



Home Office

Victoria Atkins MP  
Minister for Crime, Safeguarding and  
Vulnerability

2 Marsham Street,  
London SW1P 4DF  
[www.gov.uk/home-office](http://www.gov.uk/home-office)

Caroline Lucas MP  
House of Commons  
London  
SW1A 0AA

CTS Reference: M2408/18  
Your Reference: ML.R0005.RD.06.02.18

12 SEP 2018

Dear Caroline,

Thank you for your letter of 6 February to the Prime Minister regarding the Modern Slavery (Victim Support) Bill, introduced by Lord McColl to the House of Lords in 2017 and now sponsored by Frank Field MP in the House of Commons. Your letter has been passed to the Home Office. I am replying as the Minister for Crime, Safeguarding and Vulnerability and I am very sorry for the delay in my response.

This Government is committed to tackling the heinous crime of modern slavery and ensuring that victims are provided with the support they need to begin rebuilding their lives. Not only is this a personal priority for the Prime Minister, who chairs the Modern Slavery Taskforce, but it is also a priority for me.

Lord McColl's Bill provides a welcome opportunity for parliamentarians to engage with the issue of support for victims of modern slavery and the Bill has already generated significant discussion and debate. I value Lord McColl and Frank Field's dedication to improving support for victims, and I am pleased that you and your constituents feel equally determined to ensure victims receive the support they need and deserve.

I want to reassure you that we are taking the issues raised in Lord McColl's Bill seriously and, as a result, we have reflected both on the existing support system for victims, as well as the legislative framework in place for tackling modern slavery more broadly. I have met Lord McColl and Frank Field on a number of occasions to discuss these issues in detail.

We share a determination to ensure that the Modern Slavery Act is as effective as possible. Consequently, the Government commissioned an independent review of the Modern Slavery Act 2015, led by Frank Field, Baroness Butler-Sloss, and Maria Miller MP, to ensure our legislative framework continues to be truly world-leading as the forms of modern slavery and nature of exploitation faced by vulnerable people evolve over time.

Moreover, in October 2017, we committed to a radical overhaul of the National Referral Mechanism (NRM) – our system for identifying and providing access to support for suspected victims – including measures which will treble the period of move-on support available for victims and provide access to drop-in services for up to six months after they leave NRM support.

My officials are also working to improve the experience of victims who are going through both the NRM and the immigration system. As part of NRM reform, we are establishing a single, expert unit to make all NRM decisions regardless of the potential victims' nationality, and introducing independent quality assurance panels to review all negative conclusive grounds decisions. The new unit will replace the current Competent Authorities in UK Visas and Immigration and the National Crime Agency, and will be separate from the immigration system. As we move to this unit, we want to ensure the NRM and the immigration system work smoothly together. We are exploring a number of potential improvements to the current process through which victims are considered for leave to remain.

We are also considering how the EU Settlement Scheme can take into account the specific circumstances of victims of modern slavery and how to support NRM service providers to link victims up with the Scheme while they are in NRM support.

However, the Government does not agree that victims should be automatically granted leave to remain for 12 months as is suggested in your constituent's letter. I have set out a detailed response to this and the other points raised in the letter below.

On this issue, the Government believes that consideration of whether an individual is a victim of modern slavery and any decisions as to their immigration status are, and must remain, separate. Indeed, the commitment to establish a single, expert decision-making unit was made in response to concerns that there is a risk of conflation between NRM decisions and immigration decisions.

Immigration decisions for victims of modern slavery are made on a case-by-case basis, considering the individual circumstances of the case. Modern slavery is a broad, umbrella term and covers a wide spectrum of crime. Victims can have very different experiences and needs. It is right that our approach takes account of this.

Of course, granting leave to remain is necessary and appropriate in some cases. There are a range of immigration options which victims can pursue depending on their specific circumstances: victims can be considered for discretionary leave if they are supporting the police with their enquiries, are seeking compensation through a civil claim against their abuser, or their personal circumstances warrant a grant of leave to remain; they can claim asylum if they fear returning to their country of origin; or victims can return home voluntarily if they have no right to remain in the UK.

Having a blanket policy of discretionary leave to remain risks incentivising individuals to make false trafficking claims in an attempt to fraudulently obtain leave to remain or delay removal. This includes foreign criminals that we are seeking to remove from the UK. Abusive claims by those who feel they may be able to gain an unfair immigration advantage divert resources from genuine victims. That is why immigration decisions for victims of modern slavery (like other cases in the immigration system) are taken based on the individual circumstances of the case and immigration status is not provided automatically.

Support and assistance for adult victims of modern slavery is provided for under the government-funded Victim Care Contract, a national support service in England and Wales. The contract is currently delivered through the Salvation Army and their network of subcontractors. These support services are provided to enable victims to leave situations of exploitation, receive specialist care, and begin to rebuild their lives. Victims are entitled to a minimum of 45 days of support following their reasonable grounds decision. This specialist support includes accommodation, subsistence, counselling, access to mental, physical and dental health services, and signposting to legal support.

The Government has listened to the concerns that victim entitlements in England and Wales are not currently set out in domestic law. That is why, in October 2017, Ministers announced that they will exercise powers under Section 50 of the Modern Slavery Act 2015 to set out victim entitlements in regulation and statutory guidance, under Section 49 of the Modern Slavery Act.

The Government wants to ensure that when a confirmed victim leaves NRM support, they are able to begin re-building their lives as early as possible. The NRM operates as a bridge; it should lift someone out of a situation of exploitation, provide them with a short period of intensive support, and put them in a situation where they can begin to re-build their life.

That is why, as part of NRM reform, in addition to the 45-day minimum period of support, 'move-on' support for confirmed victims will be extended from 14 days to 45 days and support providers will continue to be able to request an extension to this period if the victim is not in a position to safely move out of NRM support.

We are piloting new approaches with six local authority areas to identify best practice in supporting victims to move out of NRM support and link up with local services. We are also introducing drop-in hubs, which victims will be able to access for up to six months after leaving NRM support, providing weekly signposting, health and wellbeing services. These measures aim to reduce the risk of destitution or re-trafficking for victims. 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.

These measures sit within a broader package of reforms to the NRM, which aims to improve the decision-making process, and enhance the identification and support for victims at all stages of the NRM.

For example, within the next Victim Care Contract the Government will be commissioning 'places of safety' so that adults leaving immediate situations of exploitation can be given assistance and advice for up to three days before deciding on whether to enter the NRM.

Furthermore, with the assistance of a range of expert Non-Governmental Organisations, the Government will incorporate minimum standards of victim support in the next Victim Care Contract. This will mean that regardless of where victims are supported in the country, there will be oversight and consistency in the support they receive. The Government will also consult on strengthening the first responder role, including taking a considered look at the criteria used to determine who should be a first responder, and what training they require, so that they are better able to identify victims.

To improve the decision-making process, an independent multi-agency panel of experts will be set up to review all negative conclusive grounds decisions, adding significantly to the scrutiny such cases currently receive. The Government is also considering how best to make the decision-making process more 'child friendly', and looking at how to best communicate decisions to child victims. These processes will benefit from a new digital system which is being developed to support the NRM process, making it easier for those on the front line to refer victims for support and enabling data to be captured and analysed to better aid prevention and law enforcement activity.

The Modern Slavery Act 2015 gives law enforcement the tools and powers they need to tackle modern slavery. The Act has consolidated and strengthened offences so that a maximum sentence of life imprisonment may now be imposed on the worst offenders. In addition, the Act established Slavery and Trafficking Risk and Prevention Orders which curtail and restrict offending behaviour associated with modern slavery – even in cases where this is only suspected.

Law enforcement is making good use of these powers, and we are beginning to see the results of an increased operational focus over recent months. For example, there are currently over 800 live operations underway (compared to just under 200 in December 2016) and police forces in England and Wales recorded 3,337 modern slavery offences in the year to March 2018, a 49% increase on the previous year's 2,243 offences. We must, of course, translate this activity into increased prosecutions against the slavery gangs behind this vile crime. Many modern slavery cases are complex and protracted; investigations can take several years before charges are brought. We are seeing an increase in the number of prosecutions, albeit from a low base, and the Government continues to work closely with the Crown Prosecution Service and law enforcement to ensure that best practice, including how to support victims, is shared and prosecutions are effective.

All potential victims of modern slavery are entitled to support through the NRM, regardless of whether they are co-operating with the police and Criminal Justice System. Victims assisting with police investigations will be considered for discretionary leave to remain.

In addition, as detailed above, support for victims when they leave the NRM will be markedly improved as reforms to the NRM are implemented.

Moreover, victims of modern slavery, as with victims of any crime, are entitled to access victim support services to help them cope with and recover from the impact of the crime, even when no formal complaint to a criminal justice agency has been made. Where the victim has reported the crime, under the Code of Practice for Victims of Crime, the police are obliged to pass their details to support services within two working days of the reporting, unless the victim asks them not to do so.

The Ministry of Justice is spending approximately £96 million this year to fund support services for victims of crime, of which about £68 million has been allocated to Police and Crime Commissioners to locally commission or provide such services themselves. As well as more general support services, this includes funding for specialist support services such as services for victims of sexual offences. Finally, the forthcoming Victims Strategy will help to ensure victims receive the support they need to come forward, participate in the criminal justice process, and as far as possible, cope and recover.

To conclude, I hope this response reassures you that we are as determined as ever to eradicate modern slavery and ensure that victims have the support they need to begin to rebuild their lives. I am grateful for the continued engagement of parliamentarians, as well as a wide range of other interested parties, in this fight and I encourage you to continue to work with us on the delivery of the ambitious and far-reaching reforms outlined above. These reforms will markedly improve the identification and support of victims of modern slavery and it is vital that we get this right.

A handwritten signature in black ink that reads "Victoria Atkins". The signature is written in a cursive, flowing style.

**Victoria Atkins MP**