



Modern Slavery Act 2015 Committee

Corrected oral evidence: The Modern Slavery Act 2015

Monday 29 April 2024

4 pm

Watch the meeting

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

Evidence Session No. 14

Heard in Public

Questions 160 - 168

Witness

I: Lynette Woodrow, Modern Slavery Lead, Crown Prosecution Service.

USE OF THE TRANSCRIPT

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

Examination of witness

Lynette Woodrow.

Q160 **The Chair:** Hello. Good afternoon and welcome to the House of Lords Modern Slavery Act Committee. My name is Frances O'Grady and I am the Chair of the committee. We are very pleased to welcome for our first panel today Lynette Woodrow, who is the modern slavery lead at the Crown Prosecution Service. Thank you very much for attending today.

I am going to dive in straightaway with the first question. Many of us are very aware that the prosecution rate for modern slavery offences is only about 1.8%. Does that reflect a problem with the legislation or with its implementation, or is there an issue about the recording of offending?

Lynette Woodrow: It is clear that the prosecution volume is too low, and we are aware that it simply does not reflect the reality of the offending. Let me say first that we think that the 1.8% has been obtained by looking at the referrals of victims to the NRM plus the duty to notify and then compared with the number of defendants being prosecuted. It is worth bearing in mind that those two figures measure different things. We would not expect the number of victims directly to correlate with the number of defendants, and that is because of the nature of the offending itself. Very often, there will be a larger number of victims than defendants.

The most significant case in Europe is Operation Fort, which you might have heard about. That case involved the prosecution of eight defendants. Ninety-two victims were involved directly, with another 400 victims linked to the offending in some way, and they may well have gone through the NRM. Just looking at the data and setting it in context, we are aware that there is that distinction. It is worth bearing in mind. That being said, the prosecution volume is too low. From our perspective, that is an issue with the implementation itself rather than the legislation.

Regarding where the CPS sits, you might be interested to know that in 2023 the police referred to us 271 modern slavery cases. We charged nearly 72% of those cases that came to us and the conviction rate at trial last year was 75.9%.

The Chair: So the issue is less about definitions of offences in the Modern Slavery Act. Do you think that more needs to be done to understand the Act from the perspective of exploitation rather than immigration?

Lynette Woodrow: The Act is clearly focused on exploitation, and prosecutors need to be aware that they have an independent duty to assess whatever evidence they are given in any case, and they must apply the code. They are not limited by the charges that are proposed by the investigator, be it immigration enforcement or policing. Prosecutors have an independent duty. Equally, prosecutors are required to identify cases of exploitation when somebody may be a credible victim of

trafficking and then need to go on to consider whether they should not be prosecuted because of that trafficking.

Prosecutors across the organisation, whether they are in the magistrates' court or the youth court right through to serious casework in complex casework divisions, are trained in exploitation. We have been anxious to ensure that every one of our prosecutors understands that as a concept. Every prosecutor who joins the service is trained in their induction on Section 45 and non-punishment principles to ensure that there is a focus on that from a prosecutor's perspective.

I am sure the committee has heard this, but I want to make the point that not all those victims of trafficking will self-identify, for a variety of reasons. They may be fearful of authority, they may be fearful of repercussions, and they may not believe that they are a victim of trafficking. That is why the obligation is on the prosecutor to identify that from the circumstances of the offending or of the individual. We really have maintained the focus on exploitation.

The Chair: You mentioned training. Are you satisfied with the quantity and quality of training that the CPS gets on modern slavery? You mentioned induction. Can you give us a flavour of what the training looks like?

Lynette Woodrow: Of course. I am satisfied, but it is worth making the point that it does not stand still for us. Exploitation continues to evolve into different exploitation forms as well as the manner of the exploitation, so we have to ensure that our prosecutors stay on top of that. One of the ways we do that is through our published guidance. We are transparent and accountable on that. It is available on our website. It is an important part of helping prosecutors consistently to exercise their discretion in these cases and ensuring that they are doing so in a fair and transparent way. There is regular updating of our guidance.

We are shortly due to roll out another series of training in the non-punishment principles. I meet monthly with area leads who raise awareness about modern slavery in their own areas; I am talking geographically around the country or in the central casework divisions. Each month we discuss a concluded case. We identify lessons learned. We look at what could have been done differently and what was done well. We share best practice. That is quite an agile way of ensuring that whatever we see in our casework, the things that are evolving, we can feed directly back into the service or update the guidance as necessary. That is how we keep on top of training and equipping our prosecutors to deal with this.

The Chair: We have heard elsewhere that there is a risk that there can be reluctance to use the Act and an understandable impetus to look for easier options where you might be more confident that you will score a win. Do you detect any of that culture?

Lynette Woodrow: I am glad that you raised that. We want to be assured that that is not happening, and there are a few ways that we have put that into practice, one being the updated guidance in December 2023. In that, we make it clear that, where there is sufficient evidence to bring modern slavery offences, even where other charges are available, it is highly likely that a prosecution for those offences will be required in the public interest. A prosecutor's duty under the code is to select charges that reflect the extent and the seriousness of the offending. It should give the court sufficient sentencing powers. Importantly, that includes ancillary orders—slavery and trafficking orders. We make that clear in our guidance. Confiscation is available on certain charges, and a prosecutor must be thinking about that from the outset.

The other aspect of selection of charges for prosecutors under the code is that they need to present cases in the clearest and most straightforward way for a jury. We have updated our guidance to make that point clear. We have raised awareness internally. The other thing the guidance does is to reference sentencing in the case of Nixon in 2021. That was important, because it was a county lines operation. It was a case where the prosecutor brought charges for drug trafficking alongside the child trafficking charges for the children who were trafficked.

The court outlined the proper approach to sentencing in those cases, that being that each charge should be looked at separately as an independent exercise before the judge brought it together and looked at sentencing in the round for totality. That case is important for us, because it highlights that the judge will be looking at the specific harm that is caused through this offending. In that way, we have really focused on emphasising that where there is the evidence to prosecute modern slavery offences it is highly likely that a prosecution is required in the public interest.

Q161 **Lord Watts:** You have partly answered the question that I was going to raise, but I will ask it in a different way. The advice that you have given to the authorities is that they should prosecute under the Modern Slavery Act. Do you expect the number of cases to increase as a response to that request? Are you monitoring that to make sure that the advice that you have given them is followed and that there is an increase in the number of cases that are brought?

Lynette Woodrow: It is possible that it might increase. In terms of the volume of cases—I am sure we will come to this—our focus is on getting referrals in from the police to the prosecutor. Our action plan with the NPCC and the police has an element involving the selection of charges and seeing that charged through to fruition. We will be monitoring that. I do not necessarily think that we will suddenly see a huge increase because of that aspect. There is much more work to be done to get the cases to us in the first place.

Q162 **Baroness Hamwee:** You have already touched on some of the things that I want to ask about. That is inevitable. It always happens. You mentioned the reluctance often of a victim to give evidence and the failure to identify herself—usually herself, sometimes himself—as a

victim. Do you want to say anything about the use of victim navigators, first, and about any other measures to ensure witness engagement?

Lynette Woodrow: Yes, thank you. Speaking of victim navigators, I will echo many of the sentiments that have been heard by this committee; certainly from our perspective they can be hugely beneficial in ensuring that a victim remains engaged. We were pleased to work with Justice and Care at the outset of that. I met with it recently again as it is considering a broader rollout of that, just to ensure that no concerns are raised by perhaps the defence or the judiciary who are not aware of the programme. One thing we have been talking about is whether there could be a published code of conduct for victim navigators. Anything that provides individualised support to victims of trafficking is a good thing.

There are other ways that the prosecution in particular can help, and one of those ways is looking at cases early with the police, ensuring that there is a strategy on victim engagement. We want to give good, individualised advice about special measures. By the particular nature of the crime, an individual has had their agency taken away from them, and we need to be careful about making any presumptions or assumptions about what that individual wants. It is helping people to make an informed decision at the start.

There are things that I am sure you are familiar with, such as screening at trial to prevent them having to see the defendant; providing evidence potentially under Section 28, which is prerecorded cross-examination that happens before the trial process; having intermediaries to aid with communication; and ground rules hearings, so that before a trial begins parameters have been set on questioning and what will enable the individual to give their best evidence. Prosecutors can meet victims if that would help them to familiarise themselves with what is likely to happen during the trial process, as well as talk about special measures. Those are some of the ways that we can support victim engagement.

Baroness Hamwee: I would like to pursue a lot of that, but there will not be time, so let me turn to financial investigations and evidence and whether that can be employed more widely, as well as getting evidence from platforms based outside the jurisdiction, such as WhatsApp and lots of others that I am sure I do not know about.

Lynette Woodrow: Shall I deal with the overseas evidence first?

Baroness Hamwee: Whatever you wish.

Lynette Woodrow: As exploitation types evolve and perhaps move on to digital platforms, we are seeing that the reach of the exploitation goes beyond national boundaries. It is absolutely right that prosecutors need to be equipped to obtain evidence and material from overseas.

There are a number of different ways that we do that. Mutual legal assistance is something that a prosecutor could do directly by writing a letter of request to a prosecutor in another jurisdiction. Sometimes, it is about supporting law enforcement to make those inquiries through their

policing networks. There is a new tool, the Crime (Overseas Production Orders) Act, or the COPO, which was introduced in 2019. The Act requires an agreement between the UK and another jurisdiction, and that agreement allows the request to be made. It is a streamlined process, and means that policing in the UK can apply to a Crown Court judge for a production order and that that production order be served directly on the communication provider in the other jurisdiction.

Currently, there is only an agreement with the US, but it includes the communication providers Google and Meta. Meta is the overarching body that includes Facebook and WhatsApp. At the moment, it is relatively early days with that. It is not available for all police forces—there is a phased rollout—but it is available for the NCA, the Metropolitan Police and the counterterror police, and there is an ongoing rollout in that respect.

In terms of WhatsApp, you are probably familiar with the phrase “end-to-end encryption”. That means that even when material is obtained directly from the server it is still encrypted. There is a limit to what can be provided—things like contact logs and potentially timings of messages, but not the content. Once the police have a mobile phone, if they can access whatever is stored on that phone, they can download those messages. There is a variety of different ways that we can obtain communication networks data.

Internationally—it may be that I am asked about this later—the CPS deploys a number of prosecutors based overseas, and one in Washington in particular. There is a network of overseas prosecutors. There are some who are based in Eurojust for our European counterparts. Those liaison prosecutors are focused on matters that impact our casework and can help to facilitate either obtaining evidence or live links for witnesses who are overseas.

Baroness Hamwee: The way you talk about that, it sounds as if you work very much joined at the hip with the police. I may be wrong about this, but I would have expected them to take the lead in gaining evidence. Is it because you have wider experience than any given police force, perhaps other than the Met?

Lynette Woodrow: You are absolutely right that it is for the police to obtain. A prosecutor will become involved in that if an officer has requested early advice. One of the things that they might ask us is, “Do I need this evidence for a future trial?”, because if it is not a reasonable line of inquiry the police do not need to worry about getting it. That is where we can be particularly helpful, because we can say, “You don’t need to go and seek that evidence, but you do need to seek this evidence”.

Largely, it is for law enforcement, but when there are letters of request that relate to certain types of evidence they need to be written from prosecutor to prosecutor. That is largely because in some other jurisdictions investigations are run by prosecutors. It depends on the

nature of it. You are quite right; evidence is a matter for the police, but we work closely with them to help give the parameters for that.

Baroness Hamwee: It sounds from the way you have described the work in the CPS, particularly training and so on, that you are using only specialised prosecutors on slavery and trafficking.

Lynette Woodrow: When the Act first came into being, we only had those cases being dealt with in complex casework units. Actually, now we find that not only are there more cases but prosecutors across the breadth of the organisation need to understand exploitation because they are highly likely to see Section 45 defences or, when it is not positively raised, as I said, to understand the circumstances. So the answer is no, not necessarily.

We train all our prosecutors in Section 45 on exploitation, and where the case sits in the organisation depends on the particular complexity or sensitivity of the case or the level of expertise it requires. There may be cases that prosecutors are now quite familiar with dealing with in the Crown Court, such as drug supply and trafficking. Without more, it might be a case that is dealt with in volume Crown Court units. When it gets more complex, with international investigations, new legislation and new exploitation types, it might sit in a more specialised unit like the complex casework unit on area or essential casework division. Our first case for trafficking for the purposes of organ removal, in the last year, was dealt with in a central casework division.

Baroness Hamwee: Right, thank you. Finally, you mentioned ancillary orders. I do not know whether prevention and risk orders are strictly ancillary or not. The previous Independent Anti-Slavery Commissioner's report said that the low number of orders might be because of "lack of a defined plan to satisfy the court that any imposed conditions would be monitored", and she commented that "proper preparation of a relevant draft order and early engagement with CPS is critical to the success of the order being granted". Do you want to comment on that?

Lynette Woodrow: I certainly advocate early engagement, which sets a lot of these issues on a good track. To distinguish risk orders and prevention orders, the risk orders are the stand-alone orders that the police can apply for in the magistrates' court; the prevention orders are those available upon conviction in the Crown Court. Actually, during lengthy investigations where a case is not ready for a charge, a prosecutor may well advise the police to apply for a risk order in the magistrates' court, so they can be really beneficial in that way.

In terms of prevention orders, I certainly think that, with increasing familiarity around them with specific reference in our guidance, we are ready a lot sooner to make those applications. A judge will need to be assured that there is a risk of committing trafficking offences in the future and that the order is necessary to protect either an individual or the general public, and that each condition is appropriate to do that. We

have successfully applied for those orders and, certainly from my perspective, they are a very useful tool for protecting victims.

Baroness Hamwee: Thank you. I think there will be more questions on that later.

Q163 **The Chair:** We are all aware that modern slavery is a serious crime, and that is reflected in the fact that the Act stipulates a maximum penalty of life imprisonment, but in what is happening in practice do you think perpetrators are adequately punished?

Lynette Woodrow: Sentencing is of course a matter for the court. The prosecutor's role in sentencing is to ensure that the court has all the information to make an appropriate, suitable and just sentence. The prosecutor will highlight aggravating and mitigating features. The prosecutor should say which category of the sentencing guidelines it falls in, but will not take a view on specific length of imprisonment. Importantly, the prosecutor must ensure that the court has available the impact on the victim should that victim wish to provide details of the impact, which could be a victim impact statement. It needs to be updated or could be updated throughout the life of a case. The victim could have the option to read that statement to the court should they wish to. That is the prosecutor's role. Sentencing, as long as the judge has all the matters available before them, has to be bespoke to the individual factors in each case.

The Chair: Do you have a view on whether the sentencing guidelines are adequate and whether they adequately reflect the seriousness of the crime?

Lynette Woodrow: I think the sentencing guidelines are adequate. The Director of Public Prosecutions is a member of the Sentencing Council. The CPS will always provide a response to public consultations, as everybody can whether you are an individual or an organisation. The guidelines go through quite a rigorous process to be finalised. The council will consider cases that have been sentenced and look at the aggravating and mitigating factors that judges come across. It is important to remember that judges are not bound by the guidelines if in the individual factors of a particular case it is in the interests of justice to go outside the guidelines. There is always that option for the judge.

The Chair: I should be interested in your views on reparation orders. Again, they seem to be very rare. Do you have a view or an opinion on whether there should be a civil remedy for modern slavery?

Lynette Woodrow: Reparation orders are not the only way that victims can get compensation through criminal proceedings. There could be a stand-alone application for compensation. Reparation orders are rare, but they are effective when they happen. They have to be linked to confiscation proceedings, as you know, and can have really good effect. During the confiscation process, the judge makes an assessment of the

financial benefit and then looks at the available assets of the defendant and will make—

The Chair: Why do you think they are so rare? Why are they not being used as a route?

Lynette Woodrow: Often, there are applications for compensation that are adequate, outside the confiscation proceedings. When they are linked to confiscation, it does not always provide extra monetary compensation for the individual if they can access it through an ordinary compensation application. As I say, they have been used to good effect. Just this month, I am sure you heard the case of a confiscation order that was over £200,000. Just over £198,000 of that went directly to the victim, who was a victim of domestic servitude.

Q164 **Lord Hope of Craighead:** Can we look in a little more detail at Section 45? There have been various views expressed about it. Some suggest that the defence is unnecessary because of the defence of duress. There are people who say that the section is not really very useful. Could you, first, deal with the question of usefulness in general? I have one or two particular questions to go a little more deeply into the subject. Do you think Section 45 as a defence is useful, looking at the matter broadly?

Lynette Woodrow: Do I think it is useful? It is only one of the ways in which the UK meets its obligations under international law not to prosecute victims of trafficking. This may be in questions that you will come to in any event. The prosecutor has a role to assess the evidence, first, and to consider duress, which you mentioned, but that is a higher bar and in specific circumstances. The prosecutor will first consider whether the defence of duress is made out and then go on to consider whether the defence of Section 45 is made out. Different tests apply for adults and children.

Even if Section 45 is not made out and whether or not it appears on the schedule, the prosecutor must in all those cases go on to consider whether it is in the public interest to prosecute the individual. That is another important way that the UK ensures its obligations not to prosecute credible victims of trafficking who have been compelled to commit offences because of their trafficked status. It is not absolute, but the prosecutor exercising their judgment, knowing the full facts and having had information from a robust police investigation, is a very effective way to assure those rights, and Section 45 is part of that.

Lord Hope of Craighead: Of course, Section 45 lays down fairly precisely the test that has to be satisfied; the compulsion has to be attributable to slavery or exploitation and a reasonable person in the same situation would have no realistic alternative to doing what the person actually did. Are those tests difficult to apply in practice?

Lynette Woodrow: I do not think so, in that prosecutors are used to applying complex legislation against complex factual matrices every day. For prosecutors making that assessment, there is a lot of information

they need to consider, but in practice it works. There is a four-stage test that we developed in our guidance, endorsed by the Court of Appeal, to try to make that as straightforward as possible. It always relies on the quality of the information the prosecutor has. Where there is an absence of information that will relate to the prosecutor's ultimate decision, they need to seek that information from the police and might generate further inquiries to make that decision.

Lord Hope of Craighead: In order to assess the usefulness of the section, we need data, of course. I wonder whether it is possible to publish data such as the characteristics of the defendants, the offences that they are being charged with and outcomes of the cases. Do you actually collect data of that kind?

Lynette Woodrow: Unfortunately, our case management system does not collect details of cases in which the Section 45 defence has been raised. It is not always possible—in fact, it is rarely possible—to connect the raising of the defence to the outcome anyway in any given case. Of course, jurors do not give reasons for acquittal.

We looked at a selection of cases in 2001, and in the cases that we looked at none was directly attributable to the Section 45 defence. I should say that they were cases that the prosecutor stopped before trial. Although there were cases in which the suspect had raised the Section 45 defence, there were all sorts of other reasons that led to us stopping the case—for example, other public interest factors such as medical and psychological issues, gaps in the evidence in being able to prove a legal element of a case, and witnesses withdrawing. There is a vast spectrum in any given case that might mean that there is an outcome that is not a conviction.

Even if it were possible to identify the Section 45 cases, it is not necessarily something that could lead to a meaningful conclusion about the outcome or the rate of success of those cases, largely because we do not know the reasons a lot of the time. If it is the prosecutor stopping the case, it would require a manual analysis of the cases, a look at each review, for the reasons why.

Q165 **Lord Hope of Craighead:** Thank you very much for that very interesting answer. A problem that has been drawn to our attention is that the defence does not apply to some very serious offences, including modern slavery offences. Do you have a view as to whether Schedule 4, which lists the exclusions, should be amended so that the defence can be applied to serious offences listed in the schedule and that they should be taken out of the schedule so that they do not apply?

Lynette Woodrow: First, what is on the schedule is probably a final decision for other people, and prosecutors will apply the law as it is given. From an operational perspective, Section 45 is one part of the prosecutor's obligation. Even when there are cases listed on the schedule—modern slavery being a prime example—the prosecutor is

duty-bound to consider whether they should be prosecuting the individual at all.

We know that there are a number of cases where there are credible victims of trafficking who have then moved on into more authoritative, more significant positions within a criminal enterprise. They might have started by recruiting others and then moved on to directing, controlling and earning money from the exploitation of others. We see that in sexual exploitation cases. We also see it increasingly in county lines operations.

It is quite familiar territory to prosecutors to be able to determine first whether one of a number of defendants is a victim of trafficking at all and then to go on to consider, if they are a victim of trafficking, whether they should be prosecuting them. Those nuanced decisions are something that probably fits well within the prosecutor's duties; they are doing that anyway when they consider the public interest. It is a way that they can present the case to the jury as well, in terms of the different roles that different individuals are given within a criminal enterprise and the way that they explain that there is pressure or influence between different defendants, and the judge can take that into account on sentencing. That is my perspective from an operational view.

Lord Hope of Craighead: It is a very interesting approach. There is a public interest aspect, which, in a way, overrides some of the difficulties in the structure of the statute itself. Would that be right?

Lynette Woodrow: Yes. The Court of Appeal has regularly reinforced the fact that prosecutors still have that obligation.

Lord Hope of Craighead: You have guidelines, of course, for the way these cases are handled, and some people suggest to us that they are not being applied consistently. Do you have any views about that? Is there some way in which, given the number of people who are handling these cases, there can be a greater degree of consistency?

Lynette Woodrow: Yes. That was something that came up in the inspectorate report in July last year, which was an inspection of the prosecutor's handling of cases involving the Section 45 defence primarily, but looking at it through the lens of the NRM. One of the recommendations made in that report was for an assurance exercise, and we have put that into practice. The leads now meet monthly, as I explained. Every month, we look at a concluded case where Section 45 was raised and a prosecutor has made a decision in relation to it, and we discuss it. We look at whether anything could have been done differently, whether there is a range of views, whether we can identify what lessons should be learned, and whether there are any training needs identified. That is all our national leads getting together each month to look at a Section 45 case and feeding that learning back to their area to ensure that we apply it consistently.

I am pleased to say that since that has been introduced there is a real consistency of approach. Part of the challenge is that everything is

necessarily so case-specific; different decisions are required in different circumstances, which might be because of the particular individual and their history, and need a really good look at the level of compulsion they were experiencing at the time and how serious the offending was. It is a very fact-specific exercise. There is no one answer. We found it very effective to look at those cases month by month. We do some dip-sampling and monitoring of those. I am very keen that we check that we are learning the lessons that we identify.

Lord Hope of Craighead: One of the criticisms has been that the Section 45 issue is not raised early enough, and the suggestion is that it should be in the forefront of the mind from the very beginning. Is that the way the guidelines work?

Lynette Woodrow: Yes, it is, because the first step for prosecutors is to identify whether they have a credible victim of trafficking. From a prosecutor's perspective, yes. In terms of whether a suspect positively raises a Section 45 defence, that certainly has been later on in proceedings. From my experience, that is happening earlier when proceedings are under way. It remains a challenge, because suspects do not always self-identify, for the reasons I have already spoken about, which is why I think it is important that prosecutors are alive to the indicators of trafficking. Policing needs to be too, so that it is done together. Right from the start of an investigation, police need to be thinking about whether they are circumstances that might give rise to that, and then they need to be investigating that.

You have a dual investigation, first, into the actual offence and, secondly, into whether there is a credible victim of trafficking, and, if so, whether they should be prosecuted or not. To be clear, just because someone is a victim of trafficking does not mean that they will not be prosecuted. That is a consideration the prosecutor needs to make about the level of compulsion they were under and the nexus to their offending, and whether their culpability has been so extinguished by their trafficking that they should not be punished. Those are all judgments that the prosecutor makes, grounded in the evidence.

The Chair: I am conscious of time.

Lord Hope of Craighead: I was going to ask one final point, but because you have been so helpful, Ms Woodrow, perhaps I should not pursue it any further. Thank you very much indeed.

Lord Smith of Hindhead: Good afternoon. Your previous answers have been so comprehensive you have almost made me redundant—almost but not quite.

Lynette Woodrow: I will try to be shorter.

Lord Smith of Hindhead: Before I ask what is left of my question, right at the start of the evidence session today you challenged the 1.8%, and I would like to go back to that because we have to prepare a report to go

to Parliament. We were using 1% and then we used 1.8%. If you do not think the 1.8% is right, could you perhaps at some point provide to the committee what you think the percentage is, because we would all like to say the right amount in order to properly reflect the work that you do? Could you perhaps undertake to do that?

Lynette Woodrow: Absolutely. We will write to you about that.

Lord Smith of Hindhead: It is quite important.

Lynette Woodrow: Yes.

Q166 **Lord Smith of Hindhead:** Okay, thank you. What is left is that we know and understand that these cases can be hugely complex and involve lots of different agencies. Has there been any impact following the recently established working group between the CPS and the police? Have there been any changes in working practices between the CPS and the police as a result?

Lynette Woodrow: We have always known that collaboration and early engagement are key. That is not necessarily new, but what the action plan will do is refine our governance on that and have a clear set of actions. The action plan has not yet been signed off. It has gone out for views from other partners such as the GLAA, the NCA and the Home Office. It intensifies the focus of our work and provides a clear monitoring system. One of the things I have already mentioned is my desire to drive up those referrals, and I know that that is shared by the NPCC as well. We have yet to see the impact, but we are monitoring it closely. The key steps that we have taken are in our governance and having shared ownership of the plan.

One of the aspects that we will introduce under that action plan is a scrutiny panel, similar to rape cases and cases of hate crime, where we review concluded cases. There are a number of different partners around the table, including, importantly, the voice of the survivor, to look at how we have handled those cases, what lessons we could learn and how we could improve.

Lord Smith of Hindhead: Bearing in mind the complexities of all this, why do you think it has taken almost 10 years to establish a working group that is not actually yet established?

Lynette Woodrow: Actually, there has always been governance. I have always worked with the NPCC lead. Equally, we have had joint working between the CPS and the police at operational level nationally, and, of course, each area has conversations with their regional counterparts. There has been a lot of good practice around the country. This is not new. I want to be clear about that. We now have an action plan that we want to work on and drive forward together. The collaborative working and the governance are not new, but the way we are doing it perhaps is adjusting and we now look at some of the key areas that are relevant to us today.

Lord Smith of Hindhead: Do you think that is because you have realised that this crime is far more prolific than perhaps we have previously thought, that more focus is put on it, that people are concerned about it and there needs to be more international collaboration? Is that perhaps what has made this working group happen? I appreciate that you have said that you have always worked with them in the past, but is the fact that there now suddenly seems to be more focus on this because there is a realisation that the systems that were in place did not perhaps work as well, and did not perhaps get the prosecutions that were needed, so this work is happening now in order to reflect the real concern that many people have?

Lynette Woodrow: I think work has been effective in the past. The number of prosecutions now compared to much earlier in the introduction of the Act has significantly increased. We have to respond to the changing exploitation types. When the Act was first introduced, we were looking at sexual exploitation, largely, linked with controlling prostitution for gain. That moved into labour exploitation, construction sites, car washes, nail bars, and now, increasingly, the care sector and hospitality. Our awareness of criminal exploitation and the way it happens has really increased—county lines, cannabis factories, and moving into scamming and quite sophisticated online operations.

For us, it is about responding to those exploitation types and understanding what is happening in the international picture. For a long time, we have had our deployed liaison prosecutors. I am part of a global network of leads around the world who focus on modern slavery. We meet together online every two months and look at themes that are developing in other countries so that we can ready our prosecutors for that. We are linked to Interpol and Europol through that. It is about agility, being flexible and understanding what is coming, so that we can respond to different exploitation types rather than that we are doing something brand new.

Lord Smith of Hindhead: That is another very good and comprehensive answer. Thank you very much.

Q167 **Lord Kempself:** I want to ask an operational question and then a policy question. Operationally, is there a difference between the police forces and the investigative authorities that aid the CPS in achieving successful prosecutions and those that are less likely to achieve that outcome? When you are dealing with your law enforcement partners, what are the characteristics of the agencies that are succeeding and what are the characteristics of the agencies that are less likely to succeed?

Lynette Woodrow: Specialist teams within police forces are highly effective and we see really good results from that. That is not to say that when there are not specialist teams there are not excellent investigations, but there is something structurally around specialist units that is an important part of that. It also means that there can be direct liaison between the CPS specialists and the local leads. That is probably a

primary factor for those that do that well. The more that they do it and the more that they investigate, the better they get at doing it.

The NPCC delivers a huge amount of training and has resources for front-line officers to make calls, to understand and to provide support tactically. It is important for those front-line officers to be able to identify what exploitation looks like when it is not being presented to you as an exploitation case. Specialism is very important.

Lord Kempsell: Your answer brings me on to polycriminality. As I understand it, you would agree that modern slavery and human trafficking offences often have a high degree in their execution as polycriminal enterprises.

Lynette Woodrow: Yes.

Lord Kempsell: Do you think that as a matter of policy perhaps government and law enforcement have placed a subtle emphasis on the prosecution of other offences rather than modern slavery offences as part of that picture, or is it simply an operational issue because, as you said earlier, it can be more straightforward to achieve the necessary evidential threshold for other offences?

Lynette Woodrow: The renewed guidance and some of the case law should be a helpful corrective to that. There is something about cases presenting as drug supply and drug trafficking, for example, and then having to delve deeper to establish that, actually, it is a child trafficking case. As I say, it does not always present. The NPCC describes them as hidden crimes. That is one of the real challenges for us.

It is important to charge other offences alongside trafficking. There may well be offences of very serious violence such as GBH and ABH, offences involving weapons and guns or serious sexual offences such as rape, and it is important that all of those are recognised on the indictment to tell a clear story of what has happened to specific individuals. I hope that answers your question.

Lord Kempsell: Yes. Would it be fair to say that because of the way our system works it is inevitable that the CPS and broader law enforcement investigators are going to be biased towards pursuing and charging offences and bringing cases that are more likely to secure a successful prosecution for serious criminality?

Lynette Woodrow: May I push back on that? I do not think we have a bias towards that. I see prosecutors coming in day in, day out doing justice and wanting to do justice. No prosecutor takes an easy route or selects lesser charges just because it makes their life easier. We are used to prosecuting difficult cases and novel cases; the organ trafficking case is but one example. That came in to a prosecutor on an emergency charging basis and they were able to effectively select the charges and prosecute it.

I do not think there is that bias in prosecutors. If there is, or if at least there is a perception that there is, or what is acceptable in circumstances where we have charged, and pleas are offered, our guidance should help to make it clear that modern slavery charges are important. It allows specialist orders to be made and it manages the risk. Ultimately, the prosecutor needs to pick the right charges to reflect the criminality in any given case.

Lord Kempsell: I have a final question on the CPS policy approach. Is it stated anywhere in your policy approach or your strategy that you explicitly want to increase the number of prosecutions for modern slavery offences, or does it simply not work like that and I am misunderstanding?

Lynette Woodrow: It would not be in our guidance because the prosecutor needs to apply the code in the particular circumstances of the case. They need to analyse the evidence and make a decision independently. If the evidence is not there, they cannot charge the case. I certainly have spoken publicly on it. I have spoken to NPCC about it. I said to the Independent Anti-Slavery Commissioner that we welcome that as a priority in her plan to drive up prosecutions. It is not something that is secret, but it would not have a place in individual decision-making because we want to focus on getting the investigations from the police into the prosecution.

Lord Kempsell: I understand that, but it might be relevant to how the CPS makes internal resourcing decisions. Is it acknowledged within the organisation that modern slavery offences are a priority for attempted prosecution?

Lynette Woodrow: Yes, it certainly is a priority. I hope that is reflected by the fact that I am a modern slavery and trafficking lead. I am very happy to come and be held accountable for that. We talk about it on a regular basis as part of our various internal governance systems. Perhaps we can write to you—I am conscious of time—about some of the nuances of how we do that and how we make it clear as an organisation if that would be helpful.

Lord Kempsell: Thank you. It would.

Q168 **The Chair:** Lovely. The final question is one you might have been alerted to. If you could make one recommendation to government about the Modern Slavery Act, what would it be?

Lynette Woodrow: In practice, the prevention orders being made available on acquittal might be something that could aid our prosecutions, in some cases, to ensure protection of victims. It is similar practice to restraining orders, which are also available on acquittal. There still needs to be some evidence before the judge, but it does not have to be in the face of a conviction.

The Chair: That is really helpful. Thank you so much. You have very kindly promised us a note unpacking that 1.8% figure compared to the figures you mentioned, which will be really helpful to us. Thank you

again, Lynette, very much indeed for your evidence.