

Home Affairs Committee

Oral evidence: [Modern Slavery](#), HC 1460

Tuesday 23 October 2018

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[Watch the meeting](#)

Members present: Yvette Cooper (Chair); Stephen Doughty; Kate Green; Tim Loughton; Alex Norris, John Woodcock.

Questions 1–68

Witnesses

I: Kate Roberts, Head of Office, Human Trafficking Foundation; Phillipa Roberts, Director of Legal Policy, Hope for Justice; and Klara Skrivankova, UK and Europe Programme Manager, Anti-Slavery International.

II: Kevin Hyland OBE, former Independent Anti-Slavery Commissioner.

Written evidence from witnesses:

- [Human Trafficking Foundation](#)
- [Hope for Justice](#)
- [Anti-Slavery International](#)

Examination of Witnesses

Witnesses: Kate Roberts, Phillipa Roberts and Klara Skrivankova.

Q1 Chair: Can I welcome everyone to this opening session for the Home Affairs Select Committee's inquiry into modern slavery? Can I welcome our panel giving evidence to us today, and ask you each to introduce yourselves and the organisations that you represent?

Kate Roberts: Hello. My name is Kate Roberts and I work for the Human Trafficking Foundation.

Phillipa Roberts: My name is Phillipa Roberts and I work for Hope for Justice.

Klara Skrivankova: I am Klara Skrivankova. I work for Anti-Slavery International.

Q2 Chair: Thank you very much for coming to give evidence for us. Can I ask you, just as an opening thought, to tell us one thing that you think is working really well at the moment and one thing that you think is working really badly when it comes to the fight against modern slavery?

Kate Roberts: One thing that is working well is that there is a massive increase in awareness of modern slavery. We no longer come across the situation where, for example, a police officer would say that modern slavery does not exist, or would say that someone "only" being made to work too hard, for no pay, is not a crime.

What is not working is still the implementation on the ground in terms of individuals who are victims of this crime. There is still quite a high likelihood that people will not be identified or will be instead criminalised, for example, as immigration offenders. Even if they are identified, they are not necessarily going to receive the support they need to exit themselves from a situation of exploitation, including slavery.

Phillipa Roberts: We are not where we were, but we are not where we need to be. In terms of what is working well, the large-scale training on identification has improved the identification of victims through the process. There is still more work to be done, but also we have seen over the last few years real improvements in the police response, largely through efforts of the PCC's network but also the work of the police transformation. In addition, there is the tenacity of individual police officers passionate about bringing perpetrators to justice.

Klara Skrivankova: From our perspective, one of the things that is working well—and following on from what Kate Roberts had mentioned—is not only increasing awareness but bringing the issue of modern slavery into areas where this was not an issue or an issue that was discussed openly. In particular, when it comes to businesses, there is much more



awareness and much more openness within the business community to talk about modern slavery but also to start looking at issues, and mobilising our business communities to do something along their supply chains as well as to provide employment opportunities for victims. That has certainly been working well.

On the issues that are not working that well, we are yet to see the rhetoric being translated into practice. There is a lot said about modern slavery being a priority issue for the UK, about the UK being a leader in the fight against modern slavery globally. However, on the ground in the UK we do not see that leadership yet. The lack of guaranteed victim protection is just one example where improvements need to be made, but also understanding the complexities of the issues and some of the underlying causes, particularly when it comes to other policy agendas.

For example, the impact of cuts on people's vulnerability to modern slavery, or other legislation that might render people more vulnerable. For example, making illegal working a criminal offence. We are yet to see the understanding of how modern slavery needs to be addressed across policy areas, not just in areas where the policy is titled as a modern slavery policy.

Kate Roberts: If I can just clarify? The example I gave of a police officer probably identifying someone who is in forced labour: in my view, that would depend on the person presenting as a victim of forced labour. There still is a risk that many people have a set profile of what a victim would look like, and if the person presented in a way that did not fit that profile, there is quite a high likelihood, unfortunately, that they would not be identified.

Chair: Thank you. We want to pursue each of those issues in turn. Could I also apologise in advance? We think we may have a vote interrupting this evidence session—an occupational hazard for us—in which case we will continue afterwards.

Q3 Tim Loughton: Can I come on to the question specifically of children? There seems to be quite an exponential increase in the number of children referred, both in labour exploitation—the figures between 2016 to 2017 went up by about two and a half times, certainly way more than for adults—and for child sexual exploitation as well, where they almost doubled. Why is that? Is it because there is better awareness, as Kate Roberts said, and so more of these cases are being referred, particularly on CSE, which we know is much more of a headline issue now? Or is the problem getting worse?

Kate Roberts: I would say we do not know, unfortunately. Certainly with regard to labour exploitation, criminal exploitation is included in those statistics. Certainly there is increased awareness of things like county lines and exploitation of British children for criminal ends. I would say certainly my belief is, at least in part, it is increased awareness, but really



I certainly do not know. We do not know the full extent of slavery in the UK.

Klara Skrivankova: I would concur with that. With statistics about trafficking, there is always the question: is the problem increasing or are we better able to identify victims? I would probably argue we are better at identifying, particularly given the increased awareness and training over the past few years. Specifically, when it comes to children, there is still an issue with the age category that you have mentioned: children between the ages of 16 and 18 are often not being identified soon enough or not being identified as children initially. That remains a challenge.

Yes, on the whole, the numbers are rising, but we still have a lot of cases where children are treated as adults as opposed to as children until an age assessment is completed. That is what international law requires us to do. We should be treating a potential victim as a child where there is a suspicion they might be under 18 until they are identified through age assessment. That is still not happening.

With the example particularly of children found in cannabis farms, the issue is still there where often they are not identified as victims and they would be prosecuted and end up in a young offenders' institution. That is a particular category that I think we really need to focus on a bit more.

Q4 **Tim Loughton:** What analysis have you done of where these children are coming from geographically? Has the increase been down to more children being imported and engaged in slavery, or is it children from the UK? Is it from big cities? Is it from certain backgrounds? Is there an ethnic factor to this? Do you have that sort of analysis of who are most vulnerable to ending up in child slavery of any description?

Klara Skrivankova: I can answer that in particular when it comes to Vietnamese individuals, and children are included. There has been very little so far done in terms of trying to identify in particular where they come from, and we are just at the moment completing a piece of research together with partners in Vietnam to precisely identify the most vulnerable individuals and areas in Vietnam where these children originate from. There are some provinces where more victims come from than others, and there are good socioeconomic reasons for that.

One example I can give you is the province of Nghệ An, which we visited last year in November together with our Vietnamese partners, an outreach session to the children there, and there were some 400 children who participated between the ages of 11 and 14. When asked, "Who of you have a relative, either immediate relative or someone in the family, working abroad?" all of the children raised their hands. Because of the dire economic situation of those families, it is almost a given that these children will be looking for employment abroad. That makes them very vulnerable because there is often no reason for them and for the families



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to retain them an education because there is no prospect of employment. That is one particular example.

One of the points that we are likely to be making at the end of the research is precisely that we need to understand a bit more about where victims come from—not just the country but a region, a province, a city, because that will be able to tell us where to focus preventative activities.

Q5 Tim Loughton: Do those children arrive as unaccompanied asylum-seeking children in most cases? How do they get here?

Klara Skrivankova: I think it would be a variety of ways. It depends on the amount of money being paid to those who bring the children over, so it depends often on the debt that is being generated or the loans that are being provided by the traffickers very often to the family. It can be a route that takes them through a number of countries, but very often they have to then go on foot for a period of time across Europe, and then they would cross either by sea or fly in, again depending on the capability of the organised criminal networks to—

Q6 Tim Loughton: I take the example of my constituency in Sussex. Some years ago, we had a spate of young girls from Sierra Leone and Nigeria, in particular, arriving at Gatwick Airport as unaccompanied minors, and they had been trafficked here by, effectively, pimps. They then went into local authority care and then were abducted and ended up, in many cases, in the sex trade, being taken to north Italy. That required a lot of co-operation between the immigration authorities, social services, but also back with Nigeria and Sierra Leone as the home territories as well.

As you say, if it is specific regions of a country there, then the work around that needs to happen between those authorities before those children arrive, in whatever form presenting or under cover in this country. I am surprised that more analysis has not necessarily been done of exactly how those children are getting here in the first place so that the problem can be dealt with at source, rather than when discovered here.

Klara Skrivankova: It would not be fair to say that no analysis has been done. Some analysis has been done, but the important thing is to do analysis that is more granular. It is not just the basic information but it is more detailed information, and it often takes a very long time in particular to get to a point where the children and young people, once they have arrived here, have enough trust and confidence to start telling those that work with them the real story. Often they are coached time and time again by the traffickers to tell a story, and they are told, “If you do not say this, you will be at risk, your family at home will be at risk”.

It takes a very long time. That is why we are working together on this project to try to cover both ends and to understand the context out of which people are coming, but also what happens to them on route, and, when they are ready, to find out where they really came from. It takes a



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very long time, and I think that is where the proper identification by the authorities at the very beginning is so important.

If you have a young person who is being treated as a potential offender, who is not being believed by the authorities, there is no reason for them to then start co-operating because they will not believe the authorities will protect them. That is what the traffickers will tell them, playing on the fear of the authorities from the home countries. It is extremely complex.

Kate Roberts: It is not a case of just asking the children because they themselves may not really know what visa they entered on. I have met enough adults who did not know what visa they have entered on, so it is not necessarily that they had a map of a route and understood what was going on.

Phillipa Roberts: Crucially, the work of independent child trafficking advocates in helping build trust with victims and potential victims is really, really key in terms of co-ordinating support and advocating for that person through process.

Q7 John Woodcock: It is interesting what you say about not being able to define whether this is a growing problem or whether awareness is growing. I spent some time looking at the county lines issue, and the perception of that—certainly backed up by the official statistics—is that county lines is growing exponentially, which would imply that the number of young people or vulnerable people being used in the county lines trade is also growing exponentially. Do you agree with that, or can you really not say? Do you not have a sense of whether that is the case?

Phillipa Roberts: County lines or child criminal exploitation has not necessarily been thought of as defined under the remit of modern slavery until recently. You are starting to see a growth in awareness but also the identification of victims through the National Referral Mechanism. Again, it is unclear. Is this because of more training and awareness around trafficking and then realising that this does fall clearly within a category often of human trafficking or modern slavery, or has this situation been there and it is only starting to be uncovered?

Q8 John Woodcock: Do you think the National Referral Mechanism categorisation is sufficient at the moment? Looking at this, it struck me as odd that county lines and criminal exploitation are all covered under a very broad category of labour exploitation at the moment. Is that an issue?

Kate Roberts: I think it is an issue. It is also a little bit odd that the main headline figure you have is of referrals in, which does not really tell you very much. We would not be the first to say that the data we have are not what we would like them to be, and the NRM figures are the main source of data but they do lead to quite a lot of questions inside of those data that exist.



Phillipa Roberts: It is necessary to understand that under the European Directive, “trafficking” has a specific definition for the purposes of criminal exploitation. It has a separate definition from a forced-labour definition. That, in my experience, is not necessarily being readily understood by competent authorities, and I have seen negative decisions on cases that actually do fall within international definitions. That really needs to be resolved in the updating of the competent authority guidance.

Klara Skrivankova: Just to pick up on that, if we were to look at both criminal exploitation as well as other forms of exploitation, they would often fall under the international definition of forced labour or the worst forms of child labour that talk about—drugs, for example. There is an argument for purposes of raising awareness and learning of breaking down the various categories because it is important to understand the distinction between the fact that if you are trafficked for the purposes of criminal exploitation, you, yourself, as a victim, potentially face prosecution for a crime. That gives rise to an additional right, and that is a different situation to if you are exploited for forced labour in agriculture, where you are not forced to commit crime.

For the purposes of clarity and raising awareness, it is important to make that distinction, but it is to an extent a separate issue whether or not we decide to put it within that definition or this definition, as long as the primary purpose for this is ensuring that victims have been safeguarded and given the rights that they are entitled to.

Q9 John Woodcock: Understood. Thank you. What you say about the dilemma of people being trafficked, who then carry out criminal activity, do you have a sense about how either the legal system or the culture or the approach could be reformed to better deal with that difficult issue? Obviously, international trafficking is an issue. It is a clear issue within county lines as well.

Klara Skrivankova: That certainly is a challenging one, and we have had loads of debates about that already in the process of the passage of the Modern Slavery Bill through the Parliament.

From our perspective, it is unfortunate the way the issue has been covered in the Modern Slavery Act, where essentially you can raise a defence only after you are in the process of prosecution. Also, the wording is quite unfortunate. The wording talks about a reasonable-person test, which denies the fact that if you are trafficked, one of the tests within the definition is irrelevance of consent. You cannot effectively, in law, consent to your exploitation, yet there is an added level of testing if you are raising a defence, “I was trafficked”, and that causes a lot of problems. If you look at the way the international law talks about it, it talks about non-punishment or possibility of not imposing penalties. It goes further beyond. It does not just fall under the criminal offence level. It is more than that.



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What you often find is people are already being punished in the process of even an investigation being started against them, while at the same time they are potentially being treated as witnesses. This would merit a review, and there is a lot of experience. There are loads of very helpful documents that were produced around what we know internationally to be the non-punishment provision. The Organisation for Security and Co-operation in Europe looked into this a few years ago in a lot of detail and provided guidance, which was referred to in one of the cases that was brought to the High Court here.

This is an area that really needs to be revisited because the consequences of prosecuting a victim are not just the fact that they are denied their rights, but the fact that their traffickers are escaping justice. One of the reasons why we believe the issue of forced criminality in cannabis cultivation is still a big issue here is precisely that we have not been able to really prosecute anybody in this area.

Q10 John Woodcock: If you make it entirely a binary thing, where you are either a victim and cannot be prosecuted or you are up for prosecution, is there a danger that that could further suppress the numbers of, say—I keep coming back to county lines because it is what I have been looking at recently—the number of young people who are properly referred into the mechanism as victims of slavery? If you are a police officer, you look at this and go, “Hang on a minute. If I go down this road, I am cutting off all options potentially to bring a criminal case”. Is that a danger?

Kate Roberts: What the police have suggested, certainly to the All-Party Parliamentary Group on Trafficking in the past, is that in the case of children, where it is potentially a county lines case, the onus should be on the police—and obviously there is a resource issue there—to evidence that those children committed the crime of their own volition. If they want to prosecute these children, they have to prove that these children were doing it of their own will.

As Klara says, always there is a real risk that you are just catching the victims, and the gang masters, the criminal masterminds, are fine. They can just get more victims.

Phillipa Roberts: It is also worth saying that we have CPS guidance on this. If the defence is being used, then all our actual guidance has failed before then in terms of ensuring that people are early-identified, that they are not prosecuted and prosecution proceedings are not even started. As Klara eloquently referred to, there are the non-prosecution provisions. The whole reason behind that is to allow people to come forward and potentially give evidence against the real criminals in these cases.

Kate Roberts: It is really important, though, to link that again to the issue Klara referred to earlier on, the 2016 Immigration Act and the criminalising of illegal working, because the other issue is that people who do not have immigration status in the UK are also really scared of



going to the authorities, and that is used to keep them exploited and enslaved. We are still seeing people in detention who have been trafficked. Their first responder is the immigration authorities. This is also a real issue and it is used to control victims. "You do not have papers in this country, and if you go to the authorities you are going to be the ones in detention." Again, exploiters are going free.

Phillipa Roberts: We are seeing that with European nationals, because we work on identification of victims. We are seeing fewer and fewer people wanting to come forward and currently enter the National Referral Mechanism—even though European rights have not yet changed—because they are fearful of immigration repercussions. We are starting to see that now. A robust system of identification, mid-term and also long-term support are really, really key to ensuring victims feel confident in coming forward.

Q11 **Alex Norris:** Looking at support for the victims, then, these last three years, what sort of assessment would you make of the quality of victim support?

Phillipa Roberts: We obviously welcome that there are reforms to the National Referral Mechanism and moving victim support forward and extra support being provided. The key issue for us is that when somebody gets a conclusive-grounds decision that they are a victim, that should mean something in law. It should mean access to more long-term support and it should mean regularisation of immigration status, something that a Bill proposed by Lord McColl is advocating for.

That is really key because in conducting long-term support for victims we will work with and advocate for victims through criminal and civil process. There are substantial gaps in systems and there are substantial areas where there is the potential for people to cliff-drop through systems and end up potentially homeless.

For instance, our caseload between 2013 and 2015 was a mixture of low, medium and high-needs people. When looking through those cases, 70% would have been homeless had we not intervened, because there are so many fractures in other systems in terms of housing, local authority response and welfare. The security of immigration status is fundamentally key because it affects virtually everything else. It affects your ability to obtain work. It affects whether you can work. It affects your ability to obtain housing. It affects your ability to obtain welfare assistance if you are not yet ready for work. Those are two crucial things that really do need to be resolved.

Kate Roberts: Just to build on that, with regard to the NRM reforms, we obviously really welcome the Government's commitment to adopt the Trafficking Survivor Care Standards, which have recently been relaunched as the Slavery and Trafficking Survivor Care Standards. The Government have committed to adopting those in the next victim care contracts, so it should help with informed consent. Victims should know that wherever



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they are supported in the UK, they will be able to access their Article 12 entitlements. That is a really good thing.

We are quite alarmed by the cuts or the alignment of subsistence rates. It is very clear that if people are living off effectively £5 a day, it is very hard to recover when your focus is on meeting your basic needs, in terms of your hierarchy of needs. To begin to unpack this trauma is very, very hard if you are consumed with how to get a winter coat. *[Interruption.]*

Chair: The bell! We will have to go and vote. We will return as swiftly as possible and continue the evidence session at that point.

Sitting suspended.

On resuming—

Chair: We continue our evidence session.

Q12 **Alex Norris:** Following on from that, we were talking about support for victims. We know that at 45 days there is an expectation that a decision will come as soon as possible after that. We know that is not the case. Putting aside variables we could not control around complexity of investigations and so on, are there things the Government could change that would shorten that time?

Kate Roberts: In part of the NRM reforms, Government are talking about quicker decision-making. The detail of that is not clear.

I think everyone recognises that it is important that good decisions are made, but there is a feeling that it is not reasonable to take people from a situation where they have been in exploitation, not being able to have any say over their future, and then put them into another system where they are also in limbo with no say over their future. That is very damaging for people's mental health and their recovery. When the decision is made, they are not guaranteed any support of stability beyond currently 14 days if they have a positive decision and a promise to change to 45 days if it is a positive decision; if it is a negative decision it is currently 48 hours.

No one is suggesting the Government should rush the decision, but there needs to be clarity to keep victims informed. If there is a time that is told to victims, we should be doing our best to stick to it.

As Phillipa already mentioned, Lord McColl's Bill is to also give victims some pathway to rebuild their lives at the end of it. Timeframes that are clear and that are kept to, and people are kept informed, but then a pathway to recovery at the end. Lord McColl's Bill, as Phillipa said, would provide for victims of a positive conclusive grounds decision to have a year's residence permit. At the moment, the latest figure we have from 2015, only 12% of victims with a confirmed conclusive grounds decision got a residence permit. The guidance says that you get a residence permit on the basis of personal circumstances, co-operating with the police, or therapy. We know the police do not always investigate a case



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that is not necessarily the victim's fault, but we know about the waiting lists for accessing therapy.

I cannot really think of a circumstance under which someone is found by the competent authorities to be a victim of trafficking and not have ongoing personal circumstances. It would mean the guidance is implemented as I would imagine it should be, but also we have to remember that for British victims as well it means that people have a support pathway to recover. You have your decision, but you have someone who helps you get your NI card or deal with your housing contract, just the logistics of life, opening a bank account. I think it is very unrealistic, if we think of the times that people have been exploited for in many cases and the vulnerabilities that led to people being exploited, that you can exit that situation and just be fine in a very short period of time.

Phillipa Roberts: In my experience of working with people on long-term advocacy, often it is six to 12 months before people start to even process what has happened to them, and then only when they are in a situation where they feel stable. The stability of their situation can then cause a situation where someone's trauma and mental health issues come out. At that point, they can very much then cliff-drop. Without ongoing support through process, that means that person could lose their job, lose their home, and be at risk then of being re-exploited.

Klara Skrivankova: I agree with what has been said. I think the key to this is ensuring that good-quality decisions to a standard are made in each and every case. At the moment, we see that the quality varies. You have cases that are obvious cases of trafficking, yet they are being denied because they are often conflated with immigration cases. A lot of the delays that we are seeing are because there is not enough quality decision-making in the system.

Yes, we need to make sure that as many decisions as possible are reached within a shorter period of time, but it has to do a lot with quality, at least what we have seen, and then also deal with the question of what does it mean to be identified conclusively as a victim, and what needs to happen after that? That has not really been addressed in the system at all properly.

Kate Roberts: Linked to that, there are issues in decision-making through the system. As you will all know, if someone gets a negative reasonable-grounds decision, they do not access any support. Obviously there are limitations as to how much you can challenge a negative conclusive-grounds decision, but you are in the system. You have had some support, and you would hope that people would continue to support you to challenge the negative decision if that were necessary, if it were believed that you should have had a positive conclusive-grounds decision. If you get a negative reasonable grounds decision, you are out there.



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I recently had sight of a negative decision that was so obviously filled out by someone who had five minutes. With many of these first responders, there has just been a raid or that person is just in the car park of a car wash. They are not very good conditions under which to disclose. The form I recently had sight of was quite obviously negative because there was no information on it, and the person's birth date had a 20-year difference to her age. The competent authority needs to be sending those kinds of forms back saying, "We need some information", not just giving that person a negative decision.

The Government have committed in their NRM reforms to the three days' safe space, which, again, depending on what those space spaces end up looking like, may help informed consent and inform the quality of information going into the first responder's referral form, so the first information in the system. There is a real issue about the quality of first responders and training for first responders. It is seen as a bit of a low-skilled job that people can do, maybe without any training, just because they are a first responder, but it is key to everything, that first decision.

Q13 Alex Norris: You mentioned support. There is a big national contract at the moment with Salvation Army, and then a series of sub-contractors beneath it. Is there any evaluation of how good that has been?

Klara Skrivankova: The key issue or the key recommendation we have had from the very beginning was the absence of coherent standards. Kate has already mentioned the commitment by the Government to adopt the standards that the Human Trafficking Foundation has been involved in. That has been one of the recommendations, and we are really keen to see those standards being in place. It is important that everybody, not just the main contractor but anybody who is providing support to victims under that contractual arrangement, is operating to the same standard and can be also monitored under the same standard, and we have not had that so far. That is a key thing that we are hoping will be in place very soon.

Kate Roberts: That should serve also to professionalise the sector and support the individual professionals who are working with vulnerable people to make sure they can do their jobs properly. As Klara says, we have had the commitment, which is hugely welcome. It is now about implementation, monitoring, and inspection of that.

Q14 Alex Norris: Just finally from me, related to that contract, forgive me if this is not right but I have picked up that the providers may be bound by non-disclosure agreements relating to that contract. Is that something you had heard?

Kate Roberts: I have never worked for a sub-contractor or a contractor so I have not had sight of that. I have heard rumours about that, yes.



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Klara Skrivankova: The same with us. We have never been a first-line service provider. We have heard those rumours but there is no public information about the contractual terms.

Q15 **Chair:** Would you expect it to be appropriate to have non-disclosure agreements?

Kate Roberts: What for me is vital is that there is not a conflict of interest, so that anyone who is working to support the victim needs to be able to support the victim, including taking a legal challenge, for example, judicially within the Home Office. They need to be able to support them to do that. There absolutely must not be any conflict in victim support.

Q16 **Kate Green:** Can I ask first of all about people who are leaving the NRM and in some cases then being repatriated? How good do you think the support is for those survivors?

Kate Roberts: My colleague at the Human Trafficking Foundation has worked on this far more than I have, but I think there are real concerns around support for survivors on repatriation and how much work has been done to check that it is truly safe for people to return to their home countries.

Q17 **Kate Green:** What could the Government do or should the Government do about that?

Kate Roberts: There needs to be work in place with partner organisations in those countries to make sure that there is long-term support in those countries, to make sure that people are able to rebuild their lives and not slip back into exploitation. I also think it is really important that people are not returned without access, should they want it, to a reflection and recovery period in the UK and able to access their entitlements under the Council of Europe Convention, such as legal advice.

Again, we have heard really concerning reports about people who say they want to return to their country and then not being allowed to enter the NRM, which should not happen, and we have heard concerning reports about people being returned in ill health or without adequate clothing. They are in a very vulnerable situation as soon as they return. Obviously any return must be safe and it must be supported.

Q18 **Kate Green:** Are there countries where there are particular issues or is this across the piece?

Klara Skrivankova: If I may, on that point, the key issue is the preparation of someone's return, once they have decided, the risk assessment, the communication back to the country of origin, and collaboration back with the country of origin. What I have heard from a number of organisations in several European countries is they are often just told, "Oh, there is somebody coming on a flight. Can you meet



them?" without the proper risk assessment. They need to participate in that.

Perhaps it might be of interest to the Committee to invite one of those organisations to provide evidence of how they have experienced the return of their nationals from the UK. My understanding is it is sometimes really challenging because there is not the collaboration or the information sharing that needs to be in place to ensure that somebody is received, that the right services are available for them, especially if it is somebody who has high needs. That was my understanding, that there are more and more victims who have extremely high support needs, and that requires further risk assessment and preparation. My understanding is that it is not always in place.

Q19 Kate Green: Kate Roberts, I think you mentioned a few minutes ago that people were not necessarily being routed into the NRM, not always correctly. Are there situations where people either refuse to be routed into the NRM or where it might not be in their best interests for that to happen?

Kate Roberts: In the case of adults, of course no one should be referred into the NRM without their informed consent, and we have already had a brief discussion around how hard it can be to achieve informed consent when people do not have access to legal aid and maybe do not have anywhere to sleep and are hungry and cold. Yes, there are adults—and Phillippa would be able to tell you more about European nationals—who do not consent to the NRM because they do not see how it is in their best interests. I think that is why so many of us are so concerned that the NRM offers something to victims. We need to offer guarantees around standards of support, that people will be able to access their entitlements.

Just to reiterate, you have been in a situation where your life has been controlled. Why would you sign a form to enter a system where you are going to be put somewhere in the UK, you do not know where, you do not know who is going to be looking after you, and you are going to be just taken there? It is not so far from your trafficking situation. That is why we need to make sure the NRM works for the victims—subsistence rates. Being able to guarantee that people will be properly looked-after during this period, is absolutely vital. Adults are entitled to make a choice that works for them. It is highly important to make sure that the NRM does work for them.

Phillippa Roberts: Key to making informed choices about what a person wants to do and also part of the Convention rights is access to legal advice. We have seen substantial cases now where it is very, very difficult and it has been really difficult for our advocates to locate legal advice across the country due to legal aid reforms. That is more acute, and now that is a problem for normal people across the country, but it is more acute for victims of trafficking because it is a specialism within a specialism.



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Also, certain parts of legal advice are currently out of scope. For instance, advice around welfare benefits, if someone is not quite ready to work, is notoriously complex for this client base, yet legal aid is not available below first-stage tribunal level. Victims being able to access legal advice across the board, around compensation, around their immigration status, is really key.

One thing I have noted in Scotland is that people can access immigration advice prior to a reasonable-grounds decision. Given the current immigration climate, it is really key that people are able to access immigration advice prior to a reasonable-grounds decision, and that gives someone potentially confidence in coming forward and potentially entering the NRM system.

Q20 Kate Green: In terms of the way in which that could be communicated effectively to survivors, how do you see that best being done, offering both that information and that assurance, assuming it were in place?

Kate Roberts: There is a combination of ways. As we said, there is not one profile of survivors. I think a lot of people do hear through community members, to loosely say—if they have heard about other people entering the NRM and being in the NRM for two years and not being allowed to work during that time, rumours spread around that and people would be like, “Why would I?”—and through word of mouth, and also training first responders. Again, I think first responders need to be able to say with confidence what a referral into the NRM will mean, and that is not always the case at the moment.

Phillipa Roberts: There are some resources available in a number of different languages, which are very simple resources to help people understand that process. It is really clear from both the Council of Europe Convention and Directive the importance of providing information about someone’s rights in their own language. That is something that still we are trying to develop. It is really key and really empowering for people to holistically understand their rights.

Q21 Chair: Just to follow up, this interaction between the NRM and the immigration and asylum system: how far are the problems that you are talking about problems around effectively case work and casework decisions and the way that the different bureaucracies are working, and how far do you think it is about the rules?

Kate Roberts: Specifically when people have also applied for asylum?

Chair: Yes.

Kate Roberts: I do not know. I think there is a problem when decisions are conflated with asylum decisions, which is why so many of us, I believe, advocate for Lord McColl’s Bill. Also, with Brexit, we do not know what anything will look like, but there is a likelihood that we will have many more European nationals who also may be asylum—I think asylum can be used as a bit of a moving-on process for people who have been



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trafficked, when maybe a residence permit would be more appropriate. It can get muddled and messy. Again, Lord McColl's Bill would help improve that system, but I do not know exactly whether it is the asylum system or the NRM system.

Klara Skrivankova: I think it is more fundamental than that, going back to the conception of the NRM. From my perspective, the very fact that it has been modelled on an immigration decision mechanism is the reason why we are in the situation where we are. Instead of having a system that is there to identify whether an individual has been a victim of modern slavery or severe exploitation, it is operating under the same system for asylum or for immigration, and ignoring the very fact that a high proportion of victims that are identified are actually British nationals.

What we really ought to be thinking about is: should we have a system that is designed to identify exploitation? Yes, sometimes the individual will come to light through an asylum process because indicators will be identified, and yes, sometimes that individual will need to interact with the immigration system to get a residence permit or to perhaps apply for asylum, but these two systems should be separate. We have argued for that from the very beginning. We have been able to identify over the past nine years the flaws in the system because there is confluence, because there are competing priorities. That, from our perspective, is the fundamental issue with the system as a whole.

Q22 **John Woodcock:** You mentioned earlier the process of improvement around the police being able to recognise instances of slavery and trafficking. I wondered to what extent you look at other parts of, say, the public sector, the education service, the health service and potentially the private sector around their potential for spotting people who are being trafficked.

Kate Roberts: Just briefly, I gave the example of the police, but I am by no means saying that all police will identify victims of trafficking—

Q23 **John Woodcock:** No, I understand. We very much recognise that you were saying there was something of an increased awareness but there was still a significant—

Kate Roberts: Yes. Many times, people will be considered to be an immigration offender or have been a criminal once before—

Q24 **John Woodcock:** No, I think you got that message across really strongly. I am just wondering to what extent there is a role and what could potentially be done better, in your view, to increase the levels of education in the wider—

Phillipa Roberts: I think there is a role, obviously, of lots of different agencies, and this does not just sit within the Home Office. Other Government agencies or non-government agencies play a role across the board. Other Government agencies may be coming across potential



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victims of trafficking. One thing that we have really found key to that is front-line training on indicators of trafficking and awareness.

For instance, around the business sector, we have just launched Slave-Free Alliance, which is our business response of working with businesses, and we have already identified victims within the supply chain because of that collaborative work with business. It really is about partnership and collaboration. That is really, really key.

Klara Skrivankova: I absolutely agree with that, but in the context of the NRM there is a qualitative difference between identification that needs to be carried out by authorities because there is, in international law, the obligation to identify trafficking and to act on that, whereas there are all the other stakeholders that can spot indicators but are not under a duty to carry out the identification and to do something about it.

For example, if the police are alerted to a potential case of trafficking, they are under a positive obligation to investigate. That is a very different type of responsibility that there is, and it is important to make a difference between those that have the responsibility and those that have a role to play.

Q25 John Woodcock: Is there a case, in your view, for extending responsibility? How could you potentially improve the system if you had a free hand?

Kate Roberts: I think people need to be resourced if they have this kind of responsibility. As Klara says, a lot of bodies do have a statutory duty. They may in cases not even be aware of this. At the Human Trafficking Foundation, we have done a lot of work with local authorities in London, and many people were not aware that they had a statutory duty to identify. They have not been trained. No one is telling them what they then have to do. It is really important that if you are giving people a duty, you need to enable them by training them, by giving them capacity, because you are asking them to turn over this stone but you need to help them know what pathways they need to take to make sure the victim is properly identified but then referred and supported so they do not just disappear again as soon as they are out your door.

Yesterday, when people came to the NGO forum, a lot of people were talking about health workers, that health workers will often come across people, and they are not first responders. They might identify someone, but then they would have to find a first responder to refer someone on. Potentially, there are some areas where roles should be expanded, but people do need capacity.

What we have been doing with local authorities is encouraging special points of contact, individuals to step up and volunteer to be a slavery champion, but it is a lot to ask someone on top of their day job to do that. The idea is that not everyone can be trained, so there would be some people how have developed a specialism, but it is a lot. It is a



serious matter to identify a victim and support them. The professionals themselves need to also be supported.

Chair: Thank you very much. We are very grateful for all of our panel's time, and thank you for your patience as well while we disappeared to vote—not once, but twice, it turned out. Thank you very much. We are grateful for any further written evidence or any further thoughts that you have on any of these topics as well. Thank you. We will move on to our second panel.

Examination of Witness

Witness: Kevin Hyland OBE.

Q26 **Chair:** Thank you very much for your time this afternoon, and thank you as well for your patience about the delay in starting the panel.

Obviously we have the letter that you wrote when you stood down as the Anti-Slavery Commissioner. Can I just thank you for the work that you did as Anti-Slavery Commissioner? You set out as part of that the list of the things that you and the office had achieved in that initial period. What would be the thing that you would highlight as perhaps the most important of all of the things that you did?

Kevin Hyland: There are a number of things that were very important, and it is very hard to split them up. If we take it in two sections, because I did the letter in two sections, I think it is the constant approach I had towards victim support and what was needed. I thought this time 12 months ago we had got over a threshold with the announcements that were made this very week 12 months ago, which are still just announcements, so I thought that was an important step forward, that we were going to see that change.

The other thing was in the international level, the work that we engaged with internationally, and particularly getting a sustainable development goal, 8.7, which was negotiated by my office. We were pushed back at every stage. I went to meet lots of senior people, including those who represented the UN, and I was told it was too late to get a change to the drafts at that point because they were already drafted.

Through the relationship I had with Santa Marta Group—and I knew that the Pope was opening up the debate—I made a direct approach there, and then I got the support that I needed to change the views of the United Nations and all 193 countries. This change in the SDG 8.7 was added to the drafts on the Saturday before they were signed on the Sunday. I got a phone call from the Australians on Sunday morning, saying, "Well done".



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On the international stage, that was there, but I think the way that I continuously pushed for victims and have never let that leave the agenda fed into so many other things, like the policing response. Raising this with businesses, "Criminals have infiltrated your systems, and this is a crime of victims, not a social issue or not just business malpractice. It is a criminal activity that has infiltrated your business with people who are exploited". I do not think we have gone far enough on that bit. I think there is a long way to go on that.

Q27 Chair: Just pushing a little bit further on the domestic side, you referred to the announcements 12 months ago, and these are the reforms to the National Referral Mechanism and the independent panel of experts reviewing negative decisions and so on. Is your sense that there has really not been very much progress on implementing any of those reforms in the last 12 months?

Kevin Hyland: I wrote to the Minister last January 2017, highlighting my concerns around the issue with the NRM. I had previously written to the National Crime Agency. One of the first letters that I wrote when I became Commissioner was about the National Referral Mechanism to the then Director-General of the National Crime Agency, Keith Bristow, and we had meetings around it and we came up with a plan. We are talking about now 2015.

I wrote to the Minister in January 2017 and I announced that I was going to do a review, and I went all across the UK, to England, Wales, Scotland and Northern Ireland. I liaised with police, with NGOs, with local authorities, and I identified what the challenges were. Some of them were fundamental, like police officers were using their own credit cards to keep people in accommodation. They are letters on the record and I can supply them to the Committee if necessary.

Q28 Chair: That would be very helpful.

Kevin Hyland: When I conducted that review, again in September of 2017, I wrote again to the Minister, highlighting what I felt needed to be done. Then I met with the Minister on a number of occasions, and officials, and we came up with the eight recommendations that they announced.

Initially, there were some announcements on I think 12 October, when I launched my annual report, and then on 26 October, so three days' time a year ago. I was hoping that they would come in really quickly because some of them are about the access of victims, about the support beyond the 45 days, about what they had said that they would have a six-month dropping period, about the way the data were recorded. We heard from Mr Loughton about data. We need that detail of where have they come from? What are the routes? Where were they exploited? What ages are they? That I was hoping we would be seeing here, saying it is all done.



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The only thing that has been implemented is a cut or a realignment of the allowances given to the victims from £65 to £37 if you are an asylum-seeker. If you are not an asylum-seeker, you still get the £65. You asked a question earlier about, do you get treated differently if you are an asylum-seeker? There is one thing that proves you do.

Q29 Chair: The only thing that has been implemented is the thing that makes support for victims worse?

Kevin Hyland: Yes. Again, I wrote to the new Home Secretary in June of this year, highlighting the fact that so many NGOs had raised this issue with me, and there were things that the cuts had caused. For example, victims could not even go to church because they could not get on the bus or they could not afford it, and that is where they might go and get their support or they might go and get food or they might get clothes. That is where their support was coming from. I wrote to the Home Secretary, highlighting that, and met him and said that this cut was really having a negative effect.

When we were negotiating the whole process, one of the things I highlighted was that it was taking sometimes up to three years for an NRM decision, which is wholly unacceptable, but think about the cost. Somebody is in the system for three years. If you bring it down to the 45 days or make it a reasonable time, you save money to put back into the system. If we had dealt with all the other issues that were in the recommendations, the cuts that were being suggested or realignment would not have had any impact or would have had lesser impacts. I had identified things like the quality of support through the NRM and who was monitoring it, who was managing it.

For example, I met with the Care Quality Commission, who said, "Yes, we can monitor it and look at it so that we were doing processes similar to other things that we do". That is one of the biggest challenges with the whole response to human trafficking. It has not been put on a professional basis. It is sometimes made up as it goes along instead of learning from some really big mistakes we made in the past. Whether that is around domestic violence, child sexual abuse or whatever it is, take that learning and start from there. Do not go along and make the same mistakes again and lose the opportunities that learning should have brought.

I raised this several times at the NRM since the day I became Commissioner. I have raised it continuously. I was a police officer before, as you know, and I used the NRM, and I was the person in charge of those teams who was driving around London sometimes looking for a bed at 2.00 am in the morning, or I was the person who had to go to Leeds and confront UK Visas and Immigration to say it had made a wrong decision about evicting, and, "We were going to prosecute the people, and you were working against us". I think those systems, while they have changed in many ways, have not changed to where they need to be.



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Q30 Chair: Could you give us an example of a typical case where things basically go wrong, where there is just a gap between what you would expect to happen and what you would want to happen, and what is happening in practice?

Kevin Hyland: I can give you an example. Today I get a phone call from a non-government organisation because they know I am here, telling me they have been trying to get somebody into the NRM through the police but it is not working. I can help them because obviously I am linked to a number of charities and we can get somebody outside of the NRM.

However, if I tell you about cases where a child was trafficked to the UK at the age of three and then was sexually abused for a number of years—and I am talking about decades—later on, when they are identified as a victim and they went through a lot of mental health issues, they get a letter saying, “Yes, we have confirmed your status as a victim of modern slavery under the NRM”, and in the same letter they are told, “Your status in the UK is that you are not legally here”. They did not know where they came from. The person themselves did not know where they came from because they had been here as a child. They are the kinds of things that happen.

There was a case where a child was trafficked into the south of England and then ended up being reported into the NRM, but never reported to the police. There is that crime where a child has been trafficked, the information has sat with the National Crime Agency or UK Visas and Immigration, and all of it will go through the National Crime Agency, yet the police force where the crime potentially happened had no record. A lot of those have been changed by what I demanded around proper crime recording, about proper assessment of the situations, but it is still not where it needs to be. That is because there is an issue around responsibility and leadership. What happens is the NRM creates a situation where, “That is over to you” and, “That is over to you”. When the £8.5 million was given to the police to create the transformation project, I said again, “A priority has to be the National Referral Mechanism”.

We heard about Vietnam earlier, and I did an inquiry into Vietnam. You will see there is a lot of detail in that, that 49% of those who were trafficked and got conclusive grounds were children. It says where they came from. It says what routes they took. I then identified that there was a camp in Calais just being used to traffic children or to traffic Vietnamese, and many of them were children. All those things are out there, but they are in the system that sits within the National Referral Mechanism.

We have a position where all that information is in the system, it is all sat within processes, but nobody is examining it, like when I was an investigator or like when I would investigate whatever cases it was: rape, murder or trafficking. You go through a process of investigation. At the moment, the police are saying, “The NRM is there, we are here, the NCA



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is there". I think the police need to take this on, as these are victims. When I look back to my time as a police officer, that is what I did. I went and looked at cases that were old, and we got criminals under the old legislation, not under the new legislation, and got them long terms of imprisonment. There is very much a leadership thing here.

Q31 Chair: If things are not changing fast enough and not making progress, and particularly the things that were announced 12 months ago not being put in place yet, what are the obstacles to that change?

Kevin Hyland: We have 5,145—I think that was the number—referred into the NRM last year. There is a backlog of several thousand still waiting for decisions, so that number just keeps going up.

Q32 Chair: Is that a capacity issue?

Kevin Hyland: It is a capacity issue but it is also who is making the decisions. If you think about it, if you were the victim of a very minor crime of theft or something, that might be investigated by a junior police officer. If you are the victim of a crime that holds life imprisonment, you would expect it to be a detective or a senior officer assessing it, ending up with a command team looking at it. For example, like rape. There is a whole process of investigation. That is what needs to happen with these crimes. They need to go on what is called a PIP level 2 investigations course before you can investigate these.

The professionalism that sits around this whole issue has not hit the ground. In a recent report, for example, a lot is made of the fact that for about a third of the victims that come in, the crimes happened outside of the UK. That is quite simple. You record it and then you transfer it to Europol or that police force in a managed way, but that does not mean you do not record it here, and that does not distract you from what you are doing. You carry on with your job and you do the processes. The thing is, of course, that this involves a lot more people from overseas than other crimes have in the past, but that is the nature of the crime.

I think that what we need to do is look at systems that exist, things that have tried to be developed that will not lock on to the systems. The best things that we achieved as an office were things like getting the judiciary involved. I am still involved with that, particularly in Scotland. We got Northern Ireland involved, and now we are getting the Republic of Ireland involved. There are nearly 2,000 judges who are trained within their system, not coming in and giving them something that does not apply to them. The same with the health service: I engage with the Royal College of Nursing and the Director of Nursing, and we are now feeding that into the International College of Nursing around the world. It is about getting it into systems that are there for the longevity and have the processes attached.

Q33 Chair: The other thing, just going back to your letter, is you said, "At times independence has felt somewhat discretionary from the Home



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Office, rather than legally bestowed." What did you mean by that?

Kevin Hyland: When the Act went through, and it is well-recorded in Hansard and the Bill, the independence of the role was crucial. It was debated at length, hence the term "independence" put in there, and there were some provisions in there. If you look in the Act, it says that the budget will be set by the Secretary of State before the year commences, because obviously, to be independent, you have to have your budget. I never once had my budget set. Not once.

Q34 **Chair:** You did not even have it set at all, not even before the year—

Kevin Hyland: At all. It was a figure that appeared towards the end of the year sometimes. One year, last year, I had asked for an increase because of the increase of the capacity, and it was agreed, and then I got a text from the Home Office telling me, "It should be okay", and then later on it was not okay. Then things like recruiting staff to meet that budget was taking so long that the following year—I recruited people last November. When I stood down in the beginning of August, those people still had not arrived because it was going through the Home Office system, and these were people who already worked in Government Departments. The control that was being placed there—

Q35 **Chair:** Was that because the Home Office was not appointing people, that it was not doing any vetting of people? What was the delay?

Kevin Hyland: I would do the appointment myself, and then the—

Q36 **Chair:** You would say, "This person, best in the interview, should be appointed"?

Kevin Hyland: Yes, and I fought for that, and I recruited from within and outside of the civil service, so I had a good mix of people with the specialist skills. Then the processes to get people in were so onerous.

Q37 **Chair:** What is this process? What is it?

Kevin Hyland: It is the vetting, then the clearance and so forth. If you think, somebody who was working in what was a recognised Government process, who was vetted to a higher level than what I required, had not come seven or eight months later.

Q38 **Chair:** Blimey!

Kevin Hyland: That was one issue of independence. The other bit was once you get interference with recruiting your staff, who I might need for a particular issue. For example, when I was looking at Greece and Italy at the request of the Government, I needed to be able to bring specialists in, but the flexibility was not there. When I went to Calais, I needed flexibility there. It was a very slow process.

Then, when I was reappointed, I was reappointed three days before my contract ran out. The process they did on the reappointment and the assessment they did, previously, when Mrs May was the Home Secretary,



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she conducted my annual assessment and it was done in a very high-level way. When I was reappointed, when Mrs May was then Prime Minister, it was done by an official in the Home Office. When the Commissioner's role was created, one thing the Minister said was that the Commissioner would act without fear or favour of law enforcement, and that "I would expect"—those were the terms the Minister used—the Commissioner to criticise the Government, and I did on a number of occasions, and I did it publicly. During the assessment process of my reappointment, it was said I should be more almost encouraging to the police and other agencies, as opposed to publicly criticising them.

Encouraging sometimes means you have to say whether it is wrong, and I was doing that in a way that was measured, was always evidence-based. The Vietnam report that I did, they made a reference to that in my reappointment process that I had highlighted the fact that the National Crime Agency had missed intelligence, which I did. This intelligence was one of my staff going and looking at the material that was in UK Visas and Immigration's and the National Crime Agency's databases and coming up with a report that could show all that information: routes, places where they came from in Vietnam, families.

I went to Vietnam and I met families there and heard the issues, and we showed that a lot of people are not trafficked initially from Vietnam but end up in these odd labour situations, and as they get closer to Europe and to the UK, they get more vulnerable and then the trafficking. We could have that detail. That was not seen as something that was positive.

As a commissioner, and as an independent commissioner, I was not going to leave that, so they reappointed me for a year. They wanted me to write a three-year strategy. It was a mess. The whole process was a mess.

Q39 Chair: This was effectively Home Office civil servants who were saying to you that, as part of your reappointment process, you needed to be more supportive of the Government?

Kevin Hyland: To the police they mentioned it, and to the National Crime Agency. They said I need to consider foreign policy more, because of course when I travelled abroad I would liaise with the Foreign Office. They were very supportive. The Vietnam Report, for example, the ambassador in Vietnam found it really positive and made lots of measures come in and we were able to identify routes on the way. But the whole process was done as if they were my line manager.

The other thing is that in the process of ever authorising anything for expenditure, they had retained line management, so even if I had to buy anything, it would go to a civil servant to authorise. The control that was there right from the beginning was not how I think Parliament intended it.

Q40 John Woodcock: Who specifically told you to be less critical?



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Kevin Hyland: I can give you the document. It is in a PDR assessment, that I should be more encouraging. There was an article that went in the newspaper and it was before some campaign that the National Crime Agency ran. The timing of the media, as we all know, they can put stuff out that might be historic. The timing was the media's role, but they thought that that was unfair, that there was criticism—

Q41 **John Woodcock:** When you say “they”, are we talking about senior Home Office officials?

Kevin Hyland: Yes, we are talking about the people who wrote that report or the Director, as it was at the time, of the Modern Slavery Unit. The very organisation that I have a role to hold to account was then writing my report for reappointment. I raised it with officials and they came out with one reason; I raised it with the Home Secretary and it was not the same kind of consistency as to why it was a 12-month appointment. We were going down a track where there was just inconsistency and the independence was being heavily compromised.

Q42 **John Woodcock:** Broadly, the same group of people or the same person who was writing a report saying, “Be less critical” were also the same people who effectively had your budget line, because you did not have your own budget line?

Kevin Hyland: Exactly the same person. Not the same people, the exact same person.

The other thing as well is that they took counsel from the police, the National Crime Agency and others around my reappointment process. I had support from people who were senior ambassadors and foreign Governments about what they felt and what they felt my impact was with them and NGOs in the UK. I fed that in as part of the reappointment process, which was a very positive feedback. But I think also going to the agencies that I was responsible for holding to account under statute, it seems kind of odd that you would go to them because this is almost like—as I said to the Prime Minister—the worst pupil in the class reporting on the headmaster.

Q43 **John Woodcock:** What did the Prime Minister say to you?

Kevin Hyland: The Prime Minister—I said that.

Q44 **John Woodcock:** Just finally, this picture of your budget not being announced, you not being able to get your staff, that must have suggested to you that this was not simply incompetence or a slow bureaucracy, this was an attempt to deliberately frustrate and slow down your work.

Kevin Hyland: Yes. I think if you look at the work we did, we were not hanging back. We hit the ground running as an office—we were progressive, we were challenging. There were a number of occasions I went overseas, often at request to Australia, for example, where there is



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now a Modern Slavery Act coming in. Their Government asked me if I would give evidence. I went to Nigeria, I went to Edo State, and I was the first person who went there for many years and now you look at all the projects that are there, because that is the heart of trafficking in Nigeria to Europe and to the UK. There is now work going on there; there was nothing there.

I went to Vietnam. Again, that was at the request of the Government. I went to France; I went to Calais. Not long before I left, I met with senior officials from the Prosecutor's Department to see how we could improve the work in Northern France and also other areas of France as the routes come in, so we were continuously doing that.

But going back to what you said, do I feel that there was an attempt to slow us down? I think there certainly was.

Q45 **John Woodcock:** Using the budget used for the staff?

Kevin Hyland: I think using a number of things. A reappointment process being done on an Anti-Slavery Commission or a role like that by a civil servant from the Department that you have criticised on a number of occasions is not independent.

Q46 **John Woodcock:** Do you think that was politically sanctioned? Do you think that was sanctioned by Ministers?

Kevin Hyland: I had a really good relationship with the majority of Ministers, certainly with the Prime Minister. I think that she was completely behind this agenda and every time there was anything to do there. I think the fact that the call to action, we helped with that as an office and got more countries in the room at the UN level and the STGs. I am not sure.

Q47 **Alex Norris:** Moving on to business and transparency in supply chains, three years of the section 54 provisions of the Act, what difference have they made?

Kevin Hyland: There is a difference. I think it would be wrong to say there is not, because we do see some companies going above and beyond and we see companies who are out internationally changing what they are doing. I spoke to one of companies this week—in fact, two companies this week—and I was recently appointed as the Chair of the Institute of Human Rights in Business on their responsible recruitment work so that we can get more businesses doing that.

But when you look at it, again, I wrote to the Government on this and highlighted it, saying that they were still trading with companies that had not done their statements. I also highlighted the fact—and wrote to—27 FTSE 100 companies who had not complied with the evidence. I am a small office of seven or eight people and we were looking at this and I had somebody working on this so that we could identify that. Then we



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asked for a central repository so you could see who had and who had not filed and there was resistance to that. I think that is changing.

I have said on a number of occasions, and I think it may be home now, but if Government bring in legislation around supply chain transparency and they are not adhering to that themselves, which it was not in the Act, but more importantly they are trading with businesses that have not complied with that and they have control over that. There were certain things that were put to me about EU directives and procurement, but sometimes you have to show leadership and just say, "If you have not done your statement, do not come here for business" because you know what, they will go and do their statement.

I also think the sanctions that were there, there was the option for the Secretary of State to get an order against a company that had not filed. Well, there are thousands and thousands; where would we start? You could start with the FTSE 100 companies. The other thing is that if any of us do not file our tax, the day after it is due we get a fine. I have raised that many a time, that they need to put a sanction in, no matter what it is. It could be pro rata the size of the company, because that would be a wake-up call as well. There should be some sanction the day after you are supposed to put that statement in and it can go up weekly or monthly, just like our tax bills do if we do not pay our taxes. Why is there one rule for the individual and then one rule for the big companies? That can't be right.

Q48 Alex Norris: Following that through then, because we know that 40% roughly do not comply, we know that as many as a quarter of the Government's top 100 suppliers do not comply either, are we saying that that is not the legislation, the drafting, that is a compliance enforcement issue?

Kevin Hyland: The thing is the enforcement, there is not much of it because there is not a sanction, other than getting an injunction from the Secretary of State and that injunction will be, "Do a statement", I suppose. The first thing that needs to happen is that Government could stop trading with those companies, because those are massive contracts. The other thing is I think that when this list is created of who should and who has not, there should be a push that if you are in the red and not in the green section, nobody does business with you. The Australian legislation has gone more to that.

That said, we should not wholly criticise the Government for the way the legislation was drafted in section 54. It was progressive, it was a new idea, it was challenging to bring the private sector in line with this, but now the private sector themselves are driving it more, so I think now is the time. All these things we are talking about: 12 months and we do not have the eight recommendations in place, even the fact that victims are not being supported.



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Since the Act came in in 2015, we still have companies that are trading and not doing their statements. There is the fact that some police forces still are not aware of the NRM and we have systems that do not work, it is about the professionalism of the legislation and how we make sure it is a professional context on all the organisations and agencies, because there is a tendency for a bit of celebration and a little bit of, "Aren't we doing well?" when we would not do that with any other serious and organised crime. We would not say we are doing well and have events and roadshows in respect of child sexual exploitation or rape or domestic violence. We are very business-like around that. We have things like police forces, the National Crime Agency and others doing things like art exhibitions. I do see the benefits in that, but there is a place for it and when resources are light, you use your resources for their day job.

In my first speech as Commissioner, I said, "I want to see people fear the fact that the next knock on the door is the police or the National Crime Agency". That is their role. When I was in law enforcement, that is the way I did my business, that we looked after victims. I worked with many NGOs so that we could place victims at 3.00 am in the morning, with or without the system, but we hunted down those criminals and we put them where they belong, which was in prison. I think that kind of clear message, I see at many meetings—or I have done—where the conversation is sometimes, "How do we measure success?" I was a police officer for 30 years. I know how you measure success as a police officer, and I have the police saying, "How do we measure success?"

It is not all about arresting and prosecuting, I know that. It is about prevention, how you get community trust, all of those things, but when the crime has happened, on any other crime, whether it is rape, domestic abuse or burglary or anything, we do measure it then in how we catch the person who has committed that crime, the perpetrator. Until we catch them, they operate with impunity. On this crime, there is an impunity that really does need to be addressed.

Q49 Alex Norris: Looking at it, because it is hard to find equivalent examples in other bits of legislation, where something that is so clear about a legal responsibility is so fungible about whether or not you have to do it and that actually you do not have to do it because the shoe never drops, why? What is it that is distinct about this bit of legislation that culturally it is accepted to be, "Do it if you fancy, don't do it if you don't fancy it"? Whose fault is that?

Kevin Hyland: I am an NGO now, running a big organisation, working internationally, but I think what the police need to do is step up to the mark and say, "This is our role". There were a lot of analogies brought back to Wilberforce, which I think are important, but it was the Navy that ended slavery by deploying. We need that bit. We hear all the time, "We cannot arrest or prosecute our way out of this". I get it, I agree on that, but we have to have a really clear position in the UK that we are not tolerating this.



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If we went out and examined how many people are investigating drugs offences today, I think it would be fairly high. If we looked at how many people are investigating modern slavery offences, I do not think it would get anywhere near the same threshold. It is also what is being used. When I was running a team, I would use all the techniques, covert and overt, to pursue the criminals, I would use chasing the money, finding the money, so there are all those opportunities. Are they used all the time or is it sometimes seen that an event or a way of promoting this is so important, but then what comes after? I think that is the bit we need to get to.

Some of the things that I was doing, and you will see it in my annual reports, was measuring arrests, prosecutions, how many crimes against how many were referred into the NRM. That is what changed it, so that crimes were getting recorded, because if you do not record a crime, it will never end up on a detective's desk, it will never be investigated. It also stopped a number of other things, for example, your access to benefits sometimes, because they would want a crime number. There were other things it impacted on, but we need to turn it into that kind of model, just like we do with other serious crimes of abuse.

- Q50 **Alex Norris:** One last thing on section 54: looking at the biggest procurers or Commissioners in my city, Nottingham, there will be private sector big names that we will identify, but we would also identify a series of public sector ones, so the council and hospital et cetera. Should they be covered under this part of the law as well?

Kevin Hyland: There are a number of areas that are covered by the law with a duty to respond. One of the things with local authorities and the like, I did a guidance with them for the whole of the UK or for the whole of England and Wales; one is being developed now for Northern Ireland and one for Scotland. But the other areas, if you are saying that there should be compliance for those sectors, then I think yes.

- Q51 **Alex Norris:** That is basically a section 54 reporting responsibility?

Kevin Hyland: If you look at the global figures, the UK is placing itself as the global lead, and on the legislation, I think the legislation is among the best in the world. It is about implementation. But if you look at 16 million of the global 40 million are exploited in the private sector, when we are looking for that money—and there is US\$150 billion a year earned in this crime—those 16 million, if we are looking for the money, it is in legitimate transfers and transactions. That will be through some of the biggest companies operating on the other side of the world, who may have very complex supply chains. We need to put the responsibility on them. That is why we need to talk about it, as to the fact that they have been infiltrated by organised crime.

- Q52 **Alex Norris:** One final thing from me. Relating to what I asked the previous panel, as they had mentioned it too, I picked up this idea that deliverers of the support contract might be working under non-disclosure



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agreements. Do you know anything about that?

Kevin Hyland: It was brought to me not long before I left as Commissioner that they were very concerned at the fact that reports were being done and they felt that there was pressure being put on them to redact those reports. One group came to me representing others, who spoke to me in confidence, and it was something I had raised.

Q53 **Alex Norris:** They were delivering the support contracts?

Kevin Hyland: Yes.

Q54 **Kate Green:** What is your assessment of how or whether Brexit will affect the ability to tackle organised criminal gangs and to support victims of trafficking?

Kevin Hyland: We heard before about some of the relationships that have been forged. I had a good strong relationship—and still have—with a number of European countries around the victim repatriation. There are some really good models that are being developed. Sometimes it is a competitive patchwork here in the UK and other countries may be able to operate a little bit more flexibly, but there are a couple of things that really are going to be challenges. The organisation I run is based in Dublin and there are already challenges that are being raised.

I am working as the lead for the island of Ireland's development for trafficking and the responses. One of the challenges is the European Arrest Warrant and already there are challenges to the existence of that between that border in north and south, because what is there open to you if somebody commits the crime in Belfast and then runs to Dublin? What vehicle do you have to get them back into the jurisdiction? With the loss of the European Arrest Warrant there is no extradition legislation between the two nations. I do not know how that goes with all the other countries. Is that multiplied by 27?

Yes, the UK will still be part of Europol, but access to SIENA, which is the intelligence system, and the project looking at trafficking is reduced because you are not a full member, because other countries that are not EU members that are part of that are limited in the access. They will get it, but not as it is at the moment. That was something I pushed for in the UK and got in the Met, for example, where you had this SIENA system accessible to police officers who were operationally deployed.

The other thing of course is Eurojust. I used so many joint investigation teams as a police officer. They made it so easy to do. You did not have to do these long letters. Once you got the agreement of two or three countries—I worked with the Czech Republic, Poland, Romania, France and other countries—on a joint investigation team and then you can just exchange information, turn them to your operational deployments to make arrests jointly or in one country, transfer people across with European Arrest Warrants and take statements and additional statements.



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If you went out, as my teams did, to the Czech Republic, for example, and if they found one victim and there were another three there, they could just take the statements. Without a Eurojust agreement, you might have to do a letter of request again and again and again. Those are things not just on human trafficking and modern slavery, but across the board, that may have detrimental effects on organised crime capabilities.

Q55 Kate Green: Have Government consulted you specifically in relation to Brexit and its potential consequences and impact for slavery and trafficking?

Kevin Hyland: Not me personally. I did raise some of the issues obviously in the different forums that I participated in, including the Prime Minister's taskforce, and they were issues that were discussed at various levels. However, I had a lot of relationships with Europol and Eurojust and have been out there a number of times with the previous Director General and I went to Interpol as well to create a relationship with them, which obviously is going to remain.

The National Crime Agency and the Metropolitan Police and other parts of the Government obviously have teams working on this, but I think there is some clarity that is needed about certain points that are going to be affected. Those European Arrest Warrants, we are not going to be able to have European Arrest Warrants because we are not in the EU and it is governed by EU rules. What is the alternative?

Q56 Kate Green: No official or Minister in the Home Office ever came specifically to discuss that with you?

Kevin Hyland: No.

Q57 Kate Green: What about whether you had any interaction with the Migration Advisory Committee, who have made some recommendations that will potentially restrict low-skilled, low-qualified workers from coming to the UK? Were you consulted by the MAC in their work about whether that might have any implications for trafficking?

Kevin Hyland: No, I was not consulted by them. I did make lots of references to the issues of migrants. You have to remember that a lot of the victims are from outside of the EU, so we are dealing with this issue; it is a live issue anyway. The Committee asked the previous panel this and I think that one thing I was really clear on right from the start—and I think we have to draw analogies—is that if you are a victim of modern slavery or human trafficking, there is a two-tier process. One of them is if you are an EU national, you go through a process from the National Crime Agency. The other one is UK Visas and Immigration.

I raised the issue that the decision-making for the NRM should be a multi-agency panel that should not be either of those and not the Home Office, but the initial panel has now been agreed by the Home Office that it will be the Home Office and the second board will be the multi-agency one, who will make decisions on negative grounds decisions. That is not



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that bad, depending on how skilled the first group are to make the decisions. What we need to do is draw a very clear line between immigration and being a victim of modern slavery.

The comparison I did, to use an analogy, if you walked into a police station as a victim and you said that you had been raped, or if you were run over in the street and you needed the NHS, you would not be asked for your passport and your position in the UK. It would be kept away until you were dealt with, until you were safe, until you had recovered, until the prosecution was finished. This would not muddy the waters.

While there is a suggestion—and there could be—that people would abuse the system, that is a part of life. That is why the panel has to be professional and it should not be something that sits within the Home Office. The Home Office is not an organisation that deals with vulnerable victims. These are some of the most vulnerable victims that we know of. The crime holds life imprisonment and yet the decisions on their future are being made remotely by people in the Home Office who do not have the skills that I just spoke about that a police officer needs in order to investigate vulnerability crime.

The immigration issue only comes in because of the process. If you are a victim of this crime and you have been referred into the system, we need to sever the two decisions. It may be down the line that your immigration situation is important; I am not saying that everybody who is a victim of modern slavery should have the right to stay in the UK. When someone has recovered, it may be right that they go home, and many do want to go home. There may be occasions as well when it is the right thing to do, but you need to have professional decisions. If you start off at the wrong point, then you will never get to the right point. I think that severance of the immigration and the victim status needs to happen, otherwise we will be continuously, in 12 months' time, having the same conversations.

Q58 Kate Green: The changes that were announced last year, if you had that separation only in effectively the second stage, so the panel that looks at the negative grounds decisions, are you saying that that could work if the panel is sufficiently independent and detached from the Home Office or do you think even that is still going to be a flawed system?

Kevin Hyland: I think if the second one is detached and also what powers do they have: do they have an authority to overturn the decision? That was not spelt out. What authority do they have or was it just referring it back to the other panel? Do they have the kind of veto powers that are necessary? But when you think about it, this is a crime the UK is holding global leadership on and we are supposed to be doing everything right. Can you tell me or can anyone tell me another crime where we would think it right that the victims get assessed by a panel in the Home Office, remote to where the crime happened, remote to the individual, made on an administration process? That has to be flawed.

Q59 Kate Green: You talked earlier about the capacity of the police to



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identify and support victims. What about the Border Force? What is your assessment of Border Force staff in terms of their ability to spot victims? How well are they trained? What mechanisms and routes do they then routinely follow?

Kevin Hyland: There has been a lot of effort by certain parts of Border Force and particularly some of the terminals in Heathrow have done a lot of work around this. On the scale of things, we do focus in on issues, for example, at the airports and the work they do, but I think again it is about what does it look like, how does it fit into the everyday work? Sometimes it is kind of just something that happens when there may be a certain person on duty or when a certain person has had the training or because they have been trained by a certain NGO. As a police officer and as Border Force, people will get trained on certain things as routine and everyone will have the training. That is going to be a number of issues and that is where the training needs to be.

Then also with the Border Force, what I found when I was looking at them and examining them, the processes afterwards were ad hoc and would change from one terminal to another terminal and the reporting processes thereafter. What I did see that was very much improved was when they did identify a potential victim, they had a room to take the person to. They had improved there, but that was only at one terminal at Heathrow.

Q60 **Kate Green:** There is not a standard system at each entry point?

Kevin Hyland: No, and that is the problem with the whole agenda of modern slavery. If you went into a police station in Cumbria or in Cornwall, a victim of a certain type of crime, while certain things might be different, but if it is was a vulnerability crime, a sexual offences crime, you would be referred into the Sexual Assault Referral Centre, you would have an NHS nurse, you would have a doctor, you would have all of these processes that would work, whether it is 3.00 pm in the afternoon or 3.00 am in the morning in Cumbria or in Cornwall.

With modern slavery, it can change from police station to police station, it depends who is doing the training. That is what policing needs to do. You need to get it into everyday policing. That is the same with Border Force, it needs to be part of everyday responses at the borders. What are they looking for and how do they intervene with it? That is the problem. There is not a systems approach to the statutory agencies. They are waiting or they are responding to something that is laid out in front of them instead of taking the ownership and leading on it.

With the judiciary, it was easy to do it. I thought that might be difficult, but they were not going to let anybody else come in other than them and the International Bar Association and my office to develop it internally. With the NHS it was kind of the same, particularly with the Royal College of Nursing. They wanted to do it from the inside and out. Then who do they call? Who do the nurses call at 3.00 am in the morning when they



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see this? Just like they would with any other crime, they have a safeguarding process in the hospital and then it is going to be the statutory agency, the police.

Q61 Kate Green: Are the police, in your view, adequately resourced, adequately funded? Are they in a position to provide a sustainable response?

Kevin Hyland: The police were just given £8.5 million to do a transformation project, which runs out at the end of March. On that, the letter, when I supported the fact that this was being done, I said about the NRM, "You need to get the NRM". I had meetings with the National Police Chiefs' Council leading on it and the Met, for example, who wanted to deal with the issue of the NRM, get it into a state so that it was manageable, so it was reduced and so that there was a process that would apply to every assessment, done by skilled people who understood what crime was about. I am not sure that bit has ever happened. When the £8.5 million runs out at the end of March, what next?

Q62 Kate Green: What has been transformed as a result of this transformation?

Kevin Hyland: We are seeing a lot more responses across the country, we are seeing policing doing operations, we are seeing regularly there are arrests or some sort of activity, not on the scale perhaps that we would expect with the numbers of people who are trafficked and are in exploitation in the UK. But I think what should have happened is it should have been about getting it into the organisation. It created a whole thing on the outside, but when it runs out of money, it runs out of money, whereas if you have gone into the police forces, which is what I wanted to do, and you have two or three people in the police who train the police, then it is there forever.

Q63 Kate Green: Are you saying in a way it was money that transformed a way of working while that money was there, but it did not transform underlying approaches and structures?

Kevin Hyland: There will be some legacy, I am sure. What that is, I do not know.

Q64 Kate Green: Who should have been responsible for ensuring that that transformation funding genuinely left a sustained legacy?

Kevin Hyland: It was reported to various parts of Government, the Home Office, the National Police Chiefs' Council, but the responsibility has to sit with the National Police Chiefs' Council. You have a leadership role: that is your job, make it work.

Q65 Chair: Just going back to the sort of things that have or have not been done since, I think the Minister said in response to your letter that they were working with you to strengthen the role of the Commissioner. Has that happened?



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Kevin Hyland: No.

Q66 **Chair:** So the Home Office Ministers have not been in touch with you any further? The Home Office Minister said that the Department was working with you to see how this important role could be strengthened. This is after your resignation. No?

Kevin Hyland: Nothing at all.

Q67 **Chair:** Nothing at all. As far as you are aware then, no progress on any of the announcements made last autumn, other than the cut to funding?

Kevin Hyland: No. There were eight announcements. Obviously I do not get the updates that I used to, but there are adverts now for people to be on that second panel, so there are recruitment processes in place for that, but the entry in, the 90 days, for example, Scotland has a 90-day process already and the different legislation in Northern Ireland and in Scotland, where I was Commissioner also, incorporates accountability towards victims.

Q68 **Chair:** What is your kind of sense of the consequence of these delays, the consequences of delaying getting in place this additional support for victims or these additional measures to try to make the system work? What is the consequence of delaying that further?

Kevin Hyland: I think it is twofold, inasmuch as first you have people who continue suffering and that is not acceptable. I have been informed of that, so people are not getting the support they need. But the other one is confidence in the system, because we are saying we are leading. We keep saying that, but there is a point when the emperor's clothes situation becomes a reality.

We really do need to deliver these things. It is no good anybody making announcements and then not delivering. I know some of these are complex to deliver, but not delivering 12 months on is not acceptable in any way, shape or form. It may be that not all of them could have been delivered by now, but some of them could.

Chair: Mr Hyland, thank you. You have certainly raised a lot of issues for us to pursue further. I think the evidence that we have heard, both on the attitude of the Home Office to the Commissioner's role, but also I think particularly on the consequences of the delays for victims of modern slavery are very troubling, so we will certainly be pursuing this further. Thank you very much for your evidence this afternoon.