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GENERAL COMMITTEES

Public Bill Committee

MODERN SLAVERY BILL

Eleventh Sitting

Tuesday 14 October 2014

(Afternoon)

CONTENTS

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Saturday 18 October 2014

STRICT ADHERENCE TO THIS ARRANGEMENT WILL GREATLY FACILITATE THE PROMPT PUBLICATION OF THE BOUND VOLUMES OF PROCEEDINGS IN GENERAL COMMITTEES

The Committee consisted of the following Members:

Chairs: Mr David Crausby, †Mark Pritchard

† Bradley, Karen *(Parliamentary Under-Secretary of State for the Home Department)*
† Bruce, Fiona *(Congleton)* (Con)
† Burns, Conor *(Bournemouth West)* (Con)
Burrowes, Mr David *(Enfield, Southgate)* (Con)
† Champion, Sarah *(Rotherham)* (Lab)
† Connarty, Michael *(Linlithgow and East Falkirk)* (Lab)
† Durkan, Mark *(Foyle)* (SDLP)
† Hanson, Mr David *(Delyn)* (Lab)
† Hinds, Damian *(East Hampshire)* (Con)
† Johnson, Diana *(Kingston upon Hull North)* (Lab)
† Kane, Mike *(Wythenshawe and Sale East)* (Lab)
† Lumley, Karen *(Redditch)* (Con)
† Mactaggart, Fiona *(Slough)* (Lab)
† Nokes, Caroline *(Romsey and Southampton North)* (Con)
† Pincher, Christopher *(Tamworth)* (Con)
† Smith, Chloe *(Norwich North)* (Con)
† Stunell, Sir Andrew *(Hazel Grove)* (LD)
† Teather, Sarah *(Brent Central)* (LD)
† Wilson, Phil *(Sedgefield)* (Lab)

Fergus Reid, Kate Emms, *Committee Clerks*

† attended the Committee

Public Bill Committee

Tuesday 14 October 2014

(Afternoon)

[Mark Pritchard *in the Chair*]

Modern Slavery Bill

Clause 42

Guidance about identifying and supporting victims

Question (this day) again proposed, That the clause stand part of the Bill.

2 pm

The Chair: I remind the Committee that with this it will be convenient to discuss the following:

New clause 22—*National referral mechanism*—

'(1) The Secretary of State must by order establish a mechanism for the identification and protection of victims of modern slavery offences as defined in Part 1 of this Act.

(2) In establishing the mechanism the Secretary of State must have regard to the desirability of making provision for the following matters—

(a) the means and process for the identification and referral to the mechanism of potential victims of modern slavery;

(b) the provision to a child of an advocate in accordance with section 41 of this Act, if no such advocate has already been appointed upon identification of the child as a victim or referral to the mechanism;

(c) the appropriate stages in the formal identification process of a victim of modern slavery, the tests to be applied at each stage, and the timescales within which each stage must be completed;

(d) the suitability, qualification and necessary training of a person or organisation to fulfil the processes at paragraphs (2)(a) or (c);

(e) the principle that an organisation whose functions include determining asylum and immigration is unsuitable to deal with the matters referred to in paragraph (c).

(f) the care assistance or services which shall be provided as a minimum to all potential and formally identified victims of modern slavery;

(g) the provision of an internal review and appeal of a decision under paragraphs (2)(a) or (c).'

New clause 27—*General duty to identify, assist, support and promote the welfare of victims*—

'(1) Public authorities have a general duty—

(a) to take all reasonable steps to identify persons who are, may be, or may have been, trafficked, enslaved or exploited persons;

(b) to take all reasonable steps to provide assistance and support (including to refer persons to other agencies for assistance and support) on a consensual and informed basis, and to promote the welfare of persons who are, may be, or may have been, trafficked, enslaved or exploited persons, including, as a minimum the provision of—

(i) standards of living capable of ensuring their subsistence, through such measures as the provision of appropriate and secure accommodation, psychological and material assistance;

(ii) access to necessary medical treatment;

(iii) translation and interpretation services;

(iv) counselling and information, in particular regarding their legal rights and the services available to them, in a language that they can understand;

(v) assistance to enable their rights and interests to be presented and considered at appropriate stages of criminal proceedings against offenders; and

(vi) access to education for children;

(c) to make arrangements for ensuring that any services provided by another person for the purpose of discharging the public authority's function are provided in accordance with the general duty in section 16(1) above; and

(d) to have due regard to the fact that an individual is, or may have been a trafficked, enslaved or exploited person when making decisions affecting that individual.'

New clause 28—*Establishment and function of the National Referral Mechanism ("NRM")*—

'(1) The Secretary of State must establish an NRM to—

(a) identify trafficked, enslaved or exploited persons within the United Kingdom;

(b) provide assistance and support to a person who may have been trafficked, enslaved or exploited from the time at which that person is first referred into the NRM until such time as a final and conclusive determination is made that they are not such a person; and

(c) ensure that the rights of such persons are protected and promoted in a manner which discharges the Government's obligations under the Trafficking Convention and the Trafficking Directive regarding the identification and protection of victims, including measures for assistance and support including, at a minimum, the measures referred to in section 16(1).

(2) The Secretary of State must, in regulations, specify the procedures to be followed to implement the NRM and the procedures to be applied by the NRM including to give effect to the right to a renewable residence permit provided for in sections 16(11) and (12) below.

(3) The regulations must provide for a right of appeal by an individual in respect of a decision in the NRM process that they are not a trafficked, enslaved or exploited person.

(4) A person (including a child) must give their free and informed consent to being referred into the NRM before a referral is made on their behalf.

Additional protections - renewable residence permits

(5) A person who is determined in the NRM process to be a trafficked, enslaved or exploited person shall be entitled to a one year renewable residence permit permitting them to remain in the United Kingdom where one or other, or both, of the following situations apply—

(a) a competent authority in the NRM considers that their stay is necessary owing to their personal situation; or

(b) a competent authority in the NRM considers that their stay is necessary for the purpose of the person's co-operation with the authorities in connection with their investigations or criminal proceedings.

(6) A residence permit for child victims shall be issued where it is in accordance with the best interests of the child and, where appropriate, renewed under the same conditions.

Duties in relation to children

(7) The protection, assistance and support provided to trafficked, enslaved or exploited children (including those to whom the presumption of age applies) in accordance with the provisions in this Bill shall be at least equivalent to the protection, assistance and support provided to adults, save that

where other legislation provides for greater protection for children that legislation shall, to the extent of any inconsistency with this Bill, prevail.'

New clause 29—*Identifying and supporting victims*—

'(1) The Secretary of State shall make regulations about the arrangements for determining whether or not a person is to be treated as a victim of slavery or human trafficking and shall in particular make provision—

(a) about the process for the referral of potential victims of slavery or human trafficking for such a determination;

(b) about the process and tests for determining whether a person should be treated as such a victim; and

(c) for an individual to have access to an internal review and appeal of a decision made about them under subsection 1(b).

(2) The Secretary of State must issue guidance to such public authorities and other persons as the Secretary of State considers appropriate about indicators that a person may be a victim of slavery or human trafficking.

(3) The Secretary of State may, from time to time, revise the guidance issued under subsection (2).

(4) The Secretary of State must arrange for any guidance issued or revised under this section to be published in a way the Secretary of State considers appropriate.

(5) The Secretary of State must ensure that—

(a) a person about whom a referral has been made under subsection (1)(a) is provided with assistance and support in accordance with this section for—

(i) if there are no criminal proceedings, ninety days,

(ii) if criminal proceedings take place, ninety days after criminal proceedings are completed; or

(iii) until there is a conclusive determination under the processes established by subsection (1) that a person is not to be treated as a victim of slavery or human trafficking,

(b) if the family of a child identified as a victim is resident in the United Kingdom it be entitled to assistance and support under this section,

(c) assistance and support provided under this section—

(i) is not conditional on the willingness of the person to act as a witness;

(ii) shall be provided with the person's agreement;

(iii) shall take due account of the victim's need for safety and protection, including the opportunity to receive assistance from a person of the same gender;

(iv) shall be provided to assist victims in their physical, psychological and social recovery; and

(v) shall meet minimum standards for such support as shall be set out by the Secretary of State by order.

(6) For the purpose of this section, "assistance and support" may include but not be restricted to—

(a) appropriate and safe accommodation;

(b) material assistance, including that required by a person with special needs arising from pregnancy, physical or mental health conditions, disability, or being the victim of serious psychological, physical or sexual violence;

(c) medical treatment, including psychological assistance;

(d) counselling;

(e) information, including on a reflection and recovery period, the possibility of granting international protection and refugee status, a voluntary return, welfare entitlements and accessing employment;

(f) translation and interpretation services, as required;

(g) access to education for child victims and children of victims;

(h) legal counselling, either through legal aid or other means;

(i) legal representation, either through legal aid or other means;

(j) assistance in applying for compensation; and

(k) provision of services (including travelling and other expenses) to assist a victim of trafficking in human beings, and children of victims, to leave the United Kingdom and to settle in a new place of residence.'

This New Clause ensures the arrangements for determining if a person is a victim of slavery or human trafficking are established in regulations and contain a formal process for review and appeal and requires the Secretary of State to set out in guidance the indicators that suggest a person may be trafficked. The New Clause sets out the clear types of assistance which a victim can receive and enables the Secretary of State to establish minimum standards for the provision of that support. The New Clause sets out a ninety day minimum period for which a victim can receive support.

Fiona Bruce (Congleton) (Con): Before the break I was speaking about support and assistance and the fact that at present there is a 45-day reflection and recovery period provided for victims on a policy basis, but that it does not appear in statute. Clause 42 is clearly a step forward in that regard and is to be welcomed, but it does not offer victims the firm assurance about the availability of assistance or the form that that support should take.

In its 2012 report, the Council of Europe Group of Experts on Action against Trafficking in Human Beings invited the UK to enshrine the right to a recovery and reflection period in law. The evidence review carried out for the Home Secretary prior to the publication of the draft Bill recommended that the Bill should include details of the assistance available to victims. Submissions to the evidence review from the Trafficking Awareness Raising Alliance, a support provider for victims of trafficking based in Scotland, said:

"Clear, legally defined obligations towards supporting potential victims of trafficking will improve confidence in the state to provide protection for them, further encourage cooperation and lead to the successful prosecution of perpetrators."

That sentiment was echoed in evidence to the Joint Committee and in submissions made to this Committee. Speaking only of guidance fails to provide the assurance to victims that they are entitled to assistance. Setting that fundamental principle in legislation would make it clear that the Modern Slavery Bill is a victim-focused Bill, not one concerned with just criminal justice matters.

The forms of assistance listed in new clause 29 reflect the levels of assistance that are to be provided under the EU anti-trafficking directive and the European convention. Incorporating those standards into our domestic legislation would put this country's commitment to those international standards beyond doubt and ensure that whatever changes in Government policy or budgets occur, they will remain the benchmark for victim care.

Let me turn to minimum standards. Another difficulty that the new clause seeks to address is the lack of consistent standards or monitoring of the support that is provided. In its submission to the Committee, the charity Unseen described a "post-code lottery" in providing care for survivors. That is clearly unacceptable, and we must ensure that the high quality of care offered by the best providers is available to all victims. The Salvation Army, which currently holds the victims support contract for England and Wales, expressed concerns to the Home

[Fiona Bruce]

Affairs Committee last year about the standard and suitability of accommodation provided to victims of trafficking who are seeking asylum and housed in National Asylum Support Service accommodation. GRETA—the Council of Europe group of experts on action against trafficking in human beings—the Centre for Social Justice, the Anti-Trafficking Monitoring Group and others have all recommended the introduction of minimum standards for the care provided for victims. Will the Minister kindly reflect on how minimum standards for victim care are to be provided for in the Bill?

Let me turn to the longer period of support provided for in new clause 29. I want to raise a number of points to probe the issue. I do not intend to push the new clause to a vote, but I would like the Minister to respond in the same vein as she did to the amendments we debated this morning. New clause 29 provides for a longer period of support—90 days rather than the current 45, which I am sure all members of the Committee would agree is more appropriate. Recovery from an ordeal such as human trafficking and modern-day slavery is not something that can be achieved quickly. Post-traumatic stress disorder can go on for a long time indeed—much longer than 90 days. We must ensure that at least the initial period of support provides victims with the space to begin the healing process, to compose themselves and to make informed decisions about engaging with police investigations and with others about how they want to move forward with their long-term rehabilitation.

I am not convinced that our current system adequately prepares people to begin that longer-term recovery. When Andrew Wallis of Unseen gave evidence to the Committee about the challenges faced by a victim reaching the end of the 45-day period, he said:

"at the moment, we have someone falling down the side of a cliff, we give them 45 days in a safety net and then we remove the safety net and they carry on falling down the side of the cliff."—[*Official Report, Modern Slavery Public Bill Committee,* 21 July 2014; c. 24, Q54.]

He talked about the practical challenges caused by the inconsistency between the 45 days of support under the NRM and the much longer time frame required to obtain a national insurance number, which takes a minimum of 72 days and provides access to many things.

The Anti-Trafficking Monitoring Group highlighted the lack of support for reintegration following the initial 45-day period, saying:

"Those left without adequate support may find themselves isolated, vulnerable and at risk of further exploitation. Currently the only hope for longer term comprehensive assistance for victims of trafficking in the UK is through the private funding of service providers."

It is therefore important that we put in place systems to support those who survive this horrific crime and help them to rebuild their lives safely, whether by returning home to another country or by seeking leave to remain here. We must address those issues and enable victims to have a smooth, positive transition from the initial period of care into other forms of support. I would be grateful if the Minister could comment on how the Bill can help to achieve that aim.

I have mentioned several areas that require improvement. Legislation can be used to enhance support. The existing frameworks are available only for victims of human trafficking who choose to enter the NRM. Mindful of that fact, I support the proposal in the clause for the Secretary of State to issue guidance regarding the support provision for victims of slavery and human trafficking. However, the nature and format of that support is unclear from the text of the clause.

Each of the areas of concern I have mentioned have greater significance when we consider providing support to all victims of modern slavery, whether or not they have been trafficked. We cannot simply bolt the provision of assistance to victims of clause 1 offences on to the NRM without considering the weaknesses in the current system. The circumstances of victims of trafficking, slavery and forced labour are similar, as we have noted many times in the Committee, but there are also differences among them, not least in the international obligations. We must take all those factors into account when we consider how to provide support. Will the Minister clarify how support for victims of slavery and forced labour, as opposed to victims of trafficking, will be provided, and how the two systems will interact?

The Parliamentary Under-Secretary of State for the Home Department (Karen Bradley): I thank all right hon. and hon. Members who have contributed to the debate. I am grateful to them for tabling and speaking to new clauses 22 and 27 to 29, which deal with the crucial issue of how best to identify and support victims of modern slavery. The new clauses are intended to ensure that we identify and support as many victims as possible. I share and support that ambition, which is why we are taking decisive action.

The most important thing is to spot and rescue victims in the first place. The best referral support systems in the world will do good only if we first find the victims, who are so often hidden in plain sight up and down the country. Therefore, clause 42 sets out a requirement for the Secretary of State to issue guidance to appropriate public authorities and other appropriate persons about identifying and supporting victims. In practice, the guidance will focus on the effective identification of child and adult victims of modern slavery. It will provide information to front-line professionals and others about potential signs that somebody is a victim, so that victims are identified and get the help and support they need as quickly as possible. The guidance will set out the assistance and support on offer to victims through the Government-funded adult victim care contract, which is currently operated by the Salvation Army, and through local authority safeguarding and child protection arrangements for children. It will also cover important child-specific issues, such as the operation of the presumption about age, set out in clause 43, and the provision of child trafficking advocates, set out in clause 41.

Clause 42 also enables the Secretary of State to revise the guidance as required to ensure it is up to date and appropriately reflects relevant changes in policy or delivery relating to the identification of or support for victims of modern slavery. The flexibility to alter statutory guidance

to reflect best practice supports the role of the anti-slavery commissioner, who will assess how effective practice in the identification of victims is and suggest how that can improve. That is critical. We have talked about the various regular meetings that I hold with non-governmental organisations, stakeholders and operational leads. The anti-slavery commissioner will have a vital role in the identification of victims and ensuring that all bodies are working towards appropriate victim identification. For example, the custody sergeant in a police custody suite might come into contact with a victim who has been arrested for a crime. We need that sergeant to know the possible indications of slavery so that they can spot the signs before the victim ends up having to go through the criminal justice system because they are treated as a criminal rather than a victim.

We need Border Force staff, who are having considerable training in safeguarding, to know the visual indicators so that they can spot victims of trafficking as they come across the border. We need to ensure that health authority staff, education and all the bodies that may come into contact with victims, know what to look for and what the signs are.

Sarah Teather (Brent Central) (LD): A few weeks ago, I spent a long day at Yarl's Wood. I was allowed to go through the booking system so that I could experience what a woman about to be detained would go through. What struck me during that process was the way that women are questioned in an open forum without any privacy. They are asked a series of closed questions, which makes it difficult for women to disclose sensitive information such as the fact that they might have been trafficked. It seems obvious that the current process is never going to pick up the kind of information that the Minister wants it to.

Karen Bradley: My hon. Friend makes an important point. The provision is so much broader and wider. It is never going to be perfect, but we need to improve what we do across the board with all the bodies that might come into contact with victims. As we have said before, we cannot even begin to start to stop the crime without the victim. We need to find and help victims. It is only when we help victims that we can start to get the information to catch the perpetrators, making it clear to everybody that modern slavery has no place in Britain. The statutory guidance in clause 42 is vital to ensure that we start that education process as quickly and efficiently as possible, and that we do not accept what until now has been the position, which we all agree has not been sufficiently robust.

Clause 42 is an important provision to ensure a consistent and standardised approach to identifying potential victims and ensuring that they get the right support and assistance to move on with their lives. The statutory guidance will form a crucial part of our overall work to ensure that more front-line officials are aware of the indicators of modern slavery so that more victims are rescued from horrendous abuse. Once identified and rescued, it is essential that victims are appropriately supported so that they can start to rebuild their shattered lives. As hon. Members are aware, the Home Secretary commissioned a review of the NRM earlier this year to ensure that our system for referring, assessing and supporting victims is working as effectively and supportively as possible.

I want to put on the record that nobody is saying that the NRM is currently working. The NRM was introduced to meet a demand at that time, but our knowledge of the crime—the treatment of victims and what they go through—has moved on so much in the five years since the NRM was introduced that we all acknowledge that it needs to change. There are many points about the NRM that we know need to change.

The shadow Minister asked who would receive the guidance and whether it would be limited to public authorities or issued more widely. The NRM review will consider the issue of guidance and which organisations should be provided with guidance in full. However, I would expect the review team to take a view that guidance should be issued as widely, comprehensively and practicably as possible. The statutory guidance under clause 42 will be issued to public bodies such as the police, local authorities and NHS professionals so that they can effectively identify potential victims and know what to do when they do.

2.15 pm

Diana Johnson (Kingston upon Hull North) (Lab): Does the Minister expect there to be tailored statutory guidance for each of those different authorities, or will blanket guidance be given out to everyone, irrespective of the part of the system they are dealing with?

Karen Bradley: My understanding is that the NRM review is looking at that to see how the guidance should be structured and tailored. The review is being led by Jeremy Oppenheim, who, as well as having extensive experience in the Home Office, has held roles in the voluntary and local authority sectors, principally as a director of social services and chief executive of a national charity. He is ensuring that the review of the NRM is independently conducted, that all the relevant options are being considered and that the recommendations are balanced.

I wrote to members of the Committee on 2 October to provide a copy of Mr Oppenheim's interim report. I hope the report demonstrates how thoroughly he has been approaching this task, in which he has consulted more than 100 organisations. I am particularly pleased that he has visited safe houses and heard the experience of victims first hand. I visited some safe houses with him and heard how he used sympathetic questioning of victims to try to establish the difficulties in the process that they went through—for example, the number of different interviews.

My hon. Friend the Member for Brent Central talked about how victims recount different stories, and we saw that with our own eyes. Jeremy Oppenheim and I sat with a victim who gave us a slightly different account of her experiences to us from that which she had given to previous people she had spoken to—some of it was the same, but other elements were slightly different. That reflects just how important it is to allow victims the opportunity to develop their stories—by that I do not mean that they should change them, but as they become stronger and more able to talk about their experiences, more will be learnt.

[Karen Bradley]

We also need to ensure, however, that we are not forcing victims into recounting their story too many times, because as soon as discrepancies start to appear, so too will doubt for the authorities and we do not want that. We want to ensure that the authorities and those bodies who are carrying out the discussions with victims are doing so in a sympathetic and safe way, so that they can get as much as they can from them, clearly within the constraints of what the victims are able to talk about, understandably, to someone who is in effect a stranger.

Mr Oppenheim makes clear in his interim report that his review has been unashamedly victim focused, and that is how it should be. He has also held a workshop to consider the issue of children in the NRM and he states in his report that he has

"particularly considered child safeguarding processes."

I am pleased that he has taken that approach, which gives me great confidence that his report will seek the best possible outcome for all victims of these horrendous crimes.

The review has not yet come to detailed conclusions on each of the issues being considered, which will be set out in the final report. However, we have a clear indication of the kinds of issues that Mr Oppenheim is considering: victim identification, access to support and governance of the NRM in particular. Those issues include improving the training of first responders, ensuring that all parties can have confidence in the expertise and objectivity of the decision makers, including whether a right of appeal would help in that regard, and whether the NRM should be placed on a statutory footing.

The shadow Minister asked about aspects that may be missing from the interim review. The interim report was clear that there is no need for a tighter, professionally managed entry to the NRM, multidisciplinary decision making and comprehensive oversight of the system. Those three aspects will address the concerns raised by the shadow Minister relating to the accuracy of decision making and any disparity between existing referral bodies and competent authorities.

With this thorough review well under way, I am confident that the final report will provide a comprehensive assessment of the current mechanism and make clear, practical and victim-focused recommendations to improve the system. I expect the report to be published before this provision is debated in another place to allow ample time for scrutiny before the Bill becomes an Act.

I know of the concern about how much scrutiny can be allowed in the two Houses, but the most important thing, from my point of view, is getting this report and review right. I do not want to rush it just to meet an arbitrary deadline. In the area of modern slavery, the process of getting to the end of a knotty problem often causes us to discover another 10 or 15 knotty problems on the way. This is not a simple issue that can be easily or quickly addressed, and it is absolutely right that we spend time ensuring we do it properly. I am therefore very reluctant to make changes to the NRM or to set out its roles and functions in the Bill at this stage, thereby pre-empting the review's outcome. The whole point of the review is to ensure that as many stakeholders as possible can contribute, so that a set of improvements can be suggested that take on a wide range of advice and consider all the evidence in detail.

We all share the objective of achieving best practice in identifying and supporting victims. I welcome the important contributions from Members on how we might achieve our common goal, but I do not believe that the best way of doing that is tying ourselves to one set of changes at this point without the benefit of the expertise and evidence that Mr Oppenheim's final report will bring to the issue. I appreciate the thinking behind the detailed proposals in new clauses 22, 28 and 29, which are clearly designed with victims in mind. However, I am confident that all the issues raised are being fully considered by Mr Oppenheim and I will ensure that he is aware of the contributions made today.

My hon. Friend the Member for Brent Central and the shadow Minister asked about the decision making and whether the final review will look at the different roles of UK Visas and Immigration—I should make clear that it is now UKVI, not UKBA—and the UK Human Trafficking Centre. The interim review and the final review both cover decision making. The interim review states:

"My early thoughts are that a multi-disciplinary decision making process provides the best way of harnessing the professional expertise needed to make the trafficking or modern slavery decision."

The identity of the decision maker has therefore been carefully considered. I know there have been concerns about the differences in the number of approvals given by the Human Trafficking Centre and UKVI, but some of those can be explained by the different groups of victims the two bodies look at. Mr Oppenheim is looking at the decision-making process so that there is certainty and comfort for all in the system that it is fair and quick. That is an extremely important point.

Sir Andrew Stunell (Hazel Grove) (LD): I think that the central question for Committee members is whether it will make a difference to someone's chances of being believed if they appear before one organisation rather than the other. We are looking for something that gives equal chance and weight to the evidence received by both bodies.

Karen Bradley: I take my right hon. Friend's point. Mr Oppenheim is looking at that issue and is aware of those concerns. I will repeat that point to him to ensure that the final report draws out all his conclusions on it.

The new clauses all call for the NRM to be put on a statutory footing, with the Secretary of State setting out by regulation the processes to be followed. They also call for the NRM to cover victims of slavery and human trafficking, and state that there should be a process to appeal and review decisions. As I have outlined, all these issues are being carefully considered by the NRM review. New clauses 22 and 29 also set out in great detail the type of support that should be provided. I reassure the Committee that we either already provide or facilitate access to all the types of support listed. In addition, we are currently re-tendering the contract for victim care services and have explicitly left arrangements in place so that it will still be possible to build additional support provision into the requirements for the new contract if the NRM review recommends it.

My hon. Friend the Member for Congleton talked about the time that should be given to victims. The difficulty here—and the review is looking at this—is what is the right number. Clearly, the international obligation is 30 days. England and Wales went beyond that, moving it to 45 days. There are many victims who spend a lot longer in the process and receive support for a lot longer. I have met victims who have been within the victim care contract arrangement for well over 12 months. That is because support needs to be tailored to the victim, because a UK national victim who has a national insurance record, an NHS record and so on may not need administratively quite as long in the NRM but needs just as long emotionally. We also see difficulties in getting UK victims into the NRM, because so much of the support that the NRM offers is aimed at those who have no homes, and need safe houses and support with their immigration and legal status and so on. UK victims may not need that sort of support; they may already have a home that they do not want to leave. So we are looking very carefully at how we make sure that the NRM caters for everybody.

It is true that at the moment the support available following the 45-day period may be less comprehensive than is desirable. The review is taking a victim-centred approach, focusing on the support that victims required throughout the period and beyond, and is looking at how we monitor outcomes for people post the NRM period. There is no mechanism by which we can today identify people who have been through the NRM to see what their life outcomes are—whether they manage to find employment or are re-trafficked and end up back in slavery or servitude. Clearly, that is not right and we need to look at that.

My hon. Friend also talked about minimum care standards. We take the issue of standards of care extremely seriously. We will look carefully at the care standards following the NRM review and as part of the re-tender of the victim care contract. We are committed to providing victims of these heinous crimes with consistent, high-quality care and support. The guidance will cover both slavery and trafficking victims, adults and children, recognising their particular needs and vulnerabilities.

New clause 28 specifically states that an identified trafficking or slavery victim should be entitled to a one-year renewable residence permit if a competent authority judges that that is necessary, due to their personal circumstances or to co-operate with criminal proceedings. I would like to reassure the committee that it is already the case that UKVI can grant discretionary leave for those reasons. The proposed change may actually restrict that ability. For example, at the moment UKVI could grant leave to remain for up to three years, if we knew that a victim needed medical treatment for more than 12 months. It would simply be unhelpful if they had to renew for another full 12 months after the first 12 months.

Therefore I think we already have some good measures in place on some of the points of detail, but I am keeping an open mind about all the provisions in these new clauses and awaiting the outcome of Mr Oppenheim's review. Like all hon. Members here, I want to make the process better for victims wherever possible, so I hope hon. Members can agree with me that the best way to do that is to await the outcome of the National Referral Mechanism review, which we commissioned for exactly that reason.

Finally, I turn to new clause 27, which also clearly aims at improving the identification of and support for victims. We all know the problem that the clause is intended to solve. Victims are often traumatised or manipulated to the point where they do not identify themselves as victims, and so will do little to highlight their plight, even when in contact with the authorities who could help them. That is tragic, and we must do more to ensure that victims are not missed in that way.

However, I do not think that simply putting a duty on public authorities is the right way to achieve our shared goal. The Bill is already introducing a duty on specified public authorities to notify the National Crime Agency of any potential victims of slavery or human trafficking, so we are already focusing its attention on this issue and ensuring that it is properly acted on. However, what really will make a difference to victims being identified and referred to the proper support services are practical steps to increase awareness and understanding. I do not think that front-line professionals miss victims because they do not regard it as their duty to spot them. They miss victims because the signs are often very subtle, and in some cases their awareness of what to look for is not high enough. That is why clause 42 is so important. It is also why we have launched a major communications campaign to raise awareness about modern slavery, and that is why we are taking action to include modern slavery in relevant training packages to front-line staff.

2.30 pm

The College of Policing, for example, is creating training packages to ensure that front-line officers can recognise the indicators of slavery and trafficking, and the anti-slavery commissioner will have a role in improving training provision across the board.

I want the same thing as the Members who have tabled the new clauses. I want more victims to get identified and receive the support they deserve. The steps we are taking in the Bill and beyond are the right ones to achieve that. I therefore hope that hon. and right hon. Members will feel able to withdraw their amendments and that Members will feel able to support clause 42 standing part of the Bill.

Sarah Teather: I shall not detain the Committee further. I am grateful for the Minister's reassurance that she will listen carefully and pass on the Committee's comments to the reviewer. I look forward to the full results of the review and the debate in the Lords. Perhaps we shall see the results of the amendments back in the Commons at a later stage.

Question put and agreed to.

Clause 42 accordingly ordered to stand part of the Bill.

Clause 43

PRESUMPTION ABOUT AGE

Sarah Champion (Rotherham) (Lab): I beg to move amendment 101, in clause 43, page 28, line 40, leave out "with functions under relevant arrangements".

The Chair: With this it will be convenient to discuss the following:

Amendment 103, in clause 43, page 28, line 41, after "trafficking", insert "or slavery"

Amendment 104, in clause 43, page 29, line 1, after (2) insert "Unless and"

Amendment 105, in clause 43, page 29, line 2, after "determined", insert "and no challenges to that determination are pending"

Amendment 106, in clause 43, page 29, line 2, leave out from "for" to "that" in line 3.

Amendment 102, in clause 43, page 29, line 5, leave out subparagraph (3).

Sarah Champion: In the interests of time I will speak briefly. These are probing amendments to try to get clarity on the Minister's position and to get some reassurance. The amendments seek to strengthen the support available to victims if they are deemed to be under the age of 18 and they would ensure that there are no gaps in the provision and protection offered to them. Deciding whether the victim is under 18 is a fraught exercise. Unless correctly decided, it would mean that the victim does not receive the child-specific protection and support that they really need. The Minister highlighted that there is a real risk of many children going missing in the first 72 hours. That is why we should have a presumption of age as a safeguarding measure to prevent that happening.

Amendment 102 asks for slavery to be included rather than just trafficking. That would make local authorities consider whether a possibility of slavery is apparent. If there are any grounds for considering slavery, the presumption of age should immediately kick in. Such an approach would not require a national referral mechanism decision, which is at best slow and bureaucratic. The hon. Member for Brent Central went into great detail about how the mechanism fails the people it is meant to protect, and I was heartened to hear the Minister say that she recognises such failings.

Amendments 104 and 105 have been tabled because currently there is no statutory basis for age assessment. Clause 43(1)(b) states:

"the authority is not certain of the person's age but has reason to believe the person may be under 18."

Can the Minister confirm whether that overrides the existing statutory guidance for local authorities on the care of unaccompanied asylum-seeking and trafficked children released by the Department for Education in July? It states:

"Age assessments should only be carried out where there is significant reason to doubt that the claimant is a child. Age assessments should not be a routine part of a local authority's assessment of unaccompanied or trafficked children."

The word is a small addition, but I am concerned about the emphasis and the switch from "reason to believe" to "significant reason" to believe, and I hope that the legislation will override the existing guidance, because age assessment is not a science. There is no reliable means of assessing age. Age assessment is nothing more than social workers sometimes making an educated guess at a person's age, often based on little more than a short interview. It is a notoriously difficult exercise to perform. The migrant children who are assessed come from many different cultures with varied life experiences and will display very different behaviours as a result.

For example, trafficked children often appear more sexualised than their peers, because of the abuse that they have suffered. Age assessments are frequently challenged in the courts and found to be unlawful. We know that local authorities have financial factors at play that create an obvious disincentive to making a finding that someone is a child. If they make such a finding, that local authority will have to support the child financially. The age assessment process is failing children and redress is beyond the scope of the Bill. We need to protect trafficked and enslaved children who are going through stressful age disputes and the best way to do that is to ensure that the presumption remains in place until the end of any dispute that may have arisen. That is achieved by amendment 105. Otherwise, the presumption of age is entirely toothless—it could remain in place for as little as one day and then be nullified by a wrong social services age assessment.

Sarah Teather: I want to make a few remarks further to those made by the hon. Member for Rotherham. This is a very welcome clause and I look forward to the Minister's response to the hon. Member for Rotherham, who raised important issues. I agree with her that a local authority should never undertake an age assessment as a matter of course, but only when it is really necessary to determine the age of a child and there is good reason to doubt the child's account.

The issue of age assessment is important and has some bearing on this clause. The determination of an age assessment has a profound impact on children and will determine whether they are eligible for a child guardian or local authority support. It can also impact upon an asylum claim where child-specific forms of persecution and risk need to be taken into account.

As Committee members know, there is currently no statutory procedural guidance to local authorities on how to conduct an age assessment. Instead, the current approach has developed over time through local authority practice and emerging case law, giving us what are called "Merton compliant" age assessments. The lack of statutory guidance and training has resulted in confusion within both the Home Office and local authorities about what constitutes a legal assessment, as well as a lack of consistency across authorities. During a case in 2012, a Home Office official admitted to not knowing the meaning of "Merton compliant", despite having accepted an age assessment that claimed the child in question to be aged 18 to 20. That age assessment was considerably flawed and resulted in a 15-year-old boy being unlawfully detained in an immigration removal centre for 44 days. I have a personal interest in this issue because I was involved in the negotiation of the ending of child detention for immigration purposes. Of the last few children who ended up being detained, almost all fitted into this category, so it is really important that we get this right.

It is not an isolated example, unfortunately. For parliamentarians and civil society alike it is very difficult to monitor the prevalence of the use of age assessments by the Home Office, because statistics on young people who have had their age disputed are not kept as a matter of course and are not available to the public. Organisations such as the Coram Children's Legal Centre have called for that information to be collected and made public, but those requests have so far fallen on deaf ears.

Age assessment can only ever be that—an assessment. There is no hard and fast way of determining an individual's age, but the problems of the present system of age assessments are well documented. Back in 2007, Dr Heaven Crawley's report "When is a child not a child?" found that the lack of statutory guidance has resulted in inconsistencies in the weight given to evidence and information that might be relevant to the decision, including paediatric and medical evidence where that is available. Likewise, the Coram Children's Legal Centre's report of May 2013 found that there is

"still much room for improvement"

in the assessments carried out by local authorities. High among their recommendations was the need for a multi-agency approach to assessment, rather than leaving assessment solely in the hands of social workers.

Last year, the Association of Directors of Children's Services established an age assessment strategic oversight group, which includes civil servants as well as practitioners and members of the Refugee Children's Consortium. I hope that the Minister will pay close attention to the work of the group, so that we can see meaningful reform, rather than pursuing the idea that seems to rear its ugly head from the Home Office every year or so—the magic bullet of X-rays, which every paediatrician will say is less accurate than the rather inaccurate method we currently have, of using social workers. Luckily, the weight of ethical and scientific objections usually beats that back into submission until 12 or 18 months later, it reappears. This is a plea, while we are considering the clause, for the Minister to take note of the Association of Directors of Children's Services oversight group, which I think will have some interesting and relevant things to say.

Karen Bradley: I am very grateful to the hon. Member for Rotherham and my hon. Friend the Member for Brent Central for speaking in the debate, and to the hon. Member for Kingston upon Hull North for tabling the amendments. All have spoken with great insight and knowledge, especially my hon. Friend with her experience as an Education Minister. We are grateful for the knowledge she brings to the Committee.

Clause 43 reflects the presumption at article 13(2) of the EU directive on preventing and combating trafficking in human beings. The pre-legislative scrutiny Committee recommended that such a clause be included in the Bill to give clear effect to the UK's international obligations in the trafficking context with regard to a child receiving appropriate assistance and support as soon as possible.

The Government recognise the particular vulnerabilities of child victims of trafficking. Their welfare must always be a primary consideration for public authorities, and I believe we all recognise that it is in the interests of a child victim, including their safety, that they should not be treated in adult services.

That is why the clause provides a presumption of age that reflects the UK's international obligations in statute. It will ensure that where a trafficking victim's age is uncertain and there is reason to believe they are a child, they are presumed to be a child for the purposes of receiving appropriate assistance and support.

Policy and guidance are already clear on this point, but further to assure partners that this is the case, and in line with the recommendation of the pre-legislative scrutiny Committee, we have reflected that presumption in the Bill. The clause will ensure that child trafficking victims receive immediate and appropriate support and assistance. I welcome the chance that the amendments give me to set out as clearly as possible how the clause will provide effective protection to the child victims of trafficking.

Amendments 101, 102 and 106 aim to make the presumption of age a broader provision. The current provision relates the presumption directly to those public authorities that support child victims of trafficking, through the arrangements for support set out in statutory guidance under clause 42. The amendments would mean all public authorities, with the exception of courts and tribunals, would have to apply the presumption.

However, I can assure the Committee that in practice all relevant public authorities will be covered by clause 43. Public authorities that are required to provide support and assistance to trafficked children will be covered by the clause since those public authorities will be specified in the guidance issued under clause 42, and will therefore be specified for the purposes of the clause 43 presumption about age.

I welcome the challenge that the amendments posed and the opportunity they have given me to satisfy myself that this provision will be effective. However, I want to assure the Committee that the amendments are not necessary to achieve our shared goal.

Clause 43 has been drafted in order to ensure that it properly reflects our obligation under article 13 of the EU trafficking directive, that the presumption of age must apply in order that the person presumed to be a child can

"receive immediate access to assistance, support and protection in accordance with articles 14 and 15".

Amendment 103 would extend the presumption about age to victims of slavery. The purpose of clause 43, added to the Bill following the recommendation of the pre-legislative scrutiny Committee, is to give clear effect to the EU's international obligations under article 13 of the EU directive on preventing and combating trafficking in human beings, which does not extend to slavery.

As discussed during the debate on child advocates, it is recognised that victims of child trafficking are particularly vulnerable. They will be alone in an unfamiliar country, often unaware of their right to have a childhood. They will have specific needs that require specialist support and our international obligations set that out.

That need for specialist support has been highlighted by the Refugee Children's Consortium, which said that it has been

"found that trafficked children are frequently age disputed because they will carry false documents or be forced to lie about their age by their traffickers".

The Refugee Children's Consortium also pointed out:

"Children whose age is disputed by the authority are put at risk of re-trafficking, exploitation or serious harm and unable to access the services they need."

It is, therefore, particularly important that there is clarity in the Bill that public authorities, whose responsibility it is to support trafficked children, treat anybody who may be a trafficked child as such.

2.45 pm

My hon. Friend the Member for Brent Central and the hon. Member for Rotherham talked about the quality of age assessment and the related ongoing work. The Government are committed to promoting improvements to the age assessment process. In the interests of safeguarding, it is vital that children should not be managed in adult services and vice versa. The Home Office, the Department for Education and the Department of Health are working closely and constructively with the Association of Directors of Children's Services, the Office of the Children's Commissioner for England, the Royal College of Paediatrics and Child Health and other partners to improve the quality of the age assessment process and of age assessments themselves through improved guidance on information sharing, joint working and practice.

I understand the concerns raised here this afternoon and I can confirm that revised local authority practice guidance and a revised joint Home Office and ADCS protocol will be published in the coming months. We understand the need for the guidance to get the processes absolutely right, and I am happy to discuss achieving that aim outside the Committee. We have alternative arrangements in place to ensure that young people who have been victims of slavery are appropriately supported, including where age is in dispute.

Sir Andrew Stunell: I see that the Minister is moving on from the point about age assessment. It seems to me a bit of a theme today that there are these conflicts of interest. There is a problem when the assessments are in the hands of people who, if they decide one thing, it will lead to their authority having to stump up a significant amount of money, and if they decide something else, it will not. How does she hope to safeguard victims of slavery from that conflict of interest when the assessments are being drawn up?

Karen Bradley: The pre-legislative scrutiny Committee, of which my right hon. Friend was a very distinguished member, highlighted that establishing age was most difficult for child victims of trafficking. The presumption of age in the clause will apply where a young person is a victim of slavery after they have been trafficked. Where they have not been trafficked and they are a victim of slavery, it should not be as difficult to establish age because they will be UK nationals and there will be records available to assist. Clearly the whole issue of age assessment for all young people is important and needs to be looked at, but I want to keep the discussion today focused on the victims of trafficking where there is this identified problem with establishing age due to the nature of the crime that has been committed against these young people, who are moved from one place to another, usually with false documents.

Although the EU directive and therefore this clause does not extend to victims of slavery, our domestic policy is set out through statutory guidance for local authorities on the care of unaccompanied and trafficked children. This ensures that as soon as any young person becomes looked after, including victims of slavery, the local authority must aim to provide them with all necessary support to offer them the safety and stability they will require. Ideally this should be provided by offering the young person the chance to form a relationship with a reliable and consistent adult, to support them and to contribute to planning for their care—an issue that we discussed this morning.

The responsibilities of local authorities towards such children should not be hampered by disputes about age. Where a young person's age is in doubt, they must be treated as a child unless and until a full age assessment, drawing on all available sources of relevant information and evidence, shows them to be an adult. We agree wholeheartedly that age assessments conducted by default would be undesirable. That is why the clause states that the presumption applies only where a public authority with functions under relevant arrangements is

"not certain of the person's age".

In most cases there will be no doubt that the person is a child and they will be treated as such; the clause should apply only where there is a doubt about the person's age. Amendment 104 raises an important issue, but as I have set out, the amendment is not necessary to prevent unnecessary age assessments. At a technical level, the amendment would not materially change the meaning of the Bill.

Amendment 105 seeks to ensure that all those persons who have been determined to be an adult by the appropriate authority but who are challenging that decision should be treated as a child for the duration of the challenge. Although we agree with the sentiment behind this amendment, there would be unfortunate and, I am sure, completely unintended consequences were it to be accepted. Guidance is clear that where the age of a person is uncertain and there are reasons to believe they are a child, they should be offered immediate access to assistance, support and protection. As I mentioned—this is a point on which we agree with the Refugee Children's Consortium—age assessments should not be a routine part of a local authority's assessment of a potentially trafficked young person. Age assessments should take place only where the local authority has reason to believe that a person may in fact not be a child.

Local authorities are frequently required to make careful judgements based on findings from professional assessments in a wide range of areas involving child protection and welfare. A difficult balance has to be struck between ensuring that child victims are properly identified and ensuring that public authorities are not unduly hindered in performing their important statutory functions, particularly in cases where the challenge is ultimately judged by a court to be "totally without merit". Undesirable consequences could result from creating the proposed requirement: for example, a local authority might have to keep someone assessed as an adult in a placement intended for children, which could significantly increase pressure on local authority resources or risk the safety and welfare of other children within that placement. That would be unnecessary if the victim was ultimately found to have been correctly assessed as being over 18.

Given the clarification and explanations I have set out, I hope that the hon. Lady will feel able to withdraw the amendment.

Sarah Champion: I thank the Minister for her approach to the Bill. I believe she is listening to us, and she has clearly researched the area. I appreciate her comments on my amendments. I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Clause 43 ordered to stand part of the Bill.

Clause 44

DUTY TO NOTIFY NCA ABOUT SUSPECTED VICTIMS OF SLAVERY OR HUMAN TRAFFICKING

Question proposed, That the clause stand part of the Bill.

The Chair: With the leave of the Committee, I propose to informally group clauses 44 to 46, to which no amendments have been tabled, for debate and thereafter put them to the Committee for decision.

Diana Johnson: I have two specific questions for the Minister on clause 44. Will she state to which bodies she envisages clause 44 and the duty to notify applying? I would like her to spell that out clearly. My second question is on a concern that the British Medical Association has expressed on the mandatory reporting of cases of adult trafficking. It says that although it is hard to envisage a case where it would not report suspicions, medical practitioners are concerned that they need to maintain professional discretion. The principle of patient consent has to inform their work. Will she give an undertaking that all professional bodies will be involved in the drafting of any relevant codes of conduct relating to clause 44?

Sarah Teather: I do not want to detain the Committee long, but I have a couple of slight nagging concerns about clause 46. It contains powers of huge breadth that allow the Secretary of State to amend any Act or subordinate legislation where she thinks it appropriate as a consequence of the Bill becoming law. The Government's delegated power memorandum accepts that that is a very broad power, but points to the precedence in the Protection of Freedoms Act 2012 and the Crime and Courts Act 2013. Will the Minister say how those powers have been used in practice? Wide-ranging delegated powers should always set alarm bells ringing, because statutory instruments offer only limited scrutiny of Executive power. They are no substitute for the full legislative process. Will she indicate exactly how she envisages the power being used?

Karen Bradley: I will attempt to cover the points that have been raised, but first I will speak more generally about the clauses. Clause 44 concerns the duty to notify about suspected victims of slavery or human trafficking. We all know that modern slavery is largely a hidden crime. If we are to improve our operational response, protect more victims and bring more traffickers and slave drivers to justice, we need to get a better understanding of the scale and nature of the problem.

While the national referral mechanism does provide some important information about human trafficking, the data are not complete. Adults can opt not to be referred, and the NRM currently covers human trafficking rather than all forms of modern slavery. Clause 44 will help to resolve these problems with our data and understanding by introducing a duty on specified public authorities to notify the National Crime Agency where they have reason to believe that a person may be a victim of human trafficking or slavery. The duty will apply to specified public authorities in England and Wales. These bodies will be specified in regulations by the Secretary of State, and it is envisaged that they will include national referral mechanism first responders who are also public authorities, such as the police and Border Force. The shadow Minister asked whether there is a list of those bodies. The list of public bodies that currently act as first responders includes UK police forces, the National Crime Agency, the Home Office, the Gangmasters Licensing Authority and local authorities. NHS professionals are not first responders. Adult victims will be able to remain anonymous if they wish.

During pre-legislative scrutiny, we heard concerns about the way the clause would work in practice. We have carefully considered those concerns and made changes to ensure that the needs of victims are paramount. It is now clear in the Bill that a notification in respect of a potential adult victim must be anonymised unless the individual concerned has given their permission to be identified. Specified bodies must also be careful to ensure that any disclosures are in line with the Data Protection Act. This measure will not apply to any non-governmental organisations. We will work with them to explain the advantages to be gained from better data and encourage them to notify, but we will not take a statutory approach.

The better a picture we can gain of modern slavery in the UK, the better we will be able to tackle it. I therefore hope that Committee members will feel able to support the clause's inclusion in the Bill.

Clause 45 is a technical provision defining a number of terms used elsewhere in the Bill. The most significant definitions relate to the meaning of victims of slavery and trafficking. A number of important provisions relate to victims of trafficking, or both slavery and trafficking. For example, these terms are used in the duty to notify and the provision for guidance about identifying and supporting victims. The clause makes it clear that a victim of slavery is a person who is a victim of conduct which constitutes an offence under clause 1—the slavery, servitude or forced labour offence. The definition also covers the same conduct before the Bill becomes law.

The clause also makes it clear that a victim of human trafficking is a person who is a victim of conduct which constitutes an offence under clause 2—the human trafficking offence. The definition also covers the same conduct before this Bill becomes law. Given the transnational nature of the crime, the definition also covers the same conduct where it is not an offence simply because the perpetrator is not a UK national. This clause supports the important provisions of the Bill to protect victims of modern slavery.

Clause 46 is a technical provision that provides for minor and consequential amendments to other legislation required due to the provisions of this Bill. The clause introduces schedule 4, which contains the required series of minor and consequential amendments. The clause also enables the Secretary of State to make further

[Karen Bradley]

consequential amendments by statutory instrument, in case we later identify a requirement for such amendments. Under clause 47, any statutory instrument made under clause 46 will be subject to the negative resolution procedure if it does not amend primary legislation, and the affirmative resolution procedure if it does. I hope the Committee will support the clauses.

Question put and agreed to.

Clause 44 accordingly ordered to stand part of the Bill.

Clauses 45 and 46 ordered to stand part of the Bill.

Schedule 4

MINOR AND CONSEQUENTIAL AMENDMENTS

Karen Bradley: I beg to move amendment 22, in schedule 4, page 44, line 3, at end insert ", and

(b) in paragraph (e) for "(da)" substitute "(db)""

This amendment makes a further amendment to the Sexual Offences (Amendment) Act 1992 in consequence of the amendment made to that Act by paragraph 4 of Schedule 4.

The Chair: With this it will be convenient to discuss Government amendments 23 and 24.

Karen Bradley: Government amendments 22 and 23 will make minor amendments to paragraph 4 of schedule 4 to ensure that it amends the Sexual Offences (Amendment) Act 1992 properly. Amendment 24 will add the offence of slavery, servitude and forced labour—the clause 1 offence—to the list of serious crimes in the Serious Crime Act 2007. This will mean that the offence is a qualifying offence for the purposes of making a serious crime prevention order. Paragraph 7 of schedule 4 already ensures that this measure is available for a human trafficking offence. An SCPO can be used to impose positive or negative requirements on an individual, whereas the slavery and trafficking prevention and risk orders within the Bill before us can only impose negative requirements. There may be scenarios where individuals convicted for offences of slavery, servitude and forced labour are involved in wider organised criminality, and positive requirements would be advantageous in managing the wider risk posed by such individuals. Examples of requirements that can be made under serious crime prevention orders are: providing financial information; providing details of an individual's businesses and employees, allowing access to premises owned by an individual and notifying vehicles owned or controlled. The provision will ensure that law enforcement bodies can respond flexibly to the threat posed by the most serious modern slavery offenders, who can be engaged in organised crime.

Amendment 22 agreed to.

Amendments made: 23, in schedule 4, page 44, line 12, leave out "paragraph" and insert "paragraphs 31(2)(b) and"

This amendment repeals a provision which is redundant in consequence of amendment 22.

Amendment 24, in schedule 4, page 44, line 25, leave out from beginning to end of line 26 and insert—

'( ) Part 1 of Schedule 1 to the Serious Crime Act 2007 (serious offences: England and Wales) is amended as follows.

( ) After paragraph 1 insert—

"Slavery etc

1A An offence under section1 of the Modern Slavery Act 2014 (slavery, servitude and forced or compulsory labour)."

( ) In paragraph 2—'

This amendment amends the Serious Crime Act 2007 so that an offence under clause 1 will be a serious criminal offence for the purposes of Part 1 of that Act (power to make serious crime prevention orders against a person who has been involved in serious crime).

Amendment 25, in schedule 4, page 45, line 2, at end insert—

'Administration of Justice Act 1970 (c. 31)

9A (1) The Administration of Justice Act 1970 is amended as follows.

(2) In section 41(8) (enforcement of orders for compensation etc) for "or 13A" substitute ", 13A or 13B".

(3) In Part 1 of Schedule 9 (enforcement of orders for compensation etc) after paragraph 13A insert—

13B Where under section 8 of the Modern Slavery Act 2014 a court makes a slavery and trafficking reparation order."

Criminal Justice Act 1991 (c. 53)

9B (1) Section 24 of the Criminal Justice Act 1991 (recovery of fines by deduction from certain benefits) is amended as follows.

(2) In subsection (1), for "or unlawful profit order" substitute ", an unlawful profit order or a slavery and trafficking reparation order".

(3) In subsection (3)(b), for "or unlawful profit order" substitute ", an unlawful profit order or a slavery and trafficking reparation order".

(4) In subsection (4), after the definition of "prescribed" insert—

""slavery and trafficking reparation order" means an order under section8 of the Modern Slavery Act 2014;".

Social Security (Recovery of Benefits) Act 1997 (c. 27)

9C In paragraph 2 of Schedule 1 to the Social Security (Recovery of Benefits) Act 1997 (exempted payments), for "2000 or" substitute "2000, section8 of the Modern Slavery Act 2014,".

Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)

9D In section 133(3)(c) of the Powers of Criminal Courts (Sentencing) Act 2000 (review of compensation orders), for the words from "a confiscation order" to the end substitute "any or all of the following made against him in the same proceedings—

(i) a confiscation order under Part 6 of the Criminal Justice Act 1988 or Part 2 of the Proceeds of Crime Act 2002;

(ii) an unlawful profit order under section 4 of the Prevention of Social Housing Fraud Act 2013;

(iii) a slavery and trafficking reparation order under section8 of the Modern Slavery Act 2014; or".'

This amendment and amendment 26 make amendments of legislation consequential on the provisions about reparation orders in clauses 8 to 10. They provide for reparation orders to be treated in a similar way to compensation orders under section 130 of the Powers of Criminal Courts (Sentencing) Act 2000.

Amendment 26, in schedule 4, page 45, line 42, at end insert—

'15 In Schedule 11 to the Proceeds of Crime Act 2002 (amendments), omit paragraph 37(3).

Courts Act 2003 (c. 39)

16 (1) Schedule 5 to the Courts Act 2003 (collection of fines and other sums imposed on conviction) is amended as follows.

(2) In paragraph 2(2)—

(a) omit the "and" at the end of the definition of "a sum required to be paid by a compensation order";

(b) after the definition of "a sum required to be paid by an unlawful profit order" insert—

""a sum required to be paid by a slavery and trafficking reparation order" means any sum required to be paid by an order made under section8 of the Modern Slavery Act 2014."

(3) In paragraph 7A(1) for "or an unlawful profit order" substitute ", an unlawful profit order or a slavery and trafficking reparation order".

(4) In paragraph 13(1)(aa)—

(a) for "or a sum" substitute ", a sum";

(b) after "unlawful profit order" insert "or a sum required to be paid by a slavery and trafficking reparation order";

(c) in sub-paragraph (i) for "or the" substitute ", the";

(d) in that sub-paragraph after "unlawful profit order" insert "or the amount required to be paid by the slavery and trafficking reparation order".

Criminal Justice Act 2003 (c. 44)

17 In section 151(5) of the Criminal Justice Act 2003 (orders for persistent offenders previously fined) after "2013" insert "or a slavery and trafficking reparation order under section8 of the Modern Slavery Act 2014".

18 (1) Section 161A of the Criminal Justice Act 2003 (court's duty to order payment of surcharge) is amended as follows.

(2) In subsection (3)—

(a) in paragraph (a) for the words from "a" to "both)" substitute "one or more of a compensation order, an unlawful profit order and a slavery and trafficking reparation order";

(b) in paragraph (b) for the words from "and appropriate compensation" to the end substitute "and appropriate amounts under such of those orders as it would be appropriate to make".

(3) In subsection (5) for "this section" substitute "this section —

"slavery and trafficking reparation order" means an order under section8 of the Modern Slavery Act 2014, and".

Health and Social Care (Community Health and Standards) Act 2003 (c. 43)

19 In paragraph 1 of Schedule 10 to the Health and Social Care (Community Health and Standards) Act 2003 (recovery of NHS charges: exempted payments)—

(a) omit "or" at the end of sub-paragraph (b);

(b) at the end of sub-paragraph (c) insert "or

(d) section 8 of the Modern Slavery Act 2014 (slavery and trafficking reparation orders)."

Prevention of Social Housing Fraud Act 2013 (c. 3)

20 In the Schedule to the Prevention of Social Housing Fraud Act 2013 (amendments), omit paragraphs 2, 5(2)(a) and (3), 9, 26 and 30(2).'—*(Karen Bradley.)*

Schedule 4, as amended, agreed to.

Clauses 47 and 48 ordered to stand part of the Bill.

Clause 49

Extent

3pm

Karen Bradley: I beg to move amendment 21, in clause 49, page 31, line 13, at end insert—

'( ) Her Majesty may by Order in Council provide for any of the provisions of this Act to extend, with or without modifications, to any of the Channel Islands or to the Isle of Man.'

This amendment enables provisions of the Bill to be extended to any of the Channel Islands or to the Isle of Man, by Order in Council.

Amendment 21 inserts into the Bill a permissive extent clause, enabling the Bill's provisions to be extended to any of the Channel Islands or to the Isle of Man, by Order in Council. It is a simple provision which will ensure that the Crown dependencies are able to take up the provisions of this important Bill into their law.

Michael Connarty: I raised a point in the debate on ship transport about the effect on Scotland and the fact that traffickers using sea transport would not respect the lines in the sea. I inquired of the Minister whether we had an arrangement with the Scottish Government. I would have thought that in this case the Sewel convention would have taken into account amendments required that would affect Scotland, or are we going to do that for England and expect them to negotiate somehow? At the moment, I do not think the Scottish Government, given their temperament and temper—having been defeated in the referendum—will be very co-operative. I wonder whether any exploration has been made of the point raised. How do we deal with the question of this only going to the sea limits of England, Wales and now the Channel Islands and the Isle of Man? How has that been dealt with?

The Chair: Order. I am sure that the hon. Gentleman is not in the wrong debate, but he touched on this issue earlier and I said he would have an opportunity to speak about it in the main Chamber, which is discussing devolution. Will he stick to the parameters of the Bill?

Michael Connarty: The parameters of the Bill are exactly the question. This is not a question of devolution; it is a question of a procedure that is available in the House for dealing with matters that would then cross into the jurisdiction of the devolved Parliament of Scotland. I raised a serious question at the time, which was not just to score points: how do we deal with the fact that this law will not run? There is no equivalent law in Scotland at the moment, where the Parliament is considering Jenny Marra's Bill, which has nothing in it relating to the points raised by my hon. Friend the Member for Kingston upon Hull North. I raised a serious question about how we deal with that. Are we just going to leave it hanging there, or have the Government been in discussions about the question of a Sewel amendment at some later time or a statutory arrangement to ensure that this does in fact carry beyond the sea border of England?

Karen Bradley: I was going to come on to those points in the stand part debate, as I was merely proposing the amendment. However, the hon. Gentleman is absolutely right that the Bill currently extends only to England and Wales. I reassure him that we continue to work closely with the devolved Administrations in Scotland and Northern Ireland to co-ordinate the fight against modern slavery. During those discussions, we are assessing whether any of the Bill's provisions should be extended during its passage. To ensure that other legislation remains coherent, any amendment or repeal made by the Bill will have the same extent as the provision affected, except where explicitly stated. My officials and I speak regularly with the devolved Administrations, looking at

[Karen Bradley]

practical ways to work together on ensuring that the Bill stamps out modern slavery across the whole of the United Kingdom, not just in England and Wales.

Michael Connarty: I thank the Minister for that.

Amendment 21 agreed to.

Clause 49, as amended, ordered to stand part of the Bill.

Clauses 50 and 51 ordered to stand part of the Bill.

New Clause 1

SLAVERY AND TRAFFICKING PREVENTION ORDERS: REQUIREMENT TO PROVIDE NAME AND ADDRESS

'(1) A slavery and trafficking prevention order may (as well as imposing prohibitions on the defendant) require the defendant to comply with subsections (3) to (6).

(2) It may do so only if the court is satisfied that the requirement is necessary for the purpose of protecting persons generally, or particular persons, from the physical or psychological harm which would be likely to occur if the defendant committed a slavery or human trafficking offence.

(4) Before the end of the period of 3 days beginning with the day on which a slavery and trafficking prevention order requiring the defendant to comply with subsections (3) to (6) is first served the defendant must, in the way specified in the order, notify the person specified in the order of the relevant matters.

(5) The relevant matters are—

(a) the defendant's name and, where the defendant uses one or more other names, each of those names, and

(b) the defendant's home address.

(6) If while the defendant is subject to the order the defendant—

(a) uses a name which has not been notified under the order, or

(b) changes home address,

the defendant must, in the way specified in the order, notify the person specified in the order of the new name or the new home address.

(7) The notification must be given before the end of the period of 3 days beginning with the day on which the defendant uses the name or changes home address.

(8) Where the order requires the defendant to notify the Director General of the National Crime Agency or an immigration officer, the Director General or the officer must give details of any notification to the chief officer of police for each relevant police area.

(9) "Relevant police area" means—

(a) where the defendant notifies a new name, the police area where the defendant lives;

(b) where the defendant notifies a change of home address, the police area where the defendant lives and (if different) the police area where the defendant lived before the change of home address."—*(Karen Bradley.)*

This amendment confers a power on the court to impose a requirement on a defendant in respect of whom one or more prohibitions have been imposed under a slavery and trafficking prevention order to notify information in relation to name and address in the way specified in the order.

Brought up, read the First and Second time, and added to the Bill.

New Clause 2

SLAVERY AND TRAFFICKING RISK ORDERS: REQUIREMENT TO PROVIDE NAME AND ADDRESS

'(1) A slavery and trafficking risk order may (as well as imposing prohibitions on the defendant) require the defendant to comply with subsections (3) to (6).

(2) It may do so only if the court is satisfied that the requirement is necessary for the purpose of protecting persons generally, or particular persons, from the physical or psychological harm which would be likely to occur if the defendant committed a slavery or human trafficking offence.

(4) Before the end of the period of 3 days beginning with the day on which a slavery and trafficking risk order requiring the defendant to comply with subsections (3) to (6) is first served the defendant must, in the way specified in the order, notify the person specified in the order of the relevant matters.

(5) The relevant matters are—

(a) the defendant's name and, where the defendant uses one or more other names, each of those names, and

(b) the defendant's home address.

(6) If while the defendant is subject to the order the defendant—

(a) uses a name which has not been notified under the order, or

(b) changes home address,

the defendant must, in the way specified in the order, notify the person specified in the order of the new name or the new home address.

(7) The notification must be given before the end of the period of 3 days beginning with the day on which the defendant uses the name or changes home address.

(8) Where the order requires the defendant to notify the Director General of the National Crime Agency or an immigration officer, the Director General or the officer must give details of any notification to the chief officer of police for each relevant police area.

(9) "Relevant police area" means—

(a) where the defendant notifies a new name, the police area where the defendant lives;

(b) where the defendant notifies a change of home address, the police area where the defendant lives and (if different) the police area where the defendant lived before the change of home address." —*(Karen Bradley.)*

This amendment confers a power on the court to impose a requirement on a defendant in respect of whom one or more prohibitions have been imposed under a slavery and trafficking risk order to notify information in relation to name and address in the way specified in the order.

Brought up, read the First and Second time, and added to the Bill.

New Clause 15

HUMAN TRAFFICKING

'(1) Any person who—

(a) recruits, transports, transfers, harbours or receives a person including by exchange or transfer of control over that or those persons,

(b) by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or abuse of a position of vulnerability, or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, and

(c) knows or ought to know that the purpose of the acts in subsections 7(1)(a) and 7(1)(b) above is the exploitation of that person,

commits an offence of human trafficking.

(2) The consent or apparent consent of a person to the acts referred to in subsection 2(1)(a) or to the exploitation shall be irrelevant where any of the means set forth in subsection 2(1)(b) have been used.'—*(Diana Johnson.)*

Brought up, and read the First time.

Question put, That the clause be read a Second time.

The Committee divided: Ayes 8, Noes 10.

Division No. 10]

AYES

Champion, Sarah	Johnson, Diana
Connarty, Michael	Kane, Mike
Durkan, Mark	Mactaggart, Fiona
Hanson, rh Mr David	Wilson, Phil

NOES

Bradley, Karen	Nokes, Caroline
Bruce, Fiona	Pincher, Christopher
Burns, Conor	Smith, Chloe
Hinds, Damian	Stunell, rh Sir Andrew
Lumley, Karen	Teather, Sarah

Question accordingly negatived.

New Clause 16

OFFENCE OF CHILD TRAFFICKING

'(1) Any person who—

(a) recruits, transports, transfers, harbours or receives a child including by exchange or transfer of control over the child, and

(b) knows or ought to know that the purpose of the acts in subsections 8(1)(a) is the exploitation of that child,

commits an offence of human trafficking.

(2) The consent or apparent consent of the child to the acts referenced in subsection 2A(1)(a) or to the exploitation is irrelevant.'—*(Diana Johnson.)*

Brought up, and read the First time.

Question put, That the clause be read a Second time.

The Committee divided: Ayes 8, Noes 10.

Division No. 11]

AYES

Champion, Sarah	Johnson, Diana
Connarty, Michael	Kane, Mike
Durkan, Mark	Mactaggart, Fiona
Hanson, rh Mr David	Wilson, Phil

NOES

Bradley, Karen	Nokes, Caroline
Bruce, Fiona	Pincher, Christopher
Burns, Conor	Smith, Chloe
Hinds, Damian	Stunell, rh Sir Andrew
Lumley, Karen	Teather, Sarah

Question accordingly negatived.

New Clause 17

OFFENCE OF EXPLOITATION

'(1) A person commits an offence if they exploit a person by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or abuse of a position of vulnerability, or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person.

(2) A person may be in a situation of exploitation whether or not—

(a) escape from the situation is practically possible for the person; or

(b) the person has attempted to escape from the situation.

(3) The consent or apparent consent of the person to the exploitation is irrelevant where any of the means set forth in section 9(1) has been used.'—*(Diana Johnson.)*

Brought up, and read the First time.

Question put, That the clause be read a Second time.

The Committee divided: Ayes 8, Noes 10.

Division No. 12]

AYES

Champion, Sarah	Johnson, Diana
Connarty, Michael	Kane, Mike
Durkan, Mark	Mactaggart, Fiona
Hanson, rh Mr David	Wilson, Phil

NOES

Bradley, Karen	Nokes, Caroline
Bruce, Fiona	Pincher, Christopher
Burns, Conor	Smith, Chloe
Hinds, Damian	Stunell, rh Sir Andrew
Lumley, Karen	Teather, Sarah

Question accordingly negatived.

New Clause 18

OFFENCE OF CHILD EXPLOITATION

'(1) A person commits an offence if they exploit a child.

(2) It shall be such an offence even if there was no threat or use of violence, other forms of coercion, deception or any abuse of a position of vulnerability.

(3) A child may be in a situation of exploitation whether or not—

(a) escape from the situation is practically possible for the child; or

(b) the child has attempted to escape from the situation.

(4) The consent or apparent consent of the child to the exploitation is irrelevant.

(5) "Child Exploitation" includes but is not limited to, the exploitation of the prostitution of others or other forms of sexual exploitation; the exploitation of labour or services including begging or practices similar to slavery, servitude or forced or compulsory labour; the exploitation of or for criminal activities including benefit fraud; the removal of organs; forced or servile marriage or enforced surrogacy; exploitation for unlawful adoption; and exploitation by enforced drugs smuggling, manufacture, production or distribution.'—*(Diana Johnson.)*

Brought up, and read the First time.

Question put, That the clause be read a Second time.

The Committee divided: Ayes 8, Noes 10.

Division No. 13]

AYES

Champion, Sarah	Johnson, Diana
Connarty, Michael	Kane, Mike
Durkan, Mark	Mactaggart, Fiona
Hanson, rh Mr David	Wilson, Phil

NOES

Bradley, Karen	Nokes, Caroline
Bruce, Fiona	Pincher, Christopher
Burns, Conor	Smith, Chloe
Hinds, Damian	Stunell, rh Sir Andrew
Lumley, Karen	Teather, Sarah

Question accordingly negatived.

New Clause 19

ESTABLISHMENT OF THE ANTI-SLAVERY COMMISSIONER

'(1) There is to be an office of Anti-Slavery Commissioner (in this section "the Commissioner").

(2) The Commissioner shall be appointed by the Secretary of State, following a pre-appointment review by Parliament of the candidate proposed by the Secretary of State.

(3) The Commissioner may appoint their own staff."—*(Mark Durkan.)*

Brought up, and read the First time.

Question put, That the clause be read a Second time.

The Committee divided: Ayes 8, Noes 10.

Division No. 14]

AYES

Champion, Sarah	Johnson, Diana
Connarty, Michael	Kane, Mike
Durkan, Mark	Mactaggart, Fiona
Hanson, rh Mr David	Wilson, Phil

NOES

Bradley, Karen	Nokes, Caroline
Bruce, Fiona	Pincher, Christopher
Burns, Conor	Smith, Chloe
Hinds, Damian	Stunell, rh Sir Andrew
Lumley, Karen	Teather, Sarah

Question accordingly negatived.

New Clause 20

GENERAL FUNCTION AND POWERS OF COMMISSIONER

'(1) The Commissioner shall—

(a) monitor trafficking, slavery, exploitation, servitude, and forced or compulsory labour, the fulfilment of international obligations and the effectiveness of national legislation and policy;

(b) issue proposals, recommendations, statements, opinions and advice relevant to the fight against trafficking, slavery, exploitation, servitude, forced or compulsory labour and to the realisation of the rights of victims;

(c) engage with international organisations on trafficking, slavery, exploitation, servitude, forced or compulsory labour, child protection, and other relevant issues;

(d) report annually to Parliament on trafficking, slavery, exploitation, servitude, forced or compulsory labour, and related issues;

(e) periodically review the offences and related policy of trafficking and slavery to ensure that they reflect the UK's obligations under the Trafficking Convention and Trafficking Directive and that other international instruments are consistently applied to all trafficked, enslaved or exploited persons;

(f) periodically review public authorities' compliance with their duties under international and national legislation and policy in relation to trafficking, slavery, exploitation, servitude and forced and compulsory labour; and

(g) provide an impact assessment on the trafficking, slavery, exploitation, servitude, and forced or compulsory labour implications for government trade deals and trade and aid policy.

(2) The Commissioner is responsible for reviewing the practical implementation of the non-prosecution and non-punishment of trafficked, enslaved and/or exploited persons, and in doing so must have particular regard to women and children.

(3) The Commissioner shall, specifically in respect of victims—

(a) encourage persons exercising functions or engaged in activities affecting trafficked, enslaved or exploited persons to take account of the views and interests of victims;

(b) consult with and advise the Government on the views and interests of trafficked, enslaved or exploited persons;

(c) consider the operation of complaints procedures relating to trafficked, enslaved or exploited persons;

(d) consider any other matters relating to the services for, and interests and outcomes of trafficked, enslaved or exploited persons;

(e) be responsible for reviewing the practical implementation of the provision in this Bill for the non-prosecution of and non-application of penalties to trafficked, enslaved or exploited persons and victims of forced or compulsory labour, and in doing so must have particular regard to women and children; and

(f) publish a report on any matter in connection with trafficking, slavery, exploitation, servitude, and forced or compulsory labour considered by the Commissioner, which may include recommendations.

(4) The Commissioner must take reasonable steps to involve trafficked, enslaved and/or exploited persons in the discharge of his/her function under this section, and in particular to—

(a) ensure that trafficked, enslaved or exploited persons are made aware of the Commissioner's function and how they may communicate with the Commissioner, and

(b) consult trafficked, enslaved or exploited persons, and organisations working with them on the matters the Commission proposes to consider.

(5) The Commissioner is not obliged under this section to conduct an investigation of the case of an individual trafficked, enslaved or exploited person. The Commissioner may, however—

(a) investigate a particular case and/or intervene as a third party in a particular case where the case raises issues of public policy of relevance to other trafficked, enslaved or exploited persons; or

(b) investigate any decision or recommendation made, or any act done or omitted, in respect of any trafficked, enslaved or exploited person.

(6) All public authorities must supply the Commissioner with such information in that person's possession or control relating to those functions as the Commissioner may reasonably request for the purposes of his function under this section (provided that the information is information which that person may, apart from this section (6), lawfully disclose to the Commissioner).

(7) Where the Commissioner has published a report under this section containing recommendations in respect of any person exercising functions under any enactment, he may require that person to state in writing, within such period as the Commissioner may reasonably require, what action the person has taken or proposes to take in response to the recommendations.

(8) The Secretary of State must not take steps or impose measures that may impair, or may appear to impair, the Commissioner's independence and shall ensure that the Commissioner is, to the extent the Commissioner is able, to determine, without limitation (other than as prescribed in this Bill)—

(a) the Commissioner's activities;

(b) the Commissioner's timetables;

(c) the Commissioner's priorities; and

(d) the Commissioner's resources and funding."—*(Mark Durkan.)*

Brought up, and read the First time.

Question put, That the clause be read a Second time.

The Committee divided: Ayes 8, Noes 10.

Division No. 15]

AYES

Champion, Sarah	Johnson, Diana
Connarty, Michael	Kane, Mike
Durkan, Mark	Mactaggart, Fiona
Hanson, rh Mr David	Wilson, Phil

NOES

Bradley, Karen	Nokes, Caroline
Bruce, Fiona	Pincher, Christopher
Burns, Conor	Smith, Chloe
Hinds, Damian	Stunell, rh Sir Andrew
Lumley, Karen	Teather, Sarah

Question accordingly negatived.

3.15 pm

New Clause 23

ENABLING PROVISION TO ENABLE THE GANGMASTERS LICENSING AUTHORITY TO TACKLE MODERN DAY SLAVERY

'(1) The Secretary of State shall undertake a review of the Gangmasters Licensing Authority's remit with regard to section 2 of the Act and the necessity and evidence for an extension of work covered by the Gangmasters (Licensing) Act 2004, and lay a report in both Houses of Parliament within one year of this Bill obtaining Royal Assent.

(2) The Secretary of State may by order amend section 3 of the Gangmasters (Licensing) Act 2004 to include other areas of work where the Secretary of State believes abuse and exploitation of workers or modern slavery or trafficking may be taking place."—*(Mr Hanson.)*

Brought up, and read the First time.

Mr David Hanson (Delyn) (Lab): I beg to move, That the clause be read a Second time.

After that flurry of votes, we can have a moment of calm to consider another important issue. New clause 23, which I am speaking to on behalf of my hon. Friends the Members for Kingston upon Hull North and for Sedgefield, looks at gangmaster legislation. That legislation was introduced by the previous Government in 2006, following the Morecambe bay tragedy when 23 Chinese cockle pickers were killed. They were killed due to incompetence and criminal activity by gangmasters. The Gangmasters (Licensing) Act was brought in to try to provide a framework for regulation on a number of key industries, where sharp practices and poor performance had led to challenging circumstances, in that case fatal for those individuals.

The Gangmasters Licensing Authority has operated since 2006 and has done a reasonably good job. In fact, I would go as far to say a very good job, because it has issued around 2,500 licences and has revoked some of those for poor performance. It has undertaken around 70 successful prosecutions of people who have operated without licences. It provides a solid framework in a number of key areas.

The current key areas are agriculture, shellfish collection and horticulture, where there had been effective raising of standards, control of exploitation and driving out of poor performance. My argument in proposed new clause 23 is to extend the gangmaster legislation, look at other pressing areas and consider the matter not just now, but over the next few months, as the proposed new clause would instruct the Government to undertake a report for both Houses of Parliament within one year of Royal Assent. That report would look at increasing the extent of operations for the Gangmasters Licensing Authority.

The Government have undertaken a triennial review of the gangmaster legislation and helpfully published responses. As a result of that triennial review, the Government transferred political ownership from the Department for Environment, Food and Rural Affairs to the Home Office, because this is effectively a criminal enforcement action matter. When we discussed the transfer in Committee, we welcomed it with some small reservations. The key point is that, on the agency's move to the Home Office, the Government said in their response to the triennial review:

"There is no change to the remit or funding of the agency."

I will put aside the funding of the agency, because that is a big issue. We could have a debate about it now with its current responsibilities, and were it to gain additional responsibilities, we would need to have further arguments about its funding.

We could have those arguments as part of the review that new clause 23 would elicit. However, I want to focus on the Government's statement, which said:

"There is no change to the remit".

My argument, which new clause 23 is the mechanism for delivering, is that there is a wide body of opinion outside the Committee arguing for an extension of the remit of the gangmasters legislation, for a fuller review and for the Government's triennial review to stop, because it is not satisfactory that horticulture, shellfish and agriculture will be part of the agency's remit, but other areas will not.

Four hon. Members present today—my hon. Friends the Members for Linlithgow and East Falkirk and for Slough, the hon. Member for Congleton and the right hon. Member for Hazel Grove—served on the draft Bill Committee, and I pay tribute to the thorough way in which they exercised their responsibility. They looked at a number of issues in detail, including the Gangmasters Licensing Authority. In paragraph 189 of their report—this is just the starting point for the debate; I hope there will be more evidence in support of it—they argued:

"There was consensus from our witnesses over the excellent reputation of the GLA. Sainsbury's said that the system 'is working', while Anti-Slavery International told us that 'across Europe, the GLA has been held in high regard as an example of good practice'"—

[Mr David Hanson]

good, I say; positive, I say. In paragraph 190, they state that they heard

"from the Authority itself that there are limitations to what the GLA can currently do. Its Chief Executive, Paul Broadbent told us"—

the Joint Committee—

"that the GLA's underpinning legislation was 'good up to a point', but did not provide for the GLA to carry out what he described as 'hot pursuit'…on discovery of a licensed labour provider".

Paragraph 191 states:

"Several witnesses made the case for widening the industrial remit of the GLA to other sectors where forced labour is prevalent."

The members of the Joint Committee, including the four who are here today, concluded:

"The weight of evidence we received suggested that expanding the GLA's powers and industrial remit would yield positive results. At the same time, we recognise that its resources are already over-stretched, and any expansion in its role would require additional resources."

The key point the Committee made was that

"The weight of evidence we received suggested that expanding the GLA's powers and industrial remit would yield positive results."

My hon. Friends may wish to contribute in due course, but they recommended reviewing several other things. The first are the GLA's powers—good. The second are its

"industrial remit, which might include risk-based analysis of sectors"—

good; I will come back to that point in a moment. The third are its "funding models and levels"—I accept that they are bigger challenges that we will need to look at in the longer term. The fourth is its "sponsoring Department", which the Government looked at, changed and accepted, and the fifth is its "collaboration with other agencies." The Joint Committee made the following recommendation:

"The review should be completed in time for any necessary amendments to the Gangmasters (Licensing) Act 2004 to be made before the Modern Slavery Bill receives Royal Assent."

There is still time, even if in another place.

I am suggesting that the Secretary of State should review the remit of the Gangmasters (Licensing) Act 2004, look at section 2 and at evidence for extending the work covered by the Act, and lay a report before both Houses of Parliament within one year of the Bill receiving Royal Assent. The new clause would also give the Secretary of State power by order, rather than using primary legislation, to amend section 3 of the Gangmasters (Licensing) Act to include any other areas of activity in which, after the review, the abuse and exploitation of workers, any modern slavery or trafficking might be taking place.

The cross-party Joint Committee consisted of Members of the House of Lords and of the House of Commons, including the right hon. Member for Hazel Grove, the hon. Member for Congleton, and my hon. Friends the Members for Linlithgow and East Falkirk and for Slough. The Committee's recommendations indicated that it wanted to increase the powers under that piece of legislation.

I am not one to reach for the unattainable, although on occasion the unattainable can be reached by gradual, glacial progress. The new clause would make some such glacial progress in the development of what the Joint Committee sought. The new clause would not require a snap decision today and add the extended areas to the Bill; it would not require us to look at increasing the funding; it would not require us to look at how the Bill works with other aspects of Government policy. What the new clause says is: "Let us not have the triennial review stop this; let us have a further review within one year to look at why this case should be made," given that recommendations made on a cross-party basis by Members present today indicate that direction of travel.

The great work of a cross-party Committee of Members and of Lords should be sufficient argument for the Minister to treat the new clause as a means of further review and bring back particular examples for consideration accordingly. If it were only that cross-party Committee and its weight of evidence, that would be considerable, but if we look that work in detail, we see that a range of trade unions, voluntary sector agencies and academics have also suggested that there is a real gap, which needs to be examined as part of the approach to legislation on modern slavery. There is also a real reach-over into some of the challenges now being expressed in communities such as Clacton, Heywood and Middleton and, possibly, Rochester and Strood about the impact of European migration and individuals taking employment. As well as the slavery issue, if such individuals are exploited, as well as the indigenous work force, that creates tensions that could affect community cohesion. That is extremely important.

I pray in aid the TUC—not affiliated to my party, but an independent body of trade unions coming together—and its report, "Hard Work, Hidden Lives", which says:

"Vulnerable workers have little knowledge of their rights and find it hard to get advice,"

and

"while advice and legal agencies are under-resourced,"

that is

"creating employment rights 'advice deserts' in parts of the UK."

The TUC report made it clear:

"The research we undertook with employers and employment agencies operating in low-paid sectors"

found that many of them favoured greater resources to the GLA—we accept that that has to be in the longer term—but they also gave examples of being undercut by smaller agencies that were reducing costs through illegal practices. The TUC concluded:

"The GLA needs to be extended to hospitality, construction and catering as these are usually small businesses that are open to abuse."

3.30 pm

In a report released after the introduction of the gangmaster legislation, Oxfam, a well-respected international charity, said that

"a significant number of unlicensed gangmasters continue to exist, and exploitation of workers is still reported. The GLA's efforts to reduce exploitation are fundamentally thwarted by the workers' fear of blowing the whistle, particularly during a recession. Furthermore"—

this is the key point—

"gangmasters have diversified into sectors beyond the remit of the GLA where there is less regulation of labour standards."

The report continues:

"Specifically, exploitation in the sectors of construction, hospitality, and care was found to be endemic. Oxfam therefore recommends"—

supporting the recommendation of hon. Members present today—

"that the GLA's remit is immediately extended to cover the sectors of construction, hospitality, and care."

I would not want to go "snap" on those areas, but I am strongly attracted to that proposal. Part of new clause 23's benefit would be to fully examine the concerns of the TUC and Oxfam.

Oxfam's research found that

"exploitation by gangmasters was widespread in construction, hospitality (hotels, catering, and cleaning) and care. Exploitation within these sectors bears a striking resemblance to that found in the GLA-enforced sectors: underpayment of wages, debt bondage, excessive hours, spurious deductions, dangerous and unsafe working conditions."

If the system is good enough for farm workers, shellfish operatives—cockle workers—and those working in the horticultural sector, my case today is not that we go "snap", although I am sympathetic towards that, but that we consider, through new clause 23, a year's worth of serious investigation based on the evidence provided and give the Minister the power to bring forward proposals. We cannot predict the outcome of the general election, but the proposal would give whoever the Minister is after that 12-month period the power to bring matters forward by order.

Moving on to social care, Oxfam found

"evidence of significant exploitation in the social care sector. This sector has historically had high staff turnover and low rates of pay; as a result increasing numbers of agencies are looking to employ migrant workers in addition to the local workforce."

What is happening is what has historically happened in areas now regulated by gangmaster legislation. Migrant workers will come to the United Kingdom because the wages on offer are higher than they would get in their home country, but those wages are lower than the minimum wage and are then subject to deductions for travel, uniforms, equipment and accommodation. Therefore, unlicensed gangmasters operating are not only driving down the conditions of people working in regulated sectors, but undercutting small businesses across the country that are paying the minimum wage and obeying all relevant legislation. The problem exists not only in my constituency; I have discussed the operation of gangmaster legislation with Government Back Benchers from London, Cambridgeshire and Boston, where activities are undertaken by unscrupulous gangmasters.

If it was just Committee members, Oxfam and the TUC, that might be sufficient evidence for the Government to say, "Let's look at this again," but the Salvation Army, which was awarded the adult human trafficking victim care and co-ordination contract in July 2011, released a report on 13 October stating that forced labour cases grew at a faster rate last year than sexual exploitation for the first time. That forced labour is happening in areas of domestic servitude, such as construction and catering. Only last month the National Crime Agency looked at serious organised crime in relation to human trafficking: 29% of the victims of human trafficking were working in block paving and tarmacking, with a further 2% working in general construction.

It will not surprise the Committee to learn that Mr Murphy, the general secretary of the Union of Construction, Allied Trades and Technicians, said:

"There is growing evidence about the level of exploitation that exists in the construction industry. The common sense solution to end exploitation is for the GLA to be extended to construction as soon as possible."

Trade unions and voluntary agencies are all important, but let me pray in aid Mr Andrew Boff. He is not a member of my party; he is the leader of the Conservative group on the London Assembly. He has produced a report, here in this capital city, called "Shadow City: Human Trafficking in Everyday London" It is a comprehensive report that focuses on the high level of human trafficking occurring in industries that use a large amount of casual labour, such as construction and catering. I did not use my helpful vote in London a couple of years ago to vote for Boris Johnson, the Mayor of London, but Mr Boff's recommendation to him, which he is minded to accept, is that:

"The mayor should call for the remit of the Gangmasters Licensing Authority to be extended into the hospitality and construction-sectors so that it effectively tackles labour trafficking in London."

There we go; that is the headline for tomorrow: "Delyn MP supports Mayor of London." That strikes me as being an important action. This is not about a party divide—it may be, but I hope it is not. Rather, it is about achieving an objective that says we should look at how we stop exploitation. Why are Andrew Boff and the Mayor of London supporting that? They know that in a difficult market if people are gangmastering care workers, hotel workers or construction workers, the legitimate businesses in London who are trying to make their living will be undercut by exploitative labour. They know that leads to challenges which mean the increased use of employment agencies and rising levels of exploitation.

It is not just members of the Joint Committee, Oxfam, the Mayor of London, the Trade Union Congress or UCATT; other charities are saying the same. The Joseph Rowntree Foundation said:

"Many have called for extending the authority and the resources of the GLA to cover all industries where there is known risk of exploitation and forced labour associated with labour providers. The evidence from JRF's programme points to the same recommendation."

Finally, the TUC General Secretary, Frances O'Grady, said:

"Rather than reducing the GLA's ability to protect vulnerable workers the government should be looking to extend its licensing powers to other industries such as construction."

There is a very strong case for the Government to revisit this issue. The Government looked at it in their triennial review and—I come back to where I started—there is no change to the remit. That was the Government's conclusion. New clause 23 gives them an opportunity to look at that again. This matters. It matters to the individuals who are exploited; it matters to the businesses that are trying to work in a difficult environment in a proper way, obeying minimum wage regulations; it matters for the cohesion of communities where people see people coming in taking low wages; it matters to the Committee.

This is not saying to the Minister today to go "Snap!" It is telling her to do a 12-month review, to look at this in detail, to look at all that weight of evidence and to bring forward proposals. Ministers would have the power under new clause 23 to implement this measure without further legislation. It could be passed by order and

therefore we could do something good by achieving those changes. I commend the new clause to the Minister and look forward to hearing her positive response.

Michael Connarty (Linlithgow and East Falkirk) (Lab): I enjoyed the speech by my right hon. Friend the Member for Delyn. He quoted from many good sources that we have very much come to know in the past five or six years from working in the field of anti-slavery and human trafficking. Geraldine Smith, the then Member of Parliament, helped by my hon. Friend the Member for Paisley and Renfrewshire North (Jim Sheridan), brought forward the Gangmasters (Licensing) Bill that established the Gangmasters Licensing Authority. The organisations referred to by my right hon. Friend saw great benefits from that, but they have expressed grave concerns that the scope and role that they hoped the GLA would have was not expanded.

I do not want to follow the line of my right hon. Friend in quoting trade unions, charities and people who, if you like, wear their hearts on their sleeves. I want to quote the British Retail Consortium. For many years, we had a hard time getting the ear of the British Retail Consortium on the question of the Bill, its supply chains and its companies. It was concerned, not having heard the business case very well. The Ethical Trading Initiative is another organisation that moved—more quickly, by the way—to a position where it began to realise that a Bill such as this, and my right hon. Friend's proposed new clause, is in its financial interest. The Ethical Trading Initiative and the British Retail Consortium made the following submission to the Prime Minister on 28 August 2014:

> "Second, the Gangmasters Licensing Authority (GLA) is an example of an effective body that UK industry helped establish to manage and mitigate risks of slavery in the food and agriculture sector. We would like to see this model extended to other high-risk areas such as fisheries, apparel, construction, cleaning, care and hospitality",

all of which were mentioned by my right hon. Friend.

We have had letters on other issues, but it is clear that this combination was the final support that we required in respect of the work going on in the charitable sector and among trade unions worried about labour exploitation, and in respect of the evidence received by and the deliberations of the Joint Committee. We have seen that the Minister is willing to respond to the shift in No. 10's position. We have heard that the people in No. 10 were advising the Prime Minister to take a different direction from that which the people in the Home Office were advising the Home Secretary to take.

The new clause is astonishingly moderate and builds on the Joint Committee's report, which was a compromise document: it did not take the most extreme view, but attempted to bring together all the various forces, thoughts and principal positions into a document the Government could use. Sadly, a lot of it has been ignored, but we are beginning to see some moves towards listening to it. It is clear that the Ethical Trading Initiative and the British Retail Consortium, speaking for the biggest section of industries in this country, want not a survey, a report or an investigation, but an immediate extension of this model. I would go for the British Retail Consortium's position, but I am sure that my right hon. Friend would be willing to accept the compromise of a serious study.

Mr Hanson: The purpose of the amendment was to entice the Minister to look at the changing position in response to the Joint Committee's report on the Bill. I want this looked at as a matter of urgency. I am willing to find a compromise if the Minister wishes to bring it back, but it is important that we look at how we extend this in due course.

3.45 pm

Michael Connarty: I take it that there was a bit of levity there. I was saying that we were seeking compromise. The retail industry is provoking a clear demand for change now, without any survey. Having dealt with them over the last three or four years and talked these points through, I have no doubt that the British Retail Consortium and the Ethical Trading Initiative have been doing that kind of survey and research and have been finding again and again the very points made by my right hon. Friend the Member for Delyn in their industries and the industries to which they want this to be extended. The offer from the Front Bench made by my right hon. Friend is very fair to the Government. I hope that the Government might sign up and say that they take the surveys and studies done by the British Retail Consortium as evidence and will move straight away to bring forward an amendment to extend the Gangmasters Licensing Authority's operation into the sectors suggested by the British Retail Consortium and the Ethical Trading Initiative.

Karen Bradley: I am grateful to the right hon. Member for Delyn and the hon. Member for Linlithgow and East Falkirk for tabling and speaking about new clause 23, which concerns the remit of the Gangmasters Licensing Authority. I appreciate their concerns about the exploitation of workers by unscrupulous gangmasters and the important contributions made on all forms of labour exploitation. I share those concerns. The Government are committed to tackling exploitation in the labour market, whether it pertains to workers who are migrants or UK residents.

I want to take this opportunity to set out important steps that the Government are taking to deal with this problem. That will help the Committee to understand why I do not believe that this specific amendment is the most appropriate way to deal with this important issue, even if it comes as a surprise to the right hon. Gentleman to hear a Minister turn down the opportunity for more Executive powers.

The scope of the Gangmasters Licensing Authority is specified, as the right hon. Gentleman knows, in the Gangmasters (Licensing) Act 2004. When Parliament passed that Act, it was with the intention that its effect be limited to the supply for, and in certain circumstances the use of, labour in agriculture. As hon. Members will no doubt know, that includes livestock and dairy farming, horticulture, shellfish gathering and the processing and packaging of produce derived from those sectors. The scope of the Act was limited to those circumstances because the problem of illegal activity by labour providers was understood to be most prevalent in those sectors. That was emphasised by the tragic case of the Morecambe Bay cockle pickers some 10 years ago.

As the right hon. Gentleman said, the Gangmasters Licensing Authority underwent a triennial review earlier this year as part of the process introduced by this

Government to ensure that public bodies remain accountable and fit for purpose. The review found that the functions of the GLA are necessary and that the GLA remains the right body to deliver them. It also concluded that the GLA should remain as a non-departmental public body and continue to deliver reforms already under way to reduce unnecessary financial and administrative burdens on compliant businesses while focusing effort on enforcement action against the highest-harm offenders.

As the Committee has discussed, the review also indicated that the sponsoring Department should be reconsidered and that the planned reform of the GLA board should come forward as soon as possible. In the light of the review, in April this year the GLA was transferred from DEFRA to become a Home Office body. In the Home Office, the GLA will benefit from closer operational links to the wider law enforcement family. It is already working in partnership with the National Crime Agency, regional crime hubs, local police forces and immigration enforcement teams. It is able to strengthen its intelligence-gathering capabilities and focus resources on enforcement, while reducing burdens on compliant business. We are working closely with the GLA to embed it into Home Office systems and enable it to benefit from direct access to the National Crime Agency's and other agencies' considerable intelligence resources. We are ensuring that its operational tasking and co-ordination framework is targeted at tackling the highest-harm offenders.

I can also confirm that the GLA is one of those bodies that is most closely working with me as the Minister with responsibility for modern slavery to make sure that we use its considerable knowledge, expertise and skills to tackle the forced labour exploitation that we are seeing more and more. The Salvation Army figures released yesterday show just how important this is, because the biggest increase in the number of slaves is in the labour exploitation of men.

Joint operations, such as the recent one against traffickers in Devon and Cornwall, which involved the police, the National Crime Agency, local authorities, the GLA and others, illustrate the importance of partnership working. We are working to ensure that information sharing and collaboration is as effective as we can make it. On my visit to Devon and Cornwall earlier this year, I was fortunate enough to meet the two migrant worker police community support officers who work full time in Devon and Cornwall police. I learned about their close working with the GLA, which enables them to have close relationships with the legal gangmasters, the others that they have concerns about and, in particular, the migrant worker communities—the Hungarian community and the Polish community, for example—and gives them the ability to get into what is happening and to stamp out exploitation at the earliest opportunity.

As the right hon. Member for Delyn knows, because we were there together, legislation to enable reform of the GLA board was agreed by Parliament before the summer recess and is set to come into force once the recruitment exercise has identified suitable candidates and new board members are appointed in the new year. The Government will keep the scope and remit of the GLA under review. Licensing can be an appropriate response to particular problems in particular sectors, but that does not mean that it is appropriate in all cases. It is important to remember that regulatory safeguards are already in place for all agency workers, whichever sector they work in, and that the Government are strengthening enforcement.

One point that the GLA made explicit to me was that, although it is licensing in certain sectors, that does not mean that it is not looking at the other sectors in which those gangmasters operate. Where a licence is given to a gangmaster operating in the agriculture sector who also operates in other sectors, the GLA looks to ensure that there is no exploitation of any of the people employed by that gangmaster, even if they are not working in the sector relating to the licence.

Fiona Mactaggart (Slough) (Lab): Whenever I speak to the GLA, part of the message—it is loyal and internal and all that—is that it does not have the resources to deal with the extent of the problem in the sectors it already has. The Minister seems to be saying that it can somehow influence what happens in sectors beyond those for which it is responsible, but how does it have the resources to deal with that?

Karen Bradley: I am reporting to the Committee the information given to me by the GLA. We have to look at the GLA in the context of the wider strategy on modern slavery, to see how it fits into that strategy and to ensure that we are using its skills, expertise and that licensing ability in the best way we can. For example, we are already taking action to increase compliance with minimum wage legislation. Her Majesty's Revenue and Customs investigates every complaint made to the pay and work rights helpline and conducts proactive enforcement in high-risk sectors.

The Government announced in August that we are investing more than £1 million to increase the number of national minimum wage inspectors, who will respond not only to tip-offs, but proactively go after the worst offending employers. We have also made it simpler to name and shame employers that break the National Minimum Wage Act 1998 and have quadrupled the maximum fine for breaches of it. Furthermore, agency workers outside the sectors regulated by the GLA will still be regulated by the Health and Safety Executive and will benefit from a wide range of legal protections under general employment law.

Michael Connarty: On the question of the minimum wage, let us take the case of an employee who signs a contract in another country, and the contractor is paid the minimum wage per person. Is it not a breach of the National Minimum Wage Act if the money is not given to the employee? My understanding is that the contractor signs them up from another country and takes money at the minimum wage at least, but the employee receives a lot less than that. Before we get into deductions for travel or subsistence, the actual wages in their hand do not match the minimum wage.

Karen Bradley: I thank the hon. Gentleman for his comments. He highlights a problem that I am sure the enforcement teams at HMRC and elsewhere will be keen to look into. It is clear that we need to tackle labour exploitation in the round and look into all aspects of it.

Mr Hanson: Just to help the debate, and for the Committee's benefit, could the Minister define what she regards as a gangmaster? It would be helpful to know the difference between her definition of a gangmaster who deals with agriculture, fishing or horticulture and of somebody who has the same characteristics and responsibilities who deals with another sector.

Karen Bradley: The important thing is how we use the GLA and its remit in the most effective way possible. The GLA was set up, as the right hon. Gentleman well knows, because a licensing arrangement was needed in certain sectors, and it has worked very successfully. Under the definition of a gangmaster set out in the Gangmasters (Licensing) Act,

"A person ('A') acts as a gangmaster if he supplies a worker to do work to which this Act applies for another person ('B')."

The Act continues:

"For the purposes of subsection (2)",

which we have just discussed,

"it does not matter…whether the worker works under a contract with A or is supplied to him by another person…whether the worker is supplied directly under arrangements between A and B or indirectly under arrangements involving one or more intermediaries…whether A supplies the worker himself or procures that the worker is supplied…whether the work is done under the control of A, B or an intermediary…whether the work done for B is for the purposes of a business carried on by him or in connection with services provided by him to another person."

Mr Hanson: I never ask a question I do not know the answer to. I know the answer to that question. The question is, then, what is the difference between somebody working in the agricultural sector and somebody working in the care home sector with the same conditions?

Karen Bradley: As I have said, we need to look at how we use the licensing arrangement in the most effective way to tackle modern slavery. The licensing arrangements have worked successfully in the agricultural and other industries. With the GLA coming into the Home Office and becoming more closely connected with law enforcement, we are looking at how our overall strategy on modern slavery can best be implemented using the GLA's expertise.

Michael Connarty *rose—*

Karen Bradley: I will give way one last time, but I am conscious that we do not have much longer this afternoon.

Michael Connarty: I am also conscious of the time, but the Minister has not answered my question. I want her to tell the Committee the legal definition of the minimum wage for a person who comes to work in this country. What do they receive in their hand before deductions? That is the problem people have. If the minimum wage, or more, is paid to the person who recruits them in their home state, is it that, or is it the money someone receives in their hand? What is the legal definition? If a minimum wage inspector finds someone being paid in this country, what do they expect to find? Do they expect to find people receiving the £6.80, or whatever it is, per hour in this country or in the country they left?

Karen Bradley: In order not to detain the Committee on this issue, which I can see is important to the hon. Gentleman, may I offer to write to him? In that way, we can make some progress, but also deal with his concern about the national minimum wage. Although that is not within the remit of what we are talking about, it does impact on labour exploitation, so I understand why it is important to him.

The Government are determined effectively to tackle labour exploitation. The GLA is doing work to tackle high-harm activity within a specific remit focused on areas potentially vulnerable to exploitation. We are working with the GLA to improve its effectiveness even further through joint working with other law enforcement bodies. The Government are taking action to tackle wider labour exploitation.

The case has not been made for extending the GLA's remit at this stage beyond the core areas the Act sought to address. However, I have committed the Government, and I repeat that we will continue, to keep the GLA's remit under review to ensure it meets the needs of the modern slavery strategy. I therefore hope the right hon. Gentleman will feel able to withdraw his new clause.

4 pm

Mr Hanson: The previous Government, with help and support from Back-Bench Members who brought the matter forward, initiated the gangmaster legislation in the three areas we have discussed. Those were the areas where gangmasters were operating, leading to exploitation, forcing down wages, undercutting legitimate employers and, ultimately, leading to the deaths of 23 people in Morecombe. That is why the Labour Government backed my hon. Friend the Member for Paisley and Renfrewshire North (Jim Sheridan).

It is clear, from the evidence presented to Committee members and the evidence from outside agencies that I have presented today, that gangmasters have moved from those sectors to work unscrupulously in other sectors such as catering, construction and care work so as to continue to make vast profits at the expense of the people who work for them and of the businesses that operate legitimately in those fields.

Our suggestion is to have a modest and speedy review—not the triennial review, which has been completed, with the Government saying no—and to give the Secretary of State powers to bring new sectors of work under the GLA's remit, for the reasons we have given. It is important that our measure is progressed. I want to test the will of the Committee on this matter, which I hope we can put to bed by giving a proper indication of its importance, so that people who work in other sectors are not exploited by the very same people whom the Bill is meant to crack down on.

Question put, That the clause be read a Second time.

The Committee divided: Ayes 8, Noes 10.

Division No. 16]

AYES

Champion, Sarah	Johnson, Diana
Connarty, Michael	Kane, Mike
Durkan, Mark	Mactaggart, Fiona
Hanson, rh Mr David	Wilson, Phil

NOES

Bradley, Karen	Nokes, Caroline
Bruce, Fiona	Pincher, Christopher
Burns, Conor	Smith, Chloe
Hinds, Damian	Stunell, rh Sir Andrew
Lumley, Karen	Teather, Sarah

Question accordingly negatived.

New Clause 25

QUOTED COMPANY'S DUTY TO PREPARE STRATEGIC REPORT: IMPACT OF SUPPLY CHAINS ON HUMAN RIGHTS

'(1) That section 414C, Contents of strategic report, of the Companies Act 2006 be amended as follows.

(2) In subsection (7), paragraph (b)(iii), insert ", including the impact of the company's supply chain of goods and services on them.".—*(Sir Andrew Stunell.)*

This New Clause imposes on quoted companies a requirement to report on the impact of their supply chains on social, community and human rights issues in their annual strategic reports.

Brought up, and read the First time.

Sir Andrew Stunell: I beg to move, That the clause be read a Second time.

The Chair: With this it will be convenient to discuss the following:

New clause 32—*Disclosure by companies of measures to eradicate modern slavery, human trafficking, forced labour and the worst forms of child labour from their supply chains—*

'(1) A company operating in the United Kingdom and having annual worldwide gross receipts exceeding £60,000,000 shall disclose its efforts to eradicate modern slavery, human trafficking, forced labour and the worst forms of child labour from its direct supply chains for tangible goods and services offered for sale.

(2) In (1) above, the "the worst forms of child labour" are those set out in Article 3 of the International Labour Organisation's Convention No. 182.

(3) The disclosure in (1) above shall—

(a) be set out in that company's annual report,

(b) be posted prominently on that company's internet website, and

(c) disclose to what extent, if any, the company carries out each of the following—

(i) engages in verification of product supply chains to evaluate and address risks of modern slavery, human trafficking, forced labour and the worst forms of child labour;

(ii) conducts unannounced and verified audits and inspections of suppliers to evaluate supplier compliance with company standards for modern slavery, human trafficking, forced labour and the worst forms of child labour in supply chains;

(iii) requires direct suppliers to certify that materials incorporated into the product comply with the laws regarding modern slavery, human trafficking, forced labour and the worst forms of child labour of the country or countries in which they are doing business;

(iv) maintains internal accountability standards, supply chain management and procurement systems, and procedures for employees or contractors failing to meet company's standards regarding modern slavery, human trafficking, forced labour and the worst forms of child labour;

(v) provides company employees and management who have direct responsibility for supply chain management with training on slavery, human trafficking, forced labour and the worst forms of child labour with particular respect to mitigating risks within the supply chains of products; and

(vi) ensures that recruitment practices at all suppliers comply with the company's standards for eliminating exploitative labour practices that contribute to modern slavery, human trafficking, forced labour and the worst forms of child labour, and

(d) specify whether the verifications, audits and inspections in (c) above were carried out by a person independent on the company."

New clause 33—*Ban on importation of products produced by slavery or forced labour—*

'(1) The Secretary of State shall have the power to ban the import at any point of entry to the United Kingdom of any good, ware, article, or product mined, produced or manufactured wholly or in part in any other country which has been found to have been produced by slavery, convict labour or/and forced labour or/and indentured labour, including child labour.

(2) The Secretary of State shall—

(a) prescribe such regulations as may be necessary for the enforcement of this provision by the relevant public authority and to investigate other products and supply chains related to the company or companies producing or importing a product banned under subsection (1),

(b) co-ordinate with the Treasury to issue guidance to HM Revenue and Customs, devolved authorities and any other relevant public authority in relation to the exercise by them of their powers and responsibilities under this Clause,

(c) have a duty to publish and maintain information on prohibited products including a publically available list of products banned under subsection (1), or

(d) manufactured in the circumstances described in subsection (1).

(3) The Secretary of State shall by regulations establish a process whereby a petition can be made by any person, public authority or organisation who has reason to believe that goods produced or sourced in the circumstances in subsection (1) are being or are likely to be imported into the UK to communicate these concerns to the relevant authority.

(4) A communication under subsection (3) shall contain—

(a) a full statement of reasons for the claim,

(b) a detailed description or example of the product, and

(c) all relevant information regarding the production of the good."

This would allow for the banning of the import of any product produced by slavery, convict, forced or indentured labour, including child labour.

New clause 34—*Legal liability for the beneficiaries of slavery—*

'(1) The Secretary of State shall within six months of this Act coming into force bring forward regulations to ensure that a person benefiting from an offence under section 1 or 2 of this Act committed by a third party shall have committed an offence where—

(a) the third party acted for that person's benefit,

(b) their lack of supervision or control made possible the committing of the offence by the third party.

(2) Regulations under subsection (1) shall not be made unless a draft has been laid before and approved by both Houses of Parliament."

This new clause requires the Secretary of State to bring forward measures along the lines set out in EU Directive 2011/36/EU on preventing trafficking in human beings.

New clause 36—*Duty on large UK companies to report efforts to eradicate modern slavery and forced labour—*

'(1) The Secretary of State must, not later than 5 October 2015—

(a) make regulations under section 416(4) of the Companies Act 2006 (c. 46) requiring the directors' report of a company to contain such information as may be specified in the regulations about modern slavery and forced labour in the supply chain for which the company is responsible, or

(b) lay before Parliament a report explaining why no such regulations have been made.

(2) Regulations made under section (1)(a) must be in force in relation to quoted companies by 6 January 2016 and in relation to large private companies as the Secretary of State believes to be appropriate by 2 January 2018.

(3) Subsection (1)(a) is complied with if regulations are made containing provision in relation to the company's reporting of work in the following areas—

(a) verification and evaluation of supply chains to address the risks of modern slavery and forced labour;

(b) auditing of suppliers;

(c) certification of goods and services purchased from suppliers;

(d) accountability for modern slavery issues within the company; and

(e) staff training and qualification.

(4) No regulations made under this section shall apply to small companies as defined by section 381 of the Companies Act 2006 (c. 46)."

Sir Andrew Stunell: I had supposed that this sitting would be a long and difficult one, but things have moved on. I congratulate the Minister on what I know has been some hard and detailed work in the intestines of the Government to get the right answer to emerge. I believe it now has.

Nevertheless, when the draft Bill was produced and when the Bill came before us, protection of the supply chain was the most obvious and glaring omission. I raised that with the Minister on Second Reading and have done so on a number of occasions since. Ministers were playing their cards so close to their chests that I began to get the impression that they did not have any cards at all; I therefore tabled new clause 25, which I think is quite elegant. I can say that because I did not really devise it: it was offered to me by the right hon. Member for Birkenhead (Mr Field), chair of our Joint Committee, who pointed out that it would be possible to make a simple and straightforward amendment to the Companies Act 2006. Earlier in our proceedings, I suggested that that could be done in seven words; since the Public Bill Office got to it, it has become 14 words, but it is still a simple and straightforward amendment to that Act.

I will not make a meal of things by pressing the new clause, because we have received a helpful letter from the Minister that makes it clear that the Government intend to bring forward on Report proposals that, if they can be taken at face value, go as far as I wanted to and have set out in the new clause. Indeed, I think—other Members can speak for their own new clauses—those proposals substantially encompass all the thinking on bringing the supply chain into the compass of the Bill in its various versions in the group of new clauses.

The evidence that the Joint Committee took was clear: all responsible companies want a legislative framework in which all businesses work. Without that, the problem for good firms with an ethical outlook that want to protect their reputations is that they carry the costs of ensuring a clean supply chain, whereas those without such an ethical approach and which are not concerned about their reputations do not bother and thus can run their business at a further discount. Having a framework for action in the Bill would mean that no one could plead ignorance; they will not have an excuse if things come to light subsequently. No one can shelter. That is what the provisions seek to achieve in different ways.

There is the question of what size of company should be included. My new clause is titled: "Quoted company's duty to prepare strategic report". I should say that that wording is there courtesy of the Public Bill Office and all I propose is to amend a section of the Companies Act 2006 that applies only to quoted companies. The companies that would be covered by my new clause are those quoted and listed on the London stock exchange.

New clause 32, in the same group, would have a boundary of £60 million of turnover and the Government's letter refers only to businesses "above a certain size". I hope that the Minister, in responding to my new clause and the debate, will give a hint about what that size might be. Clearly, I would want that to go to the lowest level that is realistic and sensible.

I have had a tip off that my hon. Friend the Member for Congleton has a view about small businesses, and I am respectful of that. Obviously we do not want to place unrealistic burdens on them. However, when we were taking evidence in the Joint Committee from around the world on the operation of supply chain legislation, we heard from a small business producing dairy products in Somerset. It said that it had been required by the state of California to declare itself free to supply to a business trading in California. Although the reach of this starts with large companies, it does get down to very small companies and quite properly so; we would not want a small company in Bangladesh to be excused its having slaves simply because it was small.

Although it is right that the reporting requirement in the legislation that the Minister wants to put forward covers large companies of some compass or another, it is also important that we understand that, if that is to operate effectively, it will have to drive down not just to the second or third-tier sub-contractors, but much deeper. The hon. Member for Linlithgow and East Falkirk may remind us that a major multinational company may have more than a million businesses contributing to its supply chain, so these are not trivial operations.

I am conscious that the Minister has worked hard to produce a good and successful outcome. The shape is still a little hazy, but the direction of travel is absolutely right. I hope that she can reassure me on some of the points I have raised and give her badge a little polish for a successful outcome to what has been a difficult enterprise on her behalf.

Diana Johnson: I would like to speak to new clause 36, which has been grouped with new clause 25. I agree with the right hon. Member for Hazel Grove about the supply chain being the most glaring omission in the Bill when it was first published. Like him, I am pleased that

the Minister has written to members of the Committee to indicate that the Government are minded to move on that. That was inevitable, because of the views expressed on Second Reading and when we had a short debate on supply chains earlier in Committee. There is a clear mood and appetite for something to be done.

Many people are concerned about the supply chain issue. We have heard about cheap clothing being produced in Bangladesh through forced labour or servitude, and in the summer there was the issue of the prawn fishermen in the exposé that *The Guardian* did, so we are all aware of the need to take action. Although most large UK-based retailers are implementing policies to tackle the issue, it is currently hard to measure tangible progress or for consumers to judge between companies, so it is right to introduce mandatory standards for reporting to force companies to adopt standard procedures and to create a level playing field, as the right hon. Member for Hazel Grove set out. As we heard, such measures have been introduced in California, and we know that it was supported by 84% of the UK public in a recent poll by Ipsos MORI.

Many large companies have called for legislation to create a level playing field, including the British Retail Consortium and the Ethical Trading Initiative, which has 81 corporate members. The many UK retailers that are acting are rightly complaining about competitors who are not acting in this area, and we need to do something about that. The issue is not simply about forcing companies to act, but helping them to act. Many companies that have given evidence on this issue emphasise how complex it is for UK companies to inspect their suppliers. They said it was sometimes cheaper to go for Fairtrade-certified products, because that reduced the burden on them to try and investigate suppliers many thousands of miles away.

This legislation is about changing market conditions and creating market incentives for the suppliers themselves to be shown to be fair. It would mean suppliers being able to show that they are meeting International Labour Organisation standards, backed up by kitemarking and an inspection regime. It is hard for UK companies to implement individually, but collective action could make it the norm. The Bribery Act 2010 has been heralded for reducing the burden on businesses by creating consistent standards and an industry to audit it. We should be aiming for similar success.

I welcome the Minister's commitment to introduce measures on Report, but I think it is important to highlight in the short time that we have available this afternoon the minimum conditions that we would expect the Government's amendment to meet in order for the Opposition to support such amendments on Report.

New clause 25 is a watered-down version of the recommendations of the Joint Bill Committee, which argued that any reporting should not be subject to stand-alone regulation, but should build on current reporting requirements through inclusion in companies' annual reports. I have two reservations about the proposal. First, I am not convinced that adding the term "supply chain" to existing reporting on human rights will be specific enough to bring about the changes in market conditions that we need to facilitate better corporate behaviour. Clearly, modern slavery is a human rights issue—in this sense it is arguably already covered—but so are gender equality, land rights, water usage and so on. Those are all worthwhile issues, but they risk making a report so vague that it does not change corporate behaviour or start changing the market conditions in the way envisaged.

Secondly, I am concerned about restricting the proposals to UK-quoted companies. That would exclude most retailers, including private listed companies such as Arcadia, which on the high street runs and owns Topshop, BHS and Dorothy Perkins. It also excludes businesses such as House of Fraser and companies listed abroad such as H&M, Aldi, Asda and Ikea. It ends up excluding the majority of the high street. It does not create the level playing field that British businesses have been asking for.

4.15 pm

New clause 32, tabled by my hon. Friend the Member for Linlithgow and East Falkirk, who I am sure we will hear from in a moment and who has been a tireless campaigner on this issue for many years, addresses the two problems I have highlighted. The new clause would create stand-alone regulations on reporting. All firms with a worldwide turnover of over £60 million would be required to report on their efforts to eradicate slavery and the new clause is specific as to what the regulations must include. That closely mirrors the approach taken in Californian legislation and which is also being considered in Denmark and on a federal level in the USA. Its significant advantage is that if companies were complying in California, they would be complying here as well.

There may be an issue for the EU. What would it say about new clause 25 applying to companies that were not established in the UK? Would there be an issue of barriers to trade? Will the Minister comment? My bigger reservation about the new clause, however, relates to enforcement. The measure would apply to a huge number of firms—approximately 4 million UK-registered companies, as well as many international companies. Simply checking whether these firms had produced a report would be an enormous undertaking, before even considering the quality of the report.

Given the issue of enforcement, the new clause would essentially allow each company to decide how to interpret the reporting requirements. Most companies can find enough good practice to list in a report, but without a proper enforcement process there is nothing in the amendment to make companies report objectively, not just on their successes but also on the challenges they face. There is some evidence that this is what has happened in California.

Finally, I turn to the new clause in my name and those of my hon. Friends. Our new clause 36 is similar to the Joint Bill Committee's proposal. It is closely based on section 85 of the Climate Change Act 2008. It does not bring in the regulation directly; rather, it requires the Secretary of State to bring in regulation using an existing enabling power within the Companies Act 2006. It makes clear that the regulations would need to have five elements, matching Californian law. Our new clause would make it explicit that the proposals must cover both, but would allow for a longer lead-in time for privately-listed companies, to make allowance for the fact that they generally have less onerous narrative reporting requirements. Our new clause is still restricted to UK companies, but it is important to note that most foreign-listed companies will operate in the UK via a

UK-registered subsidiary. For example, our new clause would cover Ikea and Amazon, both of which operate through UK-registered subsidiaries with turnovers of hundreds of millions of pounds.

Our new clause has the three elements that we need from any Government proposal on Report. First, it will have to apply to all large companies—if possible, based on worldwide turnover; if not, then restricted to the UK. Secondly, it will have to bring in specific regulations on slavery and forced labour within the supply chain to match or improve on the requirements of the Californian legislation. Thirdly, there will have to be a clear way of enforcing those regulations. That is what we will be looking for on Report from the Government amendments.

Chloe Smith (Norwich North) (Con): I shall be brief, as we have to cover a couple of other new clauses this afternoon as well. I sincerely welcome the Minister's commitment to this amendment on Report. As she said in her letter that arrived yesterday, the Government have been committed from the start to encouraging businesses to take action on modern slavery and it has simply been a question of how. Today, we can refer to those points of how and I look forward to her comments on that very shortly.

I spoke in the first sitting of this Bill Committee about awareness. Coming, as I do, from Norfolk, I mentioned the agricultural sector and how all involved—the workers of today and, we hope, the workers of tomorrow—can benefit from a sector that is ethical and known to be ethical. In this context, information is king. Consumers want it, so that they can buy in confidence, with greater transparency and, as the Minister said, with the confidence that they are not inadvertently supporting terrible crimes.

We live in a world of new, different and ambitious activism, which I welcome. I strongly support the way that my generation, in particular, uses new methods to achieve aims that are not usually in the ambit of formal politics. What we are confronting today is no threat to those who want competitive and free economic prosperity. Greater information will allow more activist and consumer choice, will support competition and quality for the consumer and, of course, support the ethical rights for workers which we all seek. It also supports businesses that want a level playing field. My right hon. Friend the Member for Hazel Grove put the point very well about how the supply chain will, of course, trickle down from large businesses to small businesses. He is absolutely right, and I have no doubt that we will come to that on Report.

We have here the ability to start marking out the good ethical practice expected from large firms and how those firms already using that ethical practice can continue to compete properly, with nothing to fear. We also have the opportunity for good law. I make a final point to the Minister: good law stretches across Departments and across times of different regulations. I have confidence that she will not be afraid to improve regulations that have previously been laid. She may even be courageous enough to take on the Department responsible for the Companies Act 2006, which she mentioned in her letter. As she says, there is debate about whether the wording of that legislation covers modern slavery in supply chains. Another Minister apparently said that it does, but a draftsperson did not ensure that the Bill actually covers it. I am sure that is resolvable, and I am sure that she will have that work on her plate in the next few weeks before Report. I wholeheartedly welcome the fact that we have reached this point after a full debate on many issues, and I am confident that this measure will be among those that speak most to all those people outside the Committee who want us to take this kind of action.

Michael Connarty: I entirely agree with the hon. Member for Norwich North. This is the signal that people have been looking for from our deliberations over the last few years. I want to congratulate a few people. First, I congratulate the Minister; I honestly believe that my speech should start with those thanks. Having visited various Government Departments with ex-Ministers from this Government and our Labour Government to lobby on this issue, I know how difficult it was to get anyone to take responsibility or challenge what I call "dark forces" surrounding the Prime Minister, who did not make him understand that, if he took this on honestly, it was a win for his Government. We had some delay in getting the original directive even tabled for legislation, and we then had great difficulty getting people to accept that we could not extend the work of Wilberforce unless the Bill had an international effect. It was not enough to deal with our problems by legislating for penalties against those carrying out slavery in our own country; it had to extend well beyond that. Any of us who worked with Anthony Steen in the previous Parliament—he has since set up the Human Trafficking Foundation—knew that this was the case.

The second person I would like to thank is my hon. Friend the Member for Slough—I hope she is not too embarrassed. My family live in Australia and they talk about the bush bashers who went out and drove the roads into the outback to allow people to exploit the country's wealth. She, for me, has been the trailblazer in this. I came along with my private Member's Bill, following a trail that had been blazed, through the thorns of Government, with a clear path to follow. Anything that we have done has been done, in a sense, with the Minister listening, and with other people who were there before.

Recently, so many people have been mentioned, including by my right hon. Friend the Member for Delyn, on a different clause. I have correspondence from a conglomerate that is already being set up to contribute, hopefully, to the Minister's consultations, and to the outcome. It includes the Catholic Fund for Overseas Development, Amnesty International, CORE, Traidcraft, the Dalit Freedom Network, Quakers, the anti-slavery foundation Unseen UK, Focus on Labour Exploitation, the Evangelical Alliance, and War on Want. They all wrote to me in the past week to say why we need an amendment on supply chains in the Bill.

The organisations set out the problem:

> "Forced labour and slavery is big business. The International Labour Organisation estimates the illicit profit at US$150 billion a year. Over the last decade, voluntary measures have proved inadequate for tackling the scale of modern slavery in our supply chains."

We might expect an organisation that was involved in supporting the ten-minute rule Bill of my hon. Friend the Member for Slough and my private Member's Bill to take that approach and the document continues:

"Civil society groups believe that legislation on supply chain transparency is urgently needed."

How to achieve this? They come up with the solution in new clause 32 and say that the provisions should cover

"all companies operating in the UK with worldwide gross receipts of more than £60 million"

and that if there is reference to the Companies Act it must be clear that the approach being used is not the California one, but that

"the new requirement must clearly relate to the Directors' report and not the Strategic Report"

of the company. That is done by a PR person and not anyone with any responsibility for it.

Under the heading of effectiveness and enforcement, they say:

"We want an amendment which will work in practice, encouraging responsible businesses and making sure that companies which have not considered this issue before put time and resources into an approach that works."

I would say that all along my clause and my approach—and that of the people who have supported the efforts of the past couple of years—is a kite mark. It is not a punishment or enforcement clause that threatens companies. It gives them a chance, as in California, to proudly say, "We have audited and reported, and we have found problems and sorted them out."

I have mentioned all those organisations that have been involved. We had some difficulty during the consideration of the private Member's Bill, involving people in the trade, who had been involved in the Ethical Trading Initiative—18,000 companies signing a voluntary code, which they expected their suppliers to sign to say they were not using slave labour. On 19 June I had a letter from the Ethical Trading Initiative, after a number of meetings and discussions, saying that it believed smart legislation that ensured a level playing field would go a long way to avoid the race to the bottom in labour standards and respect for human rights. It then set out its position. The first thing on the list was very interesting, because it was quite a move. It said that the Ethical Trading Initiative does not believe that voluntary initiatives alone will be enough to ensure that all companies take the necessary steps to eradicate slavery from their supply chains. That is a big shift from the discussion that took place four years before. If the Ethical Trading Initiative had reached that position earlier, it might in fact have helped me to get my private Member's Bill through.

Since then, a letter has been sent to the Prime Minister, dated 29 August, from the Ethical Trading Initiative. It is in the name of Peter McAllister, the chief executive,

"on behalf of the majority of our tripartite members".

It is also signed by Helen Dickinson, the director general of the British Retail Consortium, on behalf of a number of her member companies. If hon. Members think there were quite a number of charities in the list I read out, they may want to look at the list of those companies, which includes the Co-operative, Debenhams, Fyffes—the banana people—HWW, Jaeger, the John Lewis Partnership, Kingfisher, Marshalls, Mothercare, M&Co, Matrix APA, Men's Warehouse, BBS, Natural Stone, New Look, Pentland Brands, N Brown Group, Next, Oxfam, Primark, Traidcraft, Tesco, Shop Direct and William Lamb. It also contains the TUC, which will help my right hon. Friend the Member for Delyn to see that there is synergy.

4.30 pm

The point about that is that it came from the lobbying organisations that I mentioned that suggested a different clause to mine. It was a much harder clause, including penalties, with a provision asking the Government to set in train a penalty system if people do not comply within nine months. I have not included that in proposed new clause 32 because I do not want it to be about penalties but about persuasion. I do not want it to be just about amending a few words in the Companies Act.

George Arbuthnott of *The Sunday Times* has received an award for his campaigning on Britain's secret slaves. He quoted a Home Office source describing the requirement as "a world-leading measure". If it is a world-leading measure it has to be as good as or even better than the Californian legislation. I was buoyed by the news that the Minister had put this letter together. However, when I read the letter it gave no indication of form or structure or how minimal or maximal it will be. I do hope it lives up to that Home Office boast.

Along with the people of this country, I hate politicians who say they will be world leading and what we get is a damp squib and a failure to live up to their own boast. I hope this is not an empty boast and that we get an amendment on Report that is as good as the Californian legislation.

Fiona Bruce: I will be very brief. I share colleagues' concerns about enforced slavery in companies' supply chains. I welcome the Minister's letter of 13 October to the Chairs of the Committee that she will look at bringing forward amendments on Report, so that businesses above a certain size are required to disclose what they have done to ensure there is no modern slavery in their supply chains.

The right hon. Member for Hazel Grove introduced that note of caution on my behalf regarding businesses above a certain size. It is important to ensure that the size of the company does not mean that innocent business people are caught inadvertently when they do not have the capacity to monitor sufficiently, as bigger businesses can, their supply chains. Monitoring requires some capacity. That was made clear to the Joint Committee. We heard that major companies tend to employ ethical auditors to accredit their supply chains, that codes of practice in corporations are typically done by their corporate social responsibility people and that regulations end up being handled by general counsel.

There are about 4,000 businesses in my constituency and all but a handful are small and medium-sized enterprises. I doubt any one of those has an ethical auditor, a CSR group or general counsel. I simply want to highlight that, while we all want to see this ethical way of working for retailers, through the supply chain inspections, we should bear in mind that even the Joint Committee that was so enthusiastic about that did talk about proportionate legislative action. It talked of proportionate and industry-supported initial steps relating to quoted companies. I hope we will all be mindful of that when we enthusiastically welcome the Minister's amendments at a later stage.

Mark Durkan (Foyle) (SDLP): I rise to speak to two proposed new clauses in my name and also to endorse points made by other members of the Committee about the importance of ensuring that the scope of the Bill properly and competently extends to the supply chain. I would support new clause 25 in so far as it goes. I am not sure that it goes anywhere like far enough. I know that, after my hon. Friend the Member for Slough had an unusual indulgence of minimalism earlier today, we perhaps seem to be in a minimalist mode in which we are all at pains to point out how modest our various amendments and new clauses are in comparison with what otherwise might be advocated. However, although I accept the economy of the wording and the legal change for which the right hon. Member for Hazel Grove commends new clause 25, I do not believe that it goes far enough. It would be a significant and practical step, but, as has been stated by the shadow Minister and others, more is needed.

In particular, I endorse what my hon. Friend the Member for Linlithgow and East Falkirk said about the long-standing work of my hon. Friend the Member for Slough in respect of supply chain issues; I speak as someone who lent my name both to her private Member's Bill and to that of my hon. Friend, but I know that they have done all the heavy lifting. That work sometimes takes a long time to bear fruit. We are seeing fruit in the lobbying and activity around this Bill and, of course, in the Minister's very welcome letter. I welcome the fact that the Government have moved from a position where they saw no place for addressing supply chain questions in this legislation to acknowledging that the legislation would not be complete or fully competent without addressing the issue. Of course, we have to wait and see just how complete and competent the means by which the Government are prepared to address the issue in their own amendments are. I believe that the amendments before us give us some strength in that regard.

I want to speak to the two new clauses that I have proposed. They in many ways take the issue a bit further and are complementary to the other clauses and the wider case that has been made in respect of covering supply chain issues. Let me go back to the much-claimed epithet for this Bill—that it would be world-leading legislation. New clause 33, which would provide for powers to ban the import of products produced by slavery or forced labour, is, to my mind, something that should accompany proper supply chain legislation, not least because if we are going to legislate only for certain classes of companies and only for companies to satisfy themselves and then be open to questions from the media or customers as to whether they have duly satisfied themselves in relation to the circumstances of the sourcing or production of products that they are selling here, the question that arises is this. If we are prepared to see a consumer responsibility and a retailer responsibility, why do we see no state responsibility for controlling or policing these goods?

It might sound radical and far-fetched to have such a power in respect of importation where it becomes apparent to relevant authorities that products have been sourced, produced or moved using the sort of labour conditions that we believe this Bill is meant to outlaw and put an end to. However, my new clause 33 is based on legislation that has been in place in the United States for some 84 years. It is based very deliberately on the Tariff Act of 1930, which prohibits the importation of

"goods, wares, articles, and merchandise mined, produced, or manufactured wholly or in part in any foreign country by…forced labor".

That legislation provides that such products

"shall not be entitled to entry at any of the ports of the United States, and the importation thereof is hereby prohibited, and the Secretary of the Treasury is authorized and directed to prescribe such regulations as may be necessary for the enforcement of this provision.".

There are ousters in respect of

"goods, wares, articles, or merchandise so mined, produced, or manufactured which are not mined, produced, or manufactured in such quantities in the United States as to meet the consumptive demands of the United States."

There is a principle of public authority being able to intervene to ban the importation rather than just leaving it to market choices, speculation and judgments by producers, retailers or consumers. It is notable that, in that legislation, forced labour is defined as

"all work or service which is exacted from any person under the menace of any penalty for its nonperformance and for which the worker does not offer himself voluntarily.".

It makes it clear that references to labour include

"forced or indentured child labor".

We are talking about world-leading legislation. We have made the point in relation to other clauses and amendments: if the Bill is clearly lagging behind provisions that exist elsewhere, it is hard to see how it is world-leading. In relation to supply chains, we rightly talk about the Californian legislation but we need to remember that that legislation exists in the context of the wider US federal legislation, reflected in the Tariff Act of 1930, which I have tried to capture in new clause 33. New clause 33 tries to capture the essence of the code of federal regulations in the United States, which establishes the process whereby a petition can be made to the Department of Homeland Security, so that:

"Any person outside the Customs Service who has reason to believe that merchandise produced in the circumstances mentioned"

in the relevant paragraph

"is being, or is likely to be, imported into the United States".

I have made provision in new clause 33(3) for such a petition mechanism to be made so that it is a question not just of authorities having to survey what is happening, but of people with information and intelligence being able to instigate it.

New clause 34 is simply an attempt—this time looking not in the American, but in the European direction—to import the effect of the relevant EU directive into legislation. If we are going to be world-leading, we at least need to match existing EU directives and, I hope, surpass them.

Karen Bradley: In the interests of time I will keep my remarks as short as possible, but I need to comment on what the Government are intending to do on Report. I am grateful to right hon. and hon. Members for tabling the new clauses that have enabled us to have the debate about the important issue of modern slavery in supply chains. Modern slavery is a terrible crime; it is an issue that the Home Secretary and I take extremely seriously and have been considering closely.

British businesses have a responsibility to satisfy themselves that those they do business with are not involved in modern slavery. Consumers should not be

put in a position in which they might inadvertently drive demand for slave labour around the world. Modern supply chains are global and complex but that is no excuse for inaction. We need an appropriate regulatory framework that encourages businesses to take action. Following my letter yesterday, Members will be aware that the Government intend to bring forward a disclosure requirement on Report. That is a big step forward. It also reflects my discussions with members of this Committee and the important evidence gathered by the pre-legislative scrutiny Committee.

4.45 pm

I want to put on record how the Government reached the conclusion that a change in the law would be beneficial. Committee Members know that the Home Secretary and I have engaged directly with business and other experts about how best to encourage best practice in tackling modern slavery in supply chains. New legislation should not be introduced to regulate business without careful consideration. That is particularly the case given that this Government have already put legislation in place in this area. In October 2013 changes to the Companies Act came into force, so that listed companies are now required to include information on "social, community and human rights" issues in their strategic reports to,

"the extent necessary for an understanding of the development, performance or position of the company's business",

which was a point that my hon. Friend the Member for Norwich North referred to. Given that modern slavery represents one of the most serious human rights abuses imaginable, we were and are still clear that this should include modern slavery.

Furthermore, in 2016, following transposition to UK law, an EU directive on non-financial reporting will come into force, which will strengthen the position further. So, in this changing legislative context, we wanted to make sure that any further legislative changes were of real value, and would not confuse existing arrangements.

In addition we have always been very clear, and remain so, that legislation and disclosure alone will not stamp out modern slavery in supply chains. Ultimately, that will require businesses to take practical action, which is why we are focusing on how we can best support and work with business to achieve that, not just focusing on legislative change, which is often a very blunt instrument.

On 11 July, the Home Secretary and I met with key British businesses to discuss what more we could do together to tackle this abhorrent crime. A number of practical issues were raised and my officials are now working with a smaller group to design practical guidance to help businesses take action on this issue. Therefore we have engaged with business while continuing to listen very closely to feedback from NGOs, campaigners and, of course, businesses themselves, about the current legislative situation. I am convinced that this was the right approach, and certainly this process of careful engagement and consideration has advanced our thinking on how best to tackle modern slavery in supply chains. I am extremely grateful and indebted to many Members of this Committee, who have continued to raise these issues with me, and the Members of the pre-legislative scrutiny Committee who took important evidence on this issue.

I believe that we can now bring forward a simple but effective provision on Report that will require businesses to produce a disclosure each year setting out what they have done to eradicate modern slavery from their supply chain. Our initial thinking is that that will apply to larger companies. However, we want to get the threshold right. We intend to consult on the exact threshold to ensure that the final provision is fair, workable and robust and protects those small businesses that my hon. Friend the Member for Congleton talked about. The detail about the level of the threshold would then be set by secondary legislation, after careful consideration of the consultation results.

We also intend to produce statutory guidance to accompany this provision, setting out the kinds of information that might be included in a disclosure, so that companies understand and have the support they need to comply. We intend to consult on this guidance before it is finished. I hope all Members of the Committee will welcome the commitment to bring forward this important measure with similarities to the California Transparency in Supply Chains Act. However, because we have had the benefit of California's experience, I can confirm that in some respects our measure will go further. In particular, it will not be limited to businesses that provide goods for sale, so that companies providing services also will be caught by the disclosure obligation. I am also aware that the pre-legislative scrutiny Committee called for this kind of disclosure requirement to be created by amending the Companies Act. However, one of the key reasons that we have decided to introduce a stand-alone measure is that the Companies Act applies only to publicly listed companies, as the shadow Minister pointed out. Our measure will require all companies over a certain size to disclose what they are doing to ensure that there is no slavery in their supply chains.

I take the opportunity to thank all Committee members who have consistently campaigned on this issue and repeatedly raised its importance. The evidence taken by the pre-legislative scrutiny Committee from leading businesses that a provision along these lines would be a helpful and non-burdensome approach has been a significant factor in our thinking.

I pay tribute to the hon. Members for Slough and for Linlithgow and East Falkirk for their tireless campaigning on this issue and for introducing their Private Members' Bills, which raised awareness about this subject. I thank the hon. Gentleman for his very kind comments in my direction—it would be churlish of me not to.

Modern slavery is a global crime. While this Bill must necessarily be focused on this country, businesses buy goods and services from all over the world, so we must use that buying power to lift people out of slavery all over the world. I have personal experience of visiting overseas territories in which we have concerns about human rights abuses. Making the point to them that businesses in their jurisdictions will not be able to trade with the UK if they do not start to comply with what we expect from the human rights point of view has been one of the most powerful tools in getting the message home; so I am very grateful for all the work that has been put into this.

Our proposed disclosure requirement will play a key role in driving businesses to take this issue seriously and to act to ensure that those they do business with have no part in modern slavery. Therefore, I hope that hon. and right hon. Members will feel able to withdraw their amendments and welcome the Government's amendments on Report.

Sir Andrew Stunell: I thank the Minister. Given that she has outlined a series of proposals that go beyond those in my new clause, it would be folly for me to do anything other than to withdraw it. I hope very much that the Government will deliver on all that she has promised. I beg to ask leave to withdraw the motion.

Clause, by leave, withdrawn.

The Chair: I have been given notice that Members wish to press new clauses 26, 27 and 28, which have already been debated, to a vote. We now come to new clause 26, and I call Diana Johnson to move it formally.

Diana Johnson: May I just indicate that I do not wish to press new clauses 27 and 28?

The Chair: That is helpful. It gives us more time for other things.

New Clause 26

INDEPENDENT LEGAL GUARDIAN FOR TRAFFICKED CHILDREN

'(1) An independent legal guardian shall be appointed to represent the best interests of each child who is a separated child and/or may be a trafficked, enslaved or exploited person pursuant to this Bill if the person who has parental responsibility for the child fulfils any of the conditions set out in section 17(4).

(2) The Secretary of State shall establish an independent body to be known as "the Child Guardianship Service" which shall—

(a) by order set out the arrangements for the recruitment, vetting and appointment of a suitably qualified independent child guardian with the requisite professional qualifications immediately after a child is identified as a separated child and/or a potential victim of trafficking, enslaving or exploitation;

(b) by order set out requirements for the training courses to be completed before a person may discharge duties as an independent child guardian;

(c) by order set out the arrangements for the supervision of persons discharging duties as an independent child guardian;

(d) monitor the activities of the independent child guardians and by order provide an accessible individual complaint mechanism for all children under the Child Guardianship Service;

(e) by order set out the arrangements for the provision of support services for persons discharging duties as an independent child guardian; and

(f) by order designate organisations as a "recognised charitable organisation" for the purpose of this section.

(3) Under the supervision of the Child Guardianship Service, the appointed independent legal child guardian shall be responsible at a minimum for—

(a) ensuring that all decisions relating to the child are made in the child's best interests and, where reasonably practicable, are consistent with the child's welfare after ascertaining the child's wishes and feelings in relation to those decisions;

(b) advocating for the child, if a potential trafficked, enslaved or exploited person, to receive identification as such, appropriate care, safe accommodation, medical treatment, including psychological assistance, education, translation and interpretation services;

(c) assisting the child to access legal and other representation where necessary, including, where appropriate, appointing and instructing the solicitor representing the child on all matters relevant to the interests of the child;

(d) consulting, advising and informing the child victim of the child's legal rights;

(e) keeping the child informed of all relevant legal and administrative proceedings;

(f) contributing to the identification of a plan to safeguard and promote the long-term welfare of the child based on an individual assessment of that child's best interests;

(g) providing a link between the child and various organisations who may provide services to the child;

(h) assisting in establishing contact with the child's family, where the child so wishes and it is in the child's best interests;

(i) where appropriate, liaising with an immigration officer handling the child's case in conjunction with the child's legal representative;

(j) accompanying the child to all relevant interviews, including those relating to police, welfare, immigration and compensation; and

(k) accompanying the child whenever the child moves to new accommodation.

(4) Section 17(1) shall apply if the person who has parental responsibility for the child—

(a) is suspected of taking part in the trafficking of human beings;

(b) has another conflict of interest with the child;

(c) is not in contact with the child;

(d) is a local authority; or

(e) is in a country outside the United Kingdom.

(5) In section 17(1), an independent child guardian may be an employee of—

(a) an independent statutory body; or

(b) a recognised charitable organisation.

(6) A person discharging duties as an independent child guardian shall not discharge any other statutory duties in relation to a child for whom they are providing assistance under this section.

(7) Where an independent child guardian is appointed under section 17(1), the authority of the independent child guardian in relation to the child shall be recognised by any relevant body.

(8) In section 17(7), a "relevant body" means a person or organisation—

(a) which provides services to the child;

(b) to which a child makes an application for services; or

(c) to which the child needs access in relation to being a potential victim of trafficking, enslaving or exploitation.'—*(Diana Johnson.)*

Brought up, and read the First time.

Question put, That the clause be read a Second time.

The Committee divided: Ayes 8, Noes 10.

Division No. 17]

AYES

Champion, Sarah	Johnson, Diana
Connarty, Michael	Kane, Mike
Durkan, Mark	Mactaggart, Fiona
Hanson, rh Mr David	Wilson, Phil

NOES

Bradley, Karen	Nokes, Caroline
Bruce, Fiona	Pincher, Christopher
Burns, Conor	Smith, Chloe
Hinds, Damian	Stunell, rh Sir Andrew
Lumley, Karen	Teather, Sarah

Question accordingly negatived.

New Clause 35

PROVISION OF NHS SERVICES TO VICTIMS OF MODERN SLAVERY

'Where a provider of services, to which section 175 of the National Health Service Act 2006 relates, believes that a person may be a victim of slavery or human trafficking, no charge may be made under that section for services from that provider to that person.'—*(Sarah Teather.)*

Brought up, and read the First time.

Sarah Teather: I beg to move, That the clause be read a Second time.

I will be as brief as I can. The new clause was tabled in the names of the hon. Member for Enfield, Southgate and myself to probe issues around access to health care. Earlier, the Minister said health care workers are particularly important in carrying out front-line identification, but they can do that only if people access the health care system, if they are not afraid to access it and if they are not turned away, fairly or unfairly. There are exemptions from NHS charges for victims of trafficking, but they are in place only for people who are recognised as victims or potential victims by the national referral mechanism, and, following our earlier discussion, we know that an enormous number of people are not covered by that. As I said, health care workers are absolutely key in identifying victims.

Last year, I visited the Doctors of the World clinic in east London. It does a phenomenal amount of work with people who have no recourse to public funds, who have been turned away or who are afraid of accessing health care. It is clear that an enormous number of people are extremely vulnerable, many of whom staff at the clinic say have been trafficked, but they are not accessing the health care system. Some have been turned away, and some are just afraid. What they are really afraid of is that accessing the health care system will result in their being reported to the Home Office and deported. Will the Minister please say something about the work she is doing to ensure that provision is joined up and that any charges introduced in the NHS do not have the impact I have described?

Karen Bradley: I hope that I can quickly give my hon. Friend some comfort. The national referral mechanism review is currently considering what support provision victims of trafficking and slavery should be provided with. I would not wish to pre-empt the recommendations of the review when we are about to receive fuller recommendations on the approach to victim support, including health care. The Department of Health is also looking at whether victims of slavery who have not entered the NRM process can be exempted from charges for NHS services. The NHS is a large organisation, and currently not all front-line workers would be confident in identifying a victim of modern slavery. We are working with the Department of Health to build on existing training and ensure that suitable expertise and processes are in place before making such a large-scale change. I am grateful to her and to my hon. Friend the Member for Enfield, Southgate for tabling and speaking to the new clause, and on the basis of that reassurance, I hope she will feel able to withdraw it.

Sarah Teather: I shall certainly withdraw it. I would be grateful if I could have a discussion with the Minster, and perhaps also with my hon. Friend the Member for Enfield, Southgate when he returns, because this is a really important issue. I beg to ask leave to withdraw the motion.

Clause, by leave, withdrawn.

New Clause 37

PROTECTION FROM SLAVERY FROM OVERSEAS DOMESTIC WORKERS

'(1) All overseas and domestic workers including those working for staff of diplomatic missions shall be entitled to—

(a) change their employer (but not work sector) while in the United Kingdom;

(b) renew their domestic worker or diplomatic domestic worker visa for a period up to 12 months as long as they remain in employment and are able to support themselves adequately without recourse to public funds;

(c) a three month temporary visa permitting them to live in the United Kingdom for the purposes of seeking alternative employment as an overseas domestic worker where there is evidence that the worker has been a victim of modern slavery.'—*(Mr Hanson.)*

Brought up, and read the First time.

Mr Hanson: I beg to move that the clause be read a Second time.

Unfortunately, the time does not do justice to the seriousness of the issue, but in the short time I have I want to say that the new clause again boils down to the recommendations of the Joint Committee on the Draft Modern Slavery Bill, on which the right hon. Member for Hazel Grove, the hon. Member for Congleton and my hon. Friends the Members for Linlithgow and East Falkirk and for Slough sat. It said in paragraph 227:

"We recommend the Home Office reverse the changes to the Overseas Domestic Worker Visa."

That change is what the new clause proposes. I am trying to ensure that we have some consideration of that.

Time is extremely pressing, but I have tabled the new clause because since the changes that were made in April 2012, the 14,000 individuals who have been impacted by them—*[Interruption.]*

The Chair: If the right hon. Gentleman wants to continue, that is probably the best thing for him to do, but he may wish to do it at a pedestrian pace to help his own cause.

Mr Hanson: I am grateful, Mr Pritchard. If we are not completing our time at 5 pm I will slow down. I was trying to fit a complicated argument into one minute.

The Chair: To help the right hon. Gentleman, a change to the finishing time depends on how quickly the Clerk can write and how quickly we can disseminate the information, but an amendment will have to be moved, so you will have to take a judgment.

Mr Hanson: If the Government Whip is returning to his position, I will continue to talk for a moment. Once he is back in his position, I will make my argument with some delicacy. I see that he is now back.

Ordered,

That the Order of the Committee of 21 July be amended as follows—

(1) in paragraph (4), leave out "5.00 pm" and insert "5.15 pm"—*(Damian Hinds.)*

Mr Hanson: I shall now try to be slightly more fluent than I was before the Whip moved that amendment, because this is an important issue.

As I said, the Joint Committee stated in paragraph 227 of its recommendations:

"We recommend the Home Office reverse the changes to the Overseas Domestic Worker Visa."

New clause 37 would do that. It would revert the position to that prior to April 2012.

5 pm

On 6 April 2012, the Government changed migrant domestic workers' regulations so that migrant workers who were brought to the United Kingdom were tied to their employer for a non-renewable period of six months. I am very grateful to the charity Kalayaan and other organisations which have reviewed the impact on domestic workers since that change has been operational. What they found is extremely worrying: according to the domestic workers themselves, 62% of overseas domestic workers with tied visas have been paid no salary since that change. Furthermore, 85% are not given their own room to sleep in, 86% say their passport has been taken away by their employers, 96% are not allowed to leave the house unsupervised, 74% report having suffered psychological abuse and 95% are paid less than £100 a week. Those strike me potentially as the unintended consequences of the change made by the Government two years ago. By any stretch of the imagination, someone being brought to this country and paid no salary, given no room, having their passport removed, not being allowed to leave the house unsupervised and being effectively paid less than the minimum wage for their work is extremely worrying. The purpose of the new clause is to revert back to the position before April 2012.

Fiona Mactaggart: When that change was made, the Home Office suggested that the reduction in the number of people found by the National Crime Agency as domestic workers was a result of that change. What is interesting in the NCA's report last week is that the number of people found in domestic servitude has increased faster since that change than in any other sector, probably, as a proportion of people who have been trafficked and exploited here. The Government's own figures show that their change has increased the risk of people—children, women and adults—being in domestic servitude. That is why the new clause is so important.

Mr Hanson: I am grateful to my hon. Friend. To support the contention we are both making, I add that I am warming to Mr Andrew Boff—the Conservative member of the London assembly who reports to the Mayor. In relation to the Government and their changes to tie the visa to an employer, Mr Boff said in his report on human trafficking:

"I don't think it intends to be, but it is actually licensing modern-day slavery."

That is the Conservative leader of the London assembly. The vast majority of people who come to the United Kingdom on tied visas end up working in London, where the domestic market is. Mr Boff is drawing that concern to our attention.

Liberty has made it clear in its briefing that it supports a change back to the pre-2012 situation. The International Labour Organisation and the United Nations special rapporteur on the human rights of migrants have also backed the pre-2012 rules as representing good practice. The Organisation for Security and Co-operation in Europe's special representative on trafficking has recommended a reversion to the domestic worker visa pre-2012. Even the United States Department of State, which does occasionally employ diplomatic household workers, has supported that change. In the time we have, the argument cannot be developed much further.

Sarah Teather: I am conscious of not detaining the Committee but I wanted to put on record that I am very sympathetic to the points being made by the right hon. Gentleman. I am extremely anxious about the impact of tying these visas for overseas domestic workers. I will be very interested to hear what the Minister has to say. I know that work has previously been done on publicity, but I hope she will have more to say that might reassure us.

Mr Hanson: There is a very strong argument to make. It would be one thing for the Minister to reject the recommendation, but it would quite another for Members who served on the Committee that drafted the Modern Slavery Bill to reject their own recommendation. It is very clear: that we should reverse the changes to the overseas domestic worker visa regulations. New clause 37 does that, so in a sense I reach out with a hand of friendship to those who served on the draft Bill Committee and say to them that they can do a service in achieving the objective of that recommendation by supporting the new clause today. I hope the Minister will reflect on this, bring back proposals on Report and give us some comfort so that we do not have to push this to a Division, but I reserve the right to do so should I receive an unsatisfactory response. I am grateful, Mr Pritchard, for the extra time that you and the Whip granted to debate this issue.

The Chair: I am grateful for any gratitude.

Karen Bradley: I am grateful, also, that I am not having to do this without deviation, repetition or hesitation in "Just A Minute".

The Chair: We do, however, have a bell in proceedings.

Karen Bradley: New clause 37 would allow all overseas domestic workers the right to change employer once in the UK and to extend their visas. That could allow unlimited extensions to overseas domestic worker visas, with workers being entitled to settlement after five years. Like other members of the Committee, I am determined to stamp out all forms of modern slavery, including that faced by domestic workers. The measures in the Bill and in our wider non-legislative work will help to tackle all the perpetrators of these heinous crimes and better protect all the victims, regardless of their immigration status or type of exploitation.

I share the intention behind the new clause to strengthen protections for overseas domestic workers. However, we already have a range of specific measures in place to protect overseas domestic workers from abuse, and I want to highlight that we are looking at how to strengthen these further. I am working hard with colleagues in the Home Office to ensure that that goal is fully achieved. One of the practical steps we will be taking imminently is to pilot the provision of additional information to overseas domestic workers at the border as they enter the UK. This will involve providing a simple card with easy-to-understand information about their rights and where to seek help should they become victims of abuse. As a special treat, I can share copies of the card with members of the Committee, which I shall do afterwards they wish to see it. It is a small card designed for Border Force staff to give to the employee with the visa to make their rights clear to them. However, I am not convinced that the key to ending any abuse lies in the terms of the visa.

I am well aware of reports alleging that the changes we made in April 2012 to the overseas domestic worker visa have caused a steep rise in the level of abuse. Kalayaan, a reputable and good NGO that supports domestic workers, has reported continuing abuse in the form of underpayment. According to its figures, 60% of overseas domestic workers are paid £50 a week or less. Such treatment is appalling and entirely unacceptable, and I am determined to stamp out this kind of exploitation. Let us be clear: if somebody is being abused, in slavery, it does not matter what visa conditions they are here on. They need to be supported and the Modern Slavery Bill is designed to do that.

It is important that we see these statistics in their proper context. Of course, even one case of abuse is too many and should be tackled robustly by law enforcement. However, Kalayaan's figures are based on 120 overseas domestic workers issued with visas after April 2012 who approached Kalayaan for help over a two-year period. During the same period, over 30,000 visas were issued, so the figure of 60% needs to be seen in the context of the far larger number of workers who do not report any such issues. The 120 who approached Kalayaan for help represent 0.004% of the total number of visas issued, so we cannot simply assume that it is the terms of the visa that lead to the abuse. In the years leading up to the changes we made in April 2012, overseas domestic workers were allowed to switch to a different employer. However, there were still complaints by overseas domestic workers of abuse and poor treatment. For example, Kalayaan reported that on average 300 overseas domestic workers approached them for help every year until 2012, compared to the 60 annually under the new visa rules.

Fiona Mactaggart: The reason for that, as the Minister well knows, is that there is no remedy for people under the new visa rules: that is why they do not ask for help. Her own figures from the NCA suggest that the increase in abuse has happened; what is her answer to that?

Karen Bradley: I take the hon. Lady's point, and I do not want to say that the reason why the figures have gone down is that there is somehow more protection. I am not insinuating that in the slightest. The point I am making is that abuse has occurred in respect of a very small number of overseas domestic workers, whether they could change employer or not. Although it is true that the instances of domestic servitude have gone up, the vast majority of domestic servitude cases that the NCA reported on do not involve people in possession of overseas domestic worker visas. There is no evidence of an increase in the number of overseas domestic worker visa holders falling victim to slavery and servitude. One case is a case too many—I do not disagree with that—but I do not see evidence that the right to change employer would solve the problem.

It is therefore clear that that the change in the visa should not be assumed to be the key issue and that some unscrupulous employers were able to abuse that route in the past, even if workers were then allowed to change employer, which shows that the ability to change employer does not necessarily protect against exploitation. We must not fall into the trap of assuming that everyone who wishes to leave their employer does so for reasons of mistreatment. Prior to April 2012, when we made the changes, the majority of those seeking to change employer did so for reasons other than abuse. Reasons given included wanting a change, wishing to relocate to the countryside and wanting to work with a younger child.

We are committed to ensuring that protection for overseas domestic workers under the visa regime is robust. Although there are already protections in place, we are currently reviewing whether we can take further steps to ensure that visa applicants have appropriate terms and conditions in place in their contracts with their employer before they come to the UK. We must ensure that employers and workers are fully aware of the expectations we have of them.

It is also vital to remember that all overseas domestic workers have the protection of UK employment law while working in the UK. Anyone who believes they are being mistreated by their employer in any way has access to a number of organisations who can help, including the police, ACAS, the pay and work rights helpline and employment tribunals. We will do absolutely everything we can to protect overseas domestic workers during their short stays in the UK and investigate and prosecute any employers who are found committing these awful offences. I am confident that that commitment, in addition to the Bill, employment legislation and improvements to the protections built into the visa regime, represents the best way of addressing abuse of vulnerable workers, while maintaining a consistent and fair immigration system.

Sarah Teather: Will the Minister give way?

Karen Bradley: Very quickly.

Sarah Teather: Will the Minister write to Committee members before Report about what she means by enabling people to have that information in their terms and conditions?

Karen Bradley: As I said, I am happy to share copies of the card with my hon. Friend, and I will write to her about the other information. I hope the right hon. Member for Delyn feels able to withdraw his new clause.

Mr Hanson: I do not think that giving people a card at the border is sufficient to maintain their rights. Often, the people who face the challenges we have been discussing, which prevent them from leaving the property, do not speak English. I therefore wish to test the will of the Committee.

Question put, That the clause be read a Second time.

The Committee divided: Ayes 9, Noes 9.

Division No. 18]

AYES

Champion, Sarah	Kane, Mike
Connarty, Michael	Mactaggart, Fiona
Durkan, Mark	Teather, Sarah
Hanson, rh Mr David	Wilson, Phil
Johnson, Diana	

NOES

Bradley, Karen	Nokes, Caroline
Bruce, Fiona	Pincher, Christopher
Burns, Conor	Smith, Chloe
Hinds, Damian	Stunell, rh Sir Andrew
Lumley, Karen	

The Chair: In accordance with the Standing Orders, I have to make a decision, and I give my vote to the Noes.

Question accordingly negatived.

Question proposed, That the Chair do report the Bill, as amended, to the House.

The Chair: I thank all Members for their attendance, contributions and courtesy. I also thank the Clerks, Doorkeepers and officials.

Karen Bradley: I would like to thank all members of the Committee for the excellent work the Committee has done. The scrutiny to which the Bill has been subjected has often been challenging. However, it has always been done in the spirit of wanting to improve the Bill and help victims of these terrible crimes, so I am grateful for it. It has given us the opportunity to clarify our position on some issues and to revise it on others. Most importantly, it has made the Bill better, which is exactly what good parliamentary scrutiny should do, so I am immensely grateful. I thank the Committee Chairs for overseeing proceedings so effectively, the Committee Clerks and *Hansard* reporters for ensuring that everything ran so smoothly, and the Whips—it is the Government Whip's first Bill, and has been a baptism of fire.

Finally, I again thank the members of the joint pre-legislative scrutiny Committee. Their detailed scrutiny of our draft Bill and the invaluable evidence they collected has helped to inform this Committee's considerations and, I am sure, improved the quality of the debate. I am sure the work of the both the pre-legislative scrutiny Committee and this Committee will help to ensure that the rest of the parliamentary process is well-informed and produces a modern slavery Act that makes a major difference to the fight against these unspeakable crimes.

Diana Johnson: I thank the Minister for the way she dealt with the Committee and the informative way in which she engaged with me personally, and for allowing me to be briefed by her officials.

I also thank all members of the Committee. This has been a high-quality Committee, and the standard of debate has been exceptional. We benefitted from having hon. Members on the Committee who have a great deal of experience and knowledge of this issue. I pay particular tribute to my hon. Friends the Members for Linlithgow and East Falkirk and for Slough. I also pay tribute to my right hon. Friend the Member for Delyn and my hon. Friend the Member for Sedgefield for their support.

Finally, I pay tribute to Mr Crausby and you, Mr Pritchard, for chairing the Committee; the Clerks, who provided exceptional support to all members of the Committee; and the Doorkeepers, Hansard and everybody else who aided the smooth running of the Committee.

Question put and agreed to.

Bill, as amended, accordingly to be reported.

5.15 pm

Committee rose.

Written evidence reported to the House

MS 23 Ethical Trading Initiative

MS 24 Doctors of the World

MS 25 Joseph Rowntree Foundation

MS 26 TRAC (Trafficking - Raising Awareness and Campaigning)

MS 27 The Rotarian Action Group Against Child Slavery

MS 28 Dr Virginia Mantouvalou

MS 29 Geoffrey Knipe

MS 30 EEF

MS 31 Hibiscus Initiatives

MS 32 Al-Khoei Foundation

MS 33 Association of Labour Providers

MS 34 Adam Simmonds, Police and Crime Commissioner for Northamptonshire

MS 35 Hope for Justice

MS 36 Dr Julinda Beqiraj

MS 37 The Information Commissioner