because of time constraints we will have to move on.

Q141 **Lord Smith of Hindhead:** We have heard over our last eight meetings from a huge number of NGOs, academic, experts and people looking into this very important subject, but the word “prevention” has been said only twice, I think, in that entire time. There seems to be a lack of understanding of cause and effect so far in the evidence that we have received in our committee time. I tried to work out how much modern slavery costs the UK each year. The last statistic produced by the Government back in 2017 estimated that it costs between £3.3 billion and £4.3 billion each year. That is how much it is costing us. Yet despite all that, and despite people, it seems, being able to have almost a career in the industry of NGOs looking after modern slavery, and despite all the difficulties that we have seen—you have spoken all about this passionately—the current prosecution rate of people who are behind all this is 1.8% of all cases brought. Is there a reason for that?

Alison Logier: Echoing the voices of survivors here, I say that people tell us they are very scared of engaging with the police. They are told every day by their traffickers, “When you leave, you will not be believed. You

will not be trusted. You will be thrown into prison. No one will be there for you". That is the number one coercive tactic of traffickers. There are also the cultural connotations: do they trust the police in their home country? There is all of that, and they are highly traumatised.

People need time to be made to feel physically and psychologically safe and to make an informed decision about whether they want to co-operate with the police. When people do, what happens is sometimes unfortunate. We recently did some research especially on Albanian nationals engaging with police prosecutions. Only 22%—only one in five—ever heard back from the police after they shared their harrowing stories, and that is not even to say that they are taking their case forward; they hear back about whether the police are doing something with it or not. That completely crushes their trust. They have had to build up the courage to share their story, but nothing happens with it.

We appreciate that, a lot of the time, that is because of lack of evidence, but we need to do a lot more to be more trauma-informed in this space, to support victims to give the best evidence they possibly can, and to communicate with them very strongly. The victim navigator programme is fantastic, and in every case I have worked on where there has been a victim navigator, that information link has always been there and people have been kept informed, which has been so beneficial for the victim giving evidence.

Prosecutions take a lot of time. I was involved in one that was six years in the making but has still not gone anywhere; it is still sitting with the CPS. So there are obstacles there, but I agree that we need to do more to flip this crime on its head. It is currently a high-profit, low-risk crime, and we need to completely flip that: it needs to be a very high-risk and low-profit crime. The only way to do that is to send a really strong message, prosecute more and put the traffickers and exploiters behind bars.

Professor Dame Sara Thornton: I entirely agree with what Alison said. The challenge is not with the wording of the legislation in Sections 1 and 2; it is about implementation. The cases are lengthy, require expertise and are complex. Quite frankly, in police forces there is the matter of priority and resourcing. As Alison said, victims are extremely vulnerable and do not trust the authorities.

We talked before about whether one of the answers is training. The police who gave evidence here said that there were 4,500 investigations, but that is among 147,000 officers in England and Wales. It is always difficult to train people if they then do not use that training, because they will just forget what has happened. So you have to think carefully about where you focus your training and about expert teams, because that is the only way you will make this any better.

I will voice another caution. The police who came here also said that the prosecution conviction rates were similar to other hidden crimes. I think that is true. I also point to what has happened in general with

prosecution and conviction rates over the last five to 10 years—they have just gone down and down. So it is not as if modern slavery is suffering differently from other offences; it is a very similar pattern. But I completely agree, because the risks are seen as very low, and traffickers use that to control their very vulnerable victims.

Tatiana Gren-Jardan: I am afraid that victims will be even more afraid of coming forward, because it is no longer a threat but a reality that they will be removed from this country if the Illegal Migration Act goes through. Yes, there are some caveats and exceptions, but support has to come first and the prosecution will follow. We have seen that again with the victim navigator programme. Nine in 10 participate in the criminal justice process. We have already secured more than 43 convictions, with 374 years in sentencing, for modern slavery and other related offences. This is from just a very small team that is doing this fantastic job, with 128 victims freed from exploitation, 553 survivors supported and 81% of them showing improved overall outcomes.

The team holds their hand between the support and the criminal justice system until the trafficker is convicted, even if that means that, for some cases, they have to go to the Czech Republic for a person who has gone back home—not everyone is here in the UK or in Romania, where we also have an office. When they return, there is this link to support the prosecution and not to lose that person on whom very often that conviction depends because of how evidence-heavy it is.

Q142 **The Lord Bishop of Bristol:** Professor Thornton, in your previous role, your title was Independent Anti-Slavery Commissioner. Is the commissioner given sufficient independence from the Home Office?

Professor Dame Sara Thornton: No, in two key ways. The appointment and its renewal should not be in the hands of the Home Secretary. The independent review of the Modern Slavery Act, which Baroness Butler-Sloss sat on, recommended that the Cabinet Office should take responsibility. I think that was a good idea. There was also a Private Member's Bill that suggested that Parliament should make the appointment. The Home Secretary has a very obvious conflict of interest. Towards the end of my three-year period, I was told that the Permanent Secretary had recommended my renewal but the Home Secretary wanted the post advertised, and then we had that gap of 20 months, during which the Illegal Migration Act was passed.

My second point is that the legislation did not define the term. That is up to the Home Office. A three-year term is insufficient. It should be five or seven years—again, so that you can act without fear or favour and are not concerned about a contract.

I want to clarify two things, because I heard earlier evidence sessions. On the publication of reports, I compare the posts maybe with the Independent Chief Inspector of Borders and Immigration, who had a problem with this. The Independent Anti-Slavery Commissioner is free to publish reports. There are two exceptions in the legislation, one of which

is the strategic plan. But if the Home Secretary wants to suggest any changes, they have to be agreed with the commissioner. That is okay, I think. On the annual report, it just says that if you want to publish anything that will undermine national security or investigations, you cannot do that. Again, nobody would object to that. So I think we got that bit right.

You also questioned colleagues on the point about having an appraisal done. The director-general in the Home Office did my appraisal. I do not think there is a big problem with somebody doing an appraisal. It does not make them your line manager. I say that because, as a chief constable, I had appraisals done by police and crime commissioners, by chairs of the police authority and by a committee of chief officers, some of whom were junior to me. They were never my line manager, but an appraisal is quite a useful thing for somebody to have, so that is not necessarily problematic. I dug out my first appraisal, and the objectives we set were things like: write a strategic plan, mobilise your office and network—it was kept very high level so as not to be problematic. It could be quite helpful for an individual to have an appraisal, but the person would not be a line manager. I just wanted to clarify that point.

Q143 The Lord Bishop of Bristol: If you have reviewed previous sessions, you will have heard how the current commissioner has struggled to get the MoU agreed, to set budgets and to recruit staff, as well as having issues generally with timeliness. Will she be able to perform her role adequately?

Professor Dame Sara Thornton: I had a team of eight, and they worked very hard. Tatiana was one of those eight at one point. I do not see how you could do the job without that level of resourcing. The Home Office has not increased the budget certainly since 2019, and I have a suspicion that it has not increased it since 2015. In the meantime, by the way, its modern slavery unit has grown and grown. I made written business cases in 2019 and 2020 for more resources but was unsuccessful. I once directly pitched to the Home Secretary—again, I am afraid, with no success. I do think the budget and posts are really important, and it sounds like she is having a difficult time there.

On appointments, I have told Eleanor myself that she must not rely on Home Office secondments. You can advertise externally using Home Office systems, and, to be fair, I had a good Home Office liaison point, and it ran reasonably smoothly and was reasonably timely. It is so important to go out and bring in experts from outside the Home Office.

Q144 The Lord Bishop of Bristol: Finally, we have heard from the Australian Government about their commissioner. They have a Modern Slavery Amendment (Australian Anti-Slavery Commissioner) Bill with particular reference to independence. Are you aware of that, and have you any comment to make?

Professor Dame Sara Thornton: I am. Of course, in Australia, they have a New South Wales commissioner who they have had for a couple of

years now, Dr James Cockayne, who is very impressive. I have worked with him in the past. Interestingly, his period of office is five years, which I thought was quite important. I would recommend that as a minimum.

I have looked at the legislation. As you say, they are amending their modern slavery Act, and it is currently progressing through the House of Representatives and the Senate. Having looked at the job description, it is a much longer list of functions, but a similar emphasis on encouraging, engaging, consulting and supporting. Similar to the UK, they do not envisage a role to investigate individual cases. It is clear that there has been a similar debate on independence. Finally, it has been decided that it will be an office holder of the Attorney-General's department, which I guess is probably better than the equivalent of the Home Office. I know that, in Australia, NGOs and other stakeholders have argued that it should be more independent, so that has been a very live issue.

The key difference that I saw when I was researching was that the Australian Government have announced that the budget for the next four years will be AU\$2 million³. That is about £1 million, and of course the Australian population is about 25 million, so you have virtually double the budget in a much smaller country. That commitment to a decent budget is really important.

Q145 Lord Randall of Uxbridge: I will bring us back to the supply chain—we were hearing about that. I think it was generally acknowledged that we are not really tackling that in the way it should be tackled. What update do you think we could do to Section 54 of the Modern Slavery Act to use that tool a bit more, and do you have any idea of what regulations could be introduced concerning NHS supply chains under the Health and Care Act?

Professor Dame Sara Thornton: When the legislation was passed, the supply chain aspect of the Modern Slavery Act was world leading. The rest of the world has gone ahead. Also, we have undermined the legislation by never using the very limited sanction ability of the Home Secretary to injunct companies that have not completed it.

As has been discussed, the independent review of the Modern Slavery Act said that it needed to be toughened up and tightened up—mandating uploading to the registry, as Bernard was saying; mandating the issues that needed to be covered; making sure that there were sanctions for non-compliance; and a whole range of issues, including extending to the public sector. The Government consulted on that, they accepted it, we know it was in the Queen's Speech, we know the legislation was ready to go, and I do think that that legislation could have made a difference to very vulnerable workers.

I mentioned about working for CCLA Investment Management. We published a benchmark of the modern slavery disclosures of the top 100 companies in November last year, and we put the companies in five tiers,

³ This number refers to the budget per year.

from tier one through to tier five. All but one had filed a statement in 2022, but they were very heavy on policies, rather than what we were really looking for, which was a commitment to find and fix modern slavery. A quarter of them reported finding modern slavery, and nine out of the 100 talked about remedy and reparations.

Having spent a lot of time both in my commissioner role and in my current role looking at these statements, I think it is really important that we build on the current requirements and bring forward that proposed legislation and mandate companies to upload to the registry, as Bernard was saying. From a financial services point of view, it should be made completely explicit that financial portfolios are included, because in financial services you need to think about downstream risk as well as upstream risk.

It should be mandated that any forced labour found should be reported, and that any remedy should be covered. My investor colleagues would also say, "Can we make the business department responsible for this rather than the Home Office?" But we do need to go beyond reporting. We should take the EU directive on corporate sustainability and due diligence and design some legislation in keeping with the EU approach for the UK. If we do not do that, we will have our markets flooded with goods tainted by forced labour. The lack of harmonisation is problematic for businesses, but there is a real risk that we will end up with a lot of very tainted goods in the UK.

Do you want me to do the NHS?

Lord Randall of Uxbridge: Briefly. I am just worried about the time.

Professor Dame Sara Thornton: If the chair is happy, I will talk about the NHS. This question forced me to read the very good review of modern slavery and human trafficking risks in the NHS supply chains that the Government published in December last year, which, as you know, they had to carry out as a result of the Health and Care Act. What was shocking was that they looked at 1,300 suppliers and reckoned that 21% had a high risk of forced labour. I thought that was pretty staggering. They were looking at medical instruments, face masks, gloves, uniforms and so on, a lot of which were sourced from China.

The report says that there should be regulation and suggests that it should be in line with the guidance under Procurement Policy Note 02/23. Having spent a bit of time working with colleagues looking at that, it is good guidance that makes sense. However, it also talks about the importance of improving supply chain mapping, which should be in the regulation. It talks about the importance of building up capacity in the NHS—that is, people who know what they are doing. That is important. It also talks about the importance of standardising risk assessments. All that should be in the regulation.

I will make another suggestion. What the Americans do on import bans is worth looking at. The UFLPA—Uyghur Forced Labor Prevention Act—has

an element that requires the Department of Homeland Security to publish an entity list, which is a list of companies where there is a rebuttable assumption that if a company is making these goods they will have been made with forced labour and cannot enter the US market. That list of companies is getting longer and longer. The clarity of the import ban approach and of companies through which we do not want to import, unless they can prove that there is no forced labour in their goods, is an attractive idea. So let us look at due diligence—it is really important—but let us also look at the US approach to import bans, which Europe, by the way, is also looking at.

Q146 Lord Watts: I have the easy question. If you could make just one recommendation to the Government about the slavery Act, what would it be?

Tatiana Gren-Jardan: I think that is the most difficult one. As regards the recommendations that were made, we would entirely agree with and support the new strategy. But it is not about the Act. We first need to review the impact of the Nationality and Borders Act before any changes are made. That is very important, because we need to get victim support right. If we are driving victims underground and helping traffickers, that will not help the Modern Slavery Act at all. That is my perspective.

We put in our written submission—there will be a lot of evidence in there—that we recently published a paper on criminal exploitation in the UK, which is the most prevalent type of modern slavery at the moment, affecting British nationals in particular and children. We have recommended amending the definition of the Modern Slavery Act to include criminal exploitation, although there was a review in 2019 saying that it was covered by the current definition. However, in practice, there is inconsistency in how it is understood, how police officers deal with it, and we believe that clarifying the definition would help.

We also want to see a separate criminal offence of cuckooing, because it is not being prosecuted under the Modern Slavery Act unless the person whose property is being cuckooed is also exploited. That is a big gap and a huge problem that is growing massively. In March, in only one week of police activity, more than 1,000 cuckooed properties were visited. We are supporting Sir Iain Duncan Smith's amendment to the Criminal Justice Bill and hope that the Report stage will come soon. We definitely need face this problem and do something about it.

Professor Dame Sara Thornton: We need to bring the supply chain legislation up to date, including mandating due diligence, because that is the focus on prevention.

Alison Logier: For us, it is looking at victims as victims, first and foremost. Right now, they are treated as criminals, and we need to go back to a safeguarding lens, see them as victims and treat them as such. The crime of entering and arriving in the UK is not their crime to be punished for. They need to be supported and we need to go back and ask

them and involve them in that support. If you asked them, they would say, "We want to feel safe, to remain and to have safe housing".

Lord Watts: On the American system, do you have a list of companies that are blackballed in the US? It would be useful to see whether any companies operating in the UK that fit that list.

Professor Dame Sara Thornton: Yes, the list is available on the Homeland Security website. Two years ago, when I was the commissioner, I wrote to all the Permanent Secretaries in all government departments and sent them a list of companies where there were import bans. I said, "Can you reassure me that you are not procuring from any of these companies?" The reality of what happened was that in 2021, the Americans had put an import ban on a Malaysian company called Supermax, which made rubber gloves, because 10 of the 11 indicators of forced labour were present. A month later, we put that company on a framework contract in the health service. I know all about that because there was litigation and the whole framework had to be redone by the health service. I have tried that before and it is a really good thing. Someone in government should now be looking at what is on the UFLPA entity list and saying, "Do we have an exposure here?"

The Chair: Thank you very much indeed to all our witnesses and for all the work that you continue to do.