



**Kevin Hyland OBE**  
Independent Anti-Slavery Commissioner

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Shailesh Vara MP  
Parliamentary Under Secretary of State at  
the Department for Work and Pensions and at the Ministry of Justice  
Ministry of Justice  
102 Petty France  
London SW1H 9AJ

Thursday 19<sup>th</sup> May 2016

Dear Mr Vara

### **Review of existing arrangements for providing legal aid in respect of Trafficking and Modern Slavery Compensation Claims**

I would like to commend the Government's decision to conduct a review of the legal aid provision for victims of modern slavery and human trafficking who want to bring court claims against their traffickers, which is now being carried out by the Ministry of Justice and the Legal Aid Agency.

The Modern Slavery Act 2015 amended and expanded upon a clause in the Legal Aid, Sentencing and Punishment of Offenders Act 2012 to ensure that victims of modern slavery and human trafficking can bring compensation claims against their traffickers. However, a number of concerns have been raised about the accessibility of this provision for victims of trafficking as there are a limited number of providers with insufficient capacity able to deal with such compensation claims.

I have recently met with representatives of the Anti-Trafficking and Labour Exploitation Unit (ATLEU) who were pleased with the Government's decision in response to the initial judicial review. However, they have expressed their concerns around the transparency and efficiency of the on-going review. I share and agree with their sentiments.

ATLEU have provided me with further details about the current volume of the caseload and geographical spread of the demand for legal advice and services to pursue compensation

claims. ATLEU have told me that they receive referrals from across the country and due to the lack of legal aid can only accept a small proportion; they report great difficulty in finding other legal aid providers to take on these clients.<sup>1</sup>

ATLEU, in line with all legal aid providers, are permitted to open five cases a year under legal help (although they instruct me that they were permitted to open fifteen one year by what is now described as an error on the Agency's part). There were 3,266 potential victims of modern slavery referred to the National Referral Mechanism in 2015, and with the passing of Modern Slavery Act there was a 40% increase in referrals from 2014, a trend that is likely to continue. ATLEU is not the only provider of legal aid assistance in compensation claims, but it is certainly one of, if not the biggest. This strongly indicates that the need for legal aid advice and assistance is much higher than currently is available.

Therefore I strongly believe that the review of the legal aid provision and its accessibility is essential to ensure those who suffered severe abuse and exploitation use their right to receive compensation from their offenders. Such compensation will never be able to heal the trauma victims have experienced. However, it can go a long way in helping restore justice and the sense of dignity that modern slavery victims deserve. It is a powerful route out of the re-trafficking and the cycles of exploitation, which are widely recognised as a serious threat to victims of trafficking. It also constitutes a strong deterrent to traffickers.

As the Independent Anti-Slavery Commissioner, I would like to request more information about the methodology, timetable, and participants of the review and for the terms of reference to be shared with my office, as well as publicly. Unfortunately, the answer to the Written Parliamentary Question (35053) published on 26 April 2016 did not provide sufficient information.

Whilst understanding the urgency of carrying out the review, it is important to ensure there is an in-depth assessment of the existing demand and also bear in mind the ability and capacity of the sector to be able to respond to the review.

To achieve optimum results it is important to consult a wide range of stakeholders, not just legal aid providers, to identify whether there are existing barriers to access legal advice and assistance and how these are overcome.

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<sup>1</sup> Although ATLEU's immigration contract with the Legal Aid Agency weights their general client profile towards London, they have acted in compensation claims for over 31 clients subjected to forced labour in various factories across the North and the Midlands, including Manchester, Leeds, Birmingham, Newton Aycliffe and Bradford; in addition, they represented domestic servitude cases covering South Coast, North Wales, Manchester, Bristol, the Midlands and East Anglia. They also work for clients in the fishing industry in the North East.

My office received an e-mail on 11 May 2016 from Caroline Crowther, Deputy Director of Legal Aid Policy within the Ministry of Justice, asking for a contribution to the review by filling in an on-line questionnaire. The questionnaire is not relevant to the work of my office and my remit, and I believe there may be a number of other important actors experiencing the same issue. However, I hope to be given an opportunity to contribute to the review, perhaps in the form of a meeting.

I do understand the time pressures your team is working under aiming to complete the review by the end of June, but the quality and the depth of consultation should not be negatively affected as a result of time constraints.

I hope that to ensure the transparency of the review final submissions will be made publicly available upon its completion. The recommendations of the review should be implemented promptly.

The UK has a duty under the Modern Slavery Act 2015 to ensure victims of modern slavery have access to legal aid to enable them to make a claim for compensation from their traffickers. Protection of victims and their rights is one of my core priorities, and I do believe that the review and its recommendations will have a major impact on the ability of victims to exercise their right to claim compensation fully. This will also demonstrate the United Kingdom's firm commitment to combat modern slavery and to support the victims of this horrendous crime.

I look forward to working with your team and contributing to the review.

Best wishes,

A handwritten signature in black ink, appearing to read 'Kevin Hyland'. The signature is stylized, with a large, looped 'H' and a distinct 'K'.

**Kevin Hyland**

UK Independent Anti-Slavery Commissioner

**CC: Karen Bradley MP, Minister for Preventing Abuse, Exploitation and Crime  
Chief Constable Shaun Sawyer, NPCC Lead on Modern Slavery**