



House of Commons
Work and Pensions Committee

**Victims of modern
slavery: Government
Response to the
Committee's Twelfth
Report of Session
2016–17**

**Fourth Special Report of Session
2017–19**

*Report, together with formal minutes relating
to the report*

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Work and Pensions Committee

The Work and Pensions Committee is appointed by the House of Commons to examine the expenditure, administration, and policy of the Department for Work and Pensions and its associated public bodies.

Current membership

[Rt Hon Frank Field MP](#) (*Labour, Birkenhead*) (Chair)

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Powers

The Committee is one of the departmental select committees, the powers of which are set out in House of Commons Standing Orders, principally in SO No 152. These are available on the internet via www.parliament.uk.

Publication

Committee reports are published on the [publications page](#) of the Committee's website and in print by Order of the House.

Evidence relating to this report is published on the [inquiry page](#) of the Committee's website.

Committee staff

The current staff of the Committee are Adam Mellows-Facer (Clerk), Katy Stout (Second Clerk), Libby McEnhill (Committee Specialist), Rod McInnes (Committee Specialist), Tom Tyson (Committee Specialist), Jessica Bridges-Palmer (Senior Media and Policy Officer), Alison Pickard (Senior Committee Assistant), Michelle Garratty (Committee Assistant) and Ellen Watson (Assistant Policy Analyst).

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Fourth Special Report

The Work and Pensions Committee published its Twelfth Report of Session 2016–17, *Victims of modern slavery* (HC 803) on 26 April 2017. The Government's response was received on 30 November 2017 and is appended to this report.

In the Government response, the Committee's recommendations appear in *italicized text* and the Government's responses appear in plain text.

Appendix: Government Response

Introduction

1. The Government welcomes the Work and Pensions Select Committee report on Victims of Modern Slavery. Ending modern slavery is one of the Government's top priorities, and strengthening support for victims is a major part of the Government's approach.
2. As the Committee acknowledges, the Modern Slavery Act 2015 is a world-leading piece of legislation which demonstrates the UK's commitment to eradicating this crime. The Act gave law enforcement agencies the tools to tackle modern slavery and new protections for victims. It also created an Independent Anti-Slavery Commissioner to improve and better coordinate the response to modern slavery. The Government welcomes the Commissioner's valuable input to the inquiry and both the Home Office and Department for Work and Pensions (DWP) will continue to work closely with the Commissioner to further improve the support available to victims.
3. The Government shares the Committee's desire to ensure that support for victims of modern slavery is tailored to enable victims of this heinous crime to recover from their ordeal and move on with their lives. It will support them either to integrate fully back into the community, or to return home. The Committee's report will help to inform the Government's support for victims.
4. The Government has recently announced reforms to the National Referral Mechanism (NRM), which include trebling the move on period provided to confirmed victims after they have received a conclusive grounds decision, so that victims can receive benefits and transition more securely into mainstream support or return home. The Home Office and DWP are working together to strengthen the handover from Home Office-funded victim support to mainstream benefits. And DWP is enhancing training for its frontline staff to identify and support victims. These and other actions the Government is taking are set out in the responses to the Committee's recommendations.

The Government's response to the recommendations

National Referral Mechanism

Committee recommendation

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)

Government response

The Government shares the concern expressed by the Committee about victims being exploited after they have left support.

As part of the work the Government is doing to improve the NRM, we are developing a digital referral and case management system. This will be better able to capture and extract essential information that is shared by potential victims. As part of this data exercise, the Home Office is exploring how best to identify victims who have been through the NRM framework more than once. This is a complex process, as some individuals may use aliases or other mechanisms to hide their identity in their referral; due to fear of authorities and threats that have been made against them or their family by their traffickers. Alongside this work, the Home Office is considering what additional support victims need which might prevent them from being re-exploited.

However, the Government acknowledges that understanding the scale of re-trafficking is a priority. It has therefore agreed with the National Crime Agency (NCA), which receives all NRM referral forms from first responders, that in the interim, the NCA will introduce a new system to record all referrals where the individual has already been referred to the NRM, or which show evidence of re-trafficking. This is not a fool proof system, as some re-trafficking may not become evident until an individual engages with a support provider, and other individuals may wish to hide their identity by using false names. Some individuals may be referred into the NRM by more than one first responder for the same instance of exploitation, and others may be exploited multiple times before coming into support initially, but may not be incidences of re-trafficking. Whilst these cases are linked during the case working process/decision making process, it may not be evident at the point when the NCA receives the referrals from the first responder. Any data that is collected from this exercise will therefore not be conclusive, and will only give a partial picture of re-trafficking in the UK.

Committee recommendation

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)

Government response

The Government takes instances of re-trafficking incredibly seriously, and is concerned to hear of instances where vulnerable people have been re-exploited. Where the police suspect that an individual has been subject to a new incidence of trafficking or slavery they should complete an NRM referral (where an adult consents to enter the NRM). If the individual receives a new positive Reasonable Grounds decision in the NRM they will be again entitled to receive specialist support through the Victim Care Contract. Some individuals do not want to enter the NRM, and in these cases, police forces must complete a Duty to Notify referral, which is received by the Home Office.

However, the police are not the only organisation that might come into contact with victims who have been re-trafficked, which is why the NCA is introducing a system to record instances of re-trafficking which are evident at the point of referral. This will allow the NCA to gather some data on the scale of re-exploitation in the UK. Some individuals only disclose previous exploitation when they are in government-funded support with a specialist support provider with whom they have developed trust, and others may never disclose previous exploitation.

As mentioned above, the complexities surrounding gathering and quality assuring these statistics, from numerous data sources and different understandings of re-exploitation will make it impossible to accurately report on all re-trafficking in the UK. The ability of the Home Office and NCA to accurately capture and quality assure this data in the future will inform options for sharing this data going forward.

Discretionary leave to remain

Committee recommendation

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)

Government response

The Government is committed to supporting victims and helping them to rebuild their lives. However, the decision about whether an individual is a victim of modern slavery and their immigration status are, and must remain separate decisions. The Government does not accept that all confirmed victims of modern slavery should be given at least one year's leave to remain in the UK.

During their reflection and recovery period in the NRM, victims receive advice and support for a minimum of 45 days, or until they receive a conclusive grounds decision. As part of the reform to the NRM, the Government has announced that it is more than trebling the period of time that confirmed victims will receive support and advice following their

conclusive grounds decision – increasing this from 14 to 45 days. During this extended period of time, victims will be supported safely and securely move on from government-funded support, into their long term future community, either in the UK or overseas.

Discretionary leave is already granted to victims of modern slavery where there are exceptional circumstances that justify it based on the particular circumstances of the individual case. Discretionary leave may be granted due to personal circumstances, to pursue compensation claims against their traffickers, or to assist with a police enquiry. For example, in the letter submitted by the then Minister for Crime, Safeguarding and Vulnerability, Sarah Newton MP, to the Committee on 17 February, Case I describes a non-EEA national woman who received a positive conclusive grounds decision as a result of labour exploitation and was then granted 12 months' discretionary leave to assist police with their investigation.

If victims do not qualify for leave to remain or have not applied for leave to remain, the Government will support them to return to their country of origin and rebuild their lives there. Within the government-funded Victim Care Contract, there is a Memorandum of Understanding with La Strada in Poland which supports victims of modern slavery when they return home and helps them to reintegrate into their communities. We are looking to replicate this approach across the world.

The Government believes that having a blanket policy of granting discretionary leave to all victims risks incentivising individuals to make false trafficking claims in an attempt to fraudulently obtain leave to remain or delay removal. Those who have exhausted other options to stay in the UK, such as failed asylum seekers and European Economic Area (EEA) nationals seeking to circumvent recent restrictions on accessing benefits, would have a strong incentive to make false applications into the NRM and frustrate legitimate immigration controls if they thought they could benefit from a guaranteed grant of leave to remain with access to public funds.

In the letter submitted by the Minister for Crime, Safeguarding and Vulnerability to the Committee on 17 February, some of the case studies provide examples of individuals who may abuse the system, or who may not qualify for a grant of leave to remain. Case A described an adult male who is an EEA national who received a positive conclusive grounds decision as a victim of labour exploitation in the UK. However the Government refused to grant him discretionary leave and intends to remove him from the UK because of his criminality, which occurred both before he arrived in the UK and after he left the UK NRM. These crimes were unconnected to his trafficking. Case G described a female non-EEA national who admitted making false allegations of forced prostitution while pursuing an asylum claim. Even though this individual was found not to be a victim of modern slavery and so would not have benefitted from leave to remain recommended by the Committee, abusive claims by those who feel they may be able to gain an unfair immigration advantage distract resources from genuine victims.

The Government believes that its approach in considering the individual circumstances of each case and providing the necessary support, including through a grant of leave to remain where appropriate, is the correct approach. The individual circumstances of a case must be central to the decision as to whether that person should be granted leave to remain.

However, the Government agrees that it is important that victims are aware of the options available to them. It notes the evidence to the Committee that EEA national victims and those supporting them were often unaware of the discretionary leave option. It recognises that there is a need to raise awareness of the existing immigration options, including discretionary leave which may be available to victims of modern slavery subject to their individual circumstances. To address this issue the Home Office has published a leaflet on immigration options for victims of modern slavery to better inform them of what options are available.¹ NRM Competent Authority Staff in UK Visas and Immigration, Immigration Enforcement and the National Crime Agency have been asked to include a link to the online leaflet in decision letters where someone is receiving a positive reasonable grounds decision to encourage potential victims in the NRM to start thinking about immigration options at the early stage. In some cases it would not be appropriate to use the leaflet – i.e. for British citizens in the NRM. The Home Office has invited feedback from the Competent Authorities and other stakeholders on how we make the best use of the leaflet and whether to reflect that in published guidance in the future.

In recommending at least one year's leave to remain with the same recourse to benefits and services as asylum seekers are granted, the Government assumes that the Committee means recourse to the same benefits as recognised refugees. Asylum seekers are not granted leave and do not have access to DWP benefits (those who would otherwise be destitute receive support from the Home Office whilst their claim is considered). Recognised refugees are granted leave and are eligible for DWP benefits. Where a grant of discretionary leave to a victim of modern slavery is currently given it comes with access to public funds. There is no difference in the current entitlement to DWP benefits between a victim of modern slavery granted discretionary leave and a recognised refugee.

The Committee also seeks an alignment between recognised victims of modern slavery and refugees by way of an equivalent right to remain. The Government does not consider that refugees and victims of modern slavery are in a comparable position and as such they should not have parity in terms of rights to remain. Refugees make a claim for protection on grounds that they cannot return to their country of origin due to a well-founded fear of persecution for a reason recognised by the Refugee Convention 1951. If a victim of modern slavery is at risk of persecution on return to their country of origin and fears returning there (which is a different question to whether they have suffered past abuse) they can claim asylum and, if successful, obtain full refugee rights. The outcomes for recognised refugees reflect their unique circumstances relating to risk on return to their countries of origin. Victims of modern slavery who do not qualify for refugee leave are not therefore in a comparable position.

Habitual Residence Test

Committee recommendation

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)

¹ <https://www.gov.uk/government/publications/help-for-adult-victims-of-modern-slavery>

Government response

The Government is sensitive to the challenges faced by victims of this despicable crime. This must, however, be balanced against the Government's responsibility in protecting the benefits system from abuse.

Time spent by the victim in victim support services during the recovery and reflection period (and therefore time spent in the UK) can count towards the three month residence requirement for income-based Jobseeker's Allowance. However, the Government understands that some victims have no documentation showing the date of their arrival in the UK. To address this DWP has decided to accept the date encountered by the immigration authorities if applicable, or if earlier the date of referral to the NRM, as the date of arrival in the UK when a victim claims benefits. DWP decision makers can then use this information to determine whether the three month requirement has been satisfied. DWP will amend its operational instructions to ensure decision makers are aware that they can accept this notification as evidence.

People coming to the UK, or who are returning here after an appreciable absence, must satisfy the Habitual Residence Test in order to be entitled to claim social security benefits.

The Habitual Residence Test has two elements: a legal right to reside and an objective assessment of factual evidence of habitual residence. A migrant's right to reside depends on whether they have been granted leave to enter or remain in the UK by the Home Office if they are a non-EEA national, or the type of free movement right they are exercising under EU law if they are an EEA national.

The Government has a legal duty to provide support to people who come to this country in line with its national and international obligations. However, it is also necessary to protect the taxpayer and the benefit system from possible abuse. The Government needs to ensure that the rules that apply when people from outside the UK come here do not allow those who have no legal right to be in this country to take advantage of our benefit system. For this reason the Government does not accept this recommendation.

Victims assisting police investigations

Committee recommendation

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)

Government response

The Government is focused on ensuring that all perpetrators of these awful crimes are brought to justice. There is, however, no reason to expect a one-to-one correspondence between these numbers: the numbers of prosecutions and convictions do not include instances where perpetrators of modern slavery were brought to justice using non-slavery offences; figures on convictions only cover cases that reached a conclusion in a given year

and some prosecutions that started in 2015 will not have completed that year; and many perpetrators will have exploited more than one victim. If a victim of modern slavery receives a positive conclusive grounds decision and assists the police with the enquiries, the victim or police can apply for discretionary leave to remain which would give the victim access to public funds if granted. For the reasons set out in its response to the recommendation at paragraph 45 of the Committee's report, the Government does not accept that benefits should be paid to someone without a right to reside in this country. As such the Government believes it is important that a victim of modern slavery makes a successful discretionary leave application before having access to public funds, if they do not already have a right to reside in the UK. For this reason, the Government does not accept the recommendation that public funds should be available as soon as someone receives a positive conclusive grounds decision if they are helping the police.

Training for DWP staff to identify victims

Committee recommendation

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 12)

Government response

Timely identification is critical to ensuring that victims receive the appropriate care and support, and offenders are brought to justice. DWP has delivered an awareness raising programme for all front line staff which includes how to identify potential victims of slavery and how to report potential cases. This will be refreshed periodically. DWP has also published instructions to staff which repeat these messages. The instructions contain a list of those signs that may indicate someone is a victim, together with a list of questions that could be asked to elicit further information.

Formal learning is already available to staff in those parts of DWP where there is a high incidence of encountering potential victims of slavery, such as in National Insurance number allocation.

DWP is working with other departments to design and develop a learning product which will include how to spot the indicators of slavery and how to report potential cases. Such learning will be housed on Civil Service Learning and therefore accessible by any front line Civil Servant who may encounter a victim in the course of performing their role.

DWP support for victims

Committee recommendation

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)

Government response

It is right that victims of modern slavery be treated sensitively. Each Jobcentre Plus District Manager is empowered to use their staff resources flexibly to deliver an effective level of service in their local area. Given that the prevalence of victims varies from area to area, DWP will continue to recommend that District Managers use their discretion to deploy resource to meet the needs of their local area.

As part of the programme of awareness raising, DWP will continue to share examples of good practice, such as the Leeds example, across the Jobcentre Plus network, outlining where such best practice might be applied or adapted to facilitate strong networking.

In those areas where it is known that victims are being supported, each Jobcentre Plus district has identified a lead officer on modern slavery issues. Since the end of June 2017, that lead officer has been working closely with the Salvation Army and its sub-contractors to establish effective working relationships, particularly for the purposes of accessing DWP benefits and services.

Where there are traumatic circumstances that would prevent or limit an individual's ability to undertake certain activity, DWP would take this into account in agreeing requirements with that individual.

Applying a blanket exemption from sanctions may not be the best way to support the individual in every case. Sanctions encourage claimants to comply with their reasonable requirements, developed and agreed by them with their Work Coaches based on their individual circumstances, which in turn help them move into or prepare for work. If a referral for a sanction is made, a decision maker will take all the individual circumstances of the case into account before making a decision.

Training for DWP staff in supporting victims

Committee recommendation

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

Government response

DWP frontline staff who allocate National Insurance numbers already have bespoke training as they are the most likely within DWP to come into contact with new modern slavery cases. DWP has enhanced support available to all its frontline staff.

The Jobcentre Plus work coach learning routeway includes a module on 'Supporting Customers with a Vulnerability'. DWP has also developed an awareness pack which has

been delivered to all frontline staff. This pack will enable staff to: understand what modern slavery is; recognise the indicators of modern slavery; understand how to refer victims for support; and have an overview of the wider support available to victims.

In addition, the strengthened relationship between Jobcentre Plus and The Salvation Army sub-contractors has enhanced staff understanding of the issues faced by victims of modern slavery.

Benefit conditionality

Committee recommendation

The Government has already recognised that victims of DV need additional support because of the traumatic experiences through which they have lived. The reasons for treating DV victims differently in the benefits system also applies 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. (Paragraph 75)

Government response

The Government agrees that many victims of modern slavery have been subject to traumatic experiences. The Government believes that support needs to be tailored to the needs of each individual victim of modern slavery and that an automatic easement would not be the right approach. The existing system allows individual circumstances to be taken into account and easements applied where necessary.

Where there are traumatic circumstances that would prevent or limit a victim's ability to undertake certain activity, such as a mental health condition, other health condition or a disability, the Jobcentre Plus work coach will take this into account in agreeing requirements with that individual.

Where appropriate to victims of modern slavery Jobcentre Plus work coaches can already use the domestic emergency provisions to switch off work-related requirements for periods of up to four weeks at a time.

Applying an automatic easement may not be in the best interest of the victim in every case. The individual and personalised contact through Jobcentre plus can be invaluable in providing a range of support such as English language courses, pre-employment support and work experience

Personal plan for victims

Committee recommendation

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 on-going support has been implemented. (Paragraph 79)

Government response

The Government agrees that it is important for victims to have a plan about what will happen when they leave support, and which will assist victims to continue their journey to recovery. That is why all support providers funded through the government-funded adult care contract are required to work closely with victims to develop a personalised move on plan that includes a plan for how individuals will integrate into UK society or return home following their time in support. For some, this includes support to apply for discretionary leave, and subsequently access benefits or employment; for others this could include a secure transition into asylum support services.

Support workers prepare a move-on plan with potential victims whilst they are in support and well before the conclusive grounds decision is received. In order to ensure that confirmed victims have robust move on plans that will reduce their vulnerability to re-trafficking, the Government is extending the move on period following a conclusive grounds decision from 14 days to 45 days. Support providers will continue to be able to extend this period of support for victims by applying for a 'contract extension' if there are compelling reasons to do this. This will enable victims to stay in safe house accommodation or outreach support until their move on plans have been implemented, for example ensuring access to housing, an income, or transportation to return home. These are considered on a case-by-case basis.

Many people return to their home country when they leave support, and might be eligible for the Voluntary Returns Service, which helps victims by securing identity documentation and a flight home, and may also give victims some financial or material assistance to facilitate reintegration.

For those who have a right to remain in the UK, the Government is working to ensure that their transition from safe houses into local communities is a structured process which ensures access to support as appropriate. DWP is working closely with support providers to assist the transition from Home Office-funded financial support to mainstream benefits. This is being facilitated by establishing closer working relationships between Jobcentre Plus districts and local support services for victims. The Home Office and Department for Communities and Local Government are working with local authorities to identify best practice in facilitating the process of victims leaving government-funded care and transitioning into communities and access local services.

The Government is also introducing additional, longer term support for victims who have a right to remain in the UK after their conclusive grounds decision. In partnership with The Salvation Army, the Government is rolling out drop-in centres throughout England and Wales which victims will be able to access for six months after they leave government-funded support. At these centres victims will be able to receive on-going help with planning budgets, finding employment opportunities, language classes, and integrating into their local community.