

Work and Pensions Committee

Oral evidence: Victims of Modern Slavery, HC 803

Wednesday 11 January 2017

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[Watch the meeting](#)

Members present: Frank Field (Chair); Heidi Allen; Mhairi Black; Royston Smith.

Questions 105 - 142

Witnesses

I: Baroness Elizabeth Butler-Sloss GBE, Trustee, Human Trafficking Foundation; Kate Roberts, Head of Office, Human Trafficking Foundation; and Louise Gleich, Senior Policy Officer, Human Trafficking, Christian Action Research and Education.

II: Tatiana Gren-Jardan, Victim Support and Partnerships Adviser, Office of the Independent Anti-Slavery Commissioner; and Kevin Hyland OBE, Independent Anti-Slavery Commissioner, Office of the Independent Anti-Slavery Commissioner.

Written evidence from witnesses:

- [Human Trafficking Foundation](#)
- [CARE \(Christian Action Research and Education\)](#)
- [Office of the Independent Anti-Slavery Commissioner](#)

Examination of Witnesses

Baroness Elizabeth Butler-Sloss GBE, Kate Roberts and Louise Gleich.

Q105 **Chair:** Welcome to our witnesses today. Kate, for the sake of the record, might you identify yourself and if we just go down the list? Then I am going to ask Elizabeth to set the scene for us.



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Kate Roberts: My name is Kate Roberts and my job title is Head of Office at the Human Trafficking Foundation.

Baroness Butler-Sloss: I am Elizabeth Butler-Sloss. I am an independent peer. I am a vice-chairman of the Human Trafficking Foundation. I am a member of the Anti-Slavery Commissioner's Advisory Panel and I am co-chair with Fiona Mactaggart of the Parliamentary Group on Trafficking and Modern Slavery.

Louise Gleich: I am Louise Gleich and I am the senior policy officer for Human Trafficking for the organisation CARE, Christian Action Research and Education.

Q106 **Chair:** Thank you very much. Elizabeth, you were involved from the very beginning in the formulating of the Bill and then the Act. We are specifically looking at the support given to victims once they come forward or are rescued. Might you begin our discussion for us on how you see, with the many strengths of the Act, where this Act needs to be strengthened?

Baroness Butler-Sloss: May I start by saying that it is hugely to the credit of Parliament that this Act has been passed? It is an Act that is the first in the world. We should be proud of it. It has done a whole lot of things. One of the things is it has enormously increased the sentencing—speaking as a former judge. You can get a life sentence if you are convicted as a serious trafficker. It has a lot of other good legal bits to it. It has very good protection for witnesses when they get to court, but what it does not have is anything to deal with someone who has been positively identified by the process called the national referral mechanism, NRM.

The NRM identifies people who have been trafficked or made slaves. At that moment that person can no longer stay in a safe house. There are no arrangements for that person at all, other than children. For instance, there is no right to housing, there is no entitlement on immigration and the person, if they don't apply to be a refugee, do not apply for asylum, do not raise the issue that they are an EU national, is likely to be deported.

You merely have to contrast it with the status of a refugee. As soon as somebody is positively identified as a refugee then a whole lot of entitlements flow from it, but there is no entitlement of any sort for a person who has been positively identified as a victim and this is an appalling lack. Whether it should have been in primary legislation I am not at all sure, but it could be dealt with by the Home Office offering either a year's right to remain in this country or, preferably, indefinite leave to remain while that person's life is sorted, whether they go back voluntarily to their own country or whether they choose to ask to be allowed to remain.



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It has two consequences. One is a great many people go missing. Some of them are re-trafficked, some of them go back home. The point that I would like to make is not the humanitarian point, which will be made by Kate Roberts who is very much involved in this, and our foundation has written an excellent report called "Day 46", which is the day after there are no more rights for that particular person, despite being positively identified as a victim. But the point I would like to make to the Committee is it has an important public downside. We had 31 convictions last year and there were over 1,000 people identified going through the NRM. It is thought by the police there are probably 10,000 people in a year who are victims and 31 convictions. One of the reasons is that the police cannot keep track of these people because they have no idea where they are, because they all disappear because they have no entitlements.

If you do not have the witnesses—speaking again as a former judge—you have a great difficulty in being able to have prosecutions, so it is in the public interest to keep these people with some entitlement in this country at least until the time when there has been a trial, and we hope a conviction, because otherwise we don't get the traffickers.

Q107 **Chair:** Elizabeth, might you explain to the Committee what ex-slaves are entitled to during those 45 days?

Baroness Butler-Sloss: I would much prefer Kate to tell that because she has the expertise that I do not have.

Kate Roberts: If an adult is identified as a potential victim of trafficking or slavery and they consent to a referral into the NRM—I am not referring to the pilots; I am referring to the general system, the NRM, which is a form completed by the first responder—within five days a decision should be made as to if the person meets the standard for the reasonable grounds decision and the threshold is: suspect but cannot prove. If anyone sensible has made that referral, if the first responder knows what they are doing, there should be enough evidence for the person to receive a positive reasonable grounds decision.

Q108 **Chair:** Kate, what happens, because when Elizabeth and I were thinking about the Bill, there was a real resistance about referring people to the NRM? Is that still an issue and do we know the size of that and what happens to people who are not referred?

Kate Roberts: I don't know if there is exactly resistance. I think the issue is that there needs to be informed consent from the victim. There are challenges around getting informed consent because there is no support or advice prior to the reasonable grounds decision being received. That means the victim has to give informed consent before, for example, there is any legal aid for advice or, if they have a very complex immigration case, they will not be entitled to legal aid to fully receive advice on their situation. There are issues around that.



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Some victims also struggle with giving consent because of the issues, which Lady Butler-Sloss mentioned, around the limitations of what an NRM referral gives to the victims. For some victims they say, "You want me to give a lot of information about my trafficker, yet you are only guaranteeing me support in a very short term. What is going to happen to me beyond that and is that going to put me and my family in danger?"

Q109 **Chair:** Kate, can you tell us what do you get during those 45 days?

Kate Roberts: Once a person receives the reasonable grounds decision they are entitled to accommodation, which is generally provided in a safe house through the contractor; the Salvation Army and a team of subcontractors provide safe house accommodation. Victims are also entitled to support and advice, which should include legal advice ranging on any immigration matters, obviously compensation claims. There should also be advice on housing issues.

I have read evidence submitted to this Committee by several other bodies, including Deighton Pierce Glynn, and they make the point about the importance of early and holistic advice, including on things like housing so that, when victims come to the end of the 45 days, there is already a pathway in place. So there are issues around the advice the victims are meant to be getting not always happening.

Q110 **Chair:** Do you agree with Elizabeth—a key thing is for them to establish the right to remain at least for a period of time, so that the services can run on if they have at least begun in the 45 days?

Kate Roberts: I would agree absolutely with that. Just one further thing before I address that point on entitlements within the NRM. Other important entitlements are obviously access to health, including mental health. There is a real dearth of particular counselling services. There is an issue about victims not necessarily receiving all their entitlements to set them on a good pathway to recovery, even while they are in the NRM. Those are systemic failures.

In terms of a status, which would then prepare and support victims beyond that, I would be in complete agreement with the points made by Lady Butler-Sloss. The situation at present is a victim will receive a positive conclusive grounds decision and, in practice, to that individual it does not mean much more than a piece of paper. It does not mean anything to other agencies generally speaking, for example, the DWP, so when victims are trying to access things, like benefits, there is no understanding of what they have been through, why they don't have documents, why their story does not make sense. It can often be re-traumatising for people because they are asked to explain a lot of things that they have already explained to the competent authority. For victims it is quite—I was going to use the word "destroying", which I don't think is overstating the case. People say, "I was believed and now I have nothing. Now I am being left." You will have received a lot of evidence



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with very distressing cases of people left destitute while they are giving evidence to the police, for example.

The issue about a status is—as will have been made clear to you in written evidence—EEA nationals: because they are not seen as having an immigration issue, my understanding is they are generally not referred for immigration advice because people think, “There is no immigration issue.” They are not automatically considered for a residence permit or discretionary leave to remain, so they leave. They are EEA nationals but it is very hard for them to evidence that they are exercising treaty rights, so then they are not seen as eligible for a lot of the benefits they need. Hence this recurring issue where people become destitute.

If a conclusive grounds decision were seen to hold status for all victims of all nationalities, that would go a long way to solving the problem. For example, a year’s discretionary leave to remain with recourse to public funds. That carries status across all Government Departments, so it is recognised that victims are exempt from the various benefit tests and have entitlements to basic levels of support.

That would not solve everything but it would certainly provide an important time during which victims can, with ongoing support, begin to rebuild their lives. That is why the issues around early advice, around a clear pathway for support involving multiple agencies, putting that in place very early on, would give people the best possible chance of full recovery.

Q111 **Chair:** One of the suggestions you are making is that there should be the right to remain for at least a year. Elizabeth also suggested victims of slavery should be treated equally to refugees.

Baroness Butler-Sloss: Not quite, if I may say so, Chair. I am not quite saying that because there are international treaties in relation to refugees. What I am saying is that it is an extremely unattractive anomaly and an extremely expensive process putting a person through the NRM to get a positive outcome that everybody accepts that person is the victim of an appalling crime. At that stage, having spent all that money, having gone through all that process, there is no result except a piece of paper.

The person who is identified as a victim has to make his or her own way into making all the applications that they need to make because absolutely nothing is provided after they get the piece of paper. Not through the process and they have to ask and access other processes by making an application for asylum or whatever it is. It is the most ludicrous situation.

I know that the Commissioner, who is here, is going to talk to you about the cost, but the cost is ridiculous because the end product for the victim and for the public is a waste of time, basically. It does not do them any good.



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Q112 **Chair:** Louise, we are trying to build up a reform programme for our report. What would you add or emphasise from what you have already heard, please?

Louise Gleich: I would agree that the simplest solution would be to make the conclusive grounds decision have meaning, that it would provide an actual gateway to services. A simplest way of doing that would be to go along with the CG decision, some form of discretionary leave to remain. At the moment it is a whole separate application process. There are different criteria about who can and who cannot get the discretionary leave to remain, and there is a processing time lag as well for that. So it does not follow seamlessly from a conclusive grounds decision. It is not automatic. Having discretionary leave to remain does exempt you from tests for benefits and it does provide a way into those support systems.

That form of bypassing those kinds of tests is the most essential. For this Committee, I am sure you will probably also want to look at other things that the DWP perhaps could do.

Chair: Royston is going to come in on that later on.

Louise Gleich: Ultimately, it is such a complex system and there are so many different agencies and different Government Departments that victims do interact with. As Lady Butler-Sloss says, something that applies across all Departments and all fields, which follows automatically from the conclusive grounds, giving that meaning to victims, giving them an entitlement to ongoing support, would be the most effective and the most efficient, both for the state and the most beneficial to the victim themselves, because it is such a re-traumatising process to have to prove yourself again and again once you have already done that through the NRM process.

Q113 **Chair:** Louise, when you say "ongoing support", Elizabeth and I were struck when we first were meeting victims of slavery how anybody recovered from this terrible experience. What is the range of support that is offered and what should be offered?

Louise Gleich: After the NRM stage, do you mean?

Chair: Yes.

Louise Gleich: There is nothing formally offered. There is no system. As Lady Butler-Sloss says, the system ends at 45 days after the NRM period. The kinds of support the victims need will obviously be different. Each person's case is different. But for many it will be involving perhaps immigration advice, legal advice perhaps in relation to pursuing claims for compensation or suchlike. They may need legal advice to assist them in accessing housing. The most fundamental thing every person needs is secure, safe accommodation and money to pay for food. That can provide them with a secure basis to access healthcare support, perhaps for



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physical needs that they have, or dealing with trauma and mental health issues that have arisen.

For others, they will be desperate to want to work. For many that was their inspiration that led them into the deception and the trafficking. But for them to access work they may need support, they may need language skills, they may need some coaching and some sort of pre-employment support. It is difficult to give a whole list because every person's case is different, but the most fundamental has to be that secure accommodation and money for food process to allow them that basis to access other forms of support.

Q114 **Chair:** Louise, might you remind us, before Heidi comes in: there are obviously real problems with controlling public expenditure. Supposing we came up with the most desirable programme of reform. How many people would this apply to in a year?

Louise Gleich: There were over 3,000 people referred to the NRM last year. Not every referral results in a positive conclusive grounds decision.

Chair: So it is very small?

Louise Gleich: It is very small and, for example, in comparison to the number of people receiving general benefits, it is a tiny proportion.

Q115 **Chair:** Given Elizabeth's point, of course, if you want prosecutions, it does not have to be but it is easier if the victims themselves are prepared to testify.

Kate Roberts: If they feel safe enough. It is very hard to ask people to give evidence to the police and for them to willingly do so if they are very, very scared of the repercussions from their traffickers.

Baroness Butler-Sloss: Even worse than that is the fact that they go missing because, since they don't have accommodation, they go into various places, nobody keeps in touch with them, and so the police have the greatest possible difficulty. A very senior man from the Metropolitan Police, Phil Brewer, gave a talk to a meeting of the Human Trafficking Foundation on Monday. He was talking about this problem about getting convictions because they cannot get the witnesses. It is not even, are witnesses prepared to give evidence? The fact is they cannot be found.

Louise Gleich: If I might just add: that kicks in quite early because some victims may not feel ready to start talking to police during the NRM period but perhaps later on they might do. But if they are not provided with the support and they go missing in between times then there is no opportunity for the police to follow up that contact.

Baroness Butler-Sloss: The numbers are quite small, if they have, as Louise was saying, about 3,000 going through. We do not have proper data. Nobody is keeping proper data but it is certainly probably not much more than 1,000 or 1,500 people who are getting a positive identification.



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That is peanuts from the point of view of looking at the cost, when you look at the rest of the cost.

The other thing is, of course, that the current cost is being spent—and it is considerable—to no effect and this at least would be. This is what annoys me more than almost anything. At the end of the day, we are very proud of this new legislation but if we don't look after those who we identify as victims other countries are going to say, "Well, what are you really achieving?"

Q116 Heidi Allen: You three have done a fantastic job of giving us the absolute guide to everything and to explain all the difficulties, so thank you. Most of my big questions have been answered but I have a few little ones.

It seems to me, as you say, Baroness, this amazing piece of legislation but almost as if it has been done in an academic silo that has forgotten the other Government Departments that it needs to connect with once it has done its job. We protect people for this 45-day period and then you are just on your own and we heard that. It makes so much more sense to me now, what we heard from the evidence in the private session we had with some actual victims last week that they are literally just on their own.

First, of a few questions: do you think to fix this, so that they don't fall off at the end, does that need to be legislation? Can it just be guidance that can be put out to DWP immediately? What is your view on how we fix it? It occurs to me that another group of people I have come across recently—women who are domestic violence survivors and have been moved to another town in the country and they are nobody with no paperwork—have the same battles with the local jobcentre, "Who are you? We have never heard of you." Do we need legislation to do this or is it some kind of guidance that the DWP can have, and do we maybe need a new category of people who ask no questions—you have this label, this piece of paper, and you just automatically have the entitlement to benefits?

Baroness Butler-Sloss: There is statutory guidance being drafted at this moment, which makes me think that this Committee is enormously important because I hope that you will have a real impact on that statutory guidance. But it seems to me there are two things, really. The other two know better than I do. One is the immigration status. If you can get at least the leave to remain for a year—preferably indefinite leave to remain, but even a year would help—there would be the statutory guidance, I would hope, that would express their entitlement to healthcare, housing and so on. They would have a piece of paper that they could show to all the authorities so that they would then become priorities. I know local authorities have appalling problems with housing, but these are people who really should be treated as priorities. The other two may have something rather better to say than me.



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Q117 Royston Smith: You were talking about the numbers that are identified and how that is quite small, but there are potentially a lot more. What sort of training would people need, do you think, wherever people might present themselves—and let's, for arguments sake, say that that is at the jobcentre? What sort of training would those people need to identify victims? Because they are clearly more than the ones that we know about.

Baroness Butler-Sloss: I don't think that we are asking at the moment that anybody who does not have a positive decision from the NRM should be treated as someone with a right to indefinite leave to remain. I think you would be on that group of people. There is a wider issue, if I may say so, about other people who are coming through who are identified very often by the police, very often by NGOs, as probably victims, but they really ought to go through the NRM process if, at the end of the day, the NRM process gives them a status. At the moment the much wider group, unless they go through the NRM, is not the group that we are really asking you to look at.

Q118 Royston Smith: My question is more, though, how do they get referred if people don't recognise them as victims in the first place, and what do the people that may come into contact with victims need—training or otherwise—to identify victims and then refer them?

Louise Gleich: In some ways there are two facets to training in identifying people but staff at DWP, and at jobcentres, are in the frontline where they may encounter someone who has not yet been referred to the NRM but should be referred to the NRM. I think they really should be getting good training on what some of the indicators are, some of the signs of trafficking, and these can be different in different fields.

The Home Office produced some posters around the time of the Modern Slavery Act about signs in particular industries. I am not sure if one has been produced specific to the benefits circumstance. Some people are trafficked and are exploited for benefit fraud. DWP and jobcentre staff, I imagine, are trained to look out for warning signs of fraud, but are they also trained that a warning sign for fraud could be an indication of trafficking in some circumstances? Does this person have someone with them who could be controlling them, or dictating what they say, or speaking on their behalf? What is that relationship? Are we certain that this claimant will actually be the recipient, or is somebody else involved in controlling them? That is quite specific to the jobcentre and benefit application scenario, but I think it is very important. What we don't want to see are victims of exploitation for benefit fraud being pursued by DWP for benefit fraud when they should be referred to the NRM for support and assistance.

Baroness Butler-Sloss: Could I add an example? From Eastern Europe, a number of women come over and claim benefits with other people's children. It is not unusual. This is a rather shocking story. Quite a lot of women are found begging in London, again, not necessarily with their



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own children. That is a clear benefit fraud, but they will be ruled by, controlled by, the trafficker, who makes quite a lot of money out of this. The woman will not get the money. She will get some inadequate accommodation and some food, and the trafficker takes the benefit that your offices are providing.

Kate Roberts: Just to add, as well as it being very important that frontline staff can look out for signs and identify, obviously they will then need to know about appropriate processes for referral and advice. First, dealing with people and identifying them, but also sensitisation training when they come across people who already have been identified. If there was not a blanket exemption and they were in a position where they were assessing people for benefits, some training around appropriate questions to ask and not re-traumatising people.

Q119 **Chair:** One of the weaknesses is the numbers, isn't it? "This is very few, therefore, why shouldn't we act?" Our inquiries that we have been doing suggest that there are huge amounts of training and retraining going on in DWP because so much is changing. Therefore, what do you suggest we propose, when this is a highly important but small group compared with all the other training demands that are made on the Department?

Kate Roberts: There would be several ways of approaching it, but I think one way might be to have a general training for all staff—and the Commissioner has done a lot of work with NHS staff—so people are aware of the issues but then have staff who have a more in-depth knowledge. All staff would be able to spot signs but then would know who to go to for more advice, if it cannot be expected that everyone has a more in-depth knowledge on slavery because they have to cover so many issues.

Q120 **Chair:** It would be two-tier?

Louise Gleich: The police have a model where they have sort of expert people, where if there are cases or concerns about trafficking they know who to go to as the main point of contact. Something like that, perhaps, might work within the DWP system.

Kate Roberts: But obviously everyone has to be aware.

Louise Gleich: Once everyone has a basic level of understanding.

Baroness Butler-Sloss: There should be an app on all computers that would give the basic information at the DWP jobcentres. On that app would be a phone number, so there would be access to some expert advice, or the app would also have a link to much more intensive information if the particular person wanted it. We live in a digital age, let's have something. I was thinking of suggesting to you putting up posters, but I think we are probably moving beyond posters and it is probably an app that is a more useful thing.

Q121 **Mhairi Black:** Just to follow-on from the example given that sometimes



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we don't always get it right, for instance, seeing someone as a benefit fraudster when in actual fact they are a victim of trafficking. I am wondering, is there any kind of appeals process if somebody does receive a negative decision, or is it just that—that is it?

Kate Roberts: No, there isn't an appeals process. I think this is one of the problems with the NRM as it stands. At the moment, if you receive a negative reasonable grounds decision—the first threshold, the very low threshold—there is no way of appealing that. There is obviously also no legal aid for appealing that because you are not eligible for anything, because you have not got a reasonable grounds decision. The typical example given is, if you receive a negative reasonable grounds decision because the first responder who filled out the form did not put any information on it, or put incorrect information on it because they did it in a rush, there is no appeals process. There is no appeals process for the conclusive grounds stage decision either. I think both of those are flaws.

Q122 **Mhairi Black:** Should there be?

Kate Roberts: There should be. There should be a clear appeals process. What happens with a negative conclusive grounds decision is you can judicially review it, but there should be an appeals process. If the victim has an advocate who is prepared to intervene on their behalf, they can write a reconsideration request and negotiate with the competent authority, but, again, there is no clear pathway for doing that. There should be a clear process.

Q123 **Mhairi Black:** Yes. Do you think that that is feasible? I suppose giving the example of the safe houses, if you are given a negative decision you have 48 hours to leave the safe house. Would it be feasible to have an appeals process and some means of someone extending their stay?

Kate Roberts: Yes, you said what I should have said. Obviously, as well as an appeals process, while there is an appeal in place safe houses should be able to continue to accommodate people, because you don't want the appeal being made, them saying, "Actually, you are a victim," and by that point the victim is lost because they have been made destitute.

Baroness Butler-Sloss: I have to say, from the Salvation Army we hear that a great many of these safe houses are extremely good to these people and they are kept, quite often, longer than the 48 hours or, indeed, the two weeks—I think it is—for a positive decision. But, of course, that is a grace and favour situation, and it is not satisfactory because it will happen in some cases and will not happen in others. I don't think one should ignore the fact that those who are looking after these people are really doing a wonderful job and try very hard to help them for as long as they can.

Chair: Yes. The Salvation Army said in evidence that they did extend the period.



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Q124 Heidi Allen: I am always interested in practical solutions and how we fix stuff and make it better. I am still not clear about what would improve the situation. Is it this magic piece of paper that says, "Right to remain"? Something I have set up in my local area—going back to these women of domestic violence—when I learnt about that, I spoke to my regional jobcentre manager who looks after the whole of east England. We now have named, dedicated people in every jobcentre, so that when the domestic violence charities say, "I have a new lady here," they have one person to call. Should there be something similar between the NRM? The minute you get your bit of the paper, "Yes, what part of the country are you in?" and, "Yes, you talk to Bob, you talk to Frank." There is a named person. Would that be a practical helping hand so the people are not going to the jobcentre cold?

Kate Roberts: I think the two together would be helpful. The conclusive grounds decision carrying some status, including exemption from the benefits tests, would be a very important step, but I think that would definitely be facilitated if there were points of contact within different Centres. That would be very helpful, so any victim trafficking is dealing with people who are already sensitised to their issues.

Baroness Butler-Sloss: I would like to see that the NRM conclusive positive grounds included in it what was the future status of this particular person, and would include what they were in fact entitled to ask for, so not only would they know what they were entitled to ask for, but they could pass this bit of paper to the jobcentre, to the local doctor, to the employment tribunal, if necessary, or to anyone who challenged why they were there. For them to say, "I have this status and this means—" They will not understand it, necessarily, but if they can show a piece of paper other people will then see where they are. Particularly bearing in mind we are talking about foreigners, some of whom have very poor English and have not had the opportunity to speak English because they have been shut up wherever they have been working, either in labour exploitation or sexual exploitation. They need something where they can say, "This is what I am," and the person who looks at it can see what their rights are.

Kate Roberts: If I could add to that, I would suggest that the individuals are not exited from the safe house until not only the pathway for support is in place but it is secured as well, so accommodation is secured and benefits are established. Because, as Louise mentioned, otherwise there can be gaps where people know they will get benefits, but then it takes a few weeks for them to come through and meanwhile they are destitute.

Q125 Heidi Allen: That is what I wonder. We talk as a Committee an awful lot about the pressure on work coaches and jobcentres because they have a lot of change coming; they have universal credit being rolled out. This will be one other thing we are expecting them to be knowledgeable on, and, with the greatest will in the world, I don't see it happening. A named contact who is an expert in every jobcentre, who holds the hand of that



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person who is referred to them, maybe that could be an intermediary and more secure step.

Kate Roberts: As I said, funding the safe houses so that they can make sure everything is ready before they—

Q126 **Heidi Allen:** Yes, that should be a reasonable request. One final, little thing, given that the system is doing its best to mend and make do at the moment, accepting that many individuals do fall into the ether—some are obviously staying in safe houses a little longer—are there any things that we can learn from how the mend and make do is managing at the moment that we could transfer into a new, better system or is none of it working at all at the moment?

Kate Roberts: The point we just discussed around the safe houses having flexibility—which, as Lady Butler-Sloss says, happens but it is due to safe houses having charitable funds—having them funded to be able to make those decisions and provide enough advocacy to make sure that the proper pathway is in place would really help.

Louise Gleich: I don't think there is anything to add, except that from the many organisations I have spoken to, where the victims have the most success is where they have someone advocating and supporting them, whether that is someone from an aftercare support provider, whether it is someone from the safe house, a support worker, or some independent charities that provide this advocacy support, or a solicitor. When they have that person who can speak on their behalf, who has a better understanding of the system, who has better English, who is able to walk through the process with them and ensure that guidance and better practice is followed, and ensure the victims are receiving what they are entitled to, that is when victims have the most success. When victims are left on their own or don't have that support, that is when problems arise at their worst.

Heidi Allen: Perhaps one little interim thing we can put in immediately, the NRM, and however you can communicate with them, tell them to ring MPs. All these people will fall within our constituencies. Let us be the ones that pick them up and feed it through the process. If nobody else is going to do it then we should at least be doing that, because we have all the contacts, don't we?

Q127 **Chair:** The victims we have met as a Committee could not possibly survive without the support of voluntary bodies. It is inconceivable that they could exist separate from the slave master. That is how important that support is that comes from the voluntary sector.

Baroness Butler-Sloss: One point on that, of course, is that a proportion of those who fall out of sight after day 46 will have been re-trafficked, because if there is nowhere else to go they may well go back—they do go back—to their traffickers where they then go back through the NRM again, some of them again and again, because they have been identified again as being slaves. It is a ridiculous situation.



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Kate Roberts: Just on your point, I agree entirely, but I think the problem, obviously, with relying on charitable support beyond the NRM is that it is patchy. It is purely luck at the moment. It is luck if a victim does have an ongoing advocate, which is so crucial to their survival.

Q128 **Chair:** Who do you suggest should provide that then, Kate? If you look at social services or children and young people's services in Wirral, they are up to their—

Kate Roberts: I am completely aware of that. Having a specialist social worker would be one possibility. If the NRM was seen as more multi-agency, and different bodies were involved from the beginning, and a pathway was put in place, having a specialised social worker would be one option. I am completely aware that there is a big funding issue there. Another option might be having a continuation of the safe house support as an outreach, an individual advocate providing ongoing outreach support. Again, obviously, there are funding implications but if we are committed—as we are as a country—to leading the way in combating slavery, it is no good to just cut victims short at the point that we conclude that they are victims.

I understand the Commissioner is going to talk a little bit about the costs arguments. As we have established, the current system does cost money and is not necessarily working, so possibly now is the time to look at more creative ways of spending that money. As Lady Butler-Sloss says, if what is happening now is victims are being failed, being re-exploited, being re-entered into the NRM—a couple of weeks ago I spoke with a police officer who had re-entered the same person three times through the NRM because they had come across them being re-exploited three times—that is not cost-effective.

Baroness Butler-Sloss: Might I make a practical suggestion? We don't have the money to do everything. It is absolutely obvious, and the points about social workers, and so on, but there are some things that could be done now. One is to give indefinite leave to remain, and secondly would be to give some limited entitlements that would go with indefinite leave to remain so you did not have to prove benefit, and so on. If you had that, they would then have access to a whole lot of facilities, and the specialist helpers and so on may have to come later. But because they need the specialist services we should not be throwing the baby out with the bathwater and saying, "Because you cannot have everything, don't have anything." If I may say so, what your Committee could do is recommend a degree of immigration right—indefinite leave to remain, or leave to remain for a year—which would have with it certain entitlements. That would be a fantastic start because we are starting from zero, so if you could do that that would be fantastic.

Chair: Very good. Thank you very much.



Examination of Witnesses

Tatiana Gren-Jardan and Kevin Hyland OBE.

Q129 **Chair:** Kevin, welcome. Might you identify yourself for the record, then we will ask Tatiana to.

Kevin Hyland: Sure. Good morning, Chair. Kevin Hyland, and I am the UK Independent Anti-Slavery Commissioner.

Tatiana Gren-Jardan: I am Tatiana Gren-Jardan, Victim Support and Partnerships Adviser for the Office of the Independent Anti-Slavery Commissioner.

Q130 **Chair:** Kevin, you asked us to do this inquiry. Why?

Kevin Hyland: Yes. First, can I thank you for doing the inquiry? I would like to echo the words of Baroness Elizabeth Butler-Sloss in her opening, who spoke about the legislation. This is ground breaking; it is seen internationally as ground breaking. The legislation is one thing, and I know Parliament worked hard to get that legislation in place and it is very effective in many ways, but I think some of the gaps that are still there are, in a way, about the way processes developed pre-legislation and the whole way the process of responding to modern slavery and human trafficking came into existence within the UK.

As the Commissioner it sets out under the legislation my role, which is about increasing the numbers of victims that are identified and supported. I also have a responsibility to make sure prosecutions are increased and prevention measures are implemented, not just domestically but internationally.

My position is that one of the best forms of intelligence and information is from the victims, and if we are continually letting them down, how are we ever going to get the prosecutions and the confidence of victims to come forward? Then also on the humanitarian position of victims, we need to be responding to their needs. We need to be able to support them and set them pathways where they are properly supported in the UK in a number of ways, which is what I would like to suggest. One of them is not just about benefits—which is obviously what I am particularly here about—but about the whole pathway that you touched on with the previous panel.

For example, if we take the NRM process, which was introduced in response to the European directive, it came into effect in 2010 and at that time it was dealing with 700 referrals a year. Now for last year we are looking at closer to 4,000 being referred into it. When it came into existence it was looking at a very limited type of trafficking, mainly sexual exploitation and mainly women. Now it is a much wider remit with people from over 100 countries. There are many more demands on the services, but also particularly towards the victims.



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If we look at the process a victim goes through entering the NRM as it was introduced, it was initially started attached to South Yorkshire Police, so it got legal identity. It was then absorbed into the Serious Organised Crime Agency and the National Crime Agency. Those that are EU nationals and have the right to stay in the UK are assessed by the National Crime Agency—so in effect law enforcement officers—as to whether they are victims purely on a legal position as to whether they fit the legislation and the directive. UK Visas and Immigration, obviously, whose *raison d'être* is about control of immigration look at those who have non-EU status. They are looking at it through a lens where immigration is an issue. Then we now have two panels that have been set up, pilot schemes that look at them slightly differently. There are all these measures that have been put in place, but the one thing they are not looking at is the crime against the person.

If we talk about this in the way of any other victim, if we look at domestic abuse and the learning curve we have gone through over the last two to three decades—I was a police officer formerly, and when I joined the police the response to domestic victims, or victims of domestic abuse, was shockingly poor—we have gone through a long journey, and I am not sure we are learning from those processes.

A victim of modern slavery comes forward, they are presented with a number of forms that they have to sign, then their immigration status is looked at, and then there is a process to decide whether they are a victim or not. If we did the same for a victim of domestic abuse or a victim of rape I am sure people, parliamentarians and others, would be standing there in shock and horror. Now is the time—we have legislation—to review the whole process.

It came out in the previous panel that the NRM itself is, in my view, potentially causing a lot of those problems. I wrote to the Minister, Sarah Newton, this week, highlighting all my concerns and how I think the NRM should progress, because it is a process that starts there that then leads into all these issues thereafter, like an appeals process, which was mentioned. Then, if we look at the legislation in Northern Ireland and Scotland, it creates duties on Ministers to make sure that victims are looked after through the process and have redress to other benefits, and so forth, so I want to have an equal playing field across the United Kingdom where victims are supported.

Victims are looked at in a very clinical way to almost fit law enforcement requirements and the fact that they fall off discretionary leave, and even when they get it—and there is a case I can give you after about how somebody fell off the system even though they are in the system, have been given discretionary leave, are supporting police, but still don't get jobseeker's allowance, still don't get housing allowance because they cannot meet the residency standards or to show their habitual residency. If you have been locked up in a farm, or locked up in premises being forced into labour or being sexually exploited, you are not going to be



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able to produce pay slips, or a P45, or whatever. That is the basics of where we are getting this wrong, even to that level.

Also, with DWP in 2013 there was a 38% increase in the number of people who were going in where people were being trafficked for benefit fraud. There is a balance here as well that is about prevention of people being trafficked for those reasons. When I was a police officer one of the cases that I supervised and was the investigating officer of was where Polish nationals were brought over for the very purpose of benefit fraud. There were hundreds of them and the cost to the state was enormous.

The other thing I look at is currently the Government invest £9 million into the support. At the current time the average period a person is spending in the NRM process is 130 days. We have National Crime Agency, UK Visas and Immigration and two pilot schemes, all of these operating individually, but there is no process that is streamlining and looking at the victim pathway and then also feeding into the other measures that need to be done, like the pursuit of criminals.

That is why I want to see this review of the NRM, because I want to see the NRM as a body of different professionals who will make a pathway for each victim and, as we heard from Kate, set out the parameters that somebody is entitled to. There are current entitlements, like somebody who gets a reasonable grounds decision is entitled to NHS support. The NHS does not always know that, and also sometimes the support agencies don't even know that. There needs to be a body, which should sit with the NRM decision-makers, that sets that pathway and then puts down exactly what each victim needs, because each victim will be different.

Some victims at the moment want to go home. They cannot enter into any support system because they are never going to qualify for the NRM, yet they only need five to 14 days to set a pathway so they can go home safely. But what you end up with is police forces and all the charities looking around for where they can get enough money for a budget airline or a coach from Victoria just to get that person home, and then we don't know what happens to them at the end. We also have cases where people become destitute and then end up living on the streets. While we understand there is a financial issue, if all this was co-ordinated and looked at it may not cost any more. In fact, in some circumstances the NRM may be much more cost efficient if all these agencies were working together and if we brought in the statutory agencies that need to have an investment in the whole process.

Q131 **Chair:** Can I put to you that you keep the NRM but you reform it, Kevin?

Kevin Hyland: Yes.

Q132 **Chair:** How would it be reformed?

Kevin Hyland: The NRM at the moment sits with two organisations and then sits outside with these pilot panels, which are currently being



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reviewed. The way that I would like to see it reformed—and in the letter I sent to the Minister—is to see that panel having professionals who look at all the referrals that come in and have the skills in order to say, “That victim needs support for these reasons,” whether it is health, whether it is psychological, and then also acts as a conduit to the actual NGOs who are providing the services. Also, one of the things is the NRM form itself at the moment is sent by e-mail or sent by fax. That is why we have no data.

I have recently reviewed all of the NRMs for Vietnam. I looked across last year’s referrals and, as you will see in my annual report to Parliament, of the 3,200 referrals into the NRM that only translated into 884 crime reports by policing. There is a one in four chance of an investigation. The whole system at the moment operates in silos. I would like to see the NRM as a central body that sits with professionals who know the process, can make recommendations, including benefits and so forth, and then the life of that victim is monitored. We do have a system where we do that with domestic abuse victims, and the numbers there far outweigh the 3,000 to 4,000 in modern slavery.

Q133 Mhairi Black: When you say there is a one in four chance of being investigated, presumably then that one in four does not always result in a prosecution.

Kevin Hyland: No, and when I say “investigated”, I mean even being recorded as a potential investigation. If you look at the low numbers of prosecutions there is a significant increase this year, and we are seeing far more policing operations and of course the Prime Minister’s taskforce is managing that and calling people to account. There is a far more proactive approach, and we have seen an enormous increase in joint investigation teams with other countries, which was something I was keen to push. I know the numbers are not equal, but if there were 4,000 rapes in the UK and only one in four was ever recorded by the police, again, it would be an outcry.

When I did my check on law enforcement for my report to Parliament, some forces were losing the NRM reports. They just lost them, because they felt that once they had sent it off to the National Crime Agency that was their job done. It isn’t. They still have the investigation responsibility of the victim. What has happened over the years is these processes were set up on what people thought was needed at the time in response to an EU Directive out of the Council of Europe Convention. If we look back to 2010, in a sense at that point victims of domestic abuse and rape—while we are learning about other failings that happened—at that time the UK had some fairly robust processes about looking after victims and has changed its whole shocking approach from years ago. But with the victims of modern slavery we have gone back to the start again and tried to create things that don’t even complement the good practices we have around other offences. That is why I need to see a review of the NRM.



With the benefits, I think that so many victims are falling through the gaps because, for example, if you cannot produce payslips you are not entitled to show your habitual residency; if you have been kept in modern slavery that is impossible. Baroness Butler-Sloss said quite clearly about how there are certain things people are entitled to under asylum, and I think there should be certain things people are considered for. That is why I would like to see a professional panel that then can make sure that those are allowed. We are looking at other processes across Europe and internationally to see what does work elsewhere.

Q134 Heidi Allen: I want to focus a little bit—because you are starting to drift into that area now—on something we obviously talked a lot about in the previous session, this magic bit of paper and what you do or don't get with that. Tatiana, I don't understand a lot about your role but I assume you are accompanying. You are providing support, are you, and advice to the actual victims themselves so perhaps you understand some of the process?

Tatiana Gren-Jardan: In my current role, no. It is more the advice to the Commissioner on issues around victim support and the work in partnerships with other organisations. My background, I worked for the Human Trafficking Foundation before, so it is more of a lobbying advocacy. I did work with victims in my previous experience when I was in Moldova, but it is learning from the partners and service providers and in some cases victims themselves, in terms of their experience and how it works for them.

Q135 Heidi Allen: That is the side I would probably like to probe a little bit with Kevin, of course, also. What is the answer? Should the way that victims are able to access these tests and applications for right to remain be improved? What is it like at the moment? Or should it be, as the Baroness suggested in the previous session, just automatic right to remain, you come through the NRM and you get it? What should we be doing?

Tatiana Gren-Jardan: It has to be both because, as the Commissioner mentioned, we have a case where the person received discretionary leave to remain, which entitled him to full recourse to public funds, and yet throughout the course of the year he had issues with jobseeker's allowance and Housing Benefit, so the gap was whether that was the social worker who was not aware of how to advocate, or whether that was the DWP staff who weren't seeing the full picture. I think we do need to have more training and education for service providers who can advise victims, because even at the moment not everyone knows that, for example, an EEA national can apply for discretionary leave to remain because it is purely seen as something of an immigration issue there for non-EU or visa nationals. It is also for the DWP staff to understand the trauma of the victims. It is to understand the entitlements and to understand—

Q136 Heidi Allen: If I can just draw you on the process in particular. I am



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trying to understand the way victims go through this at the moment trying to access this status, whether that process needs improving or whether it should be an automatic status—as we heard in the first session—that automatically you fall out of the NRM. You don't need to apply, you just get it.

Tatiana Gren-Jardan: Automatic is ideal but I believe that, even if it is automatic, you might still have challenges in terms of it might take some time to start the benefits. For example, bank cards could be an issue. Where do you put the benefits? You give them automatic exemption, they automatically get the benefits but where do they put the benefits? There still needs to be a bit of support further on until the whole process kicks in. Ideally, we would like to see an exemption. Obviously we want the conclusive grounds decision to mean something, so we certainly support the previous panel in the sense that, yes, if the UK Government recognise the person as a victim of trafficking, and give them a conclusive grounds decision, there has to be support attached to this decision automatically. Then we also need to continue working with the Commissioner and with other organisations, in terms of making sure that they receive what they are automatically entitled to.

Q137 **Chair:** Can I come in with a question? Tatiana, you keep referring to “victims of trafficking”. We know one of the problems with the previous legislation was it was very difficult to convict under “trafficking”, and we were hopeful it would be easier to convict under “slavery”. Why do you use the word “trafficking” and not “slavery”?

Tatiana Gren-Jardan: I probably have to apologise, because it is maybe working in the area of human trafficking for 10 years kind of affected that.

Chair: All right, it is only that.

Tatiana Gren-Jardan: Yes. I certainly mean victims of modern slavery, and trafficking as well because we then also have Scotland and Northern Ireland with their legislation that is still different.

Chair: Because that was one of the many points we took from Kevin; that it is very difficult to convict under “trafficking”.

Q138 **Royston Smith:** I want to pick up on the indefinite leave to remain bit, because that is not the whole picture. I don't think it is, anyway. I don't know the numbers but if you took EU nationals, of course, they already have leave to remain. We are talking about one group of people that Lady Butler-Sloss was talking about specifically, about giving them a year or indefinite leave to remain. Of course, there are a lot of EU nationals who already have that. Accepting that they can stay, what more can we do for those people who would have access to benefits and the rest, who might then go back to the people that were mistreating them in the first place even though they have indefinite leave to remain?

Kevin Hyland: I think that is the point. It is about the needs of the individual. There is a precedent for that because victims of domestic



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servitude, under an amendment under the immigration laws, if they get conclusive grounds as a victim of modern slavery they get two years' leave to remain in the UK where they are entitled to work within domestic work. There is a precedent for one area of exploitation.

There are occasions as well where EU nationals—because they are not seen to be using their treaty rights—have been deported, which is something that Romania has raised with me, as I have a Romanian official working in my office. Part of the criticism they raised is that people are sometimes removed because they may be in situations of rough sleeping, or begging, and they are removed before they have even been assessed as potential victims of modern slavery or victims of any crime. The desire to remove people is there even when it is EU nationals.

It is that process that I would like to see the NRM driving: what does each individual person need, and if a person does want to go home? We just finished research about Vietnam, and when we have spoken to the NGOs in Vietnam and the specialist services there sometimes the best thing for a person is to go home, back to their family. I met families in Vietnam where people had gone back to their mum and dad, or their community, even though they were fearful of it at some point. A process to positively support them back was instigated and they are now back with their families and thriving. I met the victims as well who said, "At the time when we were found in the trafficking situation, not in the UK but elsewhere, we would never have wanted to go home but, because we were managed through that process, we are now back home and that is the place for us to be."

When you speak to the parents there, why would we keep a family apart and then have somebody living in the UK who is marginalised because they cannot speak the language and they have been trafficked here? We need to think wider than just giving them a simple discretionary leave to remain here, because we need to look at their needs. Sometimes it is up to the professionals to explain what is in somebody's best interests that they may not see at that time. Even if we look at somebody who may have run away from Scotland as a youngster because they were getting into trouble with the police or mum and dad, if they came down to England we would not say, "Because they don't want to go home we are not going to take them home." We would manage the process and make sure they did get back to their family.

I dealt with a case where a child was going to be returned to their parents. I had due diligence conducted in that country, which was Romania, and I made the decision that it was not safe for that person to return. I convinced the authorities and the family courts that that person should not return and they are now being protected in the UK. It needs to be on a case-by-case basis because, once you create something that tries to fit all, people will start to fall through the gaps again.



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On the specific issue about benefits, some of the processes at the moment whereby people cannot even enter the system because of the fact that they are a victim of modern slavery, the fact that when they get that conclusive grounds decision it means nothing, other than the fact that, "Within 14 days you are going to have to leave the safe house," goes against the whole process.

A case I would like to tell you about, which happened in Merseyside, was where a Polish national was supporting police in a prosecution and got discretionary leave to remain under that basis and then could not get housing. Then because they could not show that they were positively looking for work they were struggling to get jobseeker's allowance. A charity then got involved and helped that person. They then had to do an appeal process that was going to cost them £20 and the victim could not afford the £20. It has gone through a whole process of the person not having somewhere to live, not having recourse to public funds, and yet they are assisting the United Kingdom in a prosecution.

Even in that circumstance, where the outcome could be that an organised crime group gets sent to prison, the victim could then be entitled to compensation and so forth, but in that interim period they are having to jump through hoops and climb barriers just to get the right to actually live and to be able to survive. Charities have jumped in, the police have jumped in and they are all fighting to get this done. Some of the processes even to apply for the benefits—

Q139 Heidi Allen: Can I ask on that, Kevin, what concessions should these victims have? Let's talk of the kind of details and why will that benefit them.

Kevin Hyland: Yes. When you get conclusive grounds as a victim of modern slavery, one of the things you are going to need at that point is a period—even if you going to return—whatever is going to happen next. There are exemptions under other remits where people then don't have to show the habitual residence; they are exempt from it. First, a victim of conclusive grounds, who is a victim of modern slavery, should not have to show habitual residence in order to qualify for housing. It should be on the fact of the means testing that is there for anybody, which they will on most occasions qualify for, is available to them because otherwise they are not going to be able to enter that system.

The other thing on Jobseeker's Allowance is if the professional panel that I think should be formed from the idea: in most cases of modern slavery, is somebody who has been kept in slavery for six months then capable of doing a job straight after? Well, it is very unlikely. There will be a period that they will need to be supported and we need to say, "What is the period?" I wouldn't want this to be a lifetime on benefits. We need to be working on how we reintegrate people in the UK or when they go home, but it needs to be enough time so that professionals are able to assess and say, "This person needs to be supported for that period of time". Some people may need long-term psychological support.



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The other thing is at the moment the reason why many of the NGOs cannot support people beyond the 45 days—or whatever the period is that is funded through the NRM—is because they cannot afford to keep them. If they were entitled to these other benefits, these NGOs would be able to extend that period and work to a plan that has been set by professionals. I think the main one is around the habitual residence. The other thing is around Jobseeker's Allowance. We need to accept that these people are not going to be able to find jobs, and then we need to create the discretionary situation where they are entitled to those benefits without having to jump through the hoops and climb the barriers.

Q140 Chair: Tatiana, when Kevin said somebody may have been enslaved for six months, many of them have been enslaved for much longer periods than that, haven't they?

Tatiana Gren-Jardan: There are different situations. What we see is it also depends on the type of exploitation and how a person is able to escape or get out of the situation of exploitation. Before we saw many more cases of long-term exploitation and very often, with women exploited for sexual exploitation, it could be long term or domestic workers because it is of such a hidden nature. With forced labour, we can see different periods of time. It could be like the case we were speaking about, which was four and a half years. In some cases victims do manage to get out, say, even a month after because they do understand that something is going wrong, "This is not what I was promised when I left my home country," and they do manage to get out. It depends. It is really individual.

Q141 Chair: Any other questions? Can I ask you a final one, Kevin? Over Christmas, we had a case reported in the media where a very undesirable couple were running a slave group, a mobile group going around slaughtering free-range chickens. The action was brought as a civil action; it was not a criminal action at all. They managed to come up and pay a £1 million fine. Are you investigating that at all? Because here the people could have faced life imprisonment had the operation been under the Modern Slavery Act. They have been able to conjure up, from nowhere, £1 million and they are free citizens. Any comments, Kevin, on that?

Kevin Hyland: Sure. I have spoken to Kent police about that very case. It is still under investigation and they are working with the Crown Prosecution Service on it to look at those people, who would not face the Modern Slavery Act. They would be under the old legislation because the offence happened in 2012. But I agree with you entirely that these people deserve to go through the criminal courts, not just through the civil courts.

This is perhaps going to the Modern Slavery Act, which I know you were central to. One of the things that you introduced through that legislation was risk orders and prevention orders. They have been used extensively,



but, in cases like this, that is another thing I want to make sure that police are doing. For example, those people may be free at the moment. They may have to find £1 million, which is one step in the right direction, but are they now the subject of a risk order, which was brought in for those very people? Are their activities being controlled by a risk order, which is allowed to be introduced as a result of previous legislation? That is the thing I am also asking Kent police to do, but I do know there is still an active criminal investigation at the moment.

Q142 Chair: Can I ask one last point? I obviously don't want to probe too much because it is sub judice. There may be greater things to happen. Did Kent police contact you for advice, Kevin, when they first came across this case?

Kevin Hyland: They didn't contact me direct, but I attended Kent police on a number of occasions and I have met with the actual senior investigating officer of this case, as I have also met with them around the other issue that happened around car washes in Kent. Again, there is an investigation ongoing and people have been arrested in that case. But I think the original case, which goes back to 2012, is a good example—or bad example—of why we needed new legislation, why the police need to act more robustly and, also, how the NRM isn't actually serving the needs of those particular individuals, because it had to end up in the High Court and not through the criminal courts and not being protected through the other processes that should be available.

These are victims of some of the most abhorrent crimes on this planet. If we start talking about serious organised crime against vulnerable people, who suffer some of the worst suffering, then the measures that we are asking about—supporting them on a pathway, post-identification—have to be paramount not just in the humanitarian response but to how we can prevent this, how we can find out ways of stopping it, and how those criminals—like the ones in Kent—can end up with the life sentences that Parliament has intended them to have.

Chair: Kevin and Tatiana, thank you very much. We may be coming back to you as we draft our report.