Victims of modern slavery

Twelfth Report of Session 2016–17

Report, together with formal minutes relating to the report

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Work and Pensions Committee

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Summary

The Prime Minister rightly described modern slavery as “the great human rights issue of our time”. We could not agree more and we wish to emphasise, at the beginning of our report, the importance of the initiative the Prime Minister made (as Home Secretary) in introducing world-leading legislation to counter modern slavery. The aim of this report is to begin, with the Government, the development of stage two of our country’s counter-slavery policy that builds on the 2015 legislative framework. This report is concerned with the creation of a world-leading structure of services that cares for and protects, as effectively as we can, the victims who have escaped from slavery.

The Modern Slavery Act 2015 was a pioneering piece of legislation that proved the UK’s commitment to eradicating this horror. Among its many achievements, the Act established new protections for recognised victims of slavery. However, it did not secure a pathway for their recovery.

The Government estimates that there are between 10,000 and 13,000 potential victims of modern slavery in the UK, originating from around the world and the UK itself. Potential victims are referred to the National Referral Mechanism (NRM), the framework for assessing whether someone is a victim of slavery. The evidence we took from victims of modern slavery was particularly valuable to our work.

The status of victims beyond the National Referral Mechanism

Following their conclusive confirmation as victims of slavery, the support individuals receive depends on their immigration status, nationality, ability to work and whether they are assisting the police with an investigation. The position of modern slavery victims contrasts with that of refugees. While recognition as a refugee grants an initial period of five years’ leave to remain in the UK, recognition as a victim of slavery through the NRM confers no equivalent right to remain, for any period.

Treating confirmed victims of modern slavery of different nationalities differently, has created a confusing landscape that is poorly understood by victims and professionals alike. As a result some victims face destitution or even a return to their enslavers because they have no ongoing access to support. We recommend that all confirmed victims of modern slavery be given at least one year’s leave to remain with recourse to benefits and services. We reject the argument that this would create a pull factor to the UK, for slave masters or victims.

No data is collected on victims once they leave the NRM and we heard that the collection and recording of data generally was substandard. The Government does not monitor the re-trafficking of victims. This is unacceptable. Any reform to the NRM must include the recording of instances where victims have been processed through the framework more than once.

Securing prosecutions

Allowing victims to access support in the UK is not just a humanitarian matter. Baroness Butler-Sloss, Trustee of the Human Trafficking Foundation, told us that the
lack of proper support for victims had a negative impact on the number of successful prosecutions of slave masters. Thousands of victims have not come forward, while others who have chosen to give evidence against their enslavers have ended up destitute as a result of insufficient support. This can result in the inexcusable scenario that abusers go free because their victims are not supported adequately to give evidence against them. The Department for Work and Pensions (DWP) should undertake an urgent review of the benefit support available to victims, including those who are assisting the police with investigations.

**Improving identification**

Referrals of potential victims to the NRM are increasing each year. There were 3,266 in 2015, a 40-percent increase on the year before, while many others remain undetected. DWP will come into contact with a high proportion of victims at some point—either through benefit claims or the allocation of National Insurance numbers.

Front-line DWP staff are often not aware of modern slavery and training on how to spot signs of slavery needs to be improved. In addition, DWP staff do not always know how to deal sensitively with identified victims. This is distressing for victims and may prevent them from accessing the support they need to move on from their safe house. We recommend that all frontline DWP staff are trained in identifying and supporting victims of modern slavery. The Department should also extend the arrangement trialled at the Leeds Jobcentre and include Social Justice Work Coaches for Jobcentres in other areas where victims of modern slavery are prevalent.

**From victim to survivor**

DWP has already recognised that victims of domestic violence need to be treated differently in the benefits system because of the trauma they have suffered. Victims of modern slavery have also lived through terrible experiences and DWP should introduce benefit easements and concessions for them, equivalent to those for victims of domestic violence.

The Government offers a 45-day reflection and recovery period for victims as they go through the NRM. This period exceeds international treaty obligations but unfortunately it will often take victims much longer to start putting their lives back together. There is very little structured support for confirmed victims once they have been given a ‘Conclusive Grounds’ decision from the NRM that they are a modern slavery victim. The Welsh Government has introduced a Survivor Care Pathway, which has demonstrated that ongoing victim support can assist both with the rebuilding of lives and the successful investigation of modern slavery offences. We recommend that all victims of modern slavery be given a personal plan which details their road to recovery, and acts as a passport to support, for at least the 12 month period of discretionary leave.

The Prime Minister told us that her Government is committed to doing everything possible to support victims of modern slavery. To meet the Prime Minister’s pledge, the Government must introduce a system that will help victims to start piecing their lives back together. Not only is there a moral case for doing this but it can help to bring the perpetrators of these horrendous crimes to justice.
1 The great human rights issue of our time

1. The Prime Minister has described modern slavery as “the great human rights issue of our time”. It is a crime where individuals are exploited for little or no pay through force, threat or deception. Exploitation can include, but is not limited to, domestic servitude, forced or compulsory labour, sexual exploitation and the removal of organs. Victims, including men, women and children, have often endured traumatic experiences and suffer from mental and physical health problems.

2. Modern slavery is a hidden crime and its scale is difficult to assess. In 2013, the Government estimated that there were between 10,000 and 13,000 potential victims in the UK. Those victims originate from around 100 different countries, with Romania, Poland, Albania, Nigeria and the UK itself the five most common countries of origin. In 2015, 3,266 potential victims were identified and referred to the National Referral Mechanism (NRM—the UK’s framework for potential victims of modern slavery to be identified and referred for appropriate support). Sarah Newton MP, Parliamentary Under-Secretary of State for Vulnerability, Safeguarding and Countering Extremism (the Home Office Minister), told us there was a “big gap” between the estimated prevalence of modern slavery and the number of people officially identified as victims.

The Modern Slavery Act

3. In 2015, the Government passed the Modern Slavery Act, the first of its kind in the world. This followed extensive scrutiny, including an evidence review and scrutiny of a draft bill by a Joint Committee. The Bill consolidated existing offences of slavery and human trafficking. It also increased the penalties for these offences, provided for new preventative orders, and created new maritime enforcement powers. Following recommendations by the Joint Committee, the Bill also introduced measures to support and protect victims, and required reporting by large businesses of what steps they have taken to ensure slavery is absent from supply chains.

4. The Act also created the role of the Independent Anti-slavery Commissioner. The Commissioner is tasked with promoting good practice and driving improvements to the UK and global response to modern slavery crimes. In April 2016, the current Commissioner, Kevin Hyland, wrote to us regarding the support and protection given to

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1 Defeating modern slavery: article by Theresa May, July 2016. Available on Gov.uk
2 Modern Slavery Act 2015, Section 3 ‘Meaning of Exploitation’
3 Helen Bamber Foundation and Kings College and Samantha Ferrell-Schweppenstedde, former first responder, (VMS0014)
4 Department for Work and Pensions and the Home Office (VMS0023)
5 Q167 (Sarah Newton)
6 Independent Anti-Slavery Commissioner, Strategic Plan 2015–2017, October 2015 and Follow-up letter from Sarah Newton
7 Q157 (Sarah Newton)
8 Q106 (Baroness Butler-Sloss)
9 The Slavery and Trafficking Prevention Order and the Slavery and Trafficking Risk Order. These orders enable the court to impose both restrictions and positive requirements upon those convicted of a relevant offence.
10 Commons Library Briefing paper 07656, Modern Slavery Act: Recent developments, July 2016
11 Modern Slavery Act 2015, Sections 40 and 41.
victims of modern slavery.\textsuperscript{12} He told us he was particularly concerned about the treatment of victims from the European Economic Area (EEA). Once they were recognised as victims of modern slavery, such people were at “high risk of becoming destitute and homeless” because of their very limited access to welfare.\textsuperscript{13} We wrote to the then Secretary of State for Work and Pensions, Stephen Crabb MP, to request clarification on the status of recognised victims and the support offered by the Department of Work and Pensions (DWP). His response set out the limited support available, and confirmed that being a victim of modern slavery conferred no additional access to benefits compared to other EEA nationals.\textsuperscript{14} We subsequently launched this inquiry.

5. Our inquiry looked at the DWP support available to victims following a Conclusive Grounds decision (CG), a decision that officially recognises that someone is a victim of modern slavery.\textsuperscript{15} This inevitably meant scrutinising the work of the Home Office as it related to victim support and affected DWP policy. This inquiry has also identified areas which require further scrutiny but were outside the scope of this report, such as the lack of legal advice for potential victims prior to their referral to the NRM and the absence of an appeals process. A review of the NRM is underway and a new system has been trialled. Proposals for reform would benefit from parliamentary scrutiny and we will refer our evidence to the Home Affairs Committee (see paragraphs 13 to 16).

6. On 22 March 2017, the Prime Minister wrote to us emphasising that ending modern slavery is a top priority for her Government and that she was grateful for our work on how victim support could be improved.\textsuperscript{16} She also said that the Government was committed to doing “everything we can to support victims of modern slavery and to bring the perpetrators of this barbaric crime to justice”.\textsuperscript{17} Our recommendations, and the evidence that informed them, highlight where improvements to victim support can and should be made.

7. In her reply to a Committee letter, inviting the Prime Minister to come and discuss the follow-through to her legislative achievement, the Prime Minister replied that she would do so once our report was published. We look forward to this meeting, which is yet a further sign of a commitment to driving forward the government’s countering modern slavery strategy.\textsuperscript{18}

8. We would like to thank everyone who gave evidence to this inquiry. In particular we would like to thank the four individuals who spoke to us about their experience of being victims of modern slavery. This took extraordinary courage and was invaluable to our work.

\textsuperscript{12} Letter from Kevin Hyland OBE, appended to correspondence to Stephen Crabb MP, April 2016
\textsuperscript{13} Ibid
\textsuperscript{14} Letter from The Rt Hon Stephen Crabb MP regarding recognised EU/EEA victims of slavery, 8 July 2016
\textsuperscript{15} A stage in the NRM process: A positive “Conclusive Grounds” decision means that the State has conclusively determined that an individual is a victim of trafficking and/or modern slavery.
\textsuperscript{16} Letter from the Prime Minister
\textsuperscript{17} Ibid
\textsuperscript{18} Ibid
2 The status of recognised victims

9. Potential victims of modern slavery can be identified in a number of different ways. Some are recognised by asylum screening units or border force checks. Others manage to escape their exploiters and make contact with people who can help them. For example, “Client T”, a victim who spoke to us about his experience, explained that a pharmacist had taken him to the police after he sought help for food poisoning. Once identified, potential victims are referred to the National Referral Mechanism (NRM), which determines if they are indeed victims of modern slavery. This chapter focuses on people who have been recognised as victims of modern slavery through the NRM.

The National Referral Mechanism

10. The NRM framework involves a number of different agencies and stages (Box 1).

Box 1: National Referral Mechanism process

| First responder: | An organisation designated a ‘first responder’ must refer the potential victim to one of the UK’s Competent Authorities (CA). The list of first responders includes: the Police Force, UK Border Force, Medaille Trust, Barnardo’s and others. First responders complete a referral form, which goes to the Modern Slavery Human Trafficking Unit (MSHTU), part of the National Crime Agency. The MSHTU decides which CA will deal with the referral. |
| Competent Authority: | The UK’s two Competent Authorities are: the MSHTU, which deals with referrals from the police, local authorities, and NGOs; and The Home Office Visas and Immigration (UKVI), which deals with referrals identified as part of the immigration process. |
| Reasonable Grounds: | Within five working days a decision maker in the relevant CA will decide whether there are ‘reasonable grounds’ (RG) to believe the individual is a potential victim of modern slavery. If a victim is given a positive RG decision then they are, if they need it, allocated a place within a Government funded safe house and granted a reflection and recovery period of at least 45 calendar days. |
| Conclusive Grounds: | During the reflection and recovery period the CA gathers further information. The threshold for a Conclusive Grounds decision (CG) is that on the balance of probability “it is more likely than not” that the individual is a victim of human trafficking or modern slavery. A positive CG decision means that the State has conclusively determined that they are a victim of modern slavery. |

11. Once a potential victim has been referred to the NRM, support and accommodation is available through a Government-funded safe house. The support is delivered through the Salvation Army and its subcontractors, who run a network of safe houses across England and Wales. The Government said that if a victim is traumatised or in a difficult
situation then they can be in a safe house within six hours.\textsuperscript{22} During the 45-day recovery period, support providers work with victims to produce a move-on plan to help them to return home, reintegrate into society or access mainstream support.

12. The NRM was established in 2009 in order to meet the UK’s obligations under the Council of Europe Convention on Action against Trafficking in Human Beings. The Commissioner said that the NRM now deals with almost 4,000 referrals per year, compared with around 700 when it was introduced.\textsuperscript{23} This had placed more demands on services and victims.\textsuperscript{24}

13. Stakeholders raised a number of concerns about the NRM process. Kate Roberts, Head of Office at the Human Trafficking Foundation, said that legal aid was not available to victims prior to a Reasonable Grounds decision. Victims therefore had to give consent for a referral to the NRM before receiving any legal advice.\textsuperscript{25} Organisations that support victims said that in order to give “meaningful consent”, potential victims needed advice on matters such as immigration and access to justice to ensure that they were not disadvantaged.\textsuperscript{26} Kate Roberts added that there was no appeal process for either Reasonable Grounds or Conclusive Grounds stage of the NRM:

> At the moment, if you receive a negative Reasonable Grounds decision—the first threshold, the very low threshold—there is no way of appealing that. There is obviously also no legal aid for appealing that because you are not eligible for anything, because you have not got a Reasonable Grounds decision. There is no appeals process for the Conclusive Grounds stage decision either. I think both of those are flaws.\textsuperscript{27}

14. The Commissioner also raised grave concerns about the treatment of victims during the NRM process. He told us that lessons learnt from dealing with victims of domestic abuse had not been applied to victims of slavery:

> A victim of modern slavery comes forward, they are presented with a number of forms that they have to sign, then their immigration status is looked at, and then there is a process to decide whether they are a victim or not. If we did the same for a victim of domestic abuse or a victim of rape I am sure people, parliamentarians and others, would be standing there in shock and horror.\textsuperscript{28}

15. In 2014 the Home Office launched a review of the NRM process acknowledging that improvements needed to be made.\textsuperscript{29} The Government has since conducted a pilot of a revised system, which concluded in March 2017 and will be evaluated. The Home Office Minister, told us that her department was committed to “quite substantial reforms” to the NRM.\textsuperscript{30}

\begin{itemize}
\item \textsuperscript{22} Q178 (Sarah Newton)
\item \textsuperscript{23} Q130 (Kevin Hyland)
\item \textsuperscript{24} Ibid
\item \textsuperscript{25} Q108 (Kate Roberts)
\item \textsuperscript{26} The Human Trafficking Foundation et al, \textit{Supporting adult survivors of slavery to facilitate recovery and reintegration and prevent Re-exploitation}, March 2017
\item \textsuperscript{27} Q121 (Kate Roberts)
\item \textsuperscript{28} Q130 (Kevin Hyland)
\item \textsuperscript{29} Home Office, \textit{Review of the National Referral Mechanism for victims of human trafficking}, November 2014.
\item \textsuperscript{30} Q144 (Minister Sarah Newton)
\end{itemize}
16. We welcome the Government’s decision to review and reform the National Referral Mechanism. It is a complex system that should offer support to potential victims when they are at their most vulnerable. We heard serious concerns about the lack of legal advice to victims prior to their consent to referral, the absence of an appeals process and the NRM’s inability properly to respond to the needs of victims. An evaluation of any proposed new system is beyond the scope of this inquiry. It would, however, benefit from scrutiny by a select committee. We will refer the evidence we received on the NRM to the Home Affairs Committee for consideration.

**Lack of data**

17. One aspect of the NRM process of direct relevance to our inquiry was the lack of data on victims once they leave the framework. Baroness Butler-Sloss told us that victims “go missing because, since they don’t have accommodation, they go into various places, nobody keeps in touch with them”.\(^\text{31}\) The Greater London Authority Conservative Group said that

> There has been no extensive research conducted, nor data obtained, to analyse and assess what happens to victims of human trafficking following the support they receive during the statutory 45 day period.\(^\text{32}\)

18. The Commissioner wrote to the Home Office Minister expressing concern about the “lack of monitoring and accountability” within the NRM.\(^\text{33}\) He said the collection and recording of data was “substandard” and that the system needed to be redesigned and digitised.\(^\text{34}\) The Human Trafficking Foundation told us

> Little is known as to what happens to victims of slavery and trafficking once they leave the safe house, or support ends following a Conclusive Grounds decision, and even less is known of those who have no support or benefits. No data is collected on long term outcomes for victims.\(^\text{35}\)

19. We were told that one of the most serious consequences of the neglect to track victims was that some were re-trafficked. Ann-Marie Douglas, Project Director for the Adult Victims of Modern Slavery Care Contract at the Salvation Army told us that once the limited safe house and benefit support was exhausted, victims were vulnerable to re-trafficking.\(^\text{36}\) Kate Roberts said she had spoken to one police officer who had “re-entered the same person three times through the NRM because they had come across them being re-exploited three times”.\(^\text{37}\)

20. We asked the Home Office for data on victims who had been entered into the NRM more than once. We were told

\(^{31}\) Q155 (Baroness Butler-Sloss)

\(^{32}\) Greater London Authority Conservatives (VMS0028)

\(^{33}\) Letter from Kevin Hyland to Sarah Newton MP, 10 January 2017

\(^{34}\) Ibid

\(^{35}\) Human Trafficking Foundation (VMS0015)

\(^{36}\) Q44 (Ann-Marie Douglas)

\(^{37}\) Q128 (Kate Roberts)
Data on re-trafficking of victims is not held centrally by the NCA [National Crime Agency] as this is not routinely recorded as part of the NRM process. As part of the NRM pilot and wider NRM reform work we are reviewing data collection and analysis.\textsuperscript{38}

In oral evidence to the Committee, the Home Office Minister said that the issue of multiple referrals to the NRM had not been raised with her.\textsuperscript{39} The Home Office subsequently asked for details on such cases to be shared with them.\textsuperscript{40}

21. The decision not to record and collate data on victims who have been re-trafficked and processed multiple times through the National Referral Mechanism is a serious oversight. This framework was designed to identify victims and help them to recover. For those victims who have been subject to re-trafficking the system has clearly failed. While we are pleased to hear that the Home Office Minister wishes to investigate such cases, it is troubling that the Home Office needs to ask us for this information. \textit{We recommend that any reform to the National Referral Mechanism include the recording and collecting of instances where victims have been processed through the framework more than once. This should be implemented as a matter of urgency.}

22. \textit{We recommend that local police forces should be required to pass any information on potential re-trafficking to the Home Office police lead on modern slavery. The Home Office should report on these figures annually, including any trends.}

\textbf{Immigration status following the NRM}

23. Once victims have been through the NRM they must leave the Government funded safe house either within 48 hours (following a negative CG decision) or two weeks (following a positive CG decision). Following their confirmation as victims, the support individuals receive depends on their immigration status, nationality, ability to work and whether they are assisting the police with an investigation. We heard contradictory evidence about the interaction between the NRM and immigration status. The Home Office said that consideration of a person’s status as a victim of modern slavery is “entirely separate from any decision on whether someone is entitled to stay in the UK”.\textsuperscript{41} The Home Office Minister however said that the relationship between the NRM and immigration was “fiendishly complicated”.\textsuperscript{42} The Home Office Minister had to write to us to correct evidence she had given on the system of Discretionary Leave to remain.\textsuperscript{43}

24. Confirmed victims can remain in the UK and access benefits through a number of different routes depending on their immigration status:\textsuperscript{44}

\begin{itemize}
\item The asylum system (for non-EEA nationals);
\item Discretionary leave to remain (for both EEA and non-EEA nationals); and
\item The Habitual Residence Test.
\end{itemize}

\textsuperscript{38} Letter from Minister Sarah Newton MP, 17 February 2017
\textsuperscript{39} Q184 (Sarah Newton)
\textsuperscript{40} Letter from Minister Sarah Newton MP, 17 February 2017
\textsuperscript{41} Letter from Minister Sarah Newton MP, 17 February 2017
\textsuperscript{42} Q143 (Sarah Newton)
\textsuperscript{43} See Q149 (Sarah Newton)
\textsuperscript{44} In 2015 the Home Office also granted humanitarian protection to 7 non-EEA nationals and other forms of immigration leave to 3 non EEA nationals and 2 EEA nationals.
25. If a confirmed victim is a non-EEA national then they can apply for asylum. In 2015, 379 victims (36% of all confirmed victims) claimed asylum and it was granted in 216 (21%) cases. If someone claims asylum and is granted refugee status then they are entitled to the same services and benefits as UK citizens. Non-EEA victims are also automatically considered for Discretionary Leave to remain (DL). DL can be granted to individuals by the Secretary of State in “exceptional compassionate circumstances” regardless of standard Immigration Rules. Those granted DL have access to public services and benefits and no prohibition on work. In 2015, 71 non-EEA nationals were granted DL.

26. If a confirmed victim is an EEA national then they are not automatically considered for DL. The Home Office Minister said that these victims “may well be entitled to be here anyway”. This is because EEA nationals have a right of entry and residence under European Union law as long as they exercise a Treaty right. This includes the right to take or seek employment or to set up business.

27. EEA victims, however, are often unable to exercise Treaty rights, leaving them destitute or at risk of being removed. If they are neither in work nor seeking work, their right to reside can be conditional upon them having sufficient resources so as not to become a burden on the welfare system. EEA nationals have very limited access to welfare on arrival and there are no concessions for victims of modern slavery. The Commissioner said:

People are sometimes removed because they may be in situations of rough sleeping, or begging, and they are removed before they have even been assessed as potential victims of modern slavery or victims of any crime.

The desire to remove people is there even when it is EU nationals.

28. EEA national victims can remain in the UK and apply for DL through either their own application or an application by the police. If their application is successful they will have access to public services and benefits. In 2015, 52 EEA nationals were granted DL. We asked the Home Office how many EEA confirmed victims were refused DL but were told that the Government was “unable to determine” the number.

Discretionary leave to remain: self-application

29. EEA victims can apply for DL. We heard, however, that victims, and the professionals supporting them, are often not aware of this option. Christian Action Research and Education (CARE), a charity, said
Because leave to remain is more commonly given to people from non-EU/EEA countries it is essential that JobCentre Plus staff have a clear understanding that victims from the EU/EEA may have been granted DLR and if so should be treated on the basis of the rights afforded by the discretionary leave.\textsuperscript{59}

30. Following new March 2016 Home Office guidance, applications for DL can only be made on receipt of a Conclusive Grounds decision. Previously applications could be made at the Reasonable Grounds stage. The Commissioner said this “significantly delays the process” and that victims were left on the street whilst waiting for the outcome of their application.\textsuperscript{60} He also said the situation “may not only put victims of modern slavery at risk of further exploitation and destitution, but may also negatively affect the course of [a criminal] investigation”.\textsuperscript{61}

**Discretionary leave to remain: police applications**

31. Victims can also be considered for DL if they are assisting with a police investigation.\textsuperscript{62} Under this separate process, the police make a formal application to the Home Office.\textsuperscript{63} The Medaille Trust, a charity and provider of safe houses for victims, said that if the police force supported a victim then this could make it “easier for clients to access their entitlements”.\textsuperscript{64} They added, however, that “support and understanding also differs from force to force”.\textsuperscript{65}

32. Hestia, a charity that works to combat modern slavery, said that investigating police forces were often unaware of their responsibility to apply for DL.\textsuperscript{66} They told us:

> Investigating police forces are not well versed in immigration matters and often do not know what DL means let alone how to apply for it or that they are responsible for this application.\textsuperscript{67}

This meant that recognised victims still faced an “uphill struggle” to obtain DL when assisting with an ongoing investigation. Kevin Hyland agreed that police forces were not always aware of their role:

> When I did my check on law enforcement for my report to Parliament, some forces were losing the NRM reports. They just lost them, because they felt that once they had sent it off to the National Crime Agency that was their job done. It isn't. They still have the investigation responsibility of the victim.\textsuperscript{68}

\begin{itemize}
  \item \textsuperscript{59} CARE Christian Action Research and Education (VM50006)
  \item \textsuperscript{60} Office of the Independent Anti-Slavery Commissioner (VM50005)
  \item \textsuperscript{61} Ibid
  \item \textsuperscript{62} Q158 (Sarah Newton)
  \item \textsuperscript{63} Supplementary written evidence from CARE (Christian Action Research and Education) (VM50037)
  \item \textsuperscript{64} Medaille Trust (VM50012)
  \item \textsuperscript{65} Ibid
  \item \textsuperscript{66} Hestia (VM50032)
  \item \textsuperscript{67} Ibid
  \item \textsuperscript{68} Q133 (Kevin Hyland)
\end{itemize}
**Habitual Residence Test**

33. In order to access limited welfare support EEA nationals, including victims of modern slavery, must show they have a legal **right to reside** in the UK and that they are **habitually resident**. If EEA victims pass the Habitual Residence Test then they are entitled to Jobseekers Allowance for three months. They are not, however, entitled to Housing Benefit. If victims are able to register at the Jobcentre and look for work then they have a right to reside in the UK. They will still need to prove habitual residence in order to have access to benefits. The term 'habitually resident' is not defined in legislation and decision-makers can look at a range of factors, including:

- the length of time someone has been in the UK;
- their reasons for coming to the UK;
- their likelihood of finding work;
- previous work in the UK;
- whether they have an open bank account;
- whether they own property in the UK.

34. The Commissioner told us that passing the Habitual Residence Test was impossible for many victims:

If you have been locked up in a farm, or locked up in premises being forced into labour or being sexually exploited, you are not going to be able to produce pay slips, or a P45, or whatever. That is the basics of where we are getting this wrong, even to that level.

With the benefits, I think that so many victims are falling through the gaps because, for example, if you cannot produce payslips you are not entitled to show your habitual residency; if you have been kept in modern slavery that is impossible.

In June 2015, the Home Office said that it was working with DWP to make it easier for victims to prove they meet the Habitual Residence Test requirements. No details on this work have yet been published.

35. We heard that the status of modern slavery victims contrasted with that of refugees. Baroness Butler-Sloss said

As soon as somebody is positively identified as a refugee then a whole lot of entitlements flow from it, but there is no entitlement of any sort for a person who has been positively identified as a victim [of slavery] and this is an appalling lack.

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69 Citizen’s Advice, *The habitual residence test—how a decision is made*

70 Q130 (Kevin Hyland)

71 Written Answer to Parliamentary Question, HLS41

72 Q106 (Baroness Butler-Sloss)
Whilst recognition as a refugee grants an initial period of five years leave to remain, recognition of a victim of slavery through the NRM confers no equivalent right to remain for even a month.73

The impact of this system on victims

36. We heard that the complexity of the post-NRM system causes some victims fall through gaps in support.74 The Human Trafficking Foundation said

There is no standard structure in place for an ongoing care plan or established support pathway so it really is a matter for individuals themselves (or if they have them, dedicated caseworkers) to find the best options available to each individual. This leaves a high risk that some individuals will fall between the gaps.75

The Commissioner also told us that victims could be pushed “on to the streets while they await a decision on their Discretionary Leave”.76

37. Conversely, the Home Office Minister said the various options for EEA victims gave “sufficient flexibility” and were “victim-focused”.77 She also said that if the system worked as it should then nobody should be made homeless:

As far as I can see, this should not be happening, because once we have made that first decision that they probably are victims of slavery—they have Reasonable Grounds—then they start having the support package.

She added, “I would be very surprised indeed if [destitution] was as a result of coming out of the system”.78 CARE told us that they were concerned by this statement and said that “the evidence is that the system is not working properly”.79

38. We were provided with a number of cases where EEA victims had become destitute after leaving the NRM:80

a) Case A: An EEA national given a CG decision but awaiting a leave to remain decision was refused accommodation and subsistence level support. The claimant was left in a position where she could only provide for her basic needs by engaging in prostitution. She brought a claim against the local authority on the basis that this was inhuman and degrading and contrary to the UK's duties under European Convention on Human Rights articles and, Article 12 of the Convention Against Trafficking or Article 11 of the EU Anti-Trafficking Directive.

b) Case B: an EEA National, who was trafficked for domestic servitude and forced labour purposes over an extended period of time, received a positive Conclusive Grounds decision, but was not considered for a grant of DL. The

73 Human Trafficking Foundation (VMS0015)
74 Q133 (Kevin Hyland)
75 Human Trafficking Foundation (VMS0015)
76 Letter from Kevin Hyland OBE, appended to correspondence to Stephen Crabb MP, April 2016
77 Q150 (Sarah Newton)
78 Q154 (Sarah Newton)
79 Supplementary written evidence from CARE (Christian Action Research and Education) (VMS0037)
80 Human Trafficking Foundation (VMS0024), Deighton Pierce Glynn (VMS0033) and the Independent Anti-slavery Commissioner (Q138)
safe house contractors thought she was in danger of being re-trafficked but the Home Office refused further extensions to her stay. The subcontractor found her accommodation for five nights per week but for the other two nights she had to sleep rough. Deighton Pierce Glynn, a firm of solicitors specialising in civil liberties and human rights, applied for DL. The Home Office maintained its refusal to extend her stay in safe house accommodation pending consideration of the DL application.

c) Case C: A Polish national was supporting police in a prosecution and was granted DL under that basis but then could not get housing. Because they could not show that they were positively looking for work they were denied Jobseeker’s Allowance. A charity then became involved and helped that person.

39. The cases above are just three examples of EEA victims facing destitution following the NRM. We also heard evidence that the system is not victim-focused, as the Government suggested. The key worker for “Client S” told us that the system was not sensitive to slavery victims:

The Home Office believed that she could be returned to another part of Albania and be safe. She had a history [as a victim] of violence and abuse, hence the reason she was trafficked in the first place, because she was vulnerable. She would have been picked up by the traffickers again. As soon as we got the year’s discretionary leave, she was then told she had to move out of G4S accommodation, which is normally 28 days. It did take the Home Office from June to late October to actually send the paperwork through that she had been granted Humanitarian Protection.

In the interim, because she came under S. Council, the Council wanted to house her immediately in a high-rise in an area that was known for drugs and antisocial behaviour. When we went to view, Client S just froze. She just froze in absolute terror, because she was held in similar places. So that was a massive trigger for her and it just felt like I could not shield her from that.81

**Simplifying the system**

40. Baroness Butler-Sloss branded the lack of some form of automatic entitlement for EEA victims as a “ludicrous situation”.82 She told us that a Conclusive Grounds status should have meaning:

It is an extremely unattractive anomaly and an extremely expensive process putting a person through the NRM to get a positive outcome that everybody accepts that person is the victim of an appalling crime. At that stage, having spent all that money, having gone through all that process, there is no result except a piece of paper.83

A 2017 report on supporting adult victims of slavery noted that some victims received their CG decision letter “together with a letter telling them they have no leave to remain

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81 Q77 and 78 (Key Worker S)
82 Q111 (Baroness Butler-Sloss)
83 Ibid (Baroness Butler-Sloss)
in the UK”.84 An example of the confirmation letter that victims receive is in Annex 1 of this report. Other stakeholders agreed that a positive CG status should carry more weight. Kate Roberts said:

In practice, to that individual [CG status] does not mean much more than a piece of paper. It does not mean anything to other agencies generally speaking, for example, the DWP, so when victims are trying to access things, like benefits, there is no understanding of what they have been through, why they don’t have documents, why their story does not make sense. It can often be re-traumatising for people.85

41. Baroness Butler-Sloss suggested simplifying the system by linking the status of a confirmed victim with the right to remain for at least 12 months.86 She said this would allow more time for victims to get their lives on track, “whether they go back voluntarily to their own country or whether they choose to ask to be allowed to remain”.87 She added that the DL grant should come with benefit entitlement, set out in statutory guidance, in order to give victims access to healthcare and housing during the DL period.88 Kevin Hyland told us that there was already a precedent for automatic DL grants for victims of domestic servitude:

Under an amendment under the immigration laws, if they get Conclusive Grounds as a victim of modern slavery they get two years’ leave to remain in the UK where they are entitled to work within domestic work. There is a precedent for one area of exploitation.89

42. The Home Office Minister expressed concerns that introducing automatic DL for one year would “create the most enormous pull factor” to the UK.90 In oral evidence she suggested this pull factor would be to the traffickers.91 In her follow-up letter she suggested instead it would be to “people seeking access to benefits to circumvent recent restrictions.”92

43. It is not clear, however, how such a pull factor would operate. It is difficult to see why traffickers would increase the number of victims they exploited in order to allow those victims to then enter the NRM and be given leave to remain. As the Human Trafficking Foundation explained, “Traffickers do not act in the interest of those they enslave.”93 It is also not possible for individuals to be deliberately enslaved in order to secure leave to remain:

A person cannot choose to be trafficked or subjected to modern slavery, [as], by its very nature, such abuse entails control and a loss of decision making or autonomy.94

84 The Human Trafficking Foundation et al, Supporting adult survivors of slavery to facilitate recovery and reintegration and prevent re-exploitation, March 2017
85 Q110 (Kate Roberts)
86 Q106 (Baroness Butler-Sloss)
87 Ibid
88 Q116 (Baroness Butler-Sloss)
89 Q138 (Kevin Hyland)
90 Q162 (Sarah Newton)
91 Ibid
92 Follow-up letter from Sarah Newton, 17 February 2017
93 Supplementary written evidence from Human Trafficking Foundation (VMS0036)
94 Ibid
In any case the NRM is designed to filter out any fraud and those individuals would not receive CG status. The Human Trafficking Foundation said they had seen no evidence to suggest that a recovery period of a year would act as a pull factor or encourage trafficking.95

44. **Treating confirmed victims of modern slavery differently depending on their nationality has created a confusing landscape that is poorly understood by professionals or victims themselves. As a result some victims face destitution or even a return to their enslavers because they have no ongoing access to support. The Home Office Minister claimed that allowing victims a year’s leave to remain with some entitlements would create a ‘pull factor’. This claim makes little sense and is unsubstantiated by evidence. We recommend that all confirmed victims of modern slavery be given at least one year’s leave to remain with the same recourse to benefits and services as asylum seekers are granted. This would allow time for victims to receive advice and support, and give them time to plan their next steps. This would not prevent those who wish to return home from doing so. We set out details on what specific support should go with an automatic grant of 12 months discretionary leave to remain in chapter 2 of this report.**

45. **We recommend that confirmed victims of modern slavery be exempted from the conditions of the Habitual Residence Test. It is absurd to expect victims of modern slavery to be able to prove they have been living and working in the UK if they have been enslaved.**

**The impact on successful prosecutions**

46. The matter of allowing victims to access support in the UK is not just a humanitarian one. Baroness Butler-Sloss told us that the lack of proper support for victims had a negative impact on the number of successful prosecutions against slave masters.96 In 2015, 289 modern slavery offences were prosecuted and there were 113 convictions.97 In contrast 3,266 individuals were entered into the NRM and 1,043 were confirmed to be victims of modern slavery. Commenting on the rate of prosecutions, the Home Office Minister said that there was “no reason to expect a one-to-one correspondence between the numbers” and that some perpetrators may have been convicted under non-slavery offences.98 She added that witnesses did not necessarily need to be at a trial in order for a conviction to be secured.99

47. Baroness Butler-Sloss expressed concern that in some cases, where witness testimony was needed to secure convictions, the victim had disappeared after their entitlement to stay in a safe house expired:

> One of the reasons is that the police cannot keep track of these people because they have no idea where they are, because they all disappear because they have no entitlements […] If you do not have the witnesses—speaking again as a former judge—you have a great difficulty in being able to have...
prosecutions, so it is in the public interest to keep these people with some entitlement in this country at least until the time when there has been a trial.\footnote{Q106 (Baroness Butler-Sloss)}

She told us that a senior Metropolitan Police officer had spoken to the Human Trafficking Foundation about the problem:

> He was talking about this problem about getting convictions because they cannot get the witnesses. It is not even, are witnesses prepared to give evidence? The fact is they cannot be found.\footnote{Q107 (Kevin Hyland)}

48. Some victims may not wish to give evidence in court as it would be too distressing but others may be empowered by participating in a successful prosecution.\footnote{Q115 (Baroness Butler-Sloss)} There is some benefit provision for victims once they get to the point of giving evidence in court. Victims are treated as available and seeking employment by DWP, and therefore eligible for JSA, for up to eight weeks from the first attendance in court. After this, if the court advises that the victim will be needed for longer than eight weeks, the victim can close their JSA claim and claim Income Support, or claim for loss of benefit from the court.\footnote{Follow-up letter from Sarah Newton, 17 February 2017}

49. We received evidence, however, that this system of support is either too limited or not being properly applied. The Commissioner informed us of a case where four EEA victims of modern slavery were left sleeping rough for five months, despite appearing as witnesses in the successful prosecution of their slave masters. He said this highlighted the urgent need for more wide-ranging methods of support.\footnote{Letter from Kevin Hyland OBE, appended to correspondence to Stephen Crabb MP, April 2016} West Yorkshire Police said a victim assisting with a prosecution had been “intimidated by the people linked to the suspects”.\footnote{Ibid} Despite the victim being unable to return to his home address, the local authority would not re-house him, leaving him homeless and at a risk of being lost to the police.\footnote{West Yorkshire Police (VMS0001)}

50. The Commissioner explained that victims would be deterred from even coming forward and making accusations against their abusers if they believed they would not be supported:

> My position is that one of the best forms of intelligence and information is from the victims, and if we are continually letting them down, how are we ever going to get the prosecutions and the confidence of victims to come forward?\footnote{Q130 (Kevin Hyland)}

Kate Roberts agreed that the support for victims needed to be improved if the authorities expected victims to give evidence against slave masters. She told us:

> For some victims they say, “You want me to give a lot of information about my trafficker, yet you are only guaranteeing me support in a very short term. What is going to happen to me beyond that and is that going to put me and my family in danger?”\footnote{Q108 (Kate Roberts)}
The Home Office Minister conceded that the estimated prevalence of modern slavery crimes in the UK vastly exceeded the number of victims who were coming forward to give evidence.\(^{109}\)

51. The Commissioner also told us that the way the police handled cases of modern slavery needed to be improved. He told us:

> Of the 3,200 referrals into the NRM (last year) that only translated into 884 crime reports by policing. There is a one in four chance of an investigation […] and when I say “investigated”, I mean even being recorded as a potential investigation. I know the numbers are not equal, but if there were 4,000 rapes in the UK and only one in four was ever recorded by the police, again, it would be an outcry.\(^{110}\)

The Home Office Minister told us that there was currently a HM Inspectorate of Constabulary inspection of police training on modern slavery, including how the police identified victims.\(^{111}\) She also said a centre had recently been set up in order to “properly analyse and collect data between the police force, the National Crime Agency and anyone who has good information”.\(^{112}\)

52. The number of successful prosecutions against individuals guilty of modern slavery offences is on an upwards trend. This is encouraging and testament to both the importance of the Modern Slavery Act and the work of the police and courts, but the numbers are still hugely disappointing. The police are not as active as they should be on this front. There are thousands of victims that have not come forward, potentially because they know that they will face limited support. Those that do and are asked to give evidence against their enslavers can, owing to insufficient support, end up destitute as a result. This can result in the inexcusable scenario that abusers go free because their victims are not supported in giving evidence against them. This is indefensible on policy grounds. It is also indefensible on moral grounds. We will refer the poor conviction rate to the Home Affairs Select Committee. We recommend that the Department for Work and Pensions undertake an urgent review of the benefit support available to victims who are assisting the police with investigations. Financial support for those victims should be available as soon as they receive a positive Conclusive Grounds decision.

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\(^{109}\) Q157 (Sarah Newton)

\(^{110}\) Q133 (Kevin Hyland)

\(^{111}\) Q157 (Sarah Newton)

\(^{112}\) Q167 (Sarah Newton)
3 Identification

53. Chapter 2 of our report focused on the functioning of the National Referral Mechanism and the outcomes of the process for confirmed victims. In Chapter 3 we consider what improvements DWP could make to identify potential victims.

Identification of victims

54. Referrals of potential victims to the National Referral Mechanism (NRM) are increasing each year. In 2015, 3,266 potential victims were identified and referred to the NRM, a 40 per cent increase on the year before.\(^{113}\) The Commissioner, however, referred to these numbers as “just the tip of the iceberg”, as there are likely to be many times that number of victims.\(^ {114}\) The Home Office Minister said that the Home Office was working to improve the rate of identification “in every aspect”, through raising public awareness and training frontline staff.\(^ {115}\)

55. Damian Hinds MP, Minister for Employment at DWP (the DWP Minister), told us that his Department would come into contact with “a very high proportion” of victims at some point—either through benefit claims or the allocation of National Insurance numbers.\(^ {116}\) This tallies with evidence we heard from victims. “Client A” told us that many victims eventually learnt about the Jobcentre and approached staff there for support with finding work.\(^ {117}\)

56. The DWP Minister said that the steps DWP was taking to raise awareness of modern slavery and improve staff knowledge included:

- disseminating refreshed material on identifying victims;
- posters and a presentation for staff;
- introducing specialist Social Justice Work Coaches at the Leeds Jobcentre; and
- training for specialist functions that was also starting to be used for more generic training.\(^ {118}\)

The Social Justice Work Coaches in Leeds work in outreach locations outside the Jobcentre. Victims of modern slavery are referred by staff based in Jobcentres when they make a claim for benefits. DWP said:

Social Justice Work Coaches will help [victims] navigate the claims process and ensure that any issues are resolved. This is in partnership with Leeds City Council and supporting agencies dealing with victims of domestic violence or modern slavery, plus refugees and migrant workers.

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\(^{113}\) Ibid
\(^{114}\) Independent Anti-slavery Commissioner, Annual Report 2015–16, October 2016. The Government has estimated that the total number of potential victims in the UK is between 10,000 and 13,000.
\(^{115}\) Q157 (Sarah Newton)
\(^{116}\) Q168 (Damian Hinds)
\(^{117}\) Q34 (Client A)
\(^{118}\) Q168 and Q170 (Damian Hinds)
The Social Justice Work Coaches understand the barriers faced by victims and are sensitive about tailoring the claimant commitment appropriately, thus reducing the need to apply sanctions. Longer-term, their aim is to help victims to become self-sufficient by finding legitimate employment.\textsuperscript{119}

The Salvation Army cited this working arrangement as an example of good practice.

57. “Client M’s” story served to emphasise the importance of training for JCP staff. “Client M” escaped from his traffickers but it took four years before someone recognised that he was a potential victim of modern slavery.\textsuperscript{120} His key worker told us:

Once Client M has managed to run away from the traffickers, after two months he managed to make a JSA [Job Seekers’ Allowance] claim. He has shared his experience of what has happened to him with the adviser there. Client M was aware that something wrong happened to him and that was not right. Someone beat him up, he had a horrible experience, but he was not aware that it is really modern slavery. When he was explaining that to the adviser in the Jobcentre, he has not picked up on that and he has not pointed him further where he will be looking for the help. Then he lost four years before someone finally offered him the help and pointed him where he should go further […] definitely the person in the Jobcentre knew what has happened to him.\textsuperscript{121}

58. Ann-Marie Douglas agreed that often front-line staff were “not aware of human trafficking or modern slavery and too often do not seem interested in knowing what it means.”\textsuperscript{122} She added that whilst there was good practice in some areas, this was usually where a subcontractor organisation had found a member of DWP staff who was prepared to listen to them.\textsuperscript{123} The Salvation Army have now produced a template letter to give to JCP staff, which explains a victim’s situation and why they would not necessarily have the right documentation.\textsuperscript{124}

59. Louise Gleich, Senior Policy Officer of Human Trafficking at Christian Action Research and Education, said that JCP staff should be trained to spot indicators of modern slavery, and that these needed to be tailored for different professions. She said JCP staff were trained to spot fraud but that they may not recognise that fraud could be a sign of modern slavery:

Does this person have someone with them who could be controlling them, or dictating what they say, or speaking on their behalf? What is that relationship? Are we certain that this claimant will actually be the recipient, or is somebody else involved in controlling them? That is quite specific to the Jobcentre and benefit application scenario.\textsuperscript{125}

\textsuperscript{119} Department for Work and Pensions (VMS0035)
\textsuperscript{120} Q3 (Key Worker M)
\textsuperscript{121} Q24 and 25 (Key Worker M)
\textsuperscript{122} Q39 (Ann-Marie Douglas)
\textsuperscript{123} Q39 (Ann-Marie Douglas) Organisations subcontracted by the Salvation Army who provide safe houses and workers who support victims of modern slavery.
\textsuperscript{124} Q187 (Damian Hinds)
\textsuperscript{125} Q118 (Louise Gleich)
Potential indicators could be covered in training and also in a checklist to be used by staff.\textsuperscript{126} Baroness Butler-Sloss suggested that DWP develop an app that would give basic information on modern slavery and provide a phone number in order to access expert advice.\textsuperscript{127} She said, “I think we are probably moving beyond posters and it is probably an app that is a more useful thing.”\textsuperscript{128}

60. **DWP staff may be the first people an unidentified victim encounters when they escape slavery.** We welcome efforts by the DWP to provide guidance and training on identifying victims of modern slavery. It is clear from the evidence we heard, however, that staff do not always have the knowledge required to do this effectively. This may delay the identification of potential victims, in some cases for years. We recommend that all frontline DWP staff are trained in identifying victims of modern slavery. This training should include how to spot indicators of slavery and how to report potential cases. *Front line staff should also be given a checklist of indicators which they should use day-to-day.*

61. **The Department should extend the arrangement trialled at the Leeds Jobcentre and include Social Justice Work Coaches for Jobcentres in other areas where victims of modern slavery are prevalent.** It should also seek to establish stronger links between Jobcentres and local safe houses. DWP should also exempt confirmed victims of modern slavery from benefit sanctions.
4 Care

62. We are reporting on the changes we would like to see the DWP make to help the Government build the next stage of a world-leading strategy to counter modern slavery—in this instance to ensure that our identification of people sold into slavery, and our care of them, rank among the best in the world.

63. In Chapter 3 we considered what improvements we would like the DWP to make to identify potential victims more easily. In Chapter 4, we consider what improvements we would like the DWP to make to support those who have been positively confirmed. The recommendations in Chapters 3 and 4 lay the basis for mark two of the Modern Slavery Act 2015. We also consider the wider landscape of support for confirmed victims.

Treatment of potential and confirmed victims

64. The Committee heard that JCP staff required training on how to deal sensitively with people already identified as potential victims or confirmed as victims. Since January 2016 more than 10,000 Jobcentre Plus (JCP) staff have received “vulnerability training” which includes information on modern slavery and trafficking.\textsuperscript{129} CARE, however, told us:

> With a total DWP staff roster of over 77,000 full-time equivalents, we remain concerned about what percentage of Jobcentre Plus staff have not received this training. We also have questions regarding the level of detailed information on trafficking contained within that general session.\textsuperscript{130}

65. Samantha Ferrell-Schweppenstedde, a former First Responder, said that Jobcentre staff sometimes asked “inappropriate questions of traumatized victims”, such as why they did not have identity documents.\textsuperscript{131} She said she had also sometimes been refused access when she tried to attend interviews with her clients.\textsuperscript{132} Key Worker S told us of one client’s experience whilst trying to obtain a National Insurance number:

> The adviser on the other side of the window—and it literally is one adviser, one adviser—“Oh, my God, you were trafficked. Oh my God, I’ve only seen that on the television.” Everybody could hear, and my client just seized up. She was held at gunpoint. Her case was horrific.\textsuperscript{133}

Ann-Marie Douglas said:

> DWP need to be dealing with people, not cases. […] There does not appear to be any appreciation of the effect their conduct has on the person and on society, because what it means is that you have wounded people in society unable to contribute effectively.\textsuperscript{134}
This lack of understanding amongst JCP staff may inadvertently be trapping victims in the safe house system for longer than is necessary. Client A, a victim who gave evidence to us said he had fallen into the Jobcentre system and did not "know how to move on." Client T, another victim, told us he went to a Jobcentre to try and find work:

I have been mistreated and I have felt like it was my fault I am there. They just put to me some questions that were not necessary and I felt really bad. [...] I got angry and I said, “I don’t need anything. Even if I sleep outside and I starve, I will manage somehow to get up on my feet by myself. I don’t need any help.” That was my bad experience that I had.

Ann-Marie Douglas said that clients experienced waiting times of up to several months to receive benefits, and could not move on from safe house support as a result. She told us:

There is flexibility now in the NRM for the support period to be extended, but my concern is that it has been extended to accommodate the inefficiencies of the other organisations that we engage with.

In evidence to us, the DWP Minister apologised for the experience of any victim who had not been treated sensitively by DWP. He said that it was not intended to happen and that he “deeply regretted any time when that has not worked out well.”

JCP staff are likely to be responsible for supporting victims once they are referred to the NRM. We heard evidence that staff do not always know how to deal with recognised victims appropriately, which can be deeply distressing for victims. It may also prevent identified victims from accessing the support they need to move on from their safe house. We recommend that all frontline DWP staff are trained in supporting victims of modern slavery.

Care pathways for confirmed victims

This final section of our report focusses on the wider pathway of support for individuals once they have been confirmed as victims of modern slavery. Baroness Butler-Sloss told us that, until the UK started to look after those people it officially identified as victims, “other countries are going to say, ‘Well, what are you really achieving?’”. The recommendations in this section should be read in conjunction with our recommendation for 12 months’ discretionary leave, with access to benefits, for confirmed victims (see paragraph 44).

The Council of Europe Convention on Action against Trafficking in Human Beings requires countries to offer a 30-day minimum reflection and recovery period for victims who have received a Reasonable Grounds decision. The Home Office Minister told us that the Government exceeded the support it was obliged to provide to victims by offering...
a 45-day reflection period. She explained that once a victim reached the first decision stage—a Reasonable Grounds decision—then a package of support would begin. This support, however, is only offered during the NRM process, when the state is determining whether someone is a victim of modern slavery. Once victims have received a CG decision they have two weeks to leave the safe house. Louise Gleich told us that after the NRM there was “nothing formally offered. There is no system”. This problem was highlighted by the 2013 Modern Slavery Bill Evidence Review panel:

For the majority of victims the recovery and reflection period can only represent a very early and limited stage in the intricate and long term process of sustained recovery. The Panel heard frequently that individuals too often do not receive the support they need in order to rebuild their lives and increase their resilience against re-trafficking, which is a significant risk for some. At the end of the reflection period, there is often a steep cliff-edge where support ends.

70. There are circumstances where a victim’s stay in their safe house can be extended. The Home Office Minister said “the Salvation Army can call us up at the Home Office and say, ‘For a whole variety of reasons we haven’t been able to come to a conclusive decision yet’, and we will continue to provide that support”. She also told us that if victims were assisting the police with prosecutions and accommodation had not been arranged for them then support could be extended. This ongoing support, however, appears to be restricted to victims who are still awaiting a CG decision or those assisting with police investigations.

71. There does not appear to be a clear policy on when safe house support can be extended, particularly for victims who have already received a CG decision. Baroness Butler-Sloss told us:

We hear that a great many of these safe houses are extremely good to [former victims] and they are kept, quite often, longer than the 48 hours or, indeed, the two weeks—I think it is—for a positive decision. But, of course, that is a grace and favour situation, and it is not satisfactory because it will happen in some cases and will not happen in others.

Kate Roberts said that ongoing support was dependent on the safe house having charitable support and was “purely luck”.

72. Unevenness of post-CG decision support was evident in the cases of some of the victims to whom we spoke. “Client M” had been in a safe house for over a year. He was severely disabled and unable to work. His key worker told us about their struggle dealing with the Home Office:

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143 Q144 (Sarah Newton)
144 Q154 (Sarah Newton)
145 Q113 (Louise Gleich)
146 Butler-Sloss, Field & Randall, Establishing Britain as a world leader in the fight against modern slavery, December 2013
147 Q154 (Sarah Newton)
148 Ibid
149 Q123 (Baroness Bulter-Sloss)
150 Q127 (Kate Roberts)
Every four weeks we have to put in an extension for Client M to stay with us. We have to do that a week in advance, so [he became] quite depressed and stressed because he does not know what is going to happen next. If we will not be able to support him, he is lost.\textsuperscript{151}

“Client S”, a woman who had been subject to sexual exploitation, had received longer-term support after the NRM. The Salvation Army told us that she was “one of the fortunate ones” who had been able to access an after-care project, and that, had she been in a different part of the country, then her options would have been extremely limited.\textsuperscript{152}

73. Witnesses suggested a number of different measures that would improve care for victims after the NRM. Tatiana Gren-Jardan, Victim Support and Partnerships Adviser, Office of the Independent Anti-Slavery Commissioner, said such measures would need to sit alongside any automatic grant of discretionary leave to remain:

\begin{quote}
Automatic is ideal but I believe that, even if it is automatic, you might still have challenges […] if the UK Government recognise the person as a victim of trafficking, and give them a Conclusive Grounds decision, there has to be support attached to this decision automatically. Then we also need to continue working with the Commissioner and with other organisations, in terms of making sure that they receive what they are automatically entitled to.\textsuperscript{153}
\end{quote}

74. The Commissioner, the Salvation Army and victims themselves, said that victims of modern slavery should receive similar treatment to victims of domestic violence and have the same access to benefits. Ann-Marie Douglas told us that, after the NRM, victims were “out in the community competing with everybody else”.\textsuperscript{154} She said that additional support would better equip victims to integrate into society:

\begin{quote}
I think that even if victims of modern slavery were treated in the same way as victims of domestic violence, it would go a long way to enabling them to access services and to give them the additional time and space needed to be able to access and exist in communities on somewhere resembling a level footing.\textsuperscript{155}
\end{quote}

DWP already offers concessions to victims of domestic violence: the JSA Domestic Violence Easement and the Destitute Domestic Violence Concession.\textsuperscript{156} The Commissioner said that extension of these concessions to victims would exempt them from job seeking conditions for up to 13 weeks and grant them access to income-related benefits.

75. The Government has already recognised that victims of domestic violence need additional support because of the traumatic experiences through which they have lived. The reasons for treating domestic violence victims differently in the benefits

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\textsuperscript{151} Q31 (Key Worker S) \\
\textsuperscript{152} Q73 (Ann-Marie Douglas) \\
\textsuperscript{153} Q136 (Tatiana Gren-Jardan) \\
\textsuperscript{154} Q47 (Ann-Marie Douglas) \\
\textsuperscript{155} Q45 (Ann-Marie Douglas) \\
\textsuperscript{156} Jobseeker’s Allowance Domestic Violence Easement and Destitute Domestic Violence Concession: implementation
\end{flushright}
system also apply to victims of modern slavery. *DWP should introduce a Jobseeker’s Allowance easement and a concession for modern slavery victims, similar to those for victims of domestic violence.*

76. Louise Gleich said that some victims may not need or want to rely on benefits and would be “desperate [to] work”. In these cases, she said their support should be geared towards helping them into work:

> For many that was their inspiration that led them into the deception and the trafficking. But for them to access work they may need support, they may need language skills, they may need some coaching and some sort of pre-employment support.\(^{158}\)

Employers can support victims by offering them paid work experience along with support to become job-ready. The Co-op group, a large consumer co-operative, has developed ‘Bright Future’, “a pathway to paid employment and a route to wider integration into society for victims of modern slavery”. The pathway involves several introductory meetings to ensure a work placement is right for the victim, a paid work placement (usually with part-time hours), a buddy and regular support meeting and a non-competitive interview at the end of the placement.\(^{159}\) The introduction of more Social Justice Work Coaches (see paragraphs 56 and 61) would help to signpost victims and charities to employers who offer this kind of support.

77. Hope for Justice, a charity that campaigns against modern slavery, suggested that the Government should introduce a statutory framework for the provision of care and services for victims in England, similar to the care pathway in Wales. In 2014, the Welsh Government developed a ‘Survivor Care Pathway’ (SCP). This was piloted in Cardiff, and then introduced across Wales by April 2015. Victims referred to the SCP have an individual plan that details “how wrap-around services will be provided and taken all the way through to helping survivors return to a normal life”. The pathway allows for national or local funding to be used to provide support after the NRM. A 2016 review of the effectiveness of the SCP found that over 40% of potential victims required an individual plan and that stakeholders reported a “very positive impact”:

> Resultant outcomes reported by stakeholders included more potential victims/survivors accessing holistic, multi-agency support and therefore achieving positive outcomes for their safety and rebuilding their lives. They also included increased activity and success in investigating slavery-related offences.\(^{160}\)

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157  Q113 (Louise Gleich)
158  Ibid
159  Co-op Group (VMS0034)
160  Ibid
161  Hope for Justice (VMS0016)
163  Cordis Bright,  Effectiveness of anti-slavery training and survivor care pathway: final evaluation report, August 2016
164  Ibid
165  Ibid
78. Finally, witnesses suggested that victims should not be required to leave safe houses until a support plan had been implemented.\textsuperscript{166} The Snowdrop Project, support providers for victims, said that victims would sometimes be required to leave a safe house without the financial support to pay for rent or meet the basic needs for living.\textsuperscript{167} Kate Roberts said victims should only be made to leave once:

\begin{quote}
Accommodation is secured and benefits are established [...] otherwise there can be gaps where people know they will get benefits, but then it takes a few weeks for them to come through and meanwhile they are destitute.\textsuperscript{168}
\end{quote}

79. It is encouraging that the Government exceeds its treaty obligations to potential victims of modern slavery by offering a 45-day period of reflection and recovery. Unfortunately it will often take victims much longer to start putting their lives back together and there is very little structured support for confirmed victims once they have been given a Conclusive Grounds decision. The Survivor Care Pathway in Wales has demonstrated that ongoing victim support can assist with both the rebuilding of lives and the successful investigation of modern slavery offences. We recommend that all victims of modern slavery be given a personal plan which details their road to recovery and acts as a social passport to support for at least the 12 month period of discretionary leave. This should be available nationwide. Confirmed victims of modern slavery should not be required to leave safe house accommodation until a plan for their ongoing support has been implemented.

\textbf{From victim to survivor}

80. The Modern Slavery Act was a pioneering piece of legislation that proved the UK’s commitment to eradicate the horror of modern slavery. The Act established new protections for recognised victims but what it did not do was establish a pathway for their recovery. The journey from being a victim to becoming a survivor is unique for each individual and without the right support in place, it is a journey many individuals cannot make.

81. The Prime Minister told us that her Government was committed to doing everything possible to support victims of modern slavery. To achieve the Prime Minister’s objectives, the Government must now be thinking, as imaginatively as possible, about developing a mark two stage of policies to follow up on its world-leading 2015 Modern Slavery Act. This must start with giving meaning to a positive Conclusive Grounds decision and allowing victims a period of Discretionary Leave to start their recovery. Accompanying that recovery, each victim, once identified, should be awarded a social passport detailing the services to which they are entitled and matching their needs. The purpose of this social passport is to, as far as possible, heal the dreadful wounds that individuals feel from being slaves and to look at options for victims of modern slavery staying in this country or, if they wish, being able to return home safely. For those remaining in this country, we will aim to support victims to get back into work, to gain housing and education so as to be on a footing with other citizens of this country. We wish the Government to see this as a build-up of policies that will develop the second stage of its world-leadership in the campaign

\textsuperscript{166} Human Trafficking Foundation (VMS0024)
\textsuperscript{167} The Snowdrop Project (VMS0026)
\textsuperscript{168} Q124 (Kate Roberts)
against modern slavery and ensure that victims become as healthy and as prosperous survivors as is humanly possible. For if we fail to develop a strategy for victims equal to the importance of the Act itself, we need to recall the words of Lady Butler-Sloss to the Committee: “What are you really achieving?”.
Conclusions and recommendations

1. We welcome the Government’s decision to review and reform the National Referral Mechanism. It is a complex system that should offer support to potential victims when they are at their most vulnerable. We heard serious concerns about the lack of legal advice to victims prior to their consent to referral, the absence of an appeals process and the NRM’s inability properly to respond to the needs of victims. An evaluation of any proposed new system is beyond the scope of this inquiry. It would, however, benefit from scrutiny by a select committee. We will refer the evidence we received on the NRM to the Home Affairs Committee for consideration. (Paragraph 16)

2. The decision not to record and collate data on victims who have been re-trafficked and processed multiple times through the National Referral Mechanism is a serious oversight. This framework was designed to identify victims and help them to recover. For those victims who have been subject to re-trafficking the system has clearly failed. While we are pleased to hear that the Home Office Minister wishes to investigate such cases, it is troubling that the Home Office needs to ask us for this information. (Paragraph 21)

3. We recommend that any reform to the National Referral Mechanism include the recording and collecting of instances where victims have been processed through the framework more than once. This should be implemented as a matter of urgency. (Paragraph 21)

4. We recommend that local police forces should be required to pass any information on potential re-trafficking to the Home Office police lead on modern slavery. The Home Office should report on these figures annually, including any trends. (Paragraph 22)

5. Treating confirmed victims of modern slavery differently depending on their nationality has created a confusing landscape that is poorly understood by professionals or victims themselves. As a result some victims face destitution or even a return to their enslavers because they have no ongoing access to support. The Home Office Minister claimed that allowing victims a year’s leave to remain with some entitlements would create a ‘pull factor’. This claim makes little sense and is unsubstantiated by evidence. (Paragraph 44)

6. We recommend that all confirmed victims of modern slavery be given at least one year’s leave to remain with the same recourse to benefits and services as asylum seekers are granted. This would allow time for victims to receive advice and support, and give them time to plan their next steps. This would not prevent those who wish to return home from doing so. We set out details on what specific support should go with an automatic grant of 12 months discretionary leave to remain in chapter 2 of this report. (Paragraph 44)

7. We recommend that confirmed victims of modern slavery be exempted from the conditions of the Habitual Residence Test. It is absurd to expect victims of modern slavery to be able to prove they have been living and working in the UK if they have been enslaved. (Paragraph 45)
8. The number of successful prosecutions against individuals guilty of modern slavery offences is on an upwards trend. This is encouraging and testament to both the importance of the Modern Slavery Act and the work of the police and courts, but the numbers are still hugely disappointing. The police are not as active as they should be on this front. There are thousands of victims that have not come forward, potentially because they know that they will face limited support. Those that do and are asked to give evidence against their enslavers can, owing to insufficient support, end up destitute as a result. This can result in the inexcusable scenario that abusers go free because their victims are not supported in giving evidence against them. This is indefensible on policy grounds. It is also indefensible on moral grounds. (Paragraph 52)

9. We will refer the poor conviction rate to the Home Affairs Select Committee. We recommend that the Department for Work and Pensions undertake an urgent review of the benefit support available to victims who are assisting the police with investigations. Financial support for those victims should be available as soon as they receive a positive Conclusive Grounds decision. (Paragraph 52)

10. DWP staff may be the first people an unidentified victim encounters when they escape slavery. We welcome efforts by the DWP to provide guidance and training on identifying victims of modern slavery. It is clear from the evidence we heard, however, that staff do not always have the knowledge required to do this effectively. This may delay the identification of potential victims, in some cases for years. (Paragraph 60)

11. We recommend that all frontline DWP staff are trained in identifying victims of modern slavery. This training should include how to spot indicators of slavery and how to report potential cases. Front line staff should also be given a checklist of indicators which they should use day-to-day. (Paragraph 60)

12. The Department should extend the arrangement trialled at the Leeds Jobcentre and include Social Justice Work Coaches for Jobcentres in other areas where victims of modern slavery are prevalent. It should also seek to establish stronger links between Jobcentres and local safe houses. DWP should also exempt confirmed victims of modern slavery from benefit sanctions. (Paragraph 61)

13. JCP staff are likely to be responsible for supporting victims once they are referred to the NRM. We heard evidence that staff do not always know how to deal with recognised victims appropriately, which can be deeply distressing for victims. It may also prevent identified victims from accessing the support they need to move on from their safe house. (Paragraph 67)

14. We recommend that all frontline DWP staff are trained in supporting victims of modern slavery. (Paragraph 67)

15. The Government has already recognised that victims of domestic violence need additional support because of the traumatic experiences through which they have lived. The reasons for treating domestic violence victims differently in the benefits system also apply to victims of modern slavery. (Paragraph 75)
16. **DWP should introduce a Jobseeker’s Allowance easement and a concession for modern slavery victims, similar to those for victims of domestic violence.** (Paragraph 75)

17. It is encouraging that the Government exceeds its treaty obligations to potential victims of modern slavery by offering a 45-day period of reflection and recovery. Unfortunately it will often take victims much longer to start putting their lives back together and there is very little structured support for confirmed victims once they have been given a Conclusive Grounds decision. The Survivor Care Pathway in Wales has demonstrated that ongoing victim support can assist with both the rebuilding of lives and the successful investigation of modern slavery offences. (Paragraph 79)

18. **We recommend that all victims of modern slavery be given a personal plan which details their road to recovery and acts as a social passport to support for at least the 12 month period of discretionary leave. This should be available nationwide. Confirmed victims of modern slavery should not be required to leave safe house accommodation until a plan for their ongoing support has been implemented.** (Paragraph 79)

19. **The Modern Slavery Act was a pioneering piece of legislation that proved the UK’s commitment to eradicate the horror of modern slavery. The Act established new protections for recognised victims but what it did not do was establish a pathway for their recovery. The journey from being a victim to becoming a survivor is unique for each individual and without the right support in place, it is a journey many individuals cannot make.** (Paragraph 80)

20. **The Prime Minister told us that her Government was committed to doing everything possible to support victims of modern slavery. To achieve the Prime Minister's objectives, the Government must now be thinking, as imaginatively as possible, about developing a mark two stage of policies to follow up on its world-leading 2015 Modern Slavery Act. This must start with giving meaning to a positive Conclusive Grounds decision and allowing victims a period of Discretionary Leave to start their recovery. Accompanying that recovery, each victim, once identified, should be awarded a social passport detailing the services to which they are entitled and matching their needs. The purpose of this social passport is to, as far as possible, heal the dreadful wounds that individuals feel from being slaves and to look at options for victims of modern slavery staying in this country or, if they wish, being able to return home safely. For those remaining in this country, we will aim to support victims to get back into work, to gain housing and education so as to be on a footing with other citizens of this country. We wish the Government to see this as a build-up of policies that will develop the second stage of its world-leadership in the campaign against modern slavery and ensure that victims become as healthy and as prosperous survivors as is humanly possible. For if we fail to develop a strategy for victims equal to the importance of the Act itself, we need to recall the words of Lady Butler-Sloss to the Committee: “What are you really achieving?”** (Paragraph 81)
Appendix: Conclusive Grounds letter

OFFICIAL - SENSITIVE

National Crime Agency

Our Ref:  
Your Ref:  

Dear

The UKHTC Competent Authority has carefully considered your case. On it was decided that there are reasonable grounds for believing that you are a victim of modern slavery. As a result of further investigations into your case, the UKHTC Competent Authority has concluded that you are a victim of modern slavery.

Yours sincerely,

NRM Officer
Formal Minutes

Wednesday 26 April 2017

Members present:
Rt Hon Frank Field, in the Chair
Heidi Allen        James Cartlidge
Mhairi Black      Richard Graham
Ms Karen Buck    Craig Mackinlay

Draft Report (Victims of modern slavery), proposed by the Chair, brought up and read.

Ordered, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 81 read and agreed to.

Appendix agreed to.

Summary agreed to.

Resolved, That the Report be the Twelfth Report of the Committee to the House.

Ordered, That the Chair make the Report to the House.

Ordered, That embargoed copies of the Report be made available, in accordance with the provisions of Standing Order No. 134.

[The Committee adjourned.]
Witnesses

The following witnesses gave evidence. Transcripts can be viewed on the inquiry publications page of the Committee’s website.

Wednesday 14 December 2016

Client A, Key Worker A, Client M, Key Worker M, Client T, Key Worker T, Ann-Marie Douglas, Project Director for the Adult Victims of Modern Slavery Care Contract, Salvation Army, and Alexandra Lands, Public Affairs Assistant, Salvation Army

Wednesday 11 January 2017

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


Monday 30 January 2017

Damian Hinds MP, Minister for Employment, Helen Walker, Deputy Director, Children, Families and Disadvantage, Department for Work and Pensions, Sarah Newton MP, Parliamentary Under-Secretary of State for Vulnerability, Safeguarding and Countering Extremism, and Daniel Hobbs, Deputy Director and Head of Asylum and Family Policy, Home Office
Published written evidence

The following written evidence was received and can be viewed on the inquiry publications page of the Committee’s website.

VMS numbers are generated by the evidence processing system and so may not be complete.

1. AFRUCA (VMS0029)
2. Association of Labour Providers (VMS0009)
3. ATLEU (VMS0017)
4. CARE (Christian Action Research and Education) (VMS0006)
5. CARE (Christian Action Research and Education) (VMS0037)
6. Community Safety Glasgow’s TARA Service (VMS0027)
7. Co-op Group (VMS0034)
8. Deighton Pierce Glynn (VMS0033)
10. Department for Work and Pensions (VMS0035)
11. Equality and Human Rights Commission (VMS0003)
12. Greater London Authority Conservatives (VMS0028)
13. Hestia (VMS0032)
14. Hestia Housing and Support (VMS0020)
15. Homeless Link (VMS0031)
16. Hope for Justice (VMS0016)
17. Human Trafficking Foundation (VMS0024)
18. Human Trafficking Foundation (VMS0036)
19. Kalayaan (VMS0022)
20. Law Centre (NI) (VMS0030)
21. Medaille Trust (VMS0012)
22. Office of the Independent Anti-Slavery Commissioner (VMS0005)
23. Parasol (VMS0019)
24. Parasol (VMS0025)
25. Professor Peter van der Heijden (VMS0004)
26. Samantha Ferrell-Schweppenstedde (VMS0014)
27. Snowdrop Project (VMS0026)
28. Soroptimist International of Great Britain—UK Programme Action Committee (VMS0018)
29. The AIRE Centre (VMS0011)
30. The Salvation Army (VMS0008)
31. Unite the union (VMS0010)
32. University of Nottingham (VMS0013)
33. Unseen (VMS0007)
34. West Yorkshire Police (VMS0001)
# List of Reports from the Committee during the current Parliament

All publications from the Committee are available on the publications page of the Committee’s website.

The reference number of the Government’s response to each Report is printed in brackets after the HC printing number.

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