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Rt Hon Frank Field, Chair
Work and Pensions Select Committee
House of Commons
London
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Victims of Modern Slavery Inquiry

I am writing as a follow up to my appearance before the Department of Work and Pensions Committee on 30 January 2017.

I would like to reiterate my thanks to the Committee for looking at this important area. I am proud that the Government is leading the fight to end this horrendous crime. We have made good progress: more victims than ever are being referred into the National Referral Mechanism and the numbers of prosecutions and convictions are rising. But there is more to do and I welcome the Committee's decision to examine how we can strengthen support for survivors of slavery.

When Damian Hinds, Helen Walker, Daniel Hobbs and I gave evidence at the Committee, we promised you details on a number of key issues, which I am pleased to be able to share with you in this letter.

Prosecutions and Convictions

The latest published data shows that in 2015, 289 modern slavery offences were prosecuted and there were 113 convictions for modern slavery offences, continuing an upward trend (as in 2014, there were 253 prosecuted offences and 108 convicted offences)¹. You pointed out that these figures are lower than the number of victims that we identify each year. There is no reason to expect a one-to-one correspondence between these numbers: the numbers of prosecutions and convictions do not include instances where perpetrators of modern slavery were brought to justice using non-slavery offences; figures on convictions only cover

¹ Report of the inter-departmental ministerial group on modern slavery 2016:
<https://www.gov.uk/government/publications/report-of-the-inter-departmental-ministerial-group-on-modern-slavery-2016>

cases that completed at court in a given year and some prosecutions that started in 2015 will not have completed that year; and many perpetrators will have exploited more than one victim.

The criminal justice provisions in the Modern Slavery Act were commenced on 31 July 2015, so prosecutions under the Act only apply to criminal conduct alleged to have taken place since that date. Offences occurring before then will still be prosecuted under the previous anti-slavery and trafficking legislation. Despite the very recent introduction of the Act and the time it takes for law enforcement to bring complex cases involving modern slavery to trial, 27 offences had already been prosecuted under the Act in 2015. These prosecutions had not yet reached a final outcome by the end of 2015. Since then, however, several such cases have resulted in convictions. In January, I wrote to the Chief Constables of the Metropolitan Police and Merseyside Police to thank them for their work on the first cases that resulted in convictions and sentences under the Act. Modern slavery criminal justice statistics for 2016 will be available in May 2017.

As I mentioned during my appearance before the Committee, there have been cases where the police and CPS have achieved convictions for slavery and trafficking offences without requiring evidence from victims. In a recent case from the Metropolitan police force area, Romanian nationals were convicted of trafficking women on an evidential basis that included communications and money flow data, and the victims themselves did not have to give evidence to support the case presented by the prosecution.

Supporting Victims in Court

The Modern Slavery Act also included provisions for potential victims of modern slavery when they are giving evidence in court against their exploiters. Witnesses in certain cases are automatically treated as eligible for special measures unless they tell the court they would like to forgo these. Those measures include screening the witness from the accused, giving evidence by live link, giving evidence in private, removal of wigs and gowns of court officials, video-recorded evidence and video recorded cross-examination or re-examination. We remain committed to ensuring that witnesses are able to give evidence in a safe and supportive environment.

DWP policy makes allowances for claimants who are witnesses in court. Victims are treated as available and actively seeking employment for up to eight weeks from the first date of attendance in court as long as they provide advance notice of their attendance to the job centre.

If the court advises that the involvement of the witness in the proceedings will last longer than eight weeks, the witness can choose to close their JSA claim and claim Income Support or claim for any loss of benefit from the court (contribution based JSA only). This means that victims who are involved in modern slavery cases, which are often lengthy and complex, continue to receive financial support while doing so.

Victims who are re-trafficked

You asked whether we hold data on victims who enter the NRM more than once. Data on re-trafficking of victims is not held centrally by the NCA as this is not routinely recorded as part of the NRM process. As part of the NRM pilot and wider NRM reform work we are reviewing data collection and analysis so that we can improve our support for victims and our ability to bring perpetrators to justice. Any fundamental changes to the NRM, including data collection, will be made after the NRM pilot has concluded.

I would be grateful if the Committee or witnesses like the Human Trafficking Foundation could share with us details of the specific cases of re-trafficked victims that were referred to over the course of your inquiry. This will assist us in helping the victims concerned and learning lessons about how our response could be strengthened.

Haughey Review

I mentioned in my evidence that in her previous capacity as Home Secretary, the Prime Minister commissioned Caroline Haughey to undertake an independent review of the effectiveness of the criminal justice provisions in the Modern Slavery Act 2015. The review found that the Act itself had set an international benchmark to which other jurisdictions aspire, but highlighted the need for greater consistency across the criminal justice agencies to ensure best use was made of its provisions. The Government agrees.

The review made 29 recommendations about how the police and criminal justice response to modern slavery could be improved. The review has informed much of our work over recent months; and the Home Secretary, Justice Secretary and Attorney General met Caroline Haughey to discuss her findings and the action that we are taking in response; and Caroline has attended meetings of the PM's modern slavery taskforce.

The Home Secretary has made available £8.5million funding to transform the police response to modern slavery. This is being used to improve collection, assessment and use of intelligence on modern slavery, including through the launch of a central multi-agency intelligence centre. The modern slavery threat group, chaired by Chief Constable Shaun Sawyer, is improving training to frontline officers and the Home Secretary has commissioned HMIC to report this year on the police response. We are also working with the Crown Prosecution Service (CPS) and the Judicial Office to improve training for prosecutors and the judiciary, and the CPS will shortly commence mandatory training on modern slavery for prosecutors in complex casework units.

The National Referral Mechanism

Encouragingly we have seen successive year-on-year increases in the number of potential victims who ask for help, are referred into the National Referral Mechanism, and are subsequently identified as a victim of modern slavery. In 2015, 3266 potential victims were referred into the NRM; a 40% increase on 2014. 6% of those

referred to the NRM were UK nationals, 20% were EEA nationals and 74% were non EEA nationals. I've included a wider breakdown of NRM statistics in Annex B.

You asked for a description of the full NRM process and the agencies involved. The initial referral to the NRM is followed by a two stage process: a reasonable grounds stage and then, for those with a positive reasonable grounds outcome (where it is considered that the person may be a potential victim of trafficking/slavery), a conclusive grounds stage (where it is considered whether the person is a confirmed victim of trafficking/slavery). The NCA website has a description of the process, including who the first responders are, at <http://www.nationalcrimeagency.gov.uk/about-us/what-we-do/specialist-capabilities/uk-human-trafficking-centre/national-referral-mechanism>

As we discussed at the evidence session, the NRM process is under review. I would be pleased to share our findings with the Committee in due course.

Cost of identifying and supporting a victim

Every victim of modern slavery is unique, with different circumstances around their exploitation and identification, and different requirements while in support. So there's no 'average' cost of supporting a 'typical victim'. Some victims are rescued during large scale, multiagency action with hundreds of law enforcement officers, whilst others are referred for support after routine asylum screening interviews or border force checks, and some victims self-refer by contacting The Salvation Army directly for support.

When victims enter support, they work with specialist support providers to develop a tailored support plan depending on their needs. Victims stay for different periods of time whilst their modern slavery decisions are made, and receive different levels and types of support depending on their specific needs.

The victim support contract, managed by The Salvation Army, costs £40 million over five years. The NRM pilots were allocated £30,000 of funding, which provided training for staff to undertake new roles in the pilot model, covered nominal expenses and remunerated the independent panel chairs. Due to the multi-agency approach we use to tackle this crime, it is not straightforward to meaningfully calculate the cost to the whole of Government and the public sector.

Automatic discretionary leave

One issue raised with the Committee is whether victims of modern slavery should be automatically granted discretionary leave to remain in the UK (DL).

The consideration of whether someone is a victim of modern slavery in the NRM is entirely separate from any decision on whether someone is entitled to stay in the UK.

We are committed to supporting victims and helping them to rebuild their lives, but we believe it would not be appropriate to provide an automatic entitlement to leave to remain.

Our policy for confirmed victims of modern slavery is to consider whether a grant of DL is appropriate in the particular circumstances of the individual case. There must be exceptional or compelling reasons to justify a grant. DL may be granted to victims due to their personal circumstances (often for medical treatment), to pursue compensation claims against their traffickers, or to assist with police enquiries.

Granting leave to remain will be appropriate and necessary in some cases, but not solely because the individual is a victim of a crime, however horrendous that crime may be. It is open to individuals to apply for leave to remain under our standard immigration application procedures, or to claim asylum if they fear returning to their country of origin. These cases will be considered on their individual merits and no individual who is at real risk of persecution will be required to leave the UK.

If victims do not qualify for leave to remain or have not applied to remain, we will support them to return to their country of origin and rebuild their lives there. We have links with NGOs around the world, including a Memorandum of Understanding with La Strada in Poland, who supports victims of modern slavery when they return home and help them to reintegrate into their communities.

We must be mindful that introducing a blanket leave policy creates an unfortunate risk of encouraging individuals who are attempting to frustrate legitimate immigration control to make trafficking claims. This would reduce the resource available to support genuine victims and undermine public trust in the integrity of the system.

If all victims of modern slavery were granted automatic DL, we expect that abuse of the NRM would increase by people seeking access to benefits to circumvent recent restrictions (EEA nationals), and by those who have exhausted other options to remain in the UK (failed asylum seekers). Furthermore, some victims are also foreign criminals who have been convicted of crimes unconnected to their trafficking and whom we are rightly seeking to remove from the UK. We therefore believe that the individual circumstances of the case must be central to the decision as to whether that person should be granted leave to remain. As promised, I append at Annex A examples of victim pen portraits to illustrate the range of cases we see.

Some evidence presented to the Committee suggested that automatic grants of DL would assist with police investigations. We can, and do, already grant DL where a victim is assisting with police investigations. As well as victims applying directly for DL on these grounds, the police are also able to seek DL on behalf of a victim. Granting automatic DL to all victims might therefore hinder or delay police investigations because there would be less incentive for a victim to co-operate with the police.

During evidence to your Committee it was also suggested that we should go further and grant indefinite leave to remain automatically to victims of modern slavery. We do not support this approach because it is inconsistent with our wider policy to require migrants to complete a period of limited leave before being eligible to apply for settlement.

We therefore believe that our approach in considering the individual circumstances of each case and to provide the necessary support, including through a grant of leave to remain where appropriate, strikes the right balance.

I also wish to clarify some oral evidence I gave to you on 30 January in response to Q150. I said *“for the non-EEA people who are found to be victims of slavery or just referred into the mechanism, as soon as they are given reasonable grounds, where we think, “This person probably is a victim of slavery,” then they are given automatic discretionary leave to remain”*. Whilst non-EEA national confirmed victims are automatically considered for discretionary leave to remain (i.e. automatically assessed against the criteria to see if they qualify for a grant of DL) they are not automatically given DL. EEA nationals, whose reasonable and conclusive grounds decisions are generally made by the NCA, must apply to the Home Office to be considered for DL where they receive a positive conclusive grounds decision. To assist in this process all EEA national victims receiving a positive conclusive grounds decision letter are prompted to apply for Discretionary Leave should they need to. I regret if this has caused any confusion.

Ministerial Meetings

There was some misunderstanding during the evidence session about the cross-Whitehall meetings. There are two separate meetings – the Inter-Departmental Ministerial Group, and the Prime Minister’s Taskforce.

The Inter-Departmental Ministerial Group (IDMG) is chaired by the Home Secretary and is responsible for overseeing implementation of modern slavery strategies across the UK. Membership includes ministers from relevant government departments including BEIS, DH, DfE, DCLG, DWP, MOJ and the Devolved Administrations. If a minister is unable to attend a meeting, they are asked to delegate attendance to senior officials. IDMG also acts as the UK’s ‘national rapporteur’ equivalent mechanism, under the EU Directive on Trafficking in Human Beings, as part of which it is obliged to produce annual reports on the Government’s response to trafficking of human beings. The most recent IDMG annual report can be found at www.gov.uk/government/publications/report-of-the-inter-departmental-ministerial-group-on-modern-slavery-2016.

The Prime Minister's Taskforce is chaired by the Prime Minister. It brings together key Ministers, operational leaders and external experts to do more to bring perpetrators to justice and to support victims both domestically and overseas.

Thank you again for your important work and I hope this answers any questions you had following the evidence session in January.

I am copying this letter to Damian Hinds

A handwritten signature in blue ink that reads "Sarah Newton". The signature is written in a cursive, flowing style.

Sarah Newton MP

Annex A

Case A

The victim was an EEA national adult male.

- Victim of labour exploitation in the UK and received a positive conclusive grounds decision.
- Refused a grant of discretionary leave (DL).
- He was told he would be removed from the UK due to his criminality, which was unconnected to his trafficking.
- He had served a 3 year prison sentence for his crimes in his country of origin before he was trafficked to the UK.
- He also had a conviction in the UK after he left the UK NRM.
- He is currently appealing against his deportation.

Case B

The individual was a non EEA national adult male.

- Claimed to be victim of forced/compulsory labour.
- Received a negative conclusive grounds decision.
- Convicted in the UK of two counts of sexual activity with a child under 16.
- Sentenced to 6 years and 6 months' imprisonment.
- His criminality was unconnected to his claimed trafficking.
- He is currently serving his custodial sentence and has been served with a deportation order.

Case C

The individual was a non EEA national adult male

- Granted refugee status in the UK.
- Claimed to be a victim of sexual exploitation.
- Received a negative conclusive grounds decision.
- Convicted of robbery and sentenced to 56 months' imprisonment.
- Has multiple previous convictions in the UK for a range of offences including using threatening, abusive, insulting words or behaviour with intent to cause fear or provocation of violence; destruction or damage to property; and using disorderly behaviour or threatening, abusive, insulting words likely to cause harassment alarm or distress.
- His criminality was unconnected to his claimed trafficking.
- He is currently serving his custodial sentence, his refugee status has been revoked and he has been served with a deportation order.

Case D

The victim was an EEA national adult male.

- Whilst homeless and unemployed in his country of origin the victim was approached by people unknown to him who offered to pay for him to travel to the UK and give him work.

- The same people paid for his flight to the UK and he arrived in the UK.
- He became homeless and then encountered a person who provided him with accommodation for 12 months. This person arranged for him to work at a number of companies.
- Work hours were not excessive. He believed he should be getting paid a certain amount each week for working for one company but he was unsure how much he got paid as he had never seen a pay slip. The person he lived with controlled his bank account and gave him cash.
- He received about £60-£70 per week and believed the person he lived with retained money for rent and food.
- He did not have to pay for anything except for cigarettes and toiletries.
- The person he lived with was never violent towards him.
- He was not prevented from going out or buying clothes.
- He received a positive conclusive grounds decision.
- A request for DL to assist police with their investigation is currently under consideration.

Case E

The victim was an EEA national adult male.

- He was approached in his country of origin and promised free accommodation, food, and transport to and from work.
- However, when he arrived there was no work and he was told he had to wait for a national insurance number.
- A person was going to take him to open a bank account that week. The victim stated the conditions in the house were quite good, it was tidy and the heating and hot water worked. He states he was able to come and go as he pleased but he was mainly concerned he had no work.
- In the second week he continued to contact the individuals to get work but there was none.
- He was not taken to a bank to open an account or to any job agencies. He wasn't asked to sign any contracts.
- He remained in the house until encountered by police.
- He received a positive conclusive grounds decision (as a victim of trafficking, although no exploitation had yet occurred as the definition of trafficking includes such cases).
- A request for DL to assist police with their investigation is currently under consideration.

The address in this case was linked to several cases of exploitation illustrating how organised crime is involved in trafficking.

Case F

The victim was an EEA national adult male.

- He arranged to travel to the UK to avoid being sent to prison for failing to pay a court fine for shoplifting.
- He lived with a relative in the UK and worked for a company for 3 months.
- His relative opened a bank account for him and remained in control of it.

- He earned £240 a week but his relative deducted £140 a week for his lodgings. He lost his job and as he was unable to pay his rent his relative asked him to leave and he became homeless.
- He was offered work and accommodation by someone else and in return the person took half his £300 wages to cover rent, bills and food.
- The person opened a bank account for him and controlled it.
- He was not locked in the address.
- He was not subject to threats.
- He became homeless again and someone else offered him work.
- He undertook gardening work for 2 or 3 months receiving ad hoc payments rather than being paid regularly.
- He was given a positive conclusive grounds decision.

Case G

The potential victim was a non EEA national claiming to be a minor (under 18 years old).

- She claimed she had fled a forced marriage and that her uncle told her he would find her work in a hair salon or looking after children.
- She claimed she was forced into prostitution until a customer helped her escape four months later.
- She received a positive reasonable grounds decision from the NRM.
- When she applied for asylum routine fingerprinting showed she had applied for a visit visa as a 21 year old.
- She was arrested for perverting the course of justice as well as immigration offences.
- She was interviewed by police officers and admitted that she did work in a brothel but this was through choice and not duress. She was free to come and go from the brothel as she pleased and was paid for her services.
- She admitted making false allegations.
- She was charged with wasting police time. She was due to appear in court on but did not attend court to answer the charges. A warrant was issued for her arrest.
- A negative conclusive grounds decision and negative asylum decision were made.

Case H

The victim was an EEA national adult woman.

- She was offered work in the UK working in a restaurant, food processing or parcel distribution business and promised guaranteed income and accommodation.
- She travelled to the UK by minibus and was taken to a house.
- She was told that she would have to cook food for the male inhabitants of the house as they were not allowed in the kitchen.
- She was instructed not to leave the house under any circumstances except to enter the rear garden.
- She was not found a permanent job. For most of the day she was employed to do the food preparation in the house. Occasionally she was given other household chores such as hoovering and tidying/cleaning. On one occasion she was found work cleaning up after a party in a local pub. She was paid £10 cash, half of which was taken from her.
- She was promised work and accommodation by someone else. She left with them and was taken to another house.

- The person said she owed him money and he would deduct earnings to pay for it. He gave her money for food and shopping. She was left in the house for 3 weeks.
- She was then taken to a parcel company and worked one shift for which she was paid nothing.
- She was then found work at a local supermarket stacking shelves. She worked one week for 11 hours a day with a 15 minute break. She had money deducted from her wages.
- She was too unwell to attend work the following Monday and was told she should return to his country of origin as she was not profitable enough.
- She missed a flight to return to her country of origin and ended up sleeping rough.
- She received a positive conclusive grounds decision.

Case I

The victim was an adult non EEA national woman.

- She applied for asylum and was referred into the NRM.
- She was employed as a domestic worker by a doctor in her country of origin.
- Her employer offered her an alternative position with her sister, also a doctor, who resided in the UK.
- A domestic worker visa was arranged and the victim travelled to the UK with her employer.
- Her employer stayed with her for 15 days and then returned overseas.
- Her new employer locked her in a room for two days when she declined to sign a contract of employment.
- She worked long hours. Her pay was deposited into a bank account to which she did not have access.
- It was then subsequently withdrawn by her employer. She was verbally abused by her employer.
- Her passport was withheld from her and she was not allowed out of the house unaccompanied.
- No return ticket to her country of origin was arranged for her once her visa expired.
- After a few months she managed to escape from her employer whilst assisting them with a house move.
- She received a positive conclusive grounds decision.
- It was not considered that she was at risk on return to her country of origin and as a result her application for asylum was refused. However, she was granted 12 months discretionary leave to assist police with their investigation.

Annex B NRM statistics relating to 2015

NRM statistics relating to 2015

- 3266 potential victims were referred to the NRM in 2015.
- This represents a 40% increase on the number of referrals in 2014 (2340).
- 6% of those referred to the NRM were UK nationals, 20% were EEA nationals and 74% were non EEA nationals.

Top 10 Nationalities referred to the NRM in 2015.

	Nationality	Number of potential victims referred to the NRM in 2015	% of total number of potential victims referred to the NRM in 2015
1	Albania	600	18%
2	Vietnam	478	15%
3	Nigeria	257	8%
4	Romania	192	6%
5	United Kingdom	191	6%
6	Poland	160	5%
7	Eritrea	137	4%
8	China	99	3%
9	Slovakia	88	3%
10	Sudan	83	3%

Source: National Crime Agency statistics. Percentages have been rounded.

A breakdown of who referred cases to the NRM in 2015 (including Border Force) is below:

Referring Agency	Total number of NRM referrals
Home Office (UK Visas and Immigration and Immigration Enforcement)	1518
Police	759
NGO/Third Sector	562
Local Authority	306
Border Force	110
Gangmasters Licensing Authority (GLA)	7
NCA	4

The number of referrals made to the NRM by Border Force rose by 28% in 2015 compared to 2014. Home Office referrals (not including Border Force) rose by 62% in 2015 compared to 2014.

Source: National Referral Mechanism Statistics – End of Year Summary 2015

Home Office data on the NRM – 2015

In 2015, 3,266 potential victims were referred to the NRM. As of 7 August 2016, the decision outcomes for these referrals were as follows:

- 17% (543) received a negative reasonable grounds decision (or had their application suspended or withdrawn from the process at that stage for other reasons);
- 24% (784) received a positive reasonable grounds decision followed by a negative conclusive grounds decision (or had their application suspended or withdrawn from the process at that stage for other reasons);
- 30% (979) received a positive reasonable grounds decision followed by a positive conclusive grounds decision; and
- 27% (889) received a positive reasonable grounds decision and were awaiting a conclusive grounds decision.

Not all decisions made each year are a result of referrals in that year (a decision in 2015 could relate to a referral from 2014 for example). In 2015, 1043 individuals were confirmed as victims of modern slavery.

Asylum claims by those confirmed as victims of modern slavery in 2015

- 36% of those confirmed as victims of modern slavery in 2015 also claimed asylum. (All 379 asylum claims were made by non EEA nationals – this could have been at any point in their immigration history).
- 21% of those confirmed as victims of modern slavery in 2015 were granted asylum. (Grants were made to 216 non EEA nationals – this could have been at any point in their immigration history).

Grants of leave by the Home Office to those confirmed as victims of modern slavery in 2015

- 1% of those the Home Office confirmed as victims of modern slavery were granted humanitarian protection (Grants were made to 7 non EEA nationals).
- 12% of all victims of modern slavery were granted discretionary leave to remain (grants were made to 123 victims - 52 EEA nationals and 71 non EEA nationals.)
- 5 of those confirmed as victims of modern slavery were granted other forms of immigration leave (3 non EEA nationals and 2 EEA nationals)

Source: Home Office unpublished management data 2015

Information relating to the Home Office statistics above.

The above Home Office data is provisional internal management information taken from live operational data. As such numbers may be subject to change as case information is updated. The trafficking decision is based on different criteria to any asylum decision. We cannot determine via the database if the grant of asylum is linked to

the fact that the person was also adjudged to be a victim of modern slavery. An individual may have more than one asylum claim, only one has been considered in this data.

Asylum claims and asylum grants may have been made at any time in their immigration history e.g. before, during or after they were in the NRM. Other grants including DL were made after a positive conclusive grounds decision. Grant data is the latest grant shown on the database.

The data on asylum claims cannot be compared to the data on asylum grants above as not all claims may have been determined in the same year as the grant data above. Some asylum claims may still be pending.

A hierarchy has been applied in the creation of the grants of leave data for individuals who have been confirmed as victims of modern slavery, ensuring that only one grant of leave is counted for each individual.