



Modern Slavery Act 2015 Committee

Corrected oral evidence: Modern Slavery Act 2015

Monday 11 March 2024

4.45 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 Kempson; Baroness Shephard of Northwold; Lord Smith of Hindhead; Lord Watson of Invergowrie; Lord Watts; Lord Whitty.

Evidence Session No. 5

Heard in Public

Questions 70 - 85

Witnesses

I: Major Kathy Betteridge, Director, Anti-Trafficking and Modern Slavery Unit, Salvation Army; Rabiya Ravat, Director of Modern Slavery Services, Migrant Help; Euan Fraser, Senior Policy and Research Adviser, Hope for Justice.

USE OF THE TRANSCRIPT

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

Examination of witnesses

Major Kathy Betteridge, Rabiya Ravat and Euan Fraser.

Q70 The Chair: Good afternoon, and welcome to the second panel of the public evidence session of the House of Lords Modern Slavery Act 2015 Committee. My name is Frances O'Grady, and I am the Chair of the committee. I alert everyone, including anybody viewing, that we may have votes, in which case we will have to suspend proceedings.

I welcome our second panel. We have Major Kathy Betteridge, director of anti-trafficking and modern slavery unit at the Salvation Army; Rabiya Ravat, director of modern slavery services at Migrant Help; and Euan Fraser, senior policy and research adviser at Hope for Justice. Thank you all very much indeed for attending today. Our first question is from Baroness Shephard.

Q71 Baroness Shephard of Northwold: I have some practical questions for you on the effect of the Nationality and Borders Act on your work. You are the people at the coalface who have to deal with restrictions, changes or whatever, and we are interested to know how you are finding things. We need a little more information. What proportion of victims currently receive a positive reasonable grounds decision under the new threshold? Is it possible for you to answer that?

Rabiya Ravat: It is quite handy that the statistics for last year were published in the last week. In 2023, 55% of RG decisions were granted as positive, and roughly 66% of conclusive grounds decisions were positive. You can compare that with 2022, when 92% of RG decisions and 89% of CG decisions were positive.

In and of itself, that does not give the full picture, because across the board we have seen a significant increase in reconsideration requests submitted resulting from the changes in policy and statutory guidance last year. There was an increase of 208% in RG reconsideration requests submitted, and 148% in CG reconsideration requests. In both cases, in over 60% of those decisions, the initial negative decisions were overturned. So some 60% of the RG reconsideration requests and 64% of CG reconsideration requests then received a positive decision.

Maths is not my forte, so it will take someone far more intelligent than I am to work out what percentage that equates to in reality. We do not know; we do not yet have those definitive figures, but that, in and of itself, is telling. I do not know whether it is indicative of a failure in the quality or efficiency of decision-making at the outset, or whether, given the extra time for first responders to go back and gather sufficient evidence and resubmit, there is a likelihood of getting a better decision. We do not have that information.

Baroness Shephard of Northwold: Thank you so much. Would your colleagues like to add anything? That was a very full answer.

Major Kathy Betteridge: From the Salvation Army's perspective, since we have had the NSPCC contract we have seen an increase in clients coming into the service from January 2021 to January 2023. From 2023 to January this year, the increase has certainly slowed down, but there is still an increase in the numbers coming into our service, although it has reduced. That is very notable.

In relation to our role as a first responder, which I appreciate will come up a little later, we are involved in the reconsideration of some of those decisions. I can refer to that later when you come to that question.

Euan Fraser: Similarly, at Hope for Justice, we are seeing more and more negative reasonable and conclusive grounds decisions, which reflect the statistics that Rabiya gave.

In addition, the changes in threshold have brought about enormous delays in decision-making. In addition to the changes under the Nationality and Borders Act, changes were also brought into effect by the change to the statutory guidance. In the last session, there was a lot of discussion about the statutory guidance. To have such a significant change brought about through guidance without the level of scrutiny and consultation that you might get if it was introduced in legislation is problematic. That has led not only to the massive drop-off in identification but to delays.

In the most recent statistics, the median time for reasonable grounds decisions was 23 days, rather than the target of five. At points during last year, the waiting time was closer to 50 days. Of course, during this time, people entitled to national referral mechanism support are effectively in limbo, and there is a real risk of re-trafficking. These changes are symptomatic of the problems of governance of the anti-slavery response, the different aspects of which we can touch on throughout these questions.

Q72 **Baroness Shephard of Northwold:** Can you tell us how that affects UK nationals compared with foreign nationals? Do you have experience or figures on that?

Major Kathy Betteridge: It affects all the potential victims. The number of British nationals is the second highest in our service. Last year, our report indicated that 364 British nationals came into our service over the period June 2022 to July 2023. Those figures are increasing. The fact that the credibility threshold has been introduced will affect all victims of modern slavery. As Julian suggested in the previous panel, it is increasingly and incredibly difficult for somebody to provide information and evidence at the early stages to indicate that they have had some form of trafficking or slavery or been caught up in a trafficking or modern slavery situation. It is very difficult for somebody who is not represented to provide the evidence that is required.

We have had a number of situations where a first responder has completed the NRM, the victim has been given a negative reasonable

grounds decision, and then a reconsideration is required. In some cases they can provide the extra evidence, but not all. That threshold will restrict a lot of those involved in modern slavery.

Rabiya Ravat: I will add to what Euan touched on. Between 2022 and 2023 there was a slight decrease of 4% in the average number of days the SCA took to provide a conclusive decision, but for RG decisions it increased quite significantly. The mean number of days for decision-making went up from 15 days in 2022 to 47 days in 2023. Arguably, UK nationals are as impacted by the general slowdown of decision-making as all other individuals in the system. As Kathy mentioned, the higher evidentiary threshold impacts everybody across the board, irrespective of whether they are UK nationals or not.

Q73 **Baroness Shephard of Northwold:** Thank you. There has been a reduction in the target timeframe for a conclusive grounds decision from 45 to 30 days. Would you like to tell us about the effect of that?

Major Kathy Betteridge: Somebody who comes into our service is significantly traumatised and that period of time is not very long to enable them to start to recover and to share their experience in such a way that will impact their recovery. People are different and they deal with trauma in different ways. They will therefore take time to give the information that is required. Reducing the time to 30 days will not help. It would be great if it could be longer. We have people in our service who have been there for two years-plus, so it will be interesting to see how that changes as this is rolled out.

Rabiya Ravat: I have been working in the modern slavery space for over 15 years and I have not seen a decision made in 45 days, let alone 30, so to be completely honest I do not think it has made a blind bit of difference. Some CG decisions have been made faster, but, again, I do not know whether that is particularly impactful when we are talking about over 500 days across the board for SCA or IECA. As far as I can tell from the statistics, only one decision has been inside 90 days since NABA was introduced, out of the 10,000-plus individuals referred into the system.

Euan Fraser: Similarly, the timeframe for decision-making is so long that we have not really seen the impact of this, although it is certainly indicative of the regression that we have seen in other areas.

I will go back to your previous question about the difference between foreign and UK nationals. Analysis by IOM found that only 35% of those referred by the Home Office received positive reasonable grounds decisions, compared with 81% of those referred by local authorities. The Home Office referrals could include any number of entities, but they are more likely to be foreign nationals compared with those referred by local authorities, who are probably more likely to be British nationals.

When it comes to requiring objective evidence, a UK national encountered by the police might have a bit more to be able to point to, whereas someone who is exploited elsewhere probably does not have a paper trail

that they can point to. So there are ways in which it has impacted different cohorts.

- Q74 **Baroness Butler-Sloss:** May I ask about children? There is quite a strong view that they should not go through the NRM. What impact would it have on the NRM if children did not go through it? How many children are going through it, rather than going through social services, which, under the Children Act, is what they ought to be doing?

Rabiya Ravat: I do not work directly with children, I work in the adult provision, so I do not have information. Just on the basis of the statistics released recently, there was an increase in the number of children being referred into the NRM, and the highest increase in the number of women being referred into the NRM. We would need to make a decision about data gathering, as we do with the changes in NABA and the Illegal Migration Act, as otherwise we would not be able to get a true picture of the landscape of trafficking and exploitation in the UK. But there are probably better and more robust measures in the safeguarding space, and we should use safeguarding legislation to protect, because there should be a standard. If you think that every child matters, they should matter across the board.

There are more robust systems for the protection of individuals. There was stuff in the news this week about children going missing and the high risk of exploitation not being identified. It is a safeguarding issue, and it should be treated as such, as opposed to an NRM or immigration-related issue. But it is not my area of expertise.

Major Kathy Betteridge: Similarly, we have an adult service, so we do not have information about children and the support they receive. Under the Act, it is the responsibility of the local authority, but I absolutely know that that does not happen smoothly.

- Q75 **Lord Watts:** I have a very quick question. The Government say that they are increasing the number of people working in the assessments. Obviously, that has happened only recently, but have you seen a marked difference in the speed of dealing with cases in the last few months?

Major Kathy Betteridge: Some of the decisions are coming through more quickly, but not all of them. It also depends on where the NRM referral lands and the decision-maker. Our first responder team is small, but they will have a differing response from the decision-maker in relation to a query they might have or a reconsideration. So, in answer to your question, they are coming through a little more quickly, but not as quickly as they could and possibly should to help somebody to continue in their recovery.

- Q76 **The Lord Bishop of Bristol:** I have a quick question about the gender difference. We have talked about the number of women coming forward increasing, but in my reading the conclusive grounds decision average is 500 days but it is much higher for women. I do not know whether you have any statistics on that.

Euan Fraser: Again, I refer to some really good analysis by IOM. It looked at the waiting times for men, women, girls and boys. I believe that women were waiting on average twice as long as men. I do not have a good explanation for why that is the case, but it does seem to be a trend.

Q77 **Baroness Barker:** We have heard from a number of people that, since the passing of the Nationality and Borders Act, first responder organisations are under great pressure. Perhaps you can tell us a bit about current capacity. What is the impact on that capacity of large numbers of people being issued with negative reasonable grounds judgments?

Major Kathy Betteridge: As a first responder organisation, we are experiencing increased referrals. On average, we take and manage about nine referrals per week. From January to date, we have processed 84 referrals into the NRM. There has definitely been an increase in referrals coming to us. As a first responder organisation, we are required to take on the NRMs. When we have an inquiry from a statutory body, we refer them to a number of FROs because we cannot do them all. They come back to us and say, "We've not been able to contact that FRO", and ask us to do the NRM on behalf of a potential victim.

There is definitely a requirement, and we are receiving a number of those, because other FROs are either not available or they do not understand that they are an FRO. We have a lot of information coming through, and our referrals are saying that local authorities do not know that they are an FRO. Recently, for example, someone in a local authority safeguarding team did not understand or even know what the NRM was and did not realise that it was a first responder organisation.

So there is definitely still a lack of understanding among statutory bodies about their role as an FRO, which impacts the NGOs, which are smaller in number.

Rabiya Ravat: Migrant Help is also a first responder organisation. We have been placed under greater pressure than before, but we have been under pressure for quite a long time. We are part of the first responder forum, which is a Home Office policy forum, and these are conversations that we were having three to four years ago. I can only speak for my own organisation, but statutory partners, including the police and local authorities, were already at that point saying they were stretched.

Anecdotally, from the perspective of my organisation, it has probably taken three to four times longer for us to complete NRMs. The evidence that I have is that we have increased our NRM team by three to four people from one and we are still completing only the same number of referrals as we were before.

There are a number of reasons for that. First, individuals are now left at a high risk of re-trafficking. They are left in a vulnerable situation for longer and it is more difficult to complete the NRM. On presenting or on

identification, an individual cannot immediately access safety, so we are having to complete NRMs with them. Often, they are sofa surfing. They do not have access to phones or credit.

In some cases, it has taken us weeks to complete an NRM from start to finish to the point of submission. We have talked about the increase in the number of reconsideration requests both at RG and CG level, which is an extra burden of work that we did not have before to this level.

Major Kathy Betteridge: Talking through the whole NRM and FRO situation, we have written and submitted various requests that the actual training side for first responder organisations is better and consistent, because everybody has different training and understanding of their role. The Salvation Army has offered to and goes out and trains FROs, because they do not understand what their role is. That is free of charge. All FROs have to fund their own service. There is no funding from the Government or from the Home Office for being an FRO, so we have to fund that. We also have to provide any translation support for a victim if they do not speak English and it is not their first language. That comes from the FRO's own financial pocket.

There is a lot of inconsistency. There has been a request that that become a mandatory requirement, that the training is consistent and that there is funding available. Therefore, as somebody then considers coming into the NRM, there is the same consistency across the board with an FRO. That is not the case at the moment.

Rabiya Ravat: I echo that. On the increase of staff, Migrant Help as a charity has self-funded an increase in its NRM provision seeing that there is a huge gap there and a need for it for what essentially is a statutory mechanism to be delivered, because there is no capacity in the existing system to be able to do what is required.

I draw attention to what Euan said about the fact that certain bodies are likely to get a high proportion of the positive decisions. The argument is that generally NGOs are doing NRMs more qualitatively, because they are putting in the time to engage with individuals. We know that there are victims who do not want to engage with law enforcement and immigration enforcement because of fear and mistrust, so there is an absolute need for NGOs to operate in this space, but there needs to be the resource support for them to do that.

Euan Fraser: Hope for Justice is not a first responder organisation, but our team works with clients to try to help find first responders. Capacity has been an issue for a long time. There is definitely a need for increasing first responder capacity to draw on a lot of the expertise from civil society organisations that exists as well as making it a more even geographic spread across the country. There is a tendency towards the south-east. There are things there that can be improved.

There was a review of the first responder role in 2018-19, I believe, and I am not aware of any particular outcome, even though, as colleagues

have mentioned, there has been a continual need for the role to be addressed during that time.

It is also interesting looking at it structurally. The first responder role is taking people out of the mainstream services that might be a pathway to support. One of my colleagues drew a comparison with a DASH risk assessment, which relates to domestic abuse, stalking, harassment and honour-based violence. That creates a pathway into safeguarding and into support, which is a very different mechanism from the first responder model and might be something for us to consider for our sector.

We also need to look at training. It is inconsistent, and there are first responders who do not know that they are first responders.

Another model to look at is OISC accreditation in relation to immigration advice. Is there a similar process that we could look at for training so that the first responder role becomes more professionalised and more formally recognised and people know that they are a first responder and know what their responsibilities are, having gone through the proper training?

Baroness Barker: Thank you. In all your very full responses, you have gone a long way to answering the second question I intended to ask, so I will not ask it. I will give the time to other people.

Q78 Lord Smith of Hindhead: We have a little bit of time before we vote, which is good news. You will have probably found, having sat through the first panel today, that a lot of these questions tend to merge and to go round. The question that I am going to ask you was answered in some way already, I think, by Mr Bild in his reply to the question posed by Lady Hamwee.

I would like to ask you a question about the Nationality and Borders Act, and it comes in two parts. What impact have you seen of Section 63, which provides for victims to be disqualified from protection on the grounds of public order? What impact have you seen of Section 58, which requires individuals to provide evidence that they are victims of modern slavery?

Before you do that, could I be really cheeky and ask you, Ms Ravat, to qualify the answer you gave Lady Shephard in which you spoke about a 55% positive response this year compared to a 92% positive response in the previous year. Will you give us the numbers, because 55% of nothing does not allow me to calculate whether there has been any progress? There could be very good reasons for the change, but the percentages on their own mean absolutely nothing at all.

Rabiya Ravat: I am happy to get those numbers together. Actually, I have them to hand.

Lord Smith of Hindhead: You can send them to us if you want to.

Rabiya Ravat: If I could, that would be great.

Lord Smith of Hindhead: Do you appreciate the point? Fifty-five per

cent of something one year to 92% another year means nothing.

Rabiya Ravat: The number of positive RGs in 2022 was 8,042. In 2023, it was 6,222. It is a drop of almost 2,000 with an overall increase in the number of referrals. For CG decisions, in 2022 we had 3,277. In 2023, we had 1,257.

Lord Smith of Hindhead: That might explain a lot. Let us go back to my original extremely interesting question about Section 63 and Section 58 and what impacts you have all found of those in your day-to-day good work.

Euan Fraser: As you mentioned, quite a lot of this was covered in the previous session. It is interesting, because this goes to the premise of a lot of the legislation over the last few years. As mentioned, there were no cases of bad faith. There were 331 public order disqualifications. I have no idea what the details of those particular cases were, but the numbers are relatively small, yet that is the argument why this legislation is apparently needed. I just do not think the numbers back that up.

They also reveal a lack of appreciation of what exploitation is about. One trafficking survivor we spoke to provided a number of interesting insights. I hope the committee will have time to speak to people with lived experience. She said that the heart of trafficking is founded upon deception, so asking survivors to provide evidence is difficult. What evidence is required? What evidence are they expected to know and within what kind of timeframe? Those all reveal the problems that have resulted from this conflation of modern slavery and immigration and how that trickledown has hampered all sorts of aspects of the response.

We have done some research recently that has looked not only at the technical changes to the legislation and where that has created additional barriers but the ways in which it has hardened attitudes, and we are seeing them on the front line in the responses that survivors get from responding authorities. One of the survivors we spoke to said, "It's like everywhere you go for help there will be barriers, and it feels like the system is designed for you not to share without any repercussions, so you are silenced and dismissed". That goes to the heart of what these sections get wrong, frankly. We are seeing that both in the numbers and in the attitudes towards survivors.

The Chair: Would you be able to share that research?

Euan Fraser: Yes, absolutely.

The Chair: Thank you.

Rabiya Ravat: I am happy to add a bit to that. The public order disqualifications have been relatively infrequent, so it is not a large number out of the whole. We have seen a lack of consistency and clarity in the way that judgment has been applied or that notice has been issued to the individual. It has also been really unclear whether Section 45 has been considered prior to the issuance of these notices. The concern

here—I think Julian touched on it—is that clients who receive this notice have limited or no access to legal support, and they are being disqualified on the basis of legal means, you would assume. It leaves them at the mercy of this decision with potentially no ability to challenge it, so it really highlights the need, particularly for individuals whose NRM case rests with the IECA, to have immediate access to legal support before any of these notices are issued.

Major Kathy Betteridge: The number who are in our service because of criminal activity has increased. They are individuals who probably would not have come in if they were subjected to the public order disqualification. Those who are now victims of criminal activity will not have the support that they need, because they will not have access to it and will be denied that support.

We are not as yet delivering POD through the contract, because the policy development has not taken place and we are not working on that. We have had a number of cases referred to us, because they would be eligible for support but they potentially will not receive it because of POD. Our solicitor in our contract team has received 10 of those already, and they have not come into the service but would have been eligible for service before POD. We anticipate that there will be a distinct reduction in those figures.

Again, the requirement for evidence to be produced is a real concern, because if they are being referred by a legal entity or some other support, they potentially will be able to provide evidence. For those who are coming to us through an NRM, we can encourage them and they can provide some evidence. If they do not have any representation, they will not have the ability to do that. As you can appreciate, many of them have been through a horrendous experience, and some of us would not even begin to understand what the experiences have been, so for them then to provide evidence to show that they have been victimised and have been involved in a situation of slavery is traumatic. The whole framework around that is really worrying and it will certainly exclude many who should be coming in to receive the support that the contract offers at the moment.

Rabiya Ravat: I cannot see from this angle who posed the question, but it was an interesting point about data. If you are going to look at individuals who have been issued the public order disqualification notices so far for what offences, there is a reason why that clause is in the convention, and absolutely where there is a serious risk to public order that should be taken into consideration. Do the people who have been issued with this notice so far fall within that remit, and is that consistent?

Euan Fraser: I want to underline the importance of the point that Julian Bild made in the previous session about the importance of legal advice.

Q79 **The Lord Bishop of Bristol:** The Illegal Migration Act is yet to be implemented. I am thinking particularly about Section 29, as qualified by Section 22. How realistic is Section 22, because it requires victims to co-

operate with law enforcement to avoid deportation? What is happening in the conversations that you are already having?

Rabiya Ravat: This is a serious concern, to be honest. We already know that there is a disproportionately low number of prosecutions and convictions compared to the numbers that we have. We already know that using the threat of deportation to encourage people to come forward is an issue. I do not think that making that process more difficult and punitive for individuals will necessarily achieve what the Government are trying to achieve. It places pressure on vulnerable individuals to engage when, due to their trauma, they might not be comfortable in doing so.

It is important that we do not forget that there is a real, tangible human impact to these things when we talk about these policies, processes and the impact of them. Baroness Butler-Sloss mentioned the statutory guidance. Section 6 of that recognises the impact of being involved in these processes—the risk of retraumatisation and the significant psychological impact for people who are already traumatised and the impact that that trauma has on recall, on engagement with services and all these kinds of things. It would just exacerbate that, and I do not think that it would likely result in people engaging more with law enforcement. We know that that is already an issue. In fact, the best-practice examples that we have seen where we have had prosecutions and convictions of traffickers is when there has been a real collaborative and multiagency approach with NGOs and health practitioners putting the individual and their protection at the heart of that involvement.

Major Kathy Betteridge: When survivors come to our service, they tell us that they are being told that they should not trust the police. When they are asked to work and co-operate with the police, it takes a long time for them to develop that trust, because they do not and will not and cannot. To use that as a reason for them to come into the service—if they will co-operate—is just not fair, and it is not right to do that. It takes a while for them to gain that trust.

Rabiya Ravat: If we are using the same threats as traffickers are using, we are potentially not taking the right approach.

The Lord Bishop of Bristol: That is well put.

Euan Fraser: I absolutely agree. I would just ask: what kind of co-operation or what kind of evidence are you expecting to receive if it is given under the threat of deportation and without long-term guarantees or safeguards about what might happen at the other end of that investigation or prosecution, given the low rate of prosecution and conviction? A person might feel very vulnerable in that situation. We have seen through our work that, where people are supported with independent advocacy support, people are able to turn up to trial and to give evidence and for that to be a much more constructive experience.

Q80 The Lord Bishop of Bristol: What impact is the uncertain timetable for the implementation having on your organisations and on the victims?

Rabiya Ravat: There is uncertainty for survivors, victims and staff, to be honest. It is difficult to manage front-line operations with that being the context. We are in a position of trust, and we are dependent on building trust to have individuals engage with us meaningfully. When they are coming to us with questions and we are not able to answer them on that, there is an ongoing psychological impact. It was the same with the Rwanda Bill; some of those individuals were issued with notices that they were potentially going to be deported. It is a huge psychological impact. Anecdotally, just speaking for my organisation, there was an increase in mental health issues and incidences arising out of that and a real, tangible human impact.

Procedurally, it is difficult for front-line operations to be able to manage. If we are talking about preparing individuals for exit and trying to secure long-term sustainable outcomes for individuals post that cliff edge when we are not certain ourselves about what that will look like, it makes our job difficult.

Major Kathy Betteridge: From our perspective, we are certainly speaking into that. We have many conversations, as you can appreciate, with the Home Office to try to influence some of the fallout and the outcomes from that Act. It is uncertain. It is not helping an individual's recovery, but we are still having to deliver the service, which we will do, in relation to what we are doing now and how we can give the best support to a survivor. We certainly make sure that we will feed into any conversation about what a policy might look like and demonstrate the effect of what that might look like, but we do not know at all yet what it will look like.

Euan Fraser: I agree. Uncertainty is problematic. Some of the survivors we have spoken to equate the Government's potential removal of victims of trafficking to Rwanda as almost mirroring the behaviour of their traffickers, and dehumanising and treating people as objects or goods to be exported is obviously damaging to them.

Rabiya Ravat: May I just raise a point for consideration? One thing that is difficult in this space is that we operate in Scotland and Northern Ireland. This is the Modern Slavery Act Committee. You are looking at England and Wales. This applies only to England and Wales, because support arrangements are devolved for Scotland and Northern Ireland. However, the immigration policy, the Illegal Migration Act and the Nationality and Borders Act cover the devolved regions as well and there are modern slavery implications there.

The Scottish Government have been quite vocal and have issued public statements about their position on that. I know that the Northern Ireland Human Rights Commission has launched a legal challenge in this space. It is not something that I have a specific statement or opinion on, but because we operate in those areas the impact on devolved Governments needs to be taken into consideration.

Q81 **Lord Watson of Invergowrie:** It has been widely accepted that the

number of workers deemed to be potential victims of modern slavery in the care sector has surged since the new visa arrangements were introduced two years ago. Last month, the Government announced that stricter immigration rules were to be introduced. Most publicity on this has focused on the education sector with the dependants of students, but of course this will also affect the dependants of care workers in the same way. What do you believe will be the effects of these changes on workers in the care sector, many of whom are already in a vulnerable position?

Euan Fraser: We have worked with a relatively small number of people who have been exploited in the care sector. Sometimes that is people being exploited in the care sector itself or it is people who have been forced to pay extortionate fees, are in debt bondage, there are no hours and they are destitute and are exploited in other areas.

Essentially, with this visa we are repeating mistakes of the past in relation to the overseas domestic worker visa and tied visas, which were mentioned in the previous session. You see the problems that are caused when an employer has that power over an individual. It tends to lead to exploitation. Removing that tie is vital to removing that or lessening that vulnerability, as well as looking at ways to create secure reporting for people to share their experiences of abusive or poor employment practices without fear of deportation.

Everything comes back to the governance structure coming from the Home Office rather than having a cross-governmental approach to dealing with these problems.

Rabiya Ravat: I will be completely honest; this is not my area of expertise. We have seen some care workers in the services I support, but not specifically. There is a great report by Unseen, an NGO working in this space. I would draw your attention to that for information.

This does not answer your question specifically, but on the vulnerability of care workers it is interesting to note that care work is one of the areas asylum seekers can be employed in if they meet X, Y and Z thresholds. So you have potentially an already vulnerable cohort now working in an area that, just by its very nature, could make them more vulnerable because of the time and the situations in which it takes place. That is just something to give some consideration to. I do not have anything further to add outside of that.

Major Kathy Betteridge: We have some victims who have been, sadly, tricked into coming to work in this country and to work in the care sector. One individual was being sponsored by a lady and came to Heathrow expecting a job. He came into the house where he was going to live and 25 other people were living in this six-bedroom house, all working in the care sector, and this lady was sponsoring them all. They would leave the house at 7 am and return at 10 pm. Any payment they were given went straight to her. They were in fear of her because of the fact that she was sponsoring them and it would affect their visas and their family. Until that

situation changed, which it did, and thankfully she was convicted, those individuals were caught up in that situation.

It is a real concern, because it is growing, and it is vulnerable people who believe that they will receive work through their sponsor to come into this country. It tends to be those who are working for an agency, and it is the agencies that are exploiting the individual. There definitely needs to be some more scrutiny of the agency and the support that can be offered to those who are exploited in such a way.

- Q82 **Lord Watson of Invergowrie:** Major Betteridge, on the question of sponsorship that you just mentioned, there are proposals for the Care Quality Commission to have greater powers, which hopefully would tighten the system. Do you see weaknesses in that? The Work Rights Centre has said that if the CQC, as a regulator, does not have the ability to set minimum standards it will be restricted. Is that a fear that you would have?

Major Kathy Betteridge: Yes. Unseen mentioned this in its recommendation in that report. It talked about the fact that an awareness in training among those who are involved in the CQC is particularly pertinent. That will impact it if it is not in place.

Rabiya Ravat: You need a robust quality framework before you even start to inspect and audit. That needs to be the baseline before you can check compliance and quality measures.

- Q83 **Lord Watson of Invergowrie:** Mr Fraser, Hope for Justice has suggested introducing a trafficking visa and giving some care workers immigration status—secure status. How would you and your organisation envisage that working?

Euan Fraser: I have used the term “trafficking visa”, but I would not use that going forward. Essentially, this would be learning from the experience of the T visa in the States, which provides survivors of trafficking who have been confirmed as victims of trafficking security of immigration status and a pathway to citizenship. That long-term stability has long been a problem in the support provided in the UK. The Home Office has long resisted calls for 12 months’ leave to remain, saying that it would create a draw, but the Work and Pensions Committee said in 2017 that there was no evidence for that. Essentially, this is attempting to provide the kind of immigration status security that would be really helpful for an individual’s recovery, enabling them to have the right to work and—

Lord Watson of Invergowrie: —recourse to public funds.

Euan Fraser: And recourse to public funds, yes.

- Q84 **Baroness Barker:** To come back to the care sector for a moment, the majority of care is funded from public funds—local authorities are the source of those—or individual private clients with means. Do you know whether any substantial audit trail has been done to find out where the

majority of people who have been trafficked in the care system are being funded from?

Major Kathy Betteridge: I am not aware of anything. It seems to be coming in as another new area of exploitation. It is not that new, but it is definitely becoming more apparent. I am not aware of that information, but I am sure we can investigate and find out.

Baroness Barker: We raised this question with one of our previous witnesses. It must be possible to do an audit trail to find out where the ultimate source of the funding for that placement is coming from, no matter whether it comes via an agency. I would be interested to know whether any work has been done on that.

Rabiya Ravat: Not that I am aware of. It is also entirely dependent on whether they are being funded through legal means. We find that often people who are exploited are being paid off the books, so there is no paper trail for that very reason, because that is part of the nature of the exploitation. Certainly, we need to investigate, but I do not know whether they would necessarily give us the information and evidence that we would want.

Euan Fraser: I flag another good report by an organisation called FLEX, Focus on Labour Exploitation, in addition to the one by Unseen, which has been mentioned. It has done a lot of really good work with its labour exploitation advisory group. I can share that with the committee.

Q85 **Lord Whitty:** If you each had one recommendation that you would like to see in our report for the Government to take forward, what that would be? Could you also include or add anything that you think other countries have done better than us in dealing with modern slavery?

Major Kathy Betteridge: To answer your second question first, what I find very disappointing and I am saddened by when I speak to my colleagues in Europe in relation to what is happening in the UK is that they always used to look to us and say, "You've got the Modern Slavery Act. You've got the support in place. It's amazing and it's great", and they are now saying to me, "Oh, this has changed. This doesn't look so good and this is really disappointing".

The way they manage this is looking very similar to the way we will manage it—somebody having to co-operate with the authorities if they want to receive support or even receive any right to remain. That happens in Europe, and we are potentially going down the same route. That is disappointing. I am not aware of a practice across Europe or other countries that has been better than what we have had.

What would I like to see within the Modern Slavery Act? It was mentioned in the previous panel. We need to have a very much survivor-focused and survivor-informed approach, because we are able to contact survivors now. We have a cohort we can actually speak with, and we should be speaking with them. I know we do, but we need to really listen to them so that it will inform the support we should be offering.

Also, enable them to work while they are trying to recover and needing to recover. Work and being active is important and is key to some of their recovery in the recovery process.

Rabiya Ravat: I had about 17, so one will be a bit of a challenge. We do not have the time for that today.

For me, it would probably be the removal of the provisions on illegal entry. That will have the most significant impact for individuals. As I mentioned earlier, I have been working in the modern slavery space for over 15 years. It has been a large part of my professional career working directly with victims and then latterly with Governments and development of policy.

The Modern Slavery Act is not perfect—I do not think any system is; we know about the decision-making timescales and the lack of prosecutions—but it has been and it is world leading. I work with international partners now, and I do not know of an example that has a robust system of support and engagement of statutory services in the way that we do.

These moves over the last 18 months, frankly, struck me as bizarre because it is a regression, and it is a regression across the board, not just in victim safety but in criminal enforcement, immigration, community safety and public health. At a time in the world when our partners in the developing and developed world are looking to strengthen their legislation and to improve their systems, that we would seek to dismantle the good work and the progress that we have made seems counterproductive and counterintuitive.

As I mentioned before, the most important thing I would like to take away from it is that, for every obstacle and hurdle we put in the process, there is a tangible impact to a victim of crime. We must not forget that even in the changes in legislation there is still recognition that these individuals could be trafficked, but they will not be entitled to protections by virtue of the method that they have entered the country. To penalise someone, to take punitive action against a victim of crime, to act as an immigration deterrent just seems a huge step backwards and highly concerning.

Any additional step that we put in the process for individuals could be one step too far for somebody to access what could be lifesaving assistance to escape traffickers. That human impact is the most important thing, and I would really ask the committee to take that into consideration as well as strengthening legislation on transparency in supply chains, if I can sneak that in there.

You talked about an international example. In the States, they just passed—I do not know the full name—the Uyghur Act. I know that currently the European Parliament is discussing strengthening legislation—I cannot remember the name of it—on the supply chain across Europe. It is slightly battered back, but it is still on the cards for the

next couple of weeks. We did really good work in 2015. We have not moved forward in that area.

As one of the G20 countries, we are the largest consumer and importer of goods in the world, so we are one of the largest contributors to modern slavery in the world. The fact that we are not seeing it here is just because we have outsourced it, and we should not forget that. That is the next big step for the Government to take. I will leave that there.

Euan Fraser: Similarly, I had a long list. I am not sure who I would point to as doing things on the whole as well, but, as you have alluded to, I do not think anywhere else has regressed in the way that we have, apparently intentionally. A lot of it was mentioned at the end of the previous session. Having access to compensation would be huge. Improving access to legal advice would be huge.

Taking a step back, I would say that we have taken an immigration law enforcement approach to this problem, and we need to be looking at it more through the lens of human rights and putting the safeguarding and welfare of survivors first. Therefore, it really is important that you have the rights to support embedded in statute, including the right to independent advocacy support. We should be looking at incorporating ECAT directly into domestic law. From our perspective, that is ultimately what it comes down to: seeing rights that are enforceable.

There is a benefit to the reliance on statutory guidance to some degree in the flexibility that affords you, but we have seen the shortcomings of that recently. A few weeks ago—this is not the first time, and I am sure it will not be the last time—the guidance was changed in relation to reconsideration, imposing a time limit of a month on reconsideration requests. That was done without consultation with the modern slavery engagement forums that are set up for this purpose. The ability to change quite significant things like that without scrutiny and without consultation is problematic. Having it on a statutory footing would offer some safeguards to survivors.

Lord Whitty: Thank you. I am sure, if there are any others you have not touched on, you can give us supplementary evidence.

Rabiya Ravat: I will email you the other 15.

The Chair: Thank you indeed for giving up your time. Euan, you promised us a piece of research. Any other data is always welcome. If thoughts occur to you about not where we are in the league for the whole package of legislation and practice but about particular areas of best practice from other countries that you think it would be worth drawing our attention to, please do that. On behalf of the committee, thank you once again.