

Home Affairs Committee

Oral evidence: Modern Slavery Act: ten-year review, HC 758

Tuesday 25 March 2025

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[Watch the meeting](#)

Members present: Dame Karen Bradley (Chair); Robbie Moore; Margaret Mullane; Chris Murray; Joani Reid.

Questions 1-46

Witnesses

[I](#): Caroline Haughey KC; Major Kathy Betteridge, Director for Anti Trafficking and Modern Slavery, Salvation Army; and Emma Hawley, Assistant Director, International Child Trafficking Guardian Service, Barnardo's.

[II](#): Eleanor Lyons, Independent Anti-Slavery Commissioner; and Baroness Butler-Sloss.

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Examination of witnesses

Witnesses: Caroline Haughey KC, Major Kathy Betteridge and Emma Hawley.

Q1 **Chair:** Thank you very much to our witnesses for coming today. The Home Affairs Committee is having a special session to look at the Modern Slavery Act 10 years on. It seems unbelievable to me that it was 10 whole years ago that we got Royal Assent, and the Modern Slavery Bill became the Modern Slavery Act. We are hearing today from professionals and people working in the field of modern slavery.

We are acutely aware as a Committee that victims have to be front and centre of all the work done in this area. On other occasions, we would hear from victims, but because this is a one-off session, we are not hearing from them. That does not mean that we will not hear from victims in the future, and it does not mean that we do not put them front and centre of the work we do; they are absolutely vital, and we need to make sure that we find them and that they get the support they need. I want to be absolutely clear on that before we start.

Perhaps the witnesses could introduce themselves, and then we will start our questioning.

Caroline Haughey: Good morning. My name is Caroline Haughey. I am a King's Counsel barrister. I am in independent practice, but I specialise in the prosecution of modern slavery, human trafficking and exploitation cases. I was privileged enough to work with Dame Karen on the drafting of the Modern Slavery Act. I prosecuted the first modern slavery case in Britain, and have been involved in the sector ever since.

Emma Hawley: Hi. I am Emma Hawley. I am an assistant director for Barnardo's, working in the independent child trafficking guardianship service. I have been lucky enough to work on this project since it began, and that is a really positive thing for me. I am one of the managers who cover support for children and young people who have been trafficked and exploited.

Major Kathy Betteridge: Good morning. I am Major Kathy Betteridge, and I am the director for anti-trafficking and modern slavery work for the Salvation Army across the United Kingdom and Ireland. We have held the prime contract for the NSPCC and the previous contract since 2011. We have been able to support adult victims of modern slavery since then.

Q2 **Chair:** Thank you very much. I am going to start with a question in the light of the recent House of Lords report on modern slavery, which said that "the world has changed and best practice has moved on". What do you see as the main causes of the changes we have seen? Perhaps I can start with Caroline.

Caroline Haughey: With the benefit of reflection, and having had the privilege of being involved in the creation and investigation of that report, criminality has changed. To a degree, the world has pivoted on its axis as



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a result of covid, and we are a much more digitally driven society. We as investigators, and I as a prosecutor, need to adapt to meet that. Ironically, it is often harder for victims to be identified, but on the flipside, a lack of digital footprint is a means of identifying victims.

I think the rest of the world has caught up with the Modern Slavery Act, but we have lagged behind in our application. The definitions that we are working with outside of the UK—and I am talking on a global scale—do not necessarily meet the way in which criminality and exploitation take place today.

Emma Hawley: I agree that the definitions probably need to be updated and changed in line with what is happening for children and young people. There are a lot of changes in their experiences. There are a lot of similarities compared with when I started working in this field but, equally, the exploitation that they experience moves and shifts. As Caroline said, it adapts to the digital world and world events. Unfortunately, we are living in a world where people find new and creative ways to take advantage of others and make money from them, and that is what we see happening for the children and young people we work with.

Major Kathy Betteridge: The Modern Slavery Act was a turning point in the UK, and the response to it has been varied across the years. There is certainly greater awareness. There has been a shift in understanding, but probably not to the extent that we all would like. Acts against victims and survivors are perpetrated in ways that go beyond any of our thoughts and imaginations. In the early years, very few people were referred into our service, but as time has gone on, from 2015 to 2024, the numbers have increased. That is for a number of reasons, but awareness of modern slavery has certainly increased.

Q3 **Chair:** To pick up on the definitions point, what would you like to see changed? Clearly, the Palermo protocol, the Council of Europe and various agencies over the years have come up with their definition of human trafficking, but what do you think needs to be changed now?

Caroline Haughey: Bearing in mind the recent experience I have had, I would like to see a less rigid definition of exploitation. When the Modern Slavery Act was crafted, for example, we did not foresee county lines being a form of criminality. But the wonderful thing about legislation is that it is supposed to be living; the law is a living instrument, and the Modern Slavery Act has moulded in the right way to be able to prosecute that kind of offending.

In a recent case that I did, where we struggled was with demonstrating the terms of forced compulsory labour and malice and intended malice, and explaining them to a jury. Those concepts are quite constrained and limiting; they are bound, in fact, by UN directives. What we are working with can be quite limiting.

When we crafted the Modern Slavery Act, the whole purpose behind it was that it was exemplary, not binary—in contrast to, for example, the bribery



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and corruption Act. What is exploitation? Well, it is a multitude of things, and you will know it when you see it. If we pursue that in our definitions, and keep that as our pivot to work to, we will ensure that the Modern Slavery Act, and all the subsidiary legislation upon which it is predicated, continue to be living and continue to deal with the exploitation that is happening.

- Q4 **Chair:** The new Crime and Policing Bill has a new offence of child exploitation, which strikes me as slightly at odds with the fact that we already have an offence of exploitation. Murder is murder—you do not have child murder and adult murder—so do we need to have a child exploitation offence, or do we just need to change some of the wording around the offence of exploitation?

Caroline Haughey: You have hit the nail on the head; that is my personal view. The first child labour exploitation case in the UK, Operation Field, dealt with young Vietnamese females who we believed to be 15. Actually, proving their age did not become an issue in that case, because, first, we did not call them—we were able to do it victimless—but more importantly, that would have become satellite litigation. They were exploited, full stop. It does not matter whether you are an adult or a child: the fact of whether you are a child and are exploited should be relevant to amplify the sentence, not the original offending.

That is what I really struggle with: over-legislating a problem, when we need to look at what the core problem is. Who is being exploited, and how are they being exploited? I do not mean who as in, it is a child; I mean who as in, who is the individual? We should adapt our approach in that victim-centric way.

Chair: Thank you. We may need to have a conversation about possible amendments.

- Q5 **Robbie Moore:** I want to get an understanding of how you feel cross-Government working is happening, on the basis of the Act coming in. Maybe I could start with you, Emma. How effective has cross-Government working been since the Act came into force, in your opinion?

Emma Hawley: We are looking at a number of different areas that have to work together, and bringing all that together is really hard. Our experience is much more at the local level, looking at different agencies that need to work together to share information. That has definitely improved over the time that we have been working in the service. We see some amazing partnership work, where colleagues are willing to come together, to be open about what they know and what they do not know, to share their perspectives and to work together to support children. It is back to that piece about ongoing awareness raising and people understanding definitions, in some ways—because it is useful to have a boundary and a starting point—but also having a broader perspective in terms of what exploitation is and can be, recognising indicators and all those things, moving forward.



We have seen some real positives through the evolution of the devolved NRM panels—the national referral mechanism panels. We are involved in 10 of those, representing children and representing our service in those settings. There is also some fantastic work being done at a local level in decision making around children's circumstances when we see an exploitation. It happens at quite a quick pace, which can be a really positive thing in terms of the people who work with and know those children having access to the information about them and being able to share it and talk about what is happening. They also have a local picture and make decisions that are informed about children and young people. So there are some real positives in that way.

Robbie Moore: Kathy, would you like to add anything?

Major Kathy Betteridge: We need to see stronger working together across Departments within Government. We are experiencing difficulties in relation to our adult survivors as they move on from our specialist service, because housing is a real issue. We are finding that there is a lack of housing within local authorities, and that victims of modern slavery are not seen as a priority need. Local connection can make it difficult, especially for British victims as they move out, because they have moved from the area where they have lived to another area, and therefore, they cannot find housing. Mental health support is also an ongoing concern and issue, and so is legal aid.

There is not a joined-up approach, and our conversations with our Home Office colleagues identify that and reiterate it on so many occasions. We were very pleased to see modern slavery being put back into the safeguarding portfolio with Minister Jess Phillips. We are also pleased that there is better communication now with the current Government, with the re-establishment of roundtables and other forums. That is good, but the wider support for our victims needs to be more joined-up, and a strategy needs to be in place for working across Departments.

Q6 **Robbie Moore:** The common theme is always, quite rightly, wanting more collaboration across Government Departments because some Departments are a bit more siloed in their thinking. Just to push both of you, how do you feel that we can achieve that? Is there something where we need to go above and beyond to ensure that proper, true collaboration in dealing with modern slavery is enacted at the top, from Downing Street, so to speak? Is there something additional that you would like to see?

Major Kathy Betteridge: We would be keen to see a SPOC in every local authority area, so that there is a real awareness of the issues, which some people may not think are happening in their area. However, if there was a SPOC in a local authority that had a modern slavery portfolio, that would help us to target and access the support that our survivors need.

Robbie Moore: Emma, do you have anything to add?

Emma Hawley: I think that would be an excellent idea.

Q7 **Chris Murray:** I want to ask about the cross-Government work. We



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obviously have the establishment of the new Fair Work Agency coming down the track. Do you have any thoughts on its role in facilitating cross-Government working on this? You may not, because it has not come into existence yet.

Caroline Haughey: I do not have thoughts on that, but can I come back on something that my colleagues have said? We really see a disjoint on prosecution between agencies. I will give you an example from Operation Field, the case I just referred to involving the Vietnamese girls. We now know they were 15, because one of them subsequently went back to her perpetrator and had two children with him. He sought to gain asylum in the UK on the basis of them being in a loving relationship. The date of age that he gave for her was 15 at the time of offending, and we used that as evidence. But during the process of that trial in Stafford, the Home Office tried to deport our victim back to Vietnam. So there is a total disconnect in the policing perspective.

We have had the same problem elsewhere. I have just finished prosecuting a case with a Ugandan female who was brought into the country by a Ugandan high court judge—a human rights expert, I might add. The Home Office provided us with the wrong evidence on which to prosecute the case. But, more importantly, her asylum application was rejected in the first place, and that was potentially a strand of evidence that was going to be deployed by the defence in undermining the victim. They have to be two separate processes, but the whole process was taking place in the Home Office without any thought or consideration to all the criminal material that she had provided the courts with.

We need to break down these barriers of communication and realise that we are all on the same page. The whole purpose of the national referral mechanism is to identify people who are victims of trafficking. Not everyone who goes to the NRM is telling the truth—I am the first person to recognise that—but when someone is credible, there needs to be proper joined-up thinking, recognising that the police are doing their safeguarding best; they are seeking to disrupt organised crime groups and punish perpetrators. If we do not build up a means of fair and easy communication, then both sides are losing out, and that defeats the entire purpose of what we are here for.

My perspective is different, because my interaction with the victim is very limited—I get to meet them at court; I do not get to have a relationship with them—but I am the voice that they have in order to be able to put forward their account in court, which, as the three of us recognise, is often the first opportunity they have. If we do not share information, then we are not using our best platform to enable the survivor to give their account and to prevent people doing this again.

Q8 **Joani Reid:** In the light of what you just said, would you then say that section 45 of the Act is not fit for purpose and is not working?

Caroline Haughey: That is a really complex question—typical lawyer. I think section 45 can and should work. I have seen an evolution of the



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Court of Appeal interpretation of how we should apply section 45, both as prosecution counsel and as defence counsel. When it is properly applied, and we objectively—removing subconscious bias—look at an account and decide whether it is in the public interest to prosecute someone, then I think section 45 can be effectively deployed.

I have seen it being effectively deployed: we prosecuted Operation Fort. We had 350 victims, and some of them were groomed into roles of control. We looked at their roles to decide whether it was in the public interest to prosecute them as the perpetrators, or whether they were just victims who, for their own means of survival, had been given more power than others? So we applied it using our common sense. Now, perhaps that is because we are more experienced in this.

I think that section 45, applied properly, works. The problem is that it is not applied properly, and I think that that—forgive me—is the problem with this Act. I think it is fit for purpose; I think it is good law. I think it is misunderstood, and—you will all know this—underfunded. It is misapplied, and there is still, for reasons I do not understand, a fear of applying it properly. There is a lack of bravery. We have law; let us use it and use it effectively.

In particular, we have become so, “You can’t prosecute unless you have a victim.” I am sorry, but I disagree with that. A victim does not have to come to court to give an account. There are other ways and means of effectively safeguarding the victim, properly and fairly prosecuting, and ensuring that we disrupt organised crime groups. But that needs resources, which is often about going down the financial avenue. As you will all be aware, the offences of forced and compulsory labour and slavery are all driven by greed. Forgive me for using the vernacular, but you follow the Al Capone—you follow the money. That is a problem.

I think section 45 works in the main, but we often see cases where it does not. I had a case come across my desk just yesterday where a young woman in Hull, who had been cuckooed, gave a very detailed account of who was exploiting her and what was happening. May I say that all of that was done fantastically by Humberside police, who interviewed her? But she has been rejected from the NRM because nobody gave the NRM the full details of what she had said in interview, and nobody spoke to her. How can that be appropriate? How can that be proper procedure?

So everything is there; it is about lack of understanding, it is misinformation and it is lack of resources. But if we tie those all together, we can go back to where we were.

Q9 Chair: As you say, it is financial crime. It is a coercive crime, but it is ultimately financial.

Caroline Haughey: Yes, that is true. It is greed.

Chair: There is confusion that it is an immigration crime. Your immigration status makes you vulnerable, but it is not an immigration crime. The fact that organised immigration crime and human trafficking sit together in the



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directorate, as well as the fact that it sat in the Home Office underneath the Immigration Minister, has created that confusion.

Caroline Haughey: Absolutely. If we look at the NRM statistics, the second largest group in the NRM are British nationals. How is this an immigration crime? Using it and deploying it as a political weapon under that label is simply wrong.

Q10 **Robbie Moore:** Moving on to identification processes, how well do individuals understand the national referral mechanism process, and what does being referred mean to a potential victim of modern slavery?

Emma Hawley: I was going to go back to a comment that Caroline made about not sharing information, because there is a real gap. Although a lot of people do not understand their duty to refer, a lot of people do understand it and are willing to enter into that process, but there are definitely gaps in the understanding of the need to update and provide further information. Because we work in a sector where there is quite a lot of professional movement, it might be that the police officer or social worker, or whoever first submitted the NRM, does not remain with—in our case—the child. There is a bit of a lack of understanding about who to go back to for further information. We work with professionals a lot to help them to remember and put together further information to send through to the FCA. We help them to understand what is useful, what is not, and what needs to be included and sent through to inform the decision making. I certainly feel that there is a bit of a gap in that understanding of the ongoing requirement to submit information through the process.

There is also an issue about the transition at 18. Obviously, children do not need to consent to be entered into the NRM. None the less, it is always good practice to talk to them about it, to help them to understand the system and process that they are involved with. Unfortunately, that does not always happen, which quite often means that, as a young person approaches 18, people are rushing to have that conversation with them, and they might not understand or be willing to remain in it. That consent is for a process that started when they were a child, so it is a bit of a misfit in that way.

I think that the two biggest issues for us probably are the understanding of the full process and the understanding at that point of transition. We deliver free online training sessions every few weeks, and we get a really good attendance at those. People are really interested and have an appetite to learn. We have recently developed those, and we start by asking, "What is the NRM?" So we start with the basics and then go into how you work within the process, including what you need to do to perform your role. There is definitely an appetite for people to learn and understand, and I think that will always be there because of the way staff move around in social care, the police and other services.

Major Kathy Betteridge: For us, high-quality referrals are essential for a decision to be made, but often the information in a referral is significantly lacking. We have raised this on many occasions. There is a lack of training



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and understanding of what needs to be put into the NRM, so to hear that a victim was not even spoken to, yet a referral was made, is very worrying. The whole aspect of somebody sharing their story is key to gathering that information, and being able to do that in a trauma-informed way. We in the Salvation Army have offered and give training to many of the statutory bodies, because they do not and have not known what to do and how to do it. We also receive referrals that are not complete, so we have to go back to the victim and they have to share their story again—again, more trauma for them. We gather that story and then we are able to submit it.

So training is key. Funding, as has already been mentioned, is another key area, because the role of the first-responder organisation is self-funded. Interpretation is also key. We had a victim who came to us who had already been submitted into the NRM, and there was not enough evidence to give her a positive RG, so she was released and she was re-trafficked. The reason, in the first instance, was that she could not speak English and the FR was not able to gather the evidence required. She came through again, and that time she had a positive RG. It is not good that that happens. Training, funding and support to get the information are crucial.

Q11 Robbie Moore: How have county lines—they were briefly mentioned earlier—affected the workload for both of you in terms of the complexities associated with that and victims understanding their access to the support that they can get?

Major Kathy Betteridge: For us, every victim is taken on their own merit. A victim of county lines and a victim of some other form of exploitation will be supported in exactly the same way. In relation to county lines, the difficulty that some of our adult victims experience arises when they are leaving the system and the support we offer them, because of the lack of local connection. That is about housing. We have somebody in our support now who has received a positive CG and who has been receiving support for his mental health and for his substance misuse. He is in a really good place to move on, but he is now really anxious because housing is a real issue for him.

Caroline Haughey: The key part for us in the criminal justice system is the consistency of approach in the NRM, but of course it is an interview process. As has quite properly been identified by Emma and Kathy, the people who are conducting the interviews are not trained to the degree that we require them to be trained in order to be trauma-informed when they are asking questions. Even now, when I am obtaining accounts from victims or directing an officer to do so, we advise about how to achieve the best evidence.

Achieving best evidence is all about understanding the victim's specific needs. We talk in the police system about doing video-recorded evidence. Actually, many of the victims—complainants—would rather give an account in a section 9 statement; they do not want special measures, because they want to confront their perpetrators. But there is a complete lack of consistency in obtaining accounts across the board. Again, it is about going back to basics: education, information and bringing everyone



together. We are all on the same page, but we are reading it at different speeds, and we are not getting everyone to apply the standards consistently to ensure that Kathy and Emma's approach is being adopted. That is where we are failing.

- Q12 **Chris Murray:** While we are talking about FROs, we had the Home Secretary before us in December and she said that the NRM system has fundamentally become a bit stuck. What do you think is driving that? We have not updated the list of first responders since the Act came in. Do you think it merits revision? When you are talking about the ability of first responders to properly complete NRMs, what have you seen that drives improvements in that or that drives it not working?

Major Kathy Betteridge: For the last seven years we have been constantly pushing for a review of the FR system and the role of the FRO, because while it is working to a point, it is not working as well as it could be. I have identified training already, but what we want to see is the information that somebody is sharing being captured in a better way. We have been involved in the new online system, so we have been able to inform how that could be improved. However, in the last two or three years, we have found that all our comments and recommendations have not been listened to, or nothing has happened.

We are really pleased that we have now been invited to a FR working group. A forum is being re-established; they were in place a while back, but everything just stopped. We are pleased that that is now happening, because it is important to understand what needs to be captured in the interview when somebody is sharing the detail of what has happened.

Emma Hawley: We are also really pleased to hear that the first-responders forum is returning; that is a real positive. For us, training is really important, as we have said. We have seen real positives come out of the devolved panels and we are keen to see that expanded. It is about those who know each other working together really effectively, obviously in the best interests of the child, having the knowledge at their fingertips, being able to call on it there in the meeting, and being able to engage with local partners to understand what is really happening for a child and that child's family.

In those settings we have seen health make a really positive contribution to those panels. Certainly there are instances where a health professional might be the only person trafficking victims see or talk to about what has happened to them, so whether it is appropriate for health partners to be involved in first responding would be something to consider.

Caroline Haughey: I agree with everything that has been said, but I will go back a bit further. Part of the problem is in the process itself. It is natural for me, because my job is to ask questions; that is what I am trained to do. That is what the police are trained to do when they are specifically trained to be interview officers. But first responders are not given the same type of training to understand why their questions, and how they are framed, matter.



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Some of the questions are inconsistently put. There are obvious problems that we see when we get an NRM interview where they are closed questions. It could be something as basic as taking, “Can you explain to me how did you come to be in this environment?” and simplifying that to, “How do you know Robbie?”, where Robbie is the person exploiting them. By having much more open questions, you are inviting the person making the application to give their story in full. The closed questions cut off the account.

That is a primary problem of training. I do not mean it critically; I just mean it is a fact that we then have to deal with accounts in an NRM that are inconsistent with those taken by the police when they are asking open and informed questions.

Q13 Chris Murray: To be clear, you are saying that it is the training of existing first-responder officers that is the issue—not that you would like to see more first-responder organisations. You alluded to the health system.

Emma Hawley: I think it is a bit of both.

Caroline Haughey: I think it is a bit of both, too. I cannot comment on whether we need more first responders, because I am too far down the chain—forgive me—but, when I get a first-responder account and I am prosecuting a case, disclosure requires me to look at the entire NRM file. It creates a disclosure nightmare for us, because what we see are accounts in the NRM process inconsistent with those given to the police. It is not a deliberate inconsistency on the part of the complainant, victim or applicant; it is simply that the questions asked have narrowed the account.

That creates a credibility issue, which is frankly not fair. If you open the question and keep the question to, “Who, what, why, where and when?”, an account that is more capable of credibility assessment is obtained—a proper, honest credibility assessment is obtained. We have to recognise that not everyone who goes into the NRM wants to pursue a criminal allegation.

Q14 Chris Murray: I want to ask about the massive increase in decision waiting times in recent years. First, what is your assessment of why those waiting times have got so bad? Secondly, what remediation would you propose? Do we just need more decision makers, or is there a more structural issue in the NRM?

Major Kathy Betteridge: We were very pleased when the 200 new decision makers came into post in January. That was a really welcome development. We have not yet noticed as such that the decision making for those who have been in our service the longest is becoming apparent. We would like to see that they are the ones for whom those decisions are looked at. We do not know the criteria of the decision makers, but we are pleased that they are there. It is great there has been a 40% reduction in decision times since they have come into post, but of those decisions 70% have had to be reconsidered—they have been overturned and been reconsidered and become positive. That demonstrates that the information



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for those decision makers is not adequate. Does that then go back to the first-responder role and the information that is in the NRM, because it is not adequate? There is a full circle, potentially. Sorry, what was the other part of your question?

Chris Murray: What would you do about it? Is it just more decision makers?

Major Kathy Betteridge: No. I think if the people who were in the service longest were prioritised it would certainly help. If we had an understanding of the criteria and what the decision makers use to help them form their decision, that would be helpful as well. The people we support tell us that their life is on hold; they cannot move on, they cannot progress, and they want to. They want to move on and to move out of this situation and they cannot. It would help if they were able to.

Q15 **Chris Murray:** Emma, you have already mentioned the devolved decision making pilot. Do you think that offers lessons in how we can improve the quality of decisions as well as the speed?

Emma Hawley: I think that is what we are seeing. The evaluation has pointed to positive workings and outcomes from those meetings. It is demonstrating a different and positive way of moving through systems. If you can get that local commitment and buy-in, then you are working with people who have that connection to the young people they are considering. They are directly able to make sure that the safeguarding response matches up with the decisions that are being made. For connectivity and collaboration, it is a real positive.

Caroline Haughey: It is a brilliant question because it floats back on to the section 45 issue. One of the problems we have with the section 45 process is that if you are going to raise the defence of "I have been compelled into this criminality as a result of being a victim of trafficking and exploitation," the starting point is getting an NRM decision and getting a conclusive grounds decision. I wonder—purely through my criminal justice lens and no other—whether we could expedite or prioritise those who are in the criminal justice system and they are pushed up the line. I would not want to do that to the disadvantage of those who have been waiting for months and months. That whole starting point is very relevant in the criminal justice system, because that is where representations are then subsequently made to the Crown Prosecution Service that this is a case that should not be prosecuted, for public interest reasons or because we can evidentially demonstrate that someone is a true victim under section 45.

Q16 **Chair:** To be absolutely clear, nobody can self-refer into the NRM.

Caroline Haughey: No.

Chair: So it is absolutely the case that they have to go to a first responder and the first responder has to do the mechanism.

Caroline Haughey: Yes.



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Chair: I think there was a bit of myth growing that people just claimed they were victims of modern slavery and abused the system.

Caroline Haughey: It does not work like that. Don't get me wrong: in the criminal justice system people lie. But people also tell the truth. People lie for many reasons, and there will always be someone who abuses a system—any system—but more often than not, people are not doing that. It is the true victims that we need to identify and protect, irrespective of where they come from, how they have been abused or what has happened to them. If they are a victim of exploitation, they deserve our compassion.

Q17 **Joani Reid:** I want to turn to the quality of the multi-agency support for victims once they are in the system. Could you begin by giving us an idea of how you engage with different cohorts of people once they are in the system?

Emma Hawley: We can work with children before they are referred into the NRM if it is looking like that is something that is going to happen for them. We are lucky in our team set-up in that we are flexible; we are all home based, so we can get out to see children very quickly if we need to. We have a guardianship assessment team which assesses all our referrals, so we are able to offer professional advice quickly, and we offer on-call advice as well. We are able to respond very quickly when a child is identified.

In terms of accessing support through our service, if a child has someone with parental responsibility in the UK, we work with the professional network to make sure they understand the exploitation of the child and are putting appropriate safeguarding and risk management strategies in place. We offer direct support for children who do not have someone with parental responsibility in the UK. That support is very much tailored to the needs of the child. Many of those children will be looked after by the local authority. We are working alongside other professionals, coming alongside them, to help them understand that child's experiences and respond appropriately to them. Our work varies depending on where the child is at when they come into our service. Again, it is about having a trauma-informed approach and making sure that we are working alongside interpreters and colleagues who are providing their accommodation and their social care support to meet their needs at all times.

We work hard to make sure children understand their rights in the UK and the breadth of services and support they are entitled to. We make sure they link in with independent advocates so their needs are met as well. It is a collaborative approach to supporting children and young people. We do a lot of work supporting young people to talk about their experiences and what has happened to them in a safe way, and explaining to them that unfortunately they are probably going to have to talk about that again in the asylum system, when they are talking to social care and others. We offer nurturing, one-to-one support to young people that hopefully helps them move forward and grow and develop in the UK.



Major Kathy Betteridge: For our service, our providers across England and Wales are very good at working with other agencies in the areas in which they support their clients. The kind of multi-agency support that is available will depend on where they are. There are multi-agency partnerships across some of England and Wales that work together. Our support workers are able to link into that and gain support for our survivors, but it is not consistent, and that is one of the concerns. Mental health is one of the key areas that our client group needs support with, as with legal aid, and it is so difficult to access that in many ways. Our victims are therefore not getting the support they are entitled to.

The local connection is an issue. In one London area we have a trusted assessor pilot, in which three of the London boroughs are working together. Our support worker has been given the role of trusted assessor, so they can fill out the application form for housing. They work very closely with the local authorities. We would like to see that kind of a support across other local authority areas, but it depends on the local authority and other agencies.

Q18 Joani Reid: The theme of inconsistency is coming up quite a lot. What do you think the Government could do at a central level to ensure that we are listening to victims and meeting their needs more effectively?

Major Kathy Betteridge: Again, it is about cross-departmental working, understanding the issues and the specific needs of victims of modern slavery, and trying to see how that can work across. With mental health and the NHS, it is important that it has been identified that we should have some sort of health first responder. But it is about getting some connection across the departments in supporting individuals who specifically need mental health support because of what they have been through.

Emma Hawley: Mental health support for children is really important, as is the understanding that people will be working with children who maybe are not used to thinking about western structures of mental health support. For children, it is perhaps also thinking about what they might need later. We are quite often working with children in crisis who do settle, and things move on for them, but it might not be until they are an adult that they are ready to engage with that support. There is something about that long-term perspective, for children and adults, in terms of their experiences.

Q19 Joani Reid: Once they are in the system, are victims safe from any risk of further exploitation, and how?

Emma Hawley: We are talking about extra-familial harm in most of these situations. It is very hard to fully safeguard, even with the best will in the world, against everything. Professionals work really hard to put strong risk management and safeguarding strategies in place around children, but we are talking about a group of people operating around us and making money from individuals, so putting all the safeguards in place is very difficult.



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We see some young people who are trafficked into the UK, then exploited through a county lines model of exploitation. We are working with very vulnerable people who will potentially be targeted by those people again and again, and that is very difficult. But there is lots of hope as well. We have lots of positive outcomes for children and young people. We see young people go on and achieve.

One of the biggest risks for all young people in the care system is the change at 18—the shift from children’s to adult services is really difficult for any child in that system to process, regardless of whether they are new to the UK or have always lived in the UK. Managing that transition effectively, whether it is between children’s and adults trafficking services or children’s and adult services more generally, is really important.

Major Kathy Betteridge: I support everything that Emma said. We find that for some of our adults, the time they need to reflect and recover is really important. Some have not realised or appreciated that they have been exploited, and they are embarrassed to admit that. They need time to reflect on that.

The needs of our client groups are very different. We are supporting professional people, such as medical professionals and others, who are well-educated but have been offered something that has then not come to fruition. They want to work and continue to provide. The opportunity for them to work is not always there, especially if they are foreign nationals.

To enable somebody to have that opportunity during the time they are with us—giving them leave to remain for a year to access to public funds—would help grow their confidence and regain that ability to continue with their life. That would be so good to support them and help them understand what has happened, hopefully preventing that risk of re-trafficking.

Q20 **Joani Reid:** Caroline, the problems with legal aid are well documented. Is that the case in this sphere as well?

Caroline Haughey: Yes. When they come into my realm, legal aid does not apply because they are effectively brought into the system because they have made a complaint, and the police and Crown Prosecution Service have drawn the conclusion that there is an evidential case to answer and a public interest to pursue it.

I know from the fallout of the over 1,000 victims who have traversed through my small world that gaining access to criminal injuries compensation and basic rights—every single victim I have had in the last 13 years has come to the UK or been in the UK seeking to work when they have been exploited. These are not people looking to live off the state; rather, they are exploited because they wanted to work and someone took advantage of that desire. Their access and understanding of what they are entitled to is one of the means by which they are exploited. When they come out of the initial exploitation, they do not understand what is available to them.



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For example, there was a case of some Lithuanian chicken catchers. Kent police did not deem that there was a case to prosecute. Only because they went to a free legal advice centre run, I think, by Hogan's law firm did the case go to the civil courts and they were given compensation. You may be cut off at the criminal end, because there are different criteria, but making sure that people understand there are other avenues of recourse is a major problem.

I will turn back to an issue raised by my colleagues earlier. With the rate of attrition in the criminal justice system, we are seeing victims not wanting to continue being victims. The single biggest game changer for us is victim navigators. They are a single point of contact that quite literally navigate the criminal justice system without compromising disclosure or compromising my independent role, because I should not really have any involvement with the victim or complainant, save when I meet them to give evidence. The victim navigators act as a liaison between the police and offer a filter—an understanding—where, for example, victim services cannot intervene.

The other problem we have is a lack of cultural understanding. When we talk about victims going back into exploitation, irrespective of their cultural identity, there is a natural inclination to go back to what they know. That may be, "I want to go back to the people who speak my language", or, as happened in our Vietnamese case, "I want to go back to the people who fed me noodles." Ethnicity, socioeconomic background and gender do not matter, because exploitation is blind to all that.

Horrifyingly, in every case I have ever prosecuted in modern slavery, there has been a female on the indictment in a senior role. There are probably more women in prison as a result of modern slavery and exploitation offending than nearly any other category. We do not often tend to recognise that. That is in the exploitation of males, so this is gender-blind offending. We see victims, irrespective of age, returning to what they know best, because, as has been identified by my colleagues, it could be a case of, "I don't know that I'm a victim," "I'm ashamed that I'm a victim," "I have let myself down by being a victim," or, "Psychologically, I have not got through the process to understand that I am a victim."

Emma Hawley: Can I add to that fear and control for those who are experiencing criminal exploitation? That is a very real threat for a lot of people.

Caroline Haughey: Absolutely. It is a huge threat. We are seeing bolt-on offending now. In the case of Mugambe, which has just happened in Oxford, one of the offences put on the end of the indictment was witness intimidation. There is an overarching, prevailing fear that this will be perpetrated on them by those offenders.

Emma Hawley: Or on their families.



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Caroline Haughey: Absolutely. On the back of an ID card from Poland, for example, there is the name and address of the owner's parents. Once that information is in the hands of the perpetrators, where does fear stop?

Major Kathy Betteridge: That is the case even for a victim of county lines. We had a young lad who was rescued in the north of the country and brought down to the south because of the safety aspect, and he still cannot go back there. Although he is out of our service now and has re-established a life, he cannot really contact his family back home—where he would call home—because of the fear of the gangs and the perpetrators causing either him or his family problems.

Caroline Haughey: It is a real and legitimate fear. I say that from the criminal justice system perspective. The police are trying really hard to deal with it, but it adds a very different dynamic when investigating the criminal activity of exploitation.

Joani Reid: And we do not have the systems there to deal with it.

Caroline Haughey: We have the legislation for witness intimidation, but we simply do not have the capacity to deal with it. You are so right. To return to an earlier question, people forget that when we look at section 45, the hat moves. When the CPS and police investigate a case, they look at it from a linear perspective; that is their job. Somebody is dead. Who died, how did they die and who did it? With modern slavery and exploitation, you have to stand back and look at it from a macro point of view. The person who could be the perpetrator may have been a victim and may still be a victim. The minute someone raises exploitation, they then become a prosecutor on behalf of the victim, who may also be a defendant. It is a really unusual and complex dynamic that, in fairness to the police, they are working really hard to unpick, but education, information, consistency and resource are key.

Q21 **Joani Reid:** At the beginning, you outlined the problems with section 45 and agreed with Karen about the Crime and Policing Bill. Can I infer from that that you think the protections for children set out in section 45 are adequate?

Caroline Haughey: I think the law is good; I think its application is where we have problems.

Q22 **Joani Reid:** That is clear; thank you. Finally, do you think the legislation in and of itself gets the balance right between providing protection for the victims and enabling prosecution?

Caroline Haughey: Properly deployed, yes.

Joani Reid: Thank you. That is a clear theme.

Q23 **Chair:** The fact that somebody has to admit to being a victim is an incredible step for any individual to take, particularly if they have, as a result of being a victim, become a perpetrator themselves, and perhaps their immigration status is also uncertain, and there are all these other



things. It is a very difficult and complex thing.

Caroline Haughey: Absolutely, it is. What has been interesting from the criminal justice perspective is that I have seen a growing awareness since the modern slavery review. When we put the tick box on—"Have you asked whether someone is a victim of modern slavery?"—we saw that well-informed and trained police are often turning around and saying to people in interview, "Are you a victim of modern slavery? Talk me through this process."

I referred to a case in Hull. An expert undertook the independent report in that case, and his distillation of the evidence was that the police had done an excellent job and were pressing the right buttons, but that there was a lacuna between the appropriate parties to take it to the next level. I do not mean this critically of my colleagues who are lawyers, but solicitors are not identifying it and my colleagues at the Bar are not identifying it. We all need to inform ourselves of what we should be looking for, while balancing that by not abusing the system. It is about rational, considered, measured critical analysis of the evidence before you.

Chair: We have a few more questions for you, if that is okay. I realise that we are getting close to time, but Margaret Mullane has some questions on prosecutions.

Q24 **Margaret Mullane:** Caroline, what are the main challenges when you are investigating and prosecuting a very complex modern slavery case? You mentioned some cases earlier. How effective is law enforcement in supporting you?

Caroline Haughey: I am really privileged to work in this field, and I am even more privileged that the Crown Prosecution Service frequently instructs me early on in proceedings, so I get to be the lawyer in the sweetie shop and say the evidence that I want. By and large, the police forces that I work with have come to me—counsel—because they want to do this right. There is still a depth and breadth of knowledge about how this legislation works, and I say that across all tiers of the criminal justice system.

Where we really struggle is with financial investigation. It is just so complex. In a current case that I have, we are dealing with cryptocurrency, money transfers from sterling to a foreign currency and back again, and the variation in the values. One specific aspect of that case is that it involves over 65 bank accounts for one individual, in multiple jurisdictions. I stopped maths at GCSE, so with the greatest will in the world, I need all the help I can get.

Some of it is being done really well, and there is an appetite in certain police forces and a real drive and desire to do this right. For example, I can prosecute sex trafficking—trafficking from one venue to another for the purposes of sexual exploitation—and I can prosecute controlling prostitution. The maximum sentence for controlling prostitution is, frankly, pathetic, in comparison to human trafficking, where the maximum sentence is life. The appetite therefore diminishes, because the core



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offending has the lower sentence, and the sentence that will often be passed in these types of offences is fairly *de minimis* for the criminality that is taking place.

I think all participants in the criminal justice system have a desire to do this right, but there is obviously a resource issue. A current case that I have has 18 defendants; I could identify another 150. It has got 750 victims. With the greatest will in the world, and in deference to the British taxpayer—I include myself—we have to draw a line in the sand and we have to be proportionate, but I also have a responsibility personally to 750 sex workers who have been exploited. Where do we find the balance? That is challenging.

Frankly, there are some police forces who are significantly better at this than others and some who are going into this for the first time. What we need is consistency, education, information, information sharing and understanding of the resources available. I am the one telling police forces, “Why are not we using a victim navigator?” because they do not know about them and yet they are so phenomenal.

The resources that we have had from the Salvation Army, for example, have been exceptional in Operation Fort. That was our starting point for managing 350 of our victims. There are some amazing charities out there doing amazing work, but, simply, I do not think we work collaboratively enough in this sector. I do not think we realise what resources are available to us. But in the technical phase of the criminal justice system, we are under-resourced financially—by that I mean financial investigation—and we struggle with consistency of approaches. In some cases, I have got a team who get it; in some cases I simply do not, and it is spoon-feeding. I am privileged enough to be instructed early on enough to do that, but I would hope that that was not necessary.

We are getting results. I have said this before. Data collection and understanding from the Crown Prosecution Service is complex, because, for example, if someone pleads to controlling prostitution as opposed to trafficking, that would not be a Modern Slavery Act offence, so it would not be recognised as such, but actually it is the same form of exploitation, isn't it? That is the kind of data gap that we are seeing. When you have data gaps, you have information gaps and knowledge gaps, and resourcing is not appropriate.

We are trying really hard. I have yet to come across an officer who does not turn over the stone in this type of offending and get gripped by it and try to do the right thing, but it is really hard. Where I am really struggling is with a lack of information, or inadvertent misinformation, from Government bodies. For example, in a recent case, I had a statement from the Home Office that was factually wrong in law. It is my fault. I should have picked up on it—I am counsel; that is my job—but I nearly did not until it was too late. It was not deliberate—quite the opposite; this was all done in good faith—but there is a real lack of understanding and a real lack of information sharing, and a single point of contact in each



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Government office, exactly like my colleagues are saying here in local authorities, would make a really big difference.

Q25 Margaret Mullane: How are you working with international partners to share best practice with prosecutions?

Caroline Haughey: I am privileged to be involved in the Prosecutors Consortium, which is run by the McCain Institute and Justice and Care. We identified that there are other people out there like me, from Israel to Jordan, all through South America, the Philippines, Bangladesh and Africa. We meet every other month or every three months, and we talk about case law and how we can do better. At the moment we are looking at definitions; as an organisation, what works best for us? We are looking at how you can do victimless prosecutions.

Last Wednesday, we gave a lecture to the International Association of Prosecutors. We are all specialists. I am very privileged that Lynette Woodrow from the CPS is involved. I have a colleague from Ireland. We are a collective of individuals. I am the only one in independent practice, obviously, because of the way our process works, but we share and there is a very active WhatsApp group for sharing case law and issues. We talk about bilateral agreements. There is a bilateral agreement between Nigeria and Italy, and we have discussed doing something similar here. Interestingly, there is a similar bilateral agreement between Romania and the UK.

There is international best practice—or there is an aspiration to international best practice. There is certainly information sharing. It is a small community. We know each other. We are all on the same page, trying to do the right thing. Our gatherings are not inexpensive. Even though they are online, we have to show the purpose of them—what is the outcome? At the moment, we are trying to find new funding to show, “Actually, this is what we are doing.” We want to make representations to the UN about definitions. We have been working with Baroness May to assist her with her work in this sphere as well. So yes, there is international sharing, and we have JITs—joint investigation teams. We may be out of Europe, but there is still international policing. I have three JITs running at the moment. I have without fail learned enormously from my colleagues around the world in this sphere.

Q26 Chris Murray: The NRM is UK-wide, and there is a UK Act of Parliament, but in Scotland there is the Human Trafficking and Exploitation (Scotland) Act 2015. I do not think that the Salvation Army has the contract in Scotland—is that right?

Major Kathy Betteridge: Yes.

Chris Murray: Do you have any reflections on the difference in how this works between Scotland and England?

Major Kathy Betteridge: It is very different. We do not have the contract. Migrant Help, TARA and others operate it there.



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The difficulty we have is probably in identifying victims of modern slavery—I say “we”, but the groups up there—so that they can access the support that is available. The kind of support that we offer, within safe houses and so on, is not as widespread there; it is more temporary accommodation and outreach support that is available. It is different, and to try to gather that information I would say is difficult up in Scotland.

Emma Hawley: There is a separate service for children in Scotland. I think we work in quite similar ways. We connect and link up, but yes, it is a separate service.

Q27 **Chris Murray:** What we always hear from providers in Scotland when it comes to children is that it is hard to explain to service providers why children should be referred to the NRM in Scotland, because they do not get anything extra, given what they would get for child protection. Do you agree? Do you think it applies UK-wide?

Emma Hawley: I do not agree with it necessarily, no. It is something that is said to us as well, that there is a perception that children do not get anything—

Chris Murray: Even down here.

Emma Hawley: But they are entitled to access support through the ICTG service and the guardianship service in Scotland, and there is definitely a role for our service—obviously I would think that. The two services can bring professionals together to make sure that children are getting their needs met. It is about that recognition of them as a victim, that understanding of their needs through the process, and that need to safeguard and manage risk around them.

Q28 **Chris Murray:** Caroline, it is the Crown Office in Scotland who do the prosecutions. Do you have a view on how it is different?

Caroline Haughey: There has been a notable vacuum in prosecutions in Scotland. I do not practise in Scotland, but I have advised on cases in Scotland, and I wonder whether part of that is a lack of understanding about robust investigation, and understanding that, honestly, each area has its own nuance of exploitation. An area that I particularly see in Scotland is on trawlers in Peterhead and on the whole Aberdeenshire coast, for example. There was a case last year, but there is a real need for understanding how the law can be applied, albeit in its nuanced difference. Looking at it from the child perspective, child interveners in Scotland provide a very different way of managing children who fall into criminal exploitation. There is a lot to be said for that, but, as a non-practitioner, I do not think it would be appropriate to comment any further.

Chair: The trawler issue is in Northern Ireland as well, of course.

Caroline Haughey: Absolutely, and it is a real problem, because if you are at sea, you can get lost very easily.

Q29 **Chair:** That is one of the reasons why we put some of the changes into the law.



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That brings me to the final question: what legislative and non-legislative changes might we push for as a Committee? There is a suggested amendment to the Crime and Policing Bill that would change the trafficking definition so that it is clear that it does not have to involve movement. We have also talked about financial assets; is there anything there that we could do differently or could work on? Also, subsequent to the Modern Slavery Act, have any pieces of legislation hampered your work?

Caroline Haughey: Perhaps I should go last. I defer to my colleagues.

Major Kathy Betteridge: I would like to see a review of the NRM—that has been a long time in coming—and of the FR role and that gateway into the service and support that is offered.

Chair: We had the review of the NRM in 2016, I think, and there has not been anything since.

Major Kathy Betteridge: No.

Emma Hawley: At the moment, our service covers two thirds of the local authorities in the UK, so obviously I would want it to be expanded—obviously, we cover Wales—to all of England and Wales. I think that there is scope to look at the devolved NRM panels in a broader sense. They are not working for adults at the moment, so perhaps that is something that could be looked at. With an extension of what is happening for children, we could definitely see some benefits there.

Caroline Haughey: On the plus side, I think that sections 1 to 5 of the Modern Slavery Act are fit for purpose; the application, interpretation and education behind them are where we are failing. On a personal level, I would very much like to see the maximum sentence for controlling prostitution increased from seven years, because it is an exploitative offence and, irrespective of whether it is online, in person or whatever, the sentence does not reflect the gravamen of the offending that we are seeing. I have a real problem with that.

In practical application, I would like to see victim navigators rolled out nationally. As a participant in the criminal justice system, to me, they are a game changer. I would also like to see—I know that this is repeated ad nauseam, and I apologise to the Home Office—financial investigating officers as a starting point in all modern slavery cases. It is really important to follow the money, because it is greed-driven offending.

On a macro level—I keep pushing for this and, Madam Chairman, you have nailed it, if I may say so—can we please distinguish properly the difference between trafficking and exploitation, Immigration Act offending, and human smuggling? They are all very, very different things. Conflating them is simply wrong and does an injustice to victims and a disservice to us.

Chair: Thank you very much for your time. I am sorry that we have taken a little more time than we had hoped to, but it has been absolutely fascinating. We will move on to our next panel. I am going to suspend the



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sitting for a few minutes so that the panel can change over and breaks can be taken by those who may need them. Thank you again for coming in.

Examination of witnesses

Witnesses: Eleanor Lyons and Baroness Butler-Sloss.

Q30 **Chair:** We will now resume our hearing with the next panel. I am absolutely delighted to have our two witnesses here. Would you like to introduce yourselves?

Eleanor Lyons: Thank you for having me here today. I am Eleanor Lyons, and I am the Independent Anti-Slavery Commissioner.

Baroness Butler-Sloss: I am Elizabeth Butler-Sloss. I am an independent peer in the House of Lords. I was on the team with Frank Field that persuaded Theresa May to have a Modern Slavery Bill, and I was on the pre-legislative scrutiny Committee.

Q31 **Chair:** You gave me a very hard time when I was the Minister, so I can vouch for that. I promise I will not do the same in return.

I will start with the same question I asked the first panel—I know you were in for that—which was on the quote from the recent House of Lords report: “the world has changed and best practice has moved on”. What do you see as the main causes of that change?

Eleanor Lyons: I think things have changed in the 10 years since the Modern Slavery Act was passed—in particular, the way that criminals are willing to ruthlessly exploit victims. We have seen a fivefold increase in the number of victims who are being referred to the national referral mechanism. We have seen more children and more women and girls being exploited, and even between 2023 and 2024, a massive increase in labour exploitation in these figures.

Sadly, what has not changed, and what was clear from the last panel, is that we have not seen criminal justice outcomes improve in the last 10 years. We have seen the number of victims being exploited increase, but the same attention has not been paid to making sure we go after the perpetrators of this horrendous crime. Sadly, that has been one of the driving factors in this increased prevalence of modern slavery.

Baroness Butler-Sloss: I am particularly concerned about the legislation passed since the Act. As far as I can see, the Act has been totally pushed to one side by the Nationality and Borders Act 2022, the Illegal Migration Act 2023 and the Rwanda Act. Much to the credit of the current Government, the Rwanda Act will not be implemented, and sections 22 to 29—the modern slavery part—of the Illegal Migration Act are not so far in force. I very much hope that your Committee will say they should never be in force.

What really concerns me are the sections of the Nationality and Borders Act that are in force. Again, I hope your Committee will look at those extremely concerning sections, because of what is happening with the



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conflation between immigration, refugees and victims, as your previous witnesses were saying. As a consequence, under the Nationality and Borders Act, if you come by any route that is not a United Nations route or possibly one other, you are a second-class citizen and you start with a whole lot of disadvantages that were not in any way intended in the Modern Slavery Act.

As an example of the conflation, in 2019-20 there was excellent statutory guidance from the Home Office, which has completely changed; you now have to show objectives. The Home Office has decreased the recovery period—they expect you to give an answer within a short period—whereas the guidance set out the impact of trauma and the difficulty of giving a proper, sensible explanation that is easy for people to understand. The fact is that it was understood in the statutory guidance that, if you are a victim, you might give a different account on different occasions—largely when you feel safe enough to do it. All that has gone.

Section 65 has narrowed the temporary leave to remain, and under section 63 you lose protection if there is a threat to public order. Now, as I am sure you all know, a threat to public order basically means that you have committed criminal offences, but one of the defences under section 45, which you heard about earlier, is that you only did it under the duress of being exploited, but that is not recognised in how the Act is applied. Basically, a great deal of the protection that was intended under the Modern Slavery Act has gone out of the window, and I find it extremely concerning. I agree with everything the commissioner and your first panel said.

Q32 Chair: Let me ask the question: is there abuse of the NRM and other protections for victims of slavery by those who are actually trying to claim asylum or are economic migrants?

Baroness Butler-Sloss: In the Lords, I asked the Minister in the last Government at least four times to give us any evidence or examples of someone who has abused the system. I think there have been half a dozen, but no Minister has ever given us an example in the Lords.

Eleanor Lyons: I echo that sentiment. We have not seen any real evidence of misuse of the national referral mechanism. From everything I have seen in visiting frontline organisations, charities and first-responder organisations, that evidence is not there, and if it is, it is certainly not widespread.

Chair: When I met the OSCE recently, they were keen to say that they simply do not see abuse of protection services for victims of slavery in any systems across the world. It happens at the margins, of course, but it is not widespread.

Q33 Robbie Moore: I am keen to delve into the work of the commission. On the back of the strategy that was launched in January, what interactions or discussions have you had with the Home Office or the Government? Is there any indication of their response, in terms of going forward?



Eleanor Lyons: My strategic plan is one of the first things I did when I came into role at the start of last year. I consulted widely across the sector, visited local authorities and listened to those with lived experience of modern slavery. I submitted that to the Home Office last April. It was published this January, and since then I have been delivering against it. It is rightly ambitious and comprehensive. It outlines what I heard from individuals about the challenges they face in this space, in terms of supporting victims, preventing exploitation in the first place and allowing for criminal justice outcomes for the victims.

I have spoken to the Home Office about the strategic plan. I am, of course, independent from them—I operate in a separate office in a separate body—and I hope they can support me in that work. I have rebuilt the office—I inherited a large vacancy and a dormant team—and, for me, the things that would make a main difference are more policy resource and policy support in my office to bolster my team. I hope the Government can also put modern slavery back up the political agenda and will. That has ebbed over the last decade, so we now need this new Government to create a cross-Government and cross-Department modern slavery strategy that aims for clear outcomes to help victims.

Q34 **Robbie Moore:** As you say, the strategy is rightly ambitious. I know you have had that interaction with the Home Office, but from the discussions that you have had so far, has it given any indication of reaching those ambitious goals that you have rightly set in the strategy?

Eleanor Lyons: From my discussions with the Home Office, I think it is working in similar areas with the action plan it is developing with the new Minister. One area that it needs to help me with and work on itself is how we include the survivor voice in the application of all our policy. Early last year, I submitted to the Home Office a business case for the survivor advisory council. I think that is an area that we really need to see come to fruition, so that we shape our policy outcomes and understanding based on what victims have experienced. That would make a very big difference in terms of my strategic plan and the work of the Home Office.

Baroness Butler-Sloss: Could I add a possibly discordant note? In 2019, Frank Field led a team of three of us that reviewed the Modern Slavery Act, and one aspect of it was the position of the Commissioner. I have been on the advisory panel of the two previous Commissioners. Not only was the current Commissioner not provided with anything like sufficient support when she came in, but there was, as you probably know, an 18-month gap between the two appointments. In our 2019 review, we recommended very strongly that the Commissioner should not lie in the Home Office and that the job of the Commissioner and their team should be in a quite separate Government Department, preferably in No. 10.

We were very concerned that the Home Office was extremely slow in responding to anything that the previous Commissioners asked for. I would be surprised if the present Commissioner has had any better results. As far as I and my colleagues on all these Committees and reviews can see—particularly the House of Lords Select Committee, of which I was



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a member—the Home Office is absolutely not the right place for the Commissioner because it is concerned with immigration.

Hugely to the credit of this Government, Jess Phillips, as safeguarding Minister, has taken over, but there was a very long time when the immigration Minister was in charge of modern slavery. Despite the modern slavery unit, there is understandably a concept in the Home Office of seeing everything through the eyes of immigration. In 2019, the view of Frank Field, Maria Miller and myself was that the Commissioner should not be in the Home Office, and I have not changed my mind.

Q35 Margaret Mullane: Eleanor, you have said that you are ambitious, which is what is needed. Are you able to implement your strategy with your current staffing and budget levels?

Eleanor Lyons: As has been touched upon, I inherited a difficult legacy, a dormant office and a vacant position. As Baroness Butler-Sloss has outlined, detrimental legislation was also on the statute book at that time. I have already been able to deliver against many parts of my strategy, working across Government, which has been really important. I hope I can carry on doing that for the next two years, but I would enjoy an increased budget and an increased team that reflects what other Commissioners have. If you benchmark across Government, looking at the Victims Commissioner, the Domestic Abuse Commissioner and the Children's Commissioner, they all have larger teams and larger offices supporting their work. Preventing modern slavery and tackling human trafficking should have the same precedence as those Commissioners and teams have. Ideally, I would like to see an increase in my team and my resourcing. While that is absent, I pay testament to my current team, who are working very hard to make sure we do all we can within our powers.

Q36 Margaret Mullane: So you would ask for more resources? I know everyone says that, but would that be your ask?

Eleanor Lyons: That would be my personal ask, although I do have a lot more to put forward. There are some simple things that I would ask of the Home Office as well. I mentioned the survivor advisory council. More broadly, we need the strategy to come forward to outline how other Departments are working on areas. If we were to look at further legislation, mandatory human rights due diligence and getting other Departments to play their part in tackling modern slavery would be important.

Q37 Chris Murray: As we know, working on modern slavery in the UK can be a bit of an alphabet soup. You have Border Force, UKVI, GLAA, NCA—and that is just within the Home Office. Then you have all the police forces, local authorities and the devolved Administrations. How effective are we at cross-Government working in the UK, and where is there room for improvement?

Baroness Butler-Sloss: I am not really the right person to answer that. I have had very little to do with what happens on modern slavery outside England. A great deal has already been said, particularly by Caroline



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earlier, about the importance of Government Departments knowing what each other is doing, and the issue of data, which is lacking—and I would hope it will be biological data rather than gender. But I really am not the right person to answer that question.

Eleanor Lyons: Cross-Government working is critical, because many of the levers that help victims' lives are not held by the Home Office; they are held by other Government Departments, whether that be the Ministry of Housing, Communities and Local Government with housing, or DHSC with counselling and mental health support. I work across Government with different Departments: with Business and Trade on the Fair Work Agency; with the Foreign Office on transparency in supply chains—I could name more. I do not think there is effective cross-Government working at the moment. When I speak to officials in those Departments, they are often unaware of what officials in other Departments are doing in similar spaces. I do not think there is any join-up at official level, and that is echoed at ministerial level.

An example of where this has played out in recent years is the adult social care crisis. We saw a large influx of modern slavery and exploitation across that sector, and there was no single point of leadership in Government at ministerial level that took ownership of that. You had to speak to three different Ministers, who had three different briefs and were all tackling a slightly different part of the jigsaw. What I would like to see—and I think it would make a change—is the re-establishment of an interministerial group in this area. That was in place 10 years ago, and it makes a big difference. Officials coming together at their level and working across Government Departments would also make a tangible difference to victims' lives.

Q38 **Chris Murray:** We hear a lot from the current Government about tackling the exploitative gangs that traffic people and smuggle people across the channel. How effective is our work with international partners in tackling that?

Eleanor Lyons: I think the Government have done effective work in creating memorandums of understanding with different countries to try to work at source to prevent individuals from being trafficked into this country. I will say, though, that some of the rhetoric coming from the Government—the past Government and this Government—is unhelpful, and it trickles down to how willing victims are to come forward and speak about their experiences.

We still have the legacy of the Illegal Migration Act and the Rwanda Act. Even though some of those measures have been repealed in legislation, when you speak to victims on the ground, they are still scared. They do not understand that some of those things have been taken away. I think when we are talking about “tackling” or “smashing” gangs, we are beginning again to conflate people smuggling and human trafficking, and we are creating a climate of fear for victims. I very much hope that there can be a clearer message from the Government about what they are doing to support victims of modern slavery.



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Q39 Chris Murray: I have some more questions about the identification process for victims and how we spot victims in the UK. What do you think is the most effective way of spotting victims for frontline first-responder organisations, and how has that either improved or got worse in the last 10 years?

Baroness Butler-Sloss: I do not know really. When it comes to identifying children, I remember going to a drop-in event held by Safe Passage, which is one of the excellent NGOs. I had been to Calais with Fiona Mactaggart, who was then an MP, and we wrote a report on the children sleeping under the trees in Calais. Safe Passage organised that trip for us.

When I went to the drop-in centre in London, there were two boys there from Afghanistan. One had a moustache and the other had a beard, and they were both identifiably 16. It seems to me extraordinarily difficult to see how the current system of identification, which was put forward by the last Government, will ever explain the difference between an English or UK child, who is very unlikely to get a beard at 16, and boys from certain other countries where that is perfectly normal. One of those Afghan boys hitched a lift on the back of a lorry—that is how he got to London—and then, very sensibly, he walked into a police station.

Identification is absolutely inadequate at the moment, but I think the other point is for you, Eleanor.

Eleanor Lyons: It is worth paying testament to first-responder organisations, which do amazing work. Last year alone, we identified over 19,000 victims of modern slavery in this country. Although that is alarming, because of the large numbers, it shows how much of a difference first-responder organisations make in identifying vulnerable victims.

For me, the gateway really matters when it comes to how someone enters into the national referral mechanism. It is a moment when someone is interacting with a victim at a particularly vulnerable moment in the victim's journey. What I hear from victims is that quite often the process is not explained to them, they do not understand what they are entering into and it is quite a confusing and difficult time.

One area that I find particularly worrying is the inconsistency across first-responder organisations. That is best played out in last year's statistics on the national referral mechanism. The majority of referrals came from Home Office and Government organisations. If a victim was referred in through that route, the chance of them getting a positive conclusive grounds was around 35%. Far fewer victims were referred in by NGOs and the third sector, but if a victim was referred by an NGO or an organisation like the Salvation Army, who spoke earlier, the chance of them receiving a positive conclusive grounds is around 68%. Actually, that should not be the case: it should be that whoever identifies you and wherever you are identified, you receive the same support and the same structure from any



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first-responder organisation, and you have the fairest outcome at the end of it.

For me, there is quite a simple solution, which is that there should be universal training across first-responder organisations, so that they all understand their role and responsibilities. That is something I have called for since entering into my role, and that is also set out in my strategic plan.

Baroness Butler-Sloss: Could I add something about the NRM? I would like to pick up on what was said earlier. It really is time, in 2025, that the NRM was reviewed, because the delays, particularly between reasonable grounds and positive grounds, have become enormous. There was an interesting suggestion by a senior civil servant to do a dramatic change in how the NRM worked, but it was unworkable and was not pursued, and nothing has happened since then.

Q40 Robbie Moore: On the same theme, we understand that the Government will announce further indications of how they want to change the identification process before the summer recess. How confident are you that the consultation that the Government have undertaken will result in changes to the identification process that you would want to see?

Eleanor Lyons: I welcome the fact that the Home Office is looking at the national referral mechanism. It is right that we ask whether it is working for all victims, who is being referred into the mechanism and how they are being identified. As we have touched on, there are some current issues, despite the good work that is going on.

It is really important that the consultation is done in a timely fashion. Of course, by their very nature consultations take quite a long period of time, and then it also takes a long time to implement any changes. I do not want the consultation to be at the expense of action now. I want first-responder training to be rolled out universally, while they are asking the questions in the consultation about the longer-term plan for the national referral mechanism. I will continue to work with the Home Office on that.

Q41 Robbie Moore: Do you think the Government or the Home Office are asking the right questions, or seeking the right indications of direction through the consultation?

Eleanor Lyons: I have only seen the draft form of the consultation, which is still being developed. They are still trying to work out which questions are the ones to ask, so it is difficult for me to give a full opinion until it is launched. I hope that when they do launch it, they think carefully about how they are going to include survivors in the consultation process. That is one area in particular that needs to be worked on.

Q42 Robbie Moore: You might both want to comment on this. What do you feel will be the cost implications of changing the identification process?

Eleanor Lyons: The financial cost implications?

Robbie Moore: Or beyond that, to issues such as social implications, but



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start with finance.

Baroness Butler-Sloss: I am just thinking about it. I do not understand finance; like Caroline, I gave up maths at the age of 16—actually, it was 14. I cannot see in principle why it should be more expensive, because the enormous delays must be very costly. If you could hurry it up, it may be that you would have to have more people doing the work, but if the delays are by then reduced, I would have thought it would be a balance between them.

It is important to look at how the victims and survivors are being looked after during the period between referral and a positive decision. It is also important that the consultation should look at what should happen after the positive decision, because basically they are abandoned after the positive decision—as far as I know, almost everyone is abandoned, which is very unsatisfactory. They have been identified as a victim; is that then a good moment for this country, which has taken the trouble to find that out, just to leave them?

Eleanor Lyons: There are challenges in the current identification system but, as I have mentioned, I think that on the whole we are doing a good job of identifying a lot of victims who need support and care.

One concern about the potential impact of looking at the identification system is that we lose the good that is there at the moment and introduce a new system which, as we have touched on, needs to be applied. We would need to train first responders on how to utilise a new system. I would also want all victims to have the same opportunity to access equal care. If we start splitting out victim groups into receiving different support structures, I would find that quite challenging.

These are all things I am sure the Home Office are considering as part of the consultation, but in opening up this topic of what the NRM should look like as we move into the future, and what the identification process should be, my nervousness is that we need to make sure that we do not make it worse and that we make it better.

Q43 **Chris Murray:** Obviously, victims of trafficking form a heterogenous group. There are young and old, male and female, victims of sexual exploitation and of labour exploitation—

Baroness Butler-Sloss: And babies.

Chris Murray: Absolutely, and they are in all parts of the country and of all nationalities, including British. I am trying to get a sense of what good support looks like. Can you tell us some key indicators or, even better, give an example of what you think good support would look like within the constraints we have today?

Baroness Butler-Sloss: First of all, they have to live somewhere, so you need accommodation. As far as I understand—I have discussed this with some psychiatrists who do this work—almost everyone needs help with mental health. That is not just at a counselling level; many of them have



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had a very serious trauma, as a result of years of being exploited. It is about mental health, housing and, obviously, having enough money to live on—at least something from universal credit.

I would have thought the Government should be brave enough to look to see whether some of these people, particularly those who are educated, and particularly those who have been doctors and nurses in their own places, could be put to work. It would be of value to our country, and they all want to work. There are other people who are electricians or plumbers—who have had all sorts of training. At the moment, there is an absolute, strong objection to allowing anyone who comes to this country, particularly those who have been victims, to be allowed to go out there and help to support the country by earning their living and doing some work.

Eleanor Lyons: For me, good support looks like wrapping care around the victim and recognising that each victim has had their own different journey of exploitation. Advocacy is really important, and we have examples of the good advocacy that is available in different parts of the country. Whether it be independent child trafficking guardians, victim navigators or independent modern slavery advocates, we have fantastic examples of the support; the difficulty is that it is not universally applied in every area of the country, which is a challenge.

For me, good support is also timely and does not trap victims in limbo. The average conclusive grounds waiting time last year was 831 days, which is obviously too long. I have met victims who have been in the system for four years without a decision being made. That is a particular worry.

Good support is also consistent. As was mentioned by the last panel, there has been a massive increase in the number of reconsiderations. A victim can wait a very long time for a conclusive grounds decision, then get a negative decision and drop out of care and support, only for that decision to be overturned and found to be inaccurate. That happened to 68% of conclusive grounds decisions that were challenged last year, which is quite large-scale when you think about it and about the impact on victims' lives.

For me, those things—that kind of advocacy, along with timely and consistent decision making, ideally with multi-agency advocacy and support provided—are what I would like to see in every part of the country.

Baroness Butler-Sloss: Could I add something to that? Under section 48 of the Modern Slavery Act there were child advocates. So far, 10 years later, there are still only pilots in some parts of the country, but child advocates are absolutely invaluable to the children from overseas, of whom there are still lots. In some cases, they can be helpful for children in this country, when there are problems with local authorities. The child advocates have never been put out across the whole country, and it is about time.



Q44 **Chris Murray:** My final question is for you, Baroness Butler-Sloss, and it is still on child trafficking.

Baroness Butler-Sloss: I am Elizabeth.

Chris Murray: What did I say?

Chair: You said "Baroness". It's all right.

Baroness Butler-Sloss: I am sorry; I don't dig "Baroness" unless I have to. I just call myself Elizabeth, that is all.

Chris Murray: I got the wrong name; apologies. I wanted to ask for your view on the Government's new proposal for a specific offence of child criminal exploitation.

Baroness Butler-Sloss: I was listening to Caroline with great interest because, of course, she has hugely more experience than me. Yes, I was a judge, but a family judge—I never tried crimes if I could avoid it—and I had thought, in my innocence, that probably the new child exploitation crime might be helpful, but I can see that, from her point of view, it might actually be difficult. I understand the point she makes that if you are exploited, it does not matter if you are a child or an adult. When it comes through the House of Lords, I think I will now ask some questions. So the answer is that I am not sure. I was not against it, but I am wondering how in fact it will work. The trouble is that the Ministers are not lawyers.

Eleanor Lyons: Having clarity for safeguarding professionals about what to look out for when identifying victims is helpful, particularly when we see child victims. The majority of children referred are UK nationals and the majority who identify for child criminal exploitation are boys. It is therefore helpful to provide clarity on what individuals should be looking for when they see a child in front of them who may be a victim.

I would like to see "child sexual exploitation" also being defined. While I welcome the Government looking at child criminal exploitation, it overlooks the fact that we have seen a big rise in the number of girls being referred into the national referral mechanism for child sexual exploitation, and also, worryingly, an increase in girls who are under the age of 15 being referred. This is an area where professionals are not actually that good at identifying sexual exploitation. There is no clarity among different Government Departments on how they would even define child sexual exploitation. The Department for Education has a different definition from the Home Office, and victims themselves would consider there to be a different definition from the one the Government use. It is great that we are looking at child criminal exploitation, but the Government also need to define wider terms.

Baroness Butler-Sloss: I wonder whether, in fact, it would be better to amend the Modern Slavery Act to identify "especially children", or something like that, but not to lose the point that Caroline is making, which is that it is everybody. The reason why I was in favour of it is exactly the reason that the commissioner said: I think people do not



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understand. You could cover child exploitation—I would include “labour” or “sexual”; something like that—and have it as an addition to or an amendment to the Modern Slavery Act. I will go away and look at it.

Q45 **Chair:** I am very grateful that you said that, because I was thinking of similar amendments.

The final question is the same question I put to the first panel. What legislative and non-legislative changes could we push for as a Committee that would, first, make your lives easier and, secondly, make the whole system work better?

Baroness Butler-Sloss: I am very concerned about what happens post legislation. I am concerned about data. I do not think data is being kept across the country—I am thinking of England and Wales—by everyone who has anything to do with this. I am talking about the first responders, the police, the Crown Prosecution Service, the Home Office and NGOs. We ought really to be treating data seriously.

I might look at Portugal. Years ago, I went to Portugal, where they kept data on every single person who was identified as a potential victim of modern slavery. They kept it all in Lisbon. Of course, it is a small country. I think we could do a great deal better on that.

Our House of Lords Committee looked at the fact that care workers, who we did not think about in 2015, have become a real, considerable concern, particularly with overseas exploitation. First, they are paying huge amounts of money to be referred for a visa. Secondly, the visa is inadequate, because if they are being exploited, it is very difficult for them to get another job. What is being held over them by their exploiter is the fact that if they do not work for them, they will be deported. That is a major concern.

Chair: Like we had with overseas domestic workers.

Baroness Butler-Sloss: Yes, that was my next one. Domestic servitude is in—I forget which section—section 53, I think, of the 2015 Act. They are in exactly the same problematic situation. I have come across an example of a woman working seven days a week, sleeping on the floor of the kitchen, working all hours of the day and night and not being paid a penny. She was being told by the family who had brought her from the middle east—I think she was Filipina—that if she fled, she would be sent back to the Philippines. That is a powerful threat.

There is a duty on public authorities to notify under section 52 of the Act. I do not think public authorities understand it. I am not sure that public authorities have any idea that they have that obligation under the Act. It is worth just looking at it. I only thought about it because someone reminded me very recently.

I am also concerned about child advocates. I gather you are not looking at supply chains, because the Joint Committee on Human Rights is looking at



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supply chains. Caroline and the others have dealt with prosecutions and defences. Reparation orders are not very often applied.

Prevention and risk orders are excellent, but are dealt with only in the magistrates court. The Act refers to the Crown court, but as far as I understand it you have to get an order from the magistrates court. I cannot understand why the Crown court cannot do it. We asked for that in 2019. It is a very small point, but it does seem to me that it would be very sensible if the Crown court, on adjourning a case for trial probably in a year's time, could make a risk or prevention order to help the victim.

Lastly, freezing orders are a civil thing. As Caroline was saying, this is an issue of greed: they become rich. If you know where their bank accounts are, there is no reason why the police or the CPS could not go to the civil court and apply for a freezing order, but you need to apply for it very early because it is very easy, as everybody knows, to get the money of the country.

Eleanor Lyons: On legislative change, it would be remiss of me not to say that the Great British Energy Bill will be debated in the Commons today. Lord Alton's amendment on making sure that the Great British Energy body does not procure goods that are made by slave labour is something that all MPs should vote on and accept. Alex Sobel MP has also tabled an amendment, which I welcome.

We are reflecting back on the last 10 years and what has changed to tackle modern slavery. It is really important that the Government look at their own supply chains and their own procurement, and that that has checks and balances in place—the same checks as they ask businesses to take on. That is a legislative change I would like to see happen in the Commons today.

Beyond today, it is really important that mandatory human rights due diligence is implemented in new legislation. Our international partners have done that and we are falling behind them.

On non-legislative change, we go back to some of the themes we have touched on today. There should be a cross-Government strategy that outlines clear political will and leadership in this space. Such a strategy matters not only for what Government Departments and officials should do, but for law enforcement, so that they can put it in their control strategies. Local authorities also want a strategy so that they can see what they should be doing and how they contribute to the bigger picture. Of course, funding often streams from strategies and outlines of how work will be delivered. That would be my main non-legislative change, alongside a survivor advisory council.

Q46 **Chair:** Would you welcome seeing something like the US "hot goods" provisions here?

Eleanor Lyons: Yes.



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Baroness Butler-Sloss: So would I—very much so. You may remember, Madam Chair, that we listened to the American border police explaining to us how they stopped hot goods even entering the United States. It was brilliant, and you ought to look at it.

Chair: We really should.

Unless anyone has any other questions or you have anything else you want to say, let me thank you very much for coming and being part of this historic, I think, evidence session. The 10-year anniversary of a landmark piece of legislation should be commemorated. We will have our debate in the House of Commons Chamber on Thursday, and your evidence will help to make sure that that debate is even more vivid and lively than it would otherwise have been. I also thank you for all the work you have done over the years and will continue to do. With that, I conclude the session.