



Modern Slavery Act 2015 Committee

Corrected oral evidence: The Modern Slavery Act 2015

Monday 25 March 2024

3.35 pm

Watch the meeting

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

Evidence Session No. 8

Heard in Public

Questions 100 - 107

Witness

[I](#): Eleanor Lyons, Independent Anti-Slavery Commissioner.

USE OF THE TRANSCRIPT

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

Examination of witness

Eleanor Lyons.

Q100 **The Chair:** Good afternoon. My name is Frances O’Grady, and I am Chair of the House of Lords Committee on the Modern Slavery Act. I welcome you to the committee and to our evidence session with Eleanor Lyons, the Independent Anti-Slavery Commissioner. Thank you for joining us, Eleanor.

I will kick off with a few questions before passing on to fellow members of the committee. You have previously said that you are developing a strategic plan, and that you plan to have it ready before Easter. Can you tell us something about the headlines that will be in it and whether you are still on track to get that published?

Eleanor Lyons: Of course. Thank you for having me here today. It is great to be here. As part of the development of my strategic plan, particularly as the role had been vacant for such a long time, I thought it was important to engage with the sector and to hear about what it wants in a strategic plan. I have been out across the United Kingdom visiting law enforcement and charities and, importantly, hearing from those with lived experience about what they want to see and hear in a strategic plan. Alongside that, I have conducted a consultation exercise.

I am in the process of writing the strategic plan at the moment. It will focus on four key buckets, looking at prevention and what more we can do in that space. Alongside that, it looks at victim identification, the recovery journey and how we can improve the NRM. I also want to look at prosecutions and how we can do more to improve the prosecution rate, making the criminal justice system as a whole better for victims to go through.

More broadly, I will look at how we can improve our knowledge and understanding of modern slavery. In the strategic plan I will highlight groups of potential victims I am particularly concerned about. They include children and young people, women and girls, UK nationals and, of course, those who have been affected by the recent legislation and the recent changes.

I am still writing the strategic plan. I am working on it at pace. Of course, as part of the Modern Slavery Act, I will need to submit it to the Home Secretary, once I am done, for their approval on publication.

The Chair: Do you expect to be able to do that by Easter?

Eleanor Lyons: I hope that when the Secretary of State gets back from Easter recess it will be on their desk, waiting for approval on that side of things.

The Chair: Can you tell us a bit about the work you have been doing with government departments to encourage adherence to your vision and strategy?

Eleanor Lyons: While the Home Office owns the policy area on modern slavery, there is a critical role for most government departments to play in the efforts to tackle modern slavery. It should be everyone's business.

I have been speaking to Ministers and officials across different government departments, whether it is Justice, the Foreign Office, the DWP or, of course, the Home Office, to try to get them to think about the needs of the victims of modern slavery and raise the profile of that group. So far, my discussions with government departments have highlighted the need to do that, as I have not found a fantastic level of awareness existing within those departments at the moment. The conversations are proving collaborative and constructive. I hope that, as I continue in role, I will have the chance to work across government departments to achieve my vision and, hopefully, to get everyone involved in thinking about what they can do in this space.

The Chair: You spoke about the centrality of victims or survivors. I understand that part of your vision includes a survivor advisory council to represent the views of victims to policymakers. Can you tell us a bit about that?

Eleanor Lyons: Yes, absolutely. It is important to make sure that victims and survivors themselves have the opportunity to make their voice heard. Their expertise is invaluable. I have been around different lived experience advisory panels to hear from survivors themselves. One survivor in particular, Jane Lasonder, said to me how important she thought it was for the UK to establish a survivor advisory council and I completely agree with her. There are examples of best practice, such as US Ambassador-at-Large, Cindy Dyer, who has established one. There is also Kari Johnstone at the OSCE. There is a real opportunity for us to do the same in the United Kingdom.

There is an opportunity for us to establish a council that can make voices heard to policymakers and for us to be able to co-collaborate and create policy with expertise that comes from individuals who have so much knowledge to share in this space. It is important for us to recognise and acknowledge this expertise and for it to be remunerated, as they have said to me that they would love it to be. I hope that a survivor advisory council is established. I would love my office to be able to play a role in creating one. It will be important for our awareness of modern slavery, and for understanding a little more about what we can do to tackle it long term.

The Chair: Would you want to see that established on a statutory basis?

Eleanor Lyons: I would absolutely welcome its being established on a statutory basis. I am conscious, of course, that legislation can sometimes take time, so I would also be looking to do it as quickly as possible.

The Chair: As we have heard from other witnesses, you are obviously working in a very challenging environment and, some would say, a hostile environment for modern slavery victims. Do you agree with the

former Prime Minister, Theresa May, that recent immigration legislation drives a coach and horses through support for modern slavery victims?

Eleanor Lyons: First, it is important to acknowledge the important work that Theresa May has done in this space. I commend her for her ongoing efforts. Her ongoing vocal support has been critical to victims and the sector. I agree with her that if the Illegal Migration Act is implemented, and the provisions in it pertaining to modern slavery go ahead, it will have an incredibly negative effect on victims and survivors of modern slavery in this country. It will also make law enforcement's job an awful lot harder.

Lord Watts: I was previously a member of the trade committee that looked at the trade deals that were being done around the world. I was amazed to find that the negotiators do not even consider the anti-slavery issue, and they have not been asked to. What is your view about that?

Eleanor Lyons: That is deeply disappointing. DBT is one of the departments that I have met and spoken to, and I think it has a really important role to play in this space. That touches on the point I made; it is critical that all government departments understand how they can be involved in tackling modern slavery. There should, of course, be an awareness in DBT and in the trade deals themselves about those conversations and what they should put in the trade deals.

Lord Watts: Has it given you an indication in your discussions that it will in the future?

Eleanor Lyons: The Minister I met, Nus Ghani, was incredibly passionate about modern slavery and committed to doing all that she could. I do not know which trade deals she is specifically responsible for in her post, but she is looking at everything that the department can do to improve transparency, particularly in supply chains and, more broadly, at tackling wider labour exploitation too.

The Chair: We may come back to some of that later.

Q101 **Baroness Butler-Sloss:** I declare that I am co-chair of the All-Party Parliamentary Group on Modern Slavery. I am deputy chair of the Human Trafficking Foundation. I was a member of the 2019 review of the Modern Slavery Act. I was a former member of your predecessor's advisory panel. Are you thinking of having an advisory panel of that sort in future?

Eleanor Lyons: The advisory panel was fantastic. My predecessor's panel, in particular, had a fantastic cast list of expertise on it. It is something that I would like to establish. I am thinking about staggering when I will be able to do it, up and running in role.

Baroness Butler-Sloss: I am not surprised. I just thought I might ask you that. I have a number of questions based on the review. How do you feel about the extent of the independence that you have from the Home Office?

Eleanor Lyons: The Independent Anti-Slavery Commissioner, as a role, is critical—in particular, its independent aspect. All independent commissioners play a critical role in representing the needs of groups who are often overlooked by policymakers. I feel very confident in my independence from the Home Office and in my ability to relay stuff that I hear from the sector and survivors. I have already been doing so in calling for a modern slavery strategy, the republishing of annual reports and pushing for wider changes—for instance, around the Victims and Prisoners Bill. I feel very comfortable in my ability to speak independently about changes that I think are needed.

Baroness Butler-Sloss: I take it that you have a line manager from the Home Office, do you?

Eleanor Lyons: My understanding is that I will have a line manager with the Home Office. I have made it very clear to the Home Office that I do not think that should be a traditional line manager, in the sense of there being a hierarchical element to the role and there being an employee/employer relationship, so that it should not impact on the independence of the office. I have also asked that it clearly outlines the role of the line manager in the memorandum of understanding so that it is completely transparent to everyone.

Baroness Butler-Sloss: Do you yet have a memorandum of understanding?

Eleanor Lyons: I do not yet have a memorandum of understanding. I have one on ways of working, which I am looking to have developed, and one on data sharing. Both of those are currently in development with the Home Office. With the memorandum of understanding, again I have been pushing for it to be clear that this is an independent role from government and for it to outline all the things that the Home Office is asking from the Independent Anti-Slavery Commissioner's office and team, so that it is a fully comprehensive and fully transparent document.

Baroness Butler-Sloss: To what extent have you been involved in it, and how collaborative and constructive has the Home Office been with you?

Eleanor Lyons: The MoU that my predecessor had, I understand, still stands. Of course, with a new IASC in role it is right that we look again at these memorandums of understanding. I have been pushing for particular changes to make it clear, as I said, about independence, recruitment, budget and all the areas that impact on my role. I hope that the Home Office will take forward some of the recommendations that I have suggested. I will not sign an MoU unless it is very clear that it is an independent organisation.

Baroness Butler-Sloss: How confident are you that it is really listening to you, if I might put it rather bluntly?

Eleanor Lyons: Undoubtedly, I have inherited a difficult and challenging circumstance by the team being left vacant for 20 months when I entered. That has impacts beyond there not being an IASC in role. There was no institutional knowledge, there were no stakeholder relationships and none of the inherent expertise that you would normally benefit from when you enter a new role. There should be recognition from the Home Office side that I am the only permanent member of staff in my team and my office at the moment. Having processes that normally apply to an organisation of 32,000 applied to me can create a challenging environment for me to operate in.

Baroness Butler-Sloss: We suggested in the review that the appointment should be subject to a pre-appointment hearing before a Select Committee. What is your view about that?

Eleanor Lyons: I note that recommendation from the review. I think it is important that the IASC is accountable to Parliament throughout their time in role, which is why I am so pleased to be in front of this committee and the Commons committee so early in my time. Of course, when a future IASC is appointed it will be a decision for the Government to decide whether they think a pre-appointment hearing should take place for the role.

Lord Randall of Uxbridge: Very briefly, you are saying that you are pushing for all of this in the MoU, but what are your red lines? If what you want is not achieved, what will you do?

Eleanor Lyons: It is a very good question. My ultimate red line is anything that impinges on the independence of the office. That is something I could not sign up to in my role. The most obvious consequence of that is that we will not be able to reach an agreement on a memorandum of understanding and a way of working. I hope that we will not get to that stage. I continue to engage collaboratively in the hope that we will find progress.

Q102 **The Lord Bishop of Bristol:** You have just commented, and we have heard from others, on the practical difficulties that you have faced since you took up the role, which include lack of assurance on your budget—we will come back to that in a minute—lack of staffing and therefore lack of organisational memory and know-how, and lack of contact with the networks. Has the Home Office been helpful in enabling you to get beyond those initial hurdles?

Eleanor Lyons: It is important that the IASC office has a functioning team and an office environment that is set up and processes the work. I have been engaging with the Home Office on those areas and processes. I have found the policy team to be very collaborative and engaging with me in sharing the areas that they are working on. I have found a couple more challenges in the wider Home Office area when trying to do things like recruit staff, pay outstanding contracts and generally get the office up and running again.

The Lord Bishop of Bristol: Thank you for raising that. When we have raised questions already, we have been told that there is a balance to be struck between the need for pace to enable the role to be properly supported and the need for due diligence, particularly around value for money. Can you see what the issues are around value for money that have enabled them, as far as I can see, to go very slowly indeed?

Eleanor Lyons: Taking a step back, to put this in context, the kinds of things that I have asked for financially, to happen in this financial year, are for me to be able to start recruiting team members, to pay contracts that may have expired from when my predecessor left the role such a long time ago, and to make sure that I am able to pay for those with lived experience to share their expertise with me as part of the office's work. Those kinds of areas are challenging at the moment. When I look to the next financial year, I hope that there will be more collaboration to progress those areas.

In terms of the Home Office wider budget, we are talking about quite small sums of money when it comes to the IASC team. Of course, everything I do will be within value-for-money requirements. It will be properly accounted for with the Home Office and there will be transparency about everything that my team is working on. At the moment I am asking for a team of six individuals to be able to adequately resource my team and my office. I hope everyone would recognise that that would be a good use of money, in line with fulfilling the requirements of the IASC and the Modern Slavery Act.

The Lord Bishop of Bristol: A team of six. What size team do you have at the moment?

Eleanor Lyons: I have a team of three temporary staff at the moment, who started in role around a month ago. I thank them for all the hard work that they have been doing in post. I am yet to have a permanent member of staff, but I have put in a request to the Home Office for six permanent members of staff as well as the ability for me to form a remunerated survivor advisory council, which I think is really important.

Baroness Hamwee: I have two questions following on from that. Did I understand you to say that there are bills outstanding from the IASC office that the Home Office has not actually paid? That is the first question. Secondly, do you have, or have you asked for, a budget to buy in research work consultancies?

Eleanor Lyons: On the first point, it is more that there are contracts that were signed up to by my predecessor that I still need—for instance, the website contract. They have expired and I would like to be able to pay the contractor on that side of things.

Secondly, yes absolutely; in terms of a researcher, I specifically requested a grade 6 researcher who has the ability to fulfil the IASC's responsibilities on best practice and gathering data. I very much saw the

value in having research when I was in the Children's Commissioner's office. I think it is a really important role.

Baroness Hamwee: I assumed that that would be one of them, but I meant outside research, commissioning specific, discrete pieces of work.

Eleanor Lyons: I looked into that with the Home Office this financial year to see if it is a possibility for me to do. Longer term, I would still like to carry on the conversation about my abilities to do that. Of course, within role I also have the opportunity to work with academic researchers on specific projects, which I may not always be able to put monetary value into, but I can work closely with teams. I have already been doing that with organisations such as ECPAT and the Rights Lab. They are critical partners in the IASC's work on an ongoing basis.

Lord Whitty: I am not quite clear on the staffing side whether the Home Office has, in principle, accepted that you need staff of that size or whether it is arguing that you do not need as many. Is the issue one of practicality and remuneration levels, or is it that you have yet to agree the appropriate size of resource that you need?

Eleanor Lyons: I think the Home Office has accepted that a size of six individuals in my team would be appropriate. A lot of the delays are due to having to follow Home Office recruitment processes. I would absolutely value seeing those expedited so that I can get team members in, to reflect the sector, law enforcement and the wider expertise that I want from outside the Home Office.

The Chair: It must be a worry. Your job description is about commissioning research and having the resources to do it. Obviously, combating anti-slavery on the cheap is not going to do the job, is it?

Q103 **Lord Hope of Craighead:** Good afternoon. The background to my question is the fact, which I think we all recognise, that the Government have paid much more attention to combating immigration than to updating and modernising the Modern Slavery Act. I would like to explore a little bit with you the consequences of that. First, the Illegal Migration Act 2023 has not yet been commenced. Do you have any understanding as to why it has not been commenced yet and when it is likely to be commenced?

Eleanor Lyons: It is a very important question. I speak to survivors in the sector about a number of issues, and the Illegal Migration Act is definitely one of the areas that comes up most, even though the provisions in the Act pertaining to modern slavery have not yet been commenced. Of course, when they are, there is a sunset clause attached to them. It is creating an awful lot of worry and confusion already. It is still having an impact on survivors themselves, who are very nervous about what it means for them. That is something that I am worried about in role. I have asked the Home Office for some clarity on when the statutory guidance will be published, which will make clear a lot of the

provisions within the Act. I understand that they are still working on that area.

More broadly, we are also dependent on the safety of Rwanda legislation progressing through Parliament before many of the provisions in the Act relating to modern slavery can even be commenced at all. That will obviously impact on the timeline.

I should make the point that my role covers the entire United Kingdom. From my conversations with the devolved Administrations, there is also concern around the legislation. Not all the devolved Administrations align with the purpose of the Act and what it is trying to achieve. I am worried about the legislation. I will continue to communicate with the sector as I have any updates on it, but at the moment it is difficult to give clarity on areas where there is not yet clear guidance or understanding about the precise timelines.

Lord Hope of Craighead: Would I be right in thinking that it is particularly difficult for the first responder organisations dealing face to face with people who are looking to them for advice?

Eleanor Lyons: The first responders that we have in this country play a really important role. I commend all the first responders that I have met who play a critical part in the recovery journey for a survivor. It creates a challenge for first responder organisations when they are trying to navigate what advice they should give a survivor, and trying to understand the implications of the new legislation.

While the doorway that they refer survivors into remains the same, there are obviously very big changes in the consequences of referring someone to the national referral mechanism now, or there will be once the Act is commenced. From what I have heard from first responders themselves, that creates a real ethical dilemma about the kinds of advice that they should be giving survivors of trafficking and potential victims.

Lord Hope of Craighead: Is there anything you can do by way of advice? It is very difficult. Obviously, you cannot guess exactly when this is coming into force or exactly what the guidelines will be, but is there anything you can actually do by way of practical support?

Eleanor Lyons: I agree with the Home Affairs Committee's inquiry recommendations that first responders should have improved and enhanced training in this area, so that there is real clarity and advice from me as IASC, and from the Home Office about what the legislation means and its implementation elements. There is also an area where first responders want the ability to be able to grow as organisations so that they can help more victims. There needs to be a little bit of work done looking at whether that is one of the practical things that we could do to help support more potential victims.

Lord Hope of Craighead: Going back to the question of resources, do you have enough resources to support and carry on the campaign that

you are trying to promote, so that people have a better idea of what advice they can give in these very difficult circumstances?

Eleanor Lyons: Me personally in role?

Lord Hope of Craighead: Yes.

Eleanor Lyons: I will always continue, while I am in role, to push for these areas, because I think they are so important. It is more challenging doing that when I do not have a full team. Hopefully, once the team is fully established, we will be able to do more of that work on all fronts.

Lord Hope of Craighead: Another aspect is public awareness of modern slavery. A particular problem is being able to spot when it is happening and whether an individual, for example, is a victim of the process. Are you able to do something to increase public awareness of the signs that should be looked for, so that they can be alerted that they are looking at somebody who could be a victim?

Eleanor Lyons: I agree with you. It is a really important area to look at. First and foremost, we need to make sure that we are very clear about what modern slavery is and are not conflating it with illegal migration. That is the first, critical, important step in my message and in my work. As I heard from a survivor a couple of weeks ago, rhetoric matters. The things that government and policymakers say have an impact.

Secondly, quite good work is going on in communities by the sector and by charities that I have visited to raise awareness on how to spot the signs of exploitation. Also, outreach work has been very effective and impressive. I think there is a role for me to play in promoting best practice and sharing it across the country where I have spotted great examples.

Finally, giving survivors themselves an empowered platform, in the form of an advisory council or a lived experience advisory panel, is a critical part of raising public awareness too. As soon as people engage with, and listen to, the message that survivors are giving, there is a real desire among civil society to respond and help this group.

Lord Hope of Craighead: There are various aspects to public awareness. It is quite surprising that a third of people believe that it is only women who are affected by modern slavery, which I believe is not the case. Are you able to do something to make people aware that it covers all genders?

Eleanor Lyons: Yes, we have seen, over the years, the most dominant form of exploitation in the NRM shift over time. Public perception has not always shifted to catch up with the changes in exploitation type that we have seen. Absolutely, I will look, in role, to raise awareness about modern slavery and what we can do to tackle it, and to speak about the groups that we see in the national referral mechanism at the moment. Targeted campaigns—for instance, the car wash campaign or the work around exploitation in nail salons—seem to have increased public

awareness, and that becomes part of the public consciousness. Over my time in role, I will be looking at what I can do to improve awareness and understanding in this space.

Lord Hope of Craighead: The idea is to cover the whole of the UK for one thing and cover the whole awareness of the extent of the problem. It is easy to think that it is just particular classes of people—women for example, who have been brought into undesirable domestic situations—but it goes far wider than that and the public may not be aware how wide it is.

Eleanor Lyons: Yes, of course. I agree. I do think that the public are not aware of the extent and the fact that it is happening in communities that they live in across the entire United Kingdom, as you said. That is something that I will look to improve and change. From visiting different areas across the UK, the work that goes on locally with particular charities and partners creates real local awareness in particular communities. Part of the challenge is making sure that we raise that awareness to national level and share that practice, so that we all learn from some of the examples where things are going very well.

Lord Hope of Craighead: Thank you very much.

The Chair: Can I just press you on that point? Your job description, important though civic society is, is also about raising the public profile. How far does that requirement in your role feature in your strategy?

Eleanor Lyons: It is a big part of my thinking and it forms an element of the strategic plan too. In order to raise public awareness of this area, I have done an awful lot of reflecting. I know a lot of the committee were involved in the legislation in 2015 when, from the conversations I have had with the sector, there was a sense that many of the arguments about modern slavery had been had and won. I am very aware, coming into role, that we need to have many of the arguments again about what modern slavery is and that it is not the same as illegal migration; they are two very separate issues.

Of course, I want to make sure that I am working to raise the awareness of particularly vulnerable groups of people. It is also why prevention is a very big part of my work. It is a key aspect. We are not only trying to help people once they have been exploited, but trying to do as much as we can to raise awareness and stop people becoming exploited or vulnerable. I am looking at that and I am thinking about the best way to do it. I want to make sure that I am doing it in a way that shares the best practice that is already happening. When I am in post, I want to ensure that I do all I can to raise awareness for all groups and all potential victims.

The Chair: Thank you.

Baroness Butler-Sloss: I understand that the Minister responsible for safeguarding has had certain of his or her duties removed to the

Immigration Minister. Have you expressed any view on that, and what do you think about it?

Eleanor Lyons: My understanding is that the Minister for safeguarding and the Minister for illegal migration—I think migration has now been split across two Ministers in the Home Office—have split the modern slavery brief. I think it should sit wholly within the safeguarding role; that is where it belongs. We are speaking about victims of crime, and they need support and care as victims. It also helps for clear accountability and ownership over taking forward some of the work on modern slavery.

Baroness Butler-Sloss: Have you been able to say anything about it? That is really what I am interested in.

Eleanor Lyons: Yes, I have been able to say something about it. I have written to both Ministers in the Home Office and I have met the Minister for safeguarding. I will continue to meet with them in role. I have also expressed my views on this in the Home Affairs Committee inquiry in this space.

Baroness Butler-Sloss: Good.

Baroness Hamwee: You mentioned Rwanda. Has the Home Office consulted you or involved you in any way in the proposed arrangements, including what might be available by way of support in Rwanda?

Eleanor Lyons: I have asked the Home Office for clarity around what needs assessment they have done for the potential victims who will be going to Rwanda under the Illegal Migration Act. I have asked for some clarity around exactly what that would look like. I will continue to ask those questions and try to engage with the Home Office on those areas.

Baroness Hamwee: I assume that you have not actually had a response.

Eleanor Lyons: I await a response.

Baroness Hamwee: Thank you.

Q104 **Lord Smith of Hindhead:** Ms Lyons, anybody following this committee's procedure so far will recognise that there is almost an industry of non-governmental organisations, most of which are quite generously taxpayer-funded or through grants or some other means, in this particular—to use your phrase—space. Does the number of these organisations assist you with your work or are they diluting some of the things you want to raise?

Eleanor Lyons: From my conversation with NGOs and charity partners in the sector, I found everyone completely committed to tackling modern slavery. There is a real impetus and drive in that area.

One of the challenges now, looking to the future, is that, since my predecessor left post 20 months ago, we have had the Nationality and Borders Act and the Illegal Migration Act. Now there needs to be an

opportunity for there to be clarity over how, moving forward, we can do all that we can to tackle modern slavery. One of the big challenges with these pieces of legislation on the statute book is what are the steps that we now need to take together as a community to do all that we can.

Lord Smith of Hindhead: That was not my question. This is my question now.

Eleanor Lyons: Yes.

Lord Smith of Hindhead: I am very pleased. You are probably only the first or maybe second witness we have had who has used the word "prevention". I, like everyone, want to make sure that there are fewer victims of modern slavery or human trafficking so that we do not have so many poor people to look after and care for. The way to do that of course is, hopefully, to prosecute the people who purport this extraordinarily heinous crime.

We understand that the prosecution rate for modern slavery offences is around 1.8%. Originally, we thought it was 1% but were told that it was 1.8%, and I think we are expected to give a round of applause for the 80% increase. Anyway, it is 1.8%. What can be done to help improve that? What have you been doing or what would you like to do to have conversations about trying to spread best practice to law enforcement across the whole of the UK? We understand that it is sometimes a really difficult crime to prosecute. If there was a better understanding of how the law works or how the law could work, the prosecution rates could be higher, which, of course, would prevent more people wanting to be involved in it and, ultimately, prevent more people being harmed in this way.

Eleanor Lyons: I agree that the prosecution rate of 1.8% is too low. I recognise the complexity of prosecuting these crimes and the hidden nature of these crimes, but I do not think we can have an environment where it is a high-reward, low-risk crime for a criminal to conduct.

I have met law enforcement partners locally and nationally. I am pleased that some of the work going on is already in play to improve prosecution rates. I see it, first, as making sure that we focus on the victim journey through the criminal justice system, so that it is an improved one. That is why the victim navigators are important because, at the moment, it can take a number of years for them to go through the criminal justice system. It is also important that we encourage officers to focus on evidence-led prosecutions when they do not get engagement from victims themselves. That is one area that is ongoing and critical.

Secondly, when I have visited specialised teams that have a particular focus on modern slavery, I am pleased to see the work that is going on. If we could have more specialised teams, better training and awareness for all officers, it would also be incredibly welcome. Officers are going out and encountering all forms of crime in different ways. We need to keep

awareness of modern slavery first and foremost at the forefront of their minds.

Finally, law enforcement cannot do it alone. There are wider partners that have a role to play in this, which is why I have been having conversations with the CPS about early engagement, and with wider teams about what we can do to make sure that we support the police in their efforts. I have engaged with PCCs and the national head of PCCs in the hope that when May happens, and we have a new cohort coming in, they think about putting this in their police and crime plans to make it clear that it is a local priority and sets the tone for the work that should be going on in local areas.

While I do not think that we are in a good position with the prosecution rate, there is work in train to improve that, and for the areas that are really important we need to keep the momentum going in that space.

Lord Smith of Hindhead: Is there another country that does it better than us?

Eleanor Lyons: I am not sure I could say whether there was another country that does it better than us in this area. I would have to come back to you specifically on that point.

Taking a step back, as a country we identify an incredibly large number of potential victims, which echoes the work of first responders and NGOs. Compared to Germany or France, we identify far more potential victims on that side of things. Of course, it is a positive thing that we are providing help and support for those who need it, but it is also an area where we now need to look at what we are doing to match that number of victims with going after the criminals behind some of these horrific acts.

Lord Smith of Hindhead: Of course. Thank you.

Q105 **Lord Watson of Invergowrie:** Commissioner, Lord Smith has just been asking you about the very low prosecution rates for human trafficking offences. Can I turn to an issue where the prosecution rate is zero? That is under Section 54 where commercial organisations of a certain size trading in the UK are required to prepare, but have not prepared, a human slavery trafficking statement each year. When we asked the representatives of the Home Office, who were here some weeks ago, they invited us to suggest how, to some extent, we could bring about a more level playing field. Some companies do quite well—we have heard of John Lewis, Sainsbury's and Primark—while others do less well. How can we get into a situation where that might be addressed?

Eleanor Lyons: The committee heard important evidence in this space from experts last week, including Baroness Young with her Private Member's Bill. One space we can explore to create more of a level playing field is an extension of the current legislation or new legislation either to give it more teeth or to extend the requirements to wider groups.

If we are not looking at the legislative side of things, a very important role for IASC to play is in calling for all businesses in current scope of the Modern Slavery Act legislation to do their part. There is an element of highlighting best practice and trying to create transparency on those who are not fulfilling their modern slavery statements and are not publishing them. As you have referenced, there are powers in the Modern Slavery Act that the Home Secretary could choose to utilise, if they wanted to, on companies that are not complying.

Secondly, the 2019 review suggestion of extending the Modern Slavery Act provisions to the public sector was the right one. I was pleased to see it in the Queen's Speech in 2022. Obviously, it is sad that it did not go further than that. I have been pleased, in role, to see that many public sector organisations are choosing to take the lead in this space, with over half of local authorities in England and Wales publishing their own statements and doing that voluntarily. Again, that is an area where there is an important role to play in calling for the public sector to do their part in this space and encouraging them.

Finally, the NHS now has new regulations potentially being developed as a consequence of the Health and Care Act. It is about looking at both those sides of things. I would welcome new legislation but, conscious of the time that can take, I think it is about calling on businesses and wider partners to do their part and encouraging them to do that.

Lord Watson of Invergowrie: I find it very encouraging to hear you say that you think the legislation needs to be firmed up. Is it logical for me or for the committee to assume that your strategic plan will include such a suggestion to government?

Eleanor Lyons: In my strategic plan, I am looking at the role of the private and the public sectors in tackling modern slavery, which includes transparency in supply chains. It will touch on what can be done in that area.

Lord Watson of Invergowrie: You will be fully aware of the developments in the EU. The Parliament will vote next month on the corporate sustainability due diligence directive, which goes a bit further than legislation here and allows for fines and civil action. Is that something on which we could base legislation in the UK?

Eleanor Lyons: I welcome the EU directive. I hope the EU Parliament progresses and passes that directive. Mandatory due diligence is a question of when, not if. We are seeing leading businesses with international supply chains take steps in this space, and, of course, other European countries, which demonstrates the direction of travel. I was pleased that the legislation passed, but it passed in a watered-down form.

Lord Watson of Invergowrie: Indeed.

Eleanor Lyons: Over €450 million is obviously a very high threshold for businesses to meet. I would welcome legislation in that space. One of the important things that we need to do is learn from the legislation that has already been passed to make sure that there are no unintended consequences for workers—no blunt instruments around cutting off supply chains to already vulnerable workers. There is an opportunity to reflect on what has happened so far and make sure that our legislation does what we intend it to in this area.

Lord Watts: Can I push you on the supply chain? You said it will touch on it. Will it make recommendations on how it should be implemented? Are you suggesting that it will be mandatory for a certain sized company? Will it be that specific? Or will it be touching on it? There is a big difference.

Eleanor Lyons: Do you mean the strategic plan?

Lord Watts: Yes.

Eleanor Lyons: I am balancing writing my strategic plan, after being in role for three months, covering the entire range of everything that my role touches on, including the buckets I have outlined. I do not know whether I will make specific recommendations in the strategic plan in each area. I will make clear why it is very important that there is transparency in supply chains, welcoming the due diligence legislation that has already been passed in Europe. Then it will touch on what my role as commissioner will now be to progress some of those strands of work. Those are largely the bits I will cover in my strategic plan.

Lord Whitty: I spent a few years as head of a consumer organisation. In terms of pressure, do you see mobilising consumers as a significant part of the strategy, particularly in areas where it is not hidden at all? I am thinking of two you have already mentioned—nail bars and car washes. Consumer pressure could be a major part of avoiding or discouraging the use of modern slavery in those areas, but it does not seem to be fully mobilised as yet. Do you see that as a major part of your work?

Eleanor Lyons: I agree that consumer pressure is a really important part of driving change. I believe that some of the challenges in this space were touched on the other week around consumers also being driven by other factors, such as the price of goods, awareness of the area and, in particular, maybe wanting products without there being real awareness of the exploitation that takes place. I absolutely see raising awareness, among consumers and in society as a whole, about exploitation, as a critical part of my role. Baroness Young made the important point that in some sectors, such as the fashion industry, there is a lot of consumer awareness and consumers are calling for a lot of these changes. They want to know where their products come from.

Q106 **Lord Randall of Uxbridge:** I declare that I am chair of the Human Trafficking Foundation. We heard, and it has been in the media and so forth, that there is a significant increase in exploitation in the care sector.

Have the Government put in place sufficient measures to address that problem?

Eleanor Lyons: The rise in exploitation in the care sector is worrying from a workers' rights perspective, as well as in the potential impact it can have on the quality of patient care. We have seen this exploitation rise incredibly since the introduction of care workers to the shortage occupation list, with a 606% increase from Unseen's helpline in this space. A lot of the things that have occurred could have been prevented if there had been early policy development engagement with the sector and experts working in this area, who would have been able to identify some of the challenges.

It is good that the Government have taken steps, with UKVI checking for genuine vacancies, and publishing an international recruitment toolkit. We have now seen changes around only regulated CQC providers, but we have not yet had time to understand whether those have really had the impact we would want them to. This will be a long-term issue where we need a sustainable solution. While there are still 152,000 vacancies in the care sector, we obviously need to make sure that we respond adequately.

Lord Randall of Uxbridge: What longer-term changes should be made to Immigration Rules, such as introduction of a care visa for skilled workers?

Eleanor Lyons: First, we need clear ownership as to which government department or Minister or interministerial group will be taking forward this space. The exploitation in the care sector ranges from poor working practices to really severe exploitation that we would define as modern slavery.

There are potential immigration changes that the Government could consider, such as extending the 60 days that workers have at the moment to switch jobs to maybe 90 days or even longer. At the moment, there is no awareness among workers that they can switch sponsors, and it is incredibly hard for them to do so. We also need to look up stream so that, when workers are recruited in-country, there is more awareness of their rights and extortionate fees are not paid by individuals who are tricked into debt bondage. There is also potential to look at the immigration skills charge, which we know that many employers push on to employees themselves. That again creates a challenge in that space.

They are all areas that the Government can look at, where changes to the visa rules would have an impact on helping to reduce some of the exploitation. Longer term, we need to create a sustainable workforce in this area that does not rely on shortage and blunt instruments that leave a workforce very susceptible to exploitation.

Lord Randall of Uxbridge: Are the regulators adequately resourced to meet the challenges?

Eleanor Lyons: As I have touched on, we see a wide range of issues in the care sector, from poor working practices to extreme exploitation. It

has reignited the conversation around the need to have a single enforcement body, to have a body overseeing all parts of that form of working practice exploitation. The GLAA is doing good and important work in this space. I know it has been in front of this committee and highlighted some of the challenges it has. Of course, more resource to it would be incredibly welcome.

It is not just about resource. Regulators, such as the CQC, do not have masses of training on modern slavery and exploitation. That is not what they were created to do and it is not what they were created to identify among quality of patient care. We need to look at training and awareness on that side of things.

Lord Randall of Uxbridge: Finally, Commissioner, you said that there are lots of things you want to see done. From conversations you have had with Ministers, how optimistic are you that some of this might happen, or is it great aspirational stuff?

Eleanor Lyons: We are in an important year, this year, with a general election, where I would like to see all political parties making clear commitments to tackling modern slavery and human trafficking. I have had conversations with different Ministers in different departments. There is a lot of personal commitment to tackling this area, but we need to improve awareness and understanding and make sure that we treat victims of modern slavery the same as we would victims of other crimes. We should not create a hierarchy. We should recognise that we need a trauma-informed approach. We should recognise that they deserve the same rights and care as any other victim.

Lord Randall of Uxbridge: Thank you.

Lord Hope of Craighead: Can I take you back to the problem of low prosecution rates? Have you explored the position in Scotland? There is a different system in Scotland. Police do not prosecute there; professional prosecutors do it. Have you had a conversation with the Crown Office to find out exactly what the problem is in Scotland?

Eleanor Lyons: I have visited Scotland and I have been to the police campus to hear about the work they are doing directly, and to hear about some of the differences in approach the Lord Advocate is taking on areas around Section 45. I am aware that there are differences in approach between Scotland and England and Wales. There is also a difference in the rhetoric they use and in the fact that teams are still devoted purely to modern slavery and not also organised immigration crime. That focus on purely modern slavery is welcome.

Lord Hope of Craighead: Were you encouraged by your conversation with the people in Scotland?

Eleanor Lyons: I was very encouraged by my conversation in Scotland. We are still facing some of the challenges of very low prosecution rates. Sadly, in Scotland we saw a big increase, for the size of the country, in

the number of potential victims in the NRM last year. There are particular challenges in Scotland at the moment.

Lord Hope of Craighead: You are doing your best to encourage them to make better progress.

Eleanor Lyons: Yes, definitely.

Lord Hope of Craighead: Thank you.

Baroness Butler-Sloss: Could I ask a completely different question? Do you have a view as to whether children should go through the NRM?

Eleanor Lyons: The devolved decision-making pilots are really welcome in terms of giving local safeguarding partners, who know the child and the local area and the local challenges best. That is the right approach. We still need a mechanism to identify potential child victims and confirm that they are victims of modern slavery. That does not necessarily need to be the NRM but it is important that there is a framework in place that has the same role—making sure that we identify the victims, confirm that they are victims and then give them support along the way. It is fair to say that the NRM was not originally designed for children and young people. The support that is provided for them needs to sit with local authorities, local safeguarding partners, for us to be able to provide the right interventions.

The Chair: I have a couple of quick questions on the care sector. We have heard from other organisations that the 60-day breather to find another employer will be much harder for those who are tied into employment and accommodation if they do not have dependants with them. Do you have a view on that?

Eleanor Lyons: It will obviously be more challenging for that individual. As I said, we need to look at the 60 days as a whole. Sixty days is a very short period, and the incentives for an individual to be able to leave an exploitative situation, such as exit fees, are already challenging. If an individual worker is being exploited, we need to look at whether there is a safe reporting route for them and a safe way for them to exit the exploitation. Then, what is their support so that we do not leave them trapped in a cycle of exploitation or open to re-trafficking or further harm?

The Chair: Secondly, again with the care sector, we know that, certainly according to international standards, the number of inspectors we have for agencies, labour providers and wages is way, way down, compared to what it needs to be. What is your view on trade union access? Just as we have talked about consumer pressure, there is also worker pressure and access to stamp out the climate of exploitation within which modern slavery can flourish.

Eleanor Lyons: Specifically in the care sector?

The Chair: Yes. Have you had conversations yourself, and how is that

informing your strategy?

Eleanor Lyons: Specifically in the care sector, of course more rights for workers and the ability, as I said, for them to have a safe union or reporting structure would be incredibly welcome in that space. We need to include experts in early policy development in this area. While there are many vacancies currently, there are also many providers. I believe there are 18,000 providers across England in the care sector alone. It is a very disparate sector, and only a quarter are CQC regulated. There is probably a number of steps that need to happen to bring everything into line to make sure that workers, both UK nationals and those from abroad, are properly protected. That is an area that needs to be looked at as a whole.

The Chair: Have you met unions yourself?

Eleanor Lyons: No, I have not yet met any unions in the care sector space.

The Chair: But you would be open to it.

Eleanor Lyons: Yes, of course. I would be very open to it.

The Chair: Thank you very much indeed for meeting us. The evidence has been extremely useful for informing our thinking. Thank you again.