



HOUSES OF PARLIAMENT

Joint Committee on Draft Modern Slavery Bill

Oral evidence: [Draft Modern Slavery Bill](#), HC [1019],

Wednesday 12 March 2014

[Watch the meeting](#)

Ordered by the House of Commons to be published on 12 March 2014.

Members present: Mr Frank Field (Chairman), Baroness Doocey, Baroness Kennedy of Cradley, Lord Warner, Fiona Bruce, Fiona Mactaggart, Sir John Randall, Mrs Caroline Spelman and Sir Andrew Stunell

Questions [1312 - 1367]

Witnesses: **Karen Bradley MP**, Minister for Modern Slavery and Organised Crime, Home Office, examined.

Q1312 Chairman: Karen, we are on air, so please might you introduce yourself for the record?

Karen Bradley: Hello, everybody. My name is Karen Bradley. I am the Minister at the Home Office with responsibility for modern slavery and organised crime. As you can tell from the clue in my title, modern slavery is a very, very important part of the job that I am doing. It is now, I think, week five of the job. I have lost track, I am afraid to say, as to how many weeks I have been doing this job, but I am very grateful to be able to come and see the Committee now at this stage, during the draft pre-legislative scrutiny process.

What I am focused on is a Bill that we can get through in a short session of Parliament and one that is focused on tackling the issue of modern slavery—so one that is effective and very much that we can deliver. I am extremely open to listening to the Committee, who have far more experience in this area than I could ever dream of. I would also say that I apologise if I have not yet sat down with every single person from

the Committee. It has only been a consequence of the fact that I have only been doing the job for four weeks, but I would be delighted to sit down with any one of you if you wanted to have a few moments privately over a coffee to discuss some of the findings you have come up with through this process and any way that we can work together.

Chairman: Karen, we are taking it for granted that what the Government have done in introducing this Bill is a huge advance, and we are anxious to make it a brilliant Bill. To that end, Norman, “take two.”

Q1313 Lord Warner: Thank you very much, Chairman. We have had a lot of evidence which is very supportive of the Home Office’s policy intention of making prosecutions for slavery offences much more straightforward and effective by consolidating the existing offences, but many of the legal experts who have come before us have suggested that there is an equally strong case for trying to redraft part 1 with a much simpler and more radical consolidation of the offences under an overall umbrella offence of exploitation. Are you receptive to this kind of rewrite?

Karen Bradley: It is probably worth just setting out why the Bill was drafted in the way it was and the thinking behind that, which was that, by putting definitions in statute, there was a fear that that would narrow the number of offences that would be caught, particularly trying to transpose something like the Palermo protocol or the Council of Europe definition into UK law, and therefore creating problems for the courts and law enforcement agencies in being able to use the offence. I have asked officials to look at whether there are examples of offences that we feel would not be caught under the definitions proposed by the Bill, which are clearly focused on case law and the existing interpretation of slavery, and, also, if there are ways that definitions could be changed that would catch more cases or maybe result in cases that would not be caught because the definition was too tight. That is the starting point. I am very open to any suggestions the Committee have, in particular where the Committee feels there are cases which would not be caught by the definitions as proposed in the draft Bill as it stands at the moment.

Q1314 Chairman: It is not so much, Karen, whether it is comprehensive in that sense. We sense the Government’s starting-off point was a scissors-and-paste job—and why not? We have tried to move

beyond that to make it more prosecution-friendly than a scissors-and-paste job would be.

Karen Bradley: As I say, that is why this is part of the process. I am very, very keen to see suggestions the Committee might have for how this would work in practice with more defined definitions, if that is a way to describe it.

Chairman: Might we just put on the record also, Karen, that we have been really pleased with the way your officials have worked both with our officials' officials and also our unofficial team of lawyers and others, so that what you get won't be your sight for the first time of the report, because we are anxious to allow you, if you so wish, to introduce your Bill this session before we go into the final session?

Q1315 Fiona Mactaggart: You asked if we had any evidence where this definition might miss someone out. There are a number of examples, and I am sure we can make sure they are woven into our report. But, for example, in the trafficking offence, the concepts of receipt or harbouring, which are both in the Palermo protocol, as you know, are not included, and, therefore, people who are doing the receiving wouldn't be able to be prosecuted under the offences here if they are harbouring, keeping in sheds and things like that people who have been brought from another country and been exploited. That is one example. I can find others, but I don't want to take up the Committee's time with them. I am sure that we can evidence them.

Your team frequently says, when asked about the number of prosecutions for trafficking and convictions, that people are very often prosecuted and convicted for something else other than trafficking or slavery because it is easier to do the other things. Our ambition as a Committee is to make it easy for you so that we don't have to have people being made guilty of some alternative offence; we can actually make this an offence which is easy to prosecute.

Karen Bradley: I appreciate that, and that is exactly where we want to be at the end of this process: that there is a simple-to-understand offence for law enforcement agencies and others, which has an appropriate sentence with it. Clearly, one of the concerns is that we don't want to end up with relatively minor offences being brought into the definition. This is an offence that carries a life sentence. This is a very serious offence. You talk about the beds-and-sheds-type example and also miracle babies. I would be very keen, if you have any suggestions, to make sure that we can capture those offences, because, clearly, if you asked a member of the general public what they mean by modern slavery, an offence of taking a baby without permission would probably

come within that somewhere. I think we do want to make sure—I don't just think: I know—that we are covering those offences, while keeping the Bill focused and making sure it is the serious offences that we are tackling here.

Q1316 Mrs Caroline Spelman: Briefly, before I come on to victims, there is one other point on this. I am not a lawyer and I wrestle with the way it is written in terms of case law. It is a lot easier if you are a lawyer, but, remember, it is not just lawyers who are looking to your Bill. It will also be members of the public and NGOs trying to understand what it is about. The two other rapporteurs and the lawyers who advise us pointed out that, without explicit mention of the Palermo protocol, we appear to be in a slightly strange position, because the whole of Europe has to conform to an EU directive on trafficking, and so without reference to the Palermo protocol it looks a bit strange to everybody else. We have spent a lot of time on this, and I understood very clearly from the lawyers that what we are talking about is exploitation as the broad subject. Underneath that you get aggravations, such as children. Keep it open what those aggravations might be, because traffickers, enslavers and slave drivers find endless new ways of exploiting people. That came across to me and I just want to share it with you.

I really want to talk to you about victims, if that is okay.

Karen Bradley: Of course.

Mrs Caroline Spelman: I am sure you have met or have heard of the American Ambassador-at-Large, who deals with the subject of trafficking in his country. Luis CdeBaca really impressed on us the indivisibility of the "3P"s. I am sure you have read it, but it is really important that this Bill gives expression to that in terms of protection for victims. Prevention, prosecution and protection have got to be absolutely locked together. We have some concerns about victim protection as the Bill stands. Have you had any more thoughts about how we get this really rock solid in this Bill?

Chairman: Specifically, Karen, are you thinking about a special section of the Bill to insert on victims so that the message goes out that this is a victim-centred Bill?

Karen Bradley: Thank you for the question. It has become very obvious and clear to me through the last few weeks while I have been looking at this that we won't have any prosecutions without victims—that we have to find the victim in order to be able to find the perpetrator. The purpose of much of what we are doing in the Bill is the prosecution part of the "3P"s. We want to have the weapons there so that we can prosecute

the perpetrators, but we clearly have to find the victims and make sure the victims feel safe to come forward. That is a very, very difficult challenge. It is not just from the Bill; it is from the action plan and obviously the view of the NRM, which we will get on to later.

I can say that we are investigating how we might include victims within the Bill, and, in fact, some of my officials will be leaving early to go and meet the CPS to discuss this very point; so it is something that we are very aware of. Again, if there is anything that you have found as a Committee—you may have something on suggested defence, possibly—I would be very happy if you could share that to see whether we could make it workable within the Bill, or as part of the action plan or CPS guidance, or whatever it needs to be.

Q1317 Mrs Caroline Spelman: We have taken a lot of evidence from people on this very issue, and the NGOs have stressed the importance of legislating to ensure consistency and certainty on victim support. In America, they do have statutory victim care and victim services. I just want to ask you about the openness that you yourself and the Department may have to an order-making clause in the Bill precisely on victim care services.

Karen Bradley: It is a very interesting idea and it is one that I am very happy to take away and reflect on; so thank you.

Q1318 Fiona Mactaggart: You have said that some of your officials were leaving to meet with the CPS. As you know from the case of L and others, there is still—despite CPS guidance—a problem with victims being prosecuted. We are, therefore, thinking that it probably isn't sufficient to depend on CPS guidance even when it is reissued and said in a louder voice. We feel that it might be sensible to legislate, to make sure that the person who the state agrees is a victim should therefore not be prosecuted for the crime that they were exploited into performing. Shouldn't that be a statutory defence automatically in any of these prosecutions?

Karen Bradley: As I say, we are exploring with the CPS in what ways this might be possible. So perhaps you will let the officials have more meetings, and I will have more meetings with officials, and we will certainly bear it in mind, but anything in your report that you could put in about that would be extremely helpful.

Q1319 Fiona Mactaggart: Our sense is that we have tried the CPS guidance route, and perhaps something tougher might be needed now. That is the direction in which the Committee is going. The other issue in relation to victims is about 45 days and whether that is sufficiently long for victims to reflect and recover. We have all come across individual victims for whom it quite obviously is not, and we wondered what you plan to do about that.

Karen Bradley: Yes. This leads on to the review of the NRM, and, again, I am very keen to hear evidence on that. I don't have a set view on the right minimum period. I am very open to it. Clearly, the minimum under the Council of Europe is 30 days. We have extended it to 45 with the current process. There are clearly issues for EEA nationals versus non-EEA nationals, who face different challenges. There are issues regarding the individual circumstances. I suppose my plea to you, in any reports on anything you are doing, is how we can be flexible enough to reflect individual circumstances without a blanket provision for all, because, for some victims, 45 days would be sufficient for them. One cannot imagine, having been a victim of slavery, ever being able to recover in any time frame whatsoever, but 45 days for some people would be enough to get the legal processes and the right level of support in place to move on. For other people, that simply isn't long enough, and it really is something that we are looking at as part of the review. Any evidence and any thoughts you have would be greatly received.

Q1320 Baroness Kennedy of Cradley: Talking about the review of the NRM, Karen, we have heard from a few people that the NRM is under review, but it has been hard for us to get a clear picture of that review, the form it has taken and the time frame. Could you just give us an update on the review, please?

Karen Bradley: There will be an announcement very shortly—I can promise you that—as to the terms of reference, the timing and the way that the review will be conducted. It definitely does need a review. The NRM process was something that came in in 2009, and it is now time, particularly in light of introducing the Bill and new offences and the action plan, to make sure that the NRM process is also appropriate. You will be getting information on that shortly and I would hope that everybody here will be able to contribute to that review.

Q1321 Baroness Kennedy of Cradley: Can I just push you a little? In terms of the announcement, will it include the publishing of the terms of reference, will it give a time frame, and are you expecting to get the results of the review to inform another Bill for modern slavery? Is that the plan?

Karen Bradley: I don't want to answer specifically on the first two points, if you don't mind. I will get back to you on that. I wouldn't want to give you false information because I am not absolutely certain as what you will see in the next announcement. You will see all those things, of course. We would expect the review to be completed before this piece of legislation has completed its passage through both Houses. Clearly, there is scope to look at both this piece of legislation and, obviously, future Bills for anything else that comes forward.

Q1322 Baroness Kennedy of Cradley: So it will be before it is passed but not necessarily before you draft the final Bill. You have seen no draft terms of reference or time frame yet; you just know that there will be an announcement shortly. They are in the process of putting those together in effect.

Karen Bradley: That is right, yes; they will be out shortly. I can't tell you the order. I don't want to give you false information about the order of when things would come out, but it will be shortly. It probably is worth saying now that they are determined to give this Bill Royal Assent before May next year, but that means there is a passage to go through both Houses of Parliament and, therefore, even if things are not ready for the Bill when it is presented at the First Reading, there is time during that process.

Q1323 Chairman: Karen, it has already been five months since the Home Office announced the review. If we are going to meet the deadline of the next general election, could you direct a bit of attention on that?

Karen Bradley: The point is noted.

Q1324 Baroness Kennedy of Cradley: Just carrying on with the NRM, as you know, there is some disquiet from the NGOs and ourselves, and we heard some troubling evidence yesterday from UKVI, about the conflict of interest that exists with the NRM, because they deal with

trafficking and asylum and immigration. What is your thinking around that currently?

Karen Bradley: Again, this is something for the review. We would very much welcome thoughts about that. I was as surprised as anybody to see the number of pending cases that UKVI have, because, if you look at their statistics, it is about 50/50 in terms of the number of decisions for and against, but there is an awful lot of pending cases. I have asked officials to investigate why those cases pending have not been dealt with and what is the reason why it takes so long to deal with people. You heard evidence and I need to digest fully all the evidence you took yesterday, but we have had evidence that UKVI is now focusing on the five-day reasonable grounds period—

Baroness Kennedy of Cradley: That is right; they did say that yesterday.

Karen Bradley: —and I think that is absolutely right. We need people to have some certainty that they will be within the process within five days, even if at the end of the full process they are not. The other point to make, probably, is—

Q1325 Chairman: Before you move on, the 50/50 is really quite important for our report. Might your Department give us a note on that?

Karen Bradley: Yes, of course. We are very happy to.

Chairman: That will be really helpful.

Karen Bradley: It is also worth just saying that UKVI tends to deal with the non-EEA cases, and UKHTC deals with EEA cases, so—

Chairman: It is a problem; you've hit the nail on the head.

Q1326 Baroness Kennedy of Cradley: In that, Karen, would it not be better if UKHTC did all the cases, including the non-EEA?

Karen Bradley: There is no closed door on anything, so we are open to comments on that. There is some merit in having trained professionals who understand about asylum cases to use that expertise for trafficking cases also, so there is an argument for that.

Q1327 Chairman: It is really taking the immigration sting out of it and making it a part of it but not the dominant part.

Karen Bradley: I understand that and I understand the concerns around it. I can see merits on both sides. I need to understand why there are differences between the two systems and why there are differences between the cases that are dealt with by the two agencies. Is that a reflection of there being something fundamentally wrong with either of them? I have not seen that evidence yet.

Baroness Kennedy of Cradley: Yesterday, just to say, it seemed to us—or to me—that asylum and immigration took the priority within the decision; that was where the focus was at, and the trafficking was less of a concern or an issue or wasn't really part of the decision-making process. People have met victims where the asylum decision, where it has been negative, has meant that that victim has been deported or, at the last minute, has suddenly been discovered as a trafficking victim. There is a lot of distrust there or a lot of nervousness and distrust around the NRM, because they deal with both and very much see it as a conflict of interest.

Q1328 Baroness Doocey: I want to talk to you about the Commissioner. The Committee has heard evidence in favour of making amendments to the drafting of the Commissioner role rather than redrafting it. We wanted to know if you are open to movement on five specific suggestions that we have. Is it easier for me to do them one at a time?

Karen Bradley: Yes.

Q1329 Baroness Doocey: Okay. First of all, how would you feel about allowing the Commissioner to appoint his or her staff, on the same statutory basis as the Independent Chief Inspector of Borders?

Karen Bradley: I would be interested to see how that helps with independence, I suppose. I am not averse to the idea at all but just interested to see the Committee's view as to how that helps to reinforce the independence of the Commissioner.

Q1330 Baroness Doocey: The issue is that under the Bill "the Secretary of State may appoint," whereas with the Chief Inspector of Borders "the Chief Inspector may appoint."

Karen Bradley: Okay, right; thank you. I understand what—

Q1331 Baroness Doocey: It wouldn't be just a member of staff, if you like. It would be somebody much more separate—

Karen Bradley: Yes, okay; I understand.

Q1332 Baroness Doocey:—and clearly seen as separate. The next one is enabling the Commissioner to publish snapshot reports. We had quite a lot of evidence from other people who do a similar job that they can publish snapshot reports without having them, if you like, checked over beforehand. How would that appeal?

Karen Bradley: Again, could the Committee give more information and tangible examples? There is no closed door. We are very much open-minded to see what would be the best way to do this.

Q1333 Baroness Doocey: Can we send you the evidence that we have?

Karen Bradley: Please, yes.

Q1334 Baroness Doocey: Sorry, I thought your officials had already had that. Including the promotion of the improvement in the identification, protection and wellbeing of victims of modern slavery within the Commissioner's list of functions is something that we are rather keen on.

Karen Bradley: Clearly, we see the Commissioner as the person who makes sure the law enforcement agencies do their job. There is nobody doing that at the moment. That is what the Commissioner's prime purpose and role is. If there are examples of individuals where other Commissioners, such as the Victims' Commissioner, Children's Commissioner, and so on, do not cover that situation, clearly we need to include that to make sure that they and the Slavery Commissioner do cover that issue. Again, nothing is ruled out. I am looking forward to the report to give the reasons why that is important—where the gaps are. It is about the gaps that I am focused on.

Q1335 Baroness Doocey: The issue that we have had—certainly that I have picked up—is the fact that it is very easy to have somebody

who co-ordinates things, but in order to do a really effective job, particularly in a key area like this, you need the power perhaps to go into Departments, to ask for statistics or a report, to have staff to whom you can say, "I want data on this; I want to collect it." There is a great difference in saying to somebody, "This is what I want," if you are a member of staff of the Home Secretary or if you are somebody with the power in their own right to do this, and that is in law. That is the element that we are looking at.

Karen Bradley: Thank you.

Q1336 Baroness Doocey: Another suggestion is some stipulation of the timing of laying reports before Parliament.

Karen Bradley: Again, that is not closed. There is no closed door on any of the suggestions in the list. So, again, please do make comment in the report about where you would see that being a problem if it was not available.

Q1337 Baroness Doocey: The Commissioner having the power to lay the reports before Parliament itself is what we are after in this one.

Karen Bradley: Okay.

Q1338 Baroness Doocey: The final suggestion is alterations to the proposals for redaction by the Home Secretary, for example, to a necessary test or perhaps trusting the Commissioner to decide whether something is a national security risk, as in the Australia review of terrorism legislation.

Karen Bradley: Yes. Obviously, I have seen that particular example in Australia. We do need to be careful not just about the issue of national security but security for victims and making sure reports are not going to compromise people. Again, we are still happy to consider that.

Q1339 Baroness Doocey: Again, we have had lots and lots of evidence to say there are things that are working perfectly well, but it is a question of choosing the right person for the job. I know how careful you are about choosing people before you appoint them, but if you choose somebody and you appoint them to a position like this, which is a key position, surely part of it ought to be that they have the nous: that they can just say, "No, no, no, I can't put anyone's life in jeopardy in the case

of the victims,” or, “I certainly can’t put the country’s life in jeopardy in the case of national security.”

Karen Bradley: The point is taken.

Chairman: Our view, Karen, is that, maybe, in initiating your thinking in the Department on this, there was a worry that you would get a grandstander. It seems to me that one should think what the role is and then seek the person for the role, rather than protect the Department against making the wrong appointment. If, in fact, you are thinking of somebody who is going to drive policy, those are the qualities, and one should never ever consider anybody who you think could be so irresponsible that they may wish to publish things which would not be in the national or the victims’ interests. We understand the concern you have there, but we are confident enough that Home Office selection policy will stop that happening.

Q1340 Mrs Caroline Spelman: Just very briefly, we interviewed the two established Commissioners elsewhere in Europe—Finland and the Netherlands. It is quite interesting. Everybody needs to have a lead Department because they have to fight for the resources with their finance Departments; in both their cases it was the Ministry of Justice. I would invite you to consider very carefully that this Independent Commissioner also has to fight for the fact that the victims get proper health service and proper housing, so we are talking already there about the Department of Health and DCLG. Everyone will be looking at the independence that this person has and their ability to pull the levers around Whitehall to deliver what is required—not just the prosecution. It is getting that balance right. Both those Commissioners said there were about five Government Departments in each country that they interact with. It is understanding that that independence also has to come with the clout around Whitehall to get a better service than we presently offer victims today.

Karen Bradley: I agree. If I could just add, we do want the Commissioner to be the person who puts the rocket up the law enforcement agencies. That is where we really want the focus to be. We are conscious of not treading on the toes of other Commissioners. What would be helpful is the—

Mrs Caroline Spelman: —memorandum.

Karen Bradley: Yes, and the gaps as well. That is what would be helpful to us.

Mrs Caroline Spelman: That is good.

Q1341 Fiona Mactaggart: One of the issues is that you are the Minister for organised crime as well as slavery, and we know that the perpetrators of modern slavery are often big organised criminals and make massive profits out of it. Do you think that their assets are currently frozen early enough? Do you think this Bill will help, or, if not, what are the barriers that we need to overcome to get our hands on the assets of those people, which they have made out of criminality and modern slavery?

Karen Bradley: As asset recovery is within my policy brief, and not just the criminal assets of perpetrators of modern slavery, I am very keen that we freeze assets as quickly as possible, and we are looking at all ways to do that. I know you had a good session with the Permanent Secretary on this, didn't you, a couple of weeks ago? A full response is coming shortly on his comments from that meeting and the particular points you raised, but I am absolutely clear that we need to be tackling criminal finances across the board. This is an area that we must focus on. I am chairing the Criminal Finances Board straight after this meeting, so it is something that I am very focused on and I do want to make sure that within the Bill we get the right approach so that we can tackle this. One of the things that I, again, have learned over the last few weeks is that, often, it is not the threat of a jail sentence that is a deterrent—it is the loss of assets. It is very important that we do tackle that problem and we make sure there is proper compensation, and that compensation is available wherever possible.

Q1342 Fiona Mactaggart: Do you think that compensation to victims should come out of the seized assets?

Karen Bradley: Would you allow me to reflect on that?

Q1343 Fiona Mactaggart: Certainly. We have had proposals that assets seized should be used both for compensating victims and also for contributing to the costs of policing. Do you have a reaction to that?

Karen Bradley: I can see attractions to all of those, but I can see it across the whole of criminal assets. I am keen to go back, again, to the point that I want to make sure this is a very focused Bill so that we can deliver the Bill, but it is certainly something to be considered perhaps not

as part of the Bill but as the wider work that we are doing on asset recovery.

Fiona Mactaggart: As you know, I completely agree with you about focus, which is why we have to get the definition of modern slavery right.

Q1344 Chairman: We will, Karen, be giving evidence that those countries that are more successful in seizing assets have a lower threshold to prove before the courts before they can act.

Karen Bradley: Yes.

Q1345 Sir Andrew Stunell: If we turn to supply chains, when the Home Secretary first announced the Bill, she said she hoped to cover that to some extent. Yesterday, we took some very good evidence from Tesco, Sainsbury's and Primark, all of whom said that they didn't have any real reservations about including measures perhaps along the line of the California Bill or changes to the Companies Act and so on. Could you tell us where the Department's thinking on this is now and how you would see the options for proceeding?

Karen Bradley: I know the transparency of supply chains issue is a very important one, which has been raised by NGOs and by you here in the Committee. I was interested to see what was said yesterday in the evidence session. I have asked if we can start having conversations with business to explore the best way to do this, because I do want to make sure that we have a process and a system in place that tackles the problem and delivers results. What I don't want to do is just meaningless legislation. It has to be right and it has to be the right approach. If you will allow me to get into this discussion with business and with others to work out an appropriate way to get that transparency, which without doubt everybody wants to see, in the most appropriate way, and look at ways that we can do this so that it works for all—if you will allow me a bit of time on that—I would appreciate it.

Q1346 Sir Andrew Stunell: Thank you very much for that; that is helpful. The evidence we have taken is that, as ever, the good companies are doing it anyway and the bad companies don't care. Of course, it does tend to be the bad companies which have the bad practice or the bad practice unchecked in their supply chains. We understand the

point that you are making, but we should reflect on the evidence we have received that a requirement in the Companies Act or possibly something parallel to the California legislation, even maybe something to do with changes parallel to the Bribery Act, are all things which tend to change behaviour dramatically without necessarily generating prosecutions.

Karen Bradley: I take the point completely. What I want to get to, though, is something that does actually stop the bad businesses—not unnecessarily burden those that are already doing the right thing. I want to make sure we get this right. The Bill is only the start of the process. There are many parts to this. There is the action plan of the Bill and the other work that is going on. I certainly want to make sure that we can do this in a way that does actually catch the bad guys.

Q1347 Chairman: We are going to try and draft it, Karen, so that, where companies already have to report, it does not double their reporting requirements. The evidence that Andrew was alluding to does suggest that, once you make the good companies the example for others to follow, the public then start taking an interest in the non-good companies, so you have them on your side as well.

Karen Bradley: Exactly. I am meeting Fairtrade next week to learn from their experience of this. I think the public recognise that Fairtrade is something they understand; they know what it means. What do Fairtrade do? How do Fairtrade go about this? Are there ways that we can learn from their experiences?

Q1348 Fiona Bruce: Obviously, young victims of human trafficking have been through traumatic experiences, and that is why many people have been advocating the legal guardianship support that can be provided through that process. Could you tell us why the Home Office decided to trial personal advocates instead of legal guardians?

Karen Bradley: When the Home Secretary gave evidence, she talked about the legal burdens and requirements of a guardian. Guardian has a legal definition and has legal responsibilities. We didn't want to confuse the issue. We did not want agencies to say, "This is the guardian. Therefore, we don't have to do anything else," when the guardian has a different meaning in different parts of the local authority rules and social services and so on. We want to do the trial of the advocates, and they will be starting next month. We have 22 local authorities signed up to be part of the trials, and we will be looking really hard at the evidence from the

trials to see how it works. Again, I would remind the Committee that the presentation of the Bill is not the end of the process, and the reports and the findings from the trials will help us to determine what the final Bill will look like when it becomes an Act, and, also, an action plan and any other rules and regulations that we need to introduce.

Q1349 Fiona Bruce: I am interested in knowing what the specific gap is that you are seeking to fill with the personal advocate and how we can ensure that these particularly young victims receive the support perhaps that gap is not going to fill.

Karen Bradley: What we want to get from the trials, and this is why we are trialling it, is for the advocate to be both an expert in trafficking and also completely independent of the local authority—somebody who is just there for the victim, not part of the local authority, and who knows what the processes are, what the offences are, how to help the victim. That is what the trials are about. It is helping to steer the child through the complexities of the local authority social care system, which, as constituency MPs, I am sure we have all enjoyed and know what it can be like, and also the criminal justice system, immigration and everything else. It is a one-stop shop—I suppose that is perhaps the way to put it—for the victim, but we need to see how the trials go and we need to get the evidence from those trials.

Q1350 Fiona Bruce: What is the timing of the trials? When will they begin?

Karen Bradley: We have a service provider being appointed in April, with a view to starting the trials as soon as possible once the service is in place. I would hope they will be up and running by the time that we get to the summer.

Q1351 Fiona Bruce: When will they start to report back so that we can have some feedback?

Karen Bradley: I am not absolutely certain when we would expect the first report back, but as soon as I have that information, if that will be okay, I will let you know.

Fiona Bruce: Thank you.

Chairman: Now that the civil service team has advocates out running a third of the time you have taken thinking about the NRM, might you move that team over to run the NRM bits?

Q1352 Sir John Randall: If I could take you to part 2 and specifically the civil protection orders, we have heard a lot of evidence that really raises serious questions about the practicality, certainly, and even the legality of some of these orders. One of the issues that have been raised with us was that there is an explicit reference to the youth court and no statement of the minimum age at which the order is imposed. Are you aware of what evidence the Home Office has that children and young people are committing slavery and human trafficking offences?

Karen Bradley: If I take the latter point first, it is possible. It is perfectly possible that an enslaved person may be held by a family where under-18s take part in the abuse, so it is important that we do have that as a possibility. If we did not include youth courts in there, that would be an omission from the Bill that could cause problems in the future. In terms of the orders themselves, this is the prevention bit of the “3P”s. You have had a detailed memorandum on this point from me which has the rationale and how we expect them to work. They are similar to existing provisions from the Sexual Offences Act, and we feel they are an important part of the prevention side of this.

Q1353 Sir John Randall: There is no statement of the minimum age at which the orders are imposed in the Bill currently.

Karen Bradley: No, not in the Bill currently.

Q1354 Sir John Randall: Do you think that is a bit of a slip-up or is it a cunning plan?

Karen Bradley: I will reflect on that point.

Q1355 Sir John Randall: In other statutes on civil prevention orders—for example, in relation to terrorism—it sets out the types of prohibition the court might wish to include within an order. There is nothing like that in part 2. Do you have any comments on that?

Karen Bradley: We just don’t want to tie the courts’ hands. We don’t want to put unnecessary rules and restrictions here that would stop

judges from being able to impose an order when it was needed. It is similar to the example of the sex offending orders. It is a very similar provision to that. It really is about giving the judges the flexibility to put these orders on when it is appropriate.

Q1356 Sir John Randall: One of the concerns we have, apart from what I have mentioned first of all, is that this is going to be, I would say, open for a lot of debate, particularly in their Lordships' House. I would ask the Home Office again to have a look at these—in particular the risk orders—to try and get over some of these things, because I do think this is something that really seriously will potentially delay the Bill.

Karen Bradley: I appreciate that. Again, any thoughts in the report from the Committee would be very welcome.

Q1357 Chairman: I hope we will be making recommendations, Karen, where we are all in favour of you being able to rough up the slave owners and their associates, but we are knowledgeable that their Lordships have no timetabling element in their proceedings and these are the sorts of issues they love to get their teeth into.

Karen Bradley: Yes.

Q1358 Chairman: It might, therefore, be quite good to separate parts of part 2 for a second Bill that the Home Secretary has spoken about.

Karen Bradley: I understand the point. My experience from the Whips' Office clearly has given me plenty of opportunities to see how these things happen, and getting Bills through both Houses of Parliament has been of interest at times. This is an important part of the Bill. These orders will give the enforcement agencies the powers they need to protect people. This is about protecting the victims as much as possible.

Q1359 Chairman: Can I ask Dee to give you some idea about how our thinking has swung backwards and forwards over children?

Karen Bradley: Please.

Chairman: To be honest, we still don't have a final position yet, but, Dee, to you.

Q1360 Baroness Doocey: This is probably my key area of interest. I started off very, very clearly of one view and I then changed my mind, and I am going backwards and forwards. What I would like to do is to try and reinforce the argument for a separate exploitation clause. You asked earlier, when we started, for examples, and I am thinking specifically of child trafficking—children who are held in domestic servitude, who are sent on the streets to beg. In each case those children are clearly being exploited, but the trafficking offences simply don't apply because 90% of the time it is impossible to prove movement. In order to take account of this, we absolutely must have something on exploitation because it is just simply not covered with what is currently in the Bill. Our key concern is to make sure that this is not, as Frank said, just a good Bill but a great Bill. I really, really would like you to reflect on that, because child trafficking is such a heinous crime.

Karen Bradley: I appreciate that. Again, though, I would just go back to the focus of the Bill. I do want to make sure that this is a Bill that we can deliver. I don't want to broaden it out too far so that it becomes undeliverable.

Q1361 Baroness Doocey: I understand that entirely, but if you don't do something about child trafficking we will have missed the only opportunity that there is, and it won't be a good Bill, let alone a great Bill.

Karen Bradley: Again, could I ask the Committee for something that will be very helpful to me, which is to give examples, again, of offences where it transparently is an offence and yet is not caught by anything else that we have existing on the statute book at the moment?

Baroness Doocey: We can do that.

Q1362 Lord Warner: I just want to emphasise something as a Member of their Lordships' House. One of the areas where we take a great deal of interest, particularly on the Cross Benches, is in the whole area of safeguards for children. My judgment would be that this Bill, as framed, is not protective enough in relation to children. You can expect a flow of amendments in and around the issues of children, guardianship, the definition of the offence, protection against prosecution and some of the issues on the risk order that John has been mentioning. It is almost inevitable, unless we strengthen the Bill in some way on these children's issues, that you will have a very long period of time on this Bill in the House of Lords. That is meant in a constructive and helpful way.

Karen Bradley: I take it in exactly that tone, so thank you.

Q1363 Fiona Mactaggart: To come back to this point, my view is that, if we get the issue of definition right, then you have a very powerful cross-party lobby, many of whom are Members of the House, which has the power to grind this into the sand, who are enthusiastic about it and who will support you. I think we need to recognise that in defining this. If you think about offences which are not covered, there is a problem about the very complicated language. You have to slightly close one eye and look. For example, is child labour in the home covered in clause 3(5): "The person is subjected to force, threats or deception designed to induce him or her—(a) to provide services..."?

All of us absolutely know what those 140 or however many words it is of the American Constitution mean. The Palermo protocol is a bit like that. This Committee thinks that, if you had an offence which is about exploitation of one human being by another, at its extreme end chattel slavery and at its lower end domestic servitude when someone is paid a tenner or something like and doesn't have a bed to sleep in, those are offences which should be covered and which could quite straightforwardly be covered in language which your average copper on the beat got.

The problem with clauses 1, 2, 3 and 4 is they don't. It really does require you to be squinty-eyed and complicated. We have seen compelling evidence that one of the reasons why there are not as many prosecutions as we believe there ought to be is because police—and sometimes prosecutors—don't really understand the offences. If the offence under exploitation was written in human language, we are absolutely confident that, in cases where someone is paid £10 or £15 but is expected to eat leftovers and sleep on the floor, everybody knows that that is servitude, that is against the law, and that ought to be prosecuted. In cases where children, perhaps in their own family relationships, are sent out to sell *The Big Issue*, that is a form of servitude, and the fact that their big brother is doing it too does not make this little kid any less exploited.

I do think that at the moment, because the Bill is kind of reductive writing, which is the kind of writing the Parliamentary Counsel really likes, it is not the kind of writing which makes sense to the police, who might walk into a home where this exploitation is happening. That is the problem. I don't want to speak for the whole Committee, but that is what we have been hearing.

Karen Bradley: Of course.

Chairman: Also, Karen, we found it helpful in that, once the legal proceedings starts, there will follow an indictment. Might it not be sensible to have the law framed in a way which helps the court decide on that indictment, rather than having to fit the indictment into a scissors-and-paste job of the law? But, John, you want to come in, don't you?

Sir John Randall: I just wanted to reinforce what Fiona said. Everybody on this Committee has this absolute desire to make this Bill a fantastic Bill for the country. We have had evidence of people saying, "We are looking towards the UK to bring this flagship thing in." We know we have a time constraint; we understand that. But it is such a wonderful opportunity to make it simple. Make it simple on some of these things so that the coppers on the beat do understand it. If you get it right, we will find out who is the person best to represent you in the biopic about this great moment in our history.

Q1364 Chairman: To further that objective, Karen, I hope we will be able to be in a position where we recommend some sort of review of the NRM decisions which don't involve huge legal costs, but there may well be some cases where there needs to be legal representation. Many of us are with the Government in trying to control the Legal Aid Bill. Can you tell us anything about how you are going to negotiate this one?

Karen Bradley: You make a very good point. It is something that we had identified, and I have asked for meetings with MOJ Ministers to discuss how the changes going through to legal aid have a knock-on effect on what we are doing here and to make sure that we get to the right result for all. So that is something I am working on.

Chairman: Very good. Does anybody have any other points?

Q1365 Mrs Caroline Spelman: Just on that very point, I have stood shoulder to shoulder with Frank in public, defending the Government's decision to reform legal aid against really strong calls from the NGOs for this to be available, because we, as MPs, have seen too many abuses of legal aid by the legal profession where our constituents have not had a service. That is where we are coming from. Consider this. All the victims that I have met, to a woman, were picked up by lawyers working on a pro bono basis in Yarl's Wood. They were about to be deported because UK Visa had looked at it from an asylum point of view.

It is one minute to midnight when these pro bono lawyers read their cases, then listened to them and realised they were genuine trafficked cases, and they were rescued from that situation. That tells you something about the system as it is at the moment, but also about the really important role of the lawyer in all of that.

Karen Bradley: I absolutely agree. It goes back to this point that you have to find the victim and, without the victim, there are no perpetrators. It is clearly a very important part of this, and, as I say, I will be meeting MOJ Ministers to discuss this.

Q1366 Chairman: Good luck on that one. Karen, are there any other questions or questions you would like to pose to us?

Karen Bradley: No. I am very happy, thank you, with what we have covered today. I hope that, from the Committee's point of view, you understand the areas where we are very open to hearing your views. We really do want to make sure that we get this Bill right and get it through, and we can have something that we can all be proud of.

Q1367 Chairman: Very good. I hope we have given you a really good hint at what our report will look like. We have been pleased that it has been broadcast. We would love some more details from you from that 50% data. We would love to know the timetable for the NRM review, and, if you could also give us a note when you think the action plan might be seeing the light of day and what input you might want us, as a Committee, to make into that before we disperse in our different ways, we would be only too pleased to help.

Karen Bradley: I will ensure that you have notes on all those points.

Chairman: Thank you very much.